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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-1177; Project Identifier AD-2021-00570-T; Amendment 39-22096; AD 2022-13-10]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 767-200, -300, -300F, and -400ER series airplanes. This AD was prompted by reports of burned Boeing Material Specification (BMS) 8-39 urethane foam, which is a material with fire-retardant properties that deteriorate with age. This AD requires replacing certain BMS 8-39 foam pads with Nomex felt in certain areas, removing certain BMS 8-39 foam pads in a certain area (which includes a general visual inspection to find BMS 8-39 foam pads), and inspecting the corner seals to determine if the corner seals were replaced, and replacing affected corner seals. This AD also prohibits the installation of BMS 8-39 urethane foam seal in certain locations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 20, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 20, 2022.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600;

telephone 562-797-1717; internet www.myboeingfleet.com. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at www.regulations.gov by searching for and locating Docket No. FAA-2021-1177.

Examining the AD Docket

You may examine the AD docket at www.regulations.gov by searching for and locating Docket No. FAA-2021-1177; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Julie Linn, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3584; email: julie.linn@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 767-200, -300, -300F, and -400ER series airplanes. The NPRM published in the **Federal Register** on January 31, 2022 (87 FR 4828). The NPRM was prompted by reports of burned BMS 8-39 urethane foam, which is a material with fire-retardant properties that deteriorate with age. In the NPRM, the FAA proposed to require replacing certain BMS 8-39 foam pads with Nomex felt in certain areas, removing certain BMS 8-39 foam pads in a certain area (which includes a general visual inspection to find BMS 8-39 foam pads), and inspecting the corner seals to determine if the corner seals were replaced, and replacing affected corner seals. The FAA is issuing this AD to address degraded BMS 8-39 urethane foam used in seals,

which may fail to maintain sufficient halon concentrations in the cargo compartments to extinguish or contain fire or smoke, and may result in penetration of smoke or fire into the flight compartment, leading to possible loss of control of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Air Line Pilots Association, International (ALPA) and United Airlines, who supported the NPRM without change.

The FAA received additional comments from Aviation Partners Boeing (APB) and another individual. The following presents the comments received on the NPRM and the FAA's response to the comments.

Effect of Winglets on Accomplishment of the Proposed Actions

APB stated that the installation of winglets per Supplemental Type Certificate (STC) ST01920SE does not affect compliance with the mandated actions in the proposed rule.

The FAA agrees with the commenter. Therefore, the installation of STC ST01920SE does not affect the ability to accomplish the actions required by this AD. The FAA has not changed this AD in this regard.

Request for Clarification of the Safe Life-Limit of BMS 8-39 Urethane Foam

An individual commenter requested information related to how long it takes for BMS 8-39 foam pads to become flammable, and, if the foam is relatively new and retains its fire retardant properties, the commenter wondered if the BMS 8-39 foam should still be replaced. Conversely, the commenter questioned whether the situation was serious enough to ground airplanes.

The FAA agrees to clarify. According to Boeing, the self-extinguishing and physical properties of the BMS 8-39 urethane foam can degrade after five to ten years, and this degraded material can be an unacceptable fuel source for a fire if exposed to an ignition source. In developing an appropriate compliance time, the FAA considered the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of replacement of the BMS 8-39 urethane foam. Further, the FAA arrived at the

proposed compliance time with operator and manufacturer concurrence. In consideration of all of these factors, the FAA determined that the compliance time, as proposed, represents an appropriate interval in which the BMS 8–39 urethane foam can be replaced in a timely manner within the fleet, while still maintaining an adequate level of safety. No airplanes would need to be grounded to address this unsafe condition. The FAA has not changed the AD in this regard.

Request for Clarification of Cost

An individual commenter requested clarification regarding who bears the cost for the BMS 8–39 foam replacement: airplane operators or the manufacturer.

The FAA agrees to clarify. In Boeing Special Attention Service Bulletin 767–25–0381, Revision 4, dated April 26, 2021, the manufacturer indicated that no warranty remedies exist for the required actions. Therefore, the airplane

operators are responsible for the costs, and any warranty remedies or adjustments in the cost of accomplishing this AD must be arranged between the manufacturer and the operator. The FAA does not have any control over the costs associated with this AD. The FAA has not changed the AD in this regard.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Service Bulletin 767–25–0381, Revision 4, dated April 26, 2021. This service information specifies,

among other actions, procedures for replacing certain BMS 8–39 foam pads with Nomex felt in the forward and aft crown area, removing certain BMS 8–39 foam pads in the crown area (which includes a general visual inspection to find BMS 8–39 foam pads) for certain airplanes, inspecting the corner seals to determine if the corner seals were replaced, and replacing affected corner seals. The required actions depend on requirements for use and location of the BMS 8–39 urethane foam in the airplane. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in ADDRESSES.

Costs of Compliance

The FAA estimates that this AD affects 396 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (1 airplane)	33 work-hours × \$85 per hour = \$2,805	\$0	\$2,805	\$2,805
Replacement of foam pad with Nomex felt (361 airplanes)	29 work-hours × \$85 per hour = \$2,465	Negligible *	2,465	889,865
Removal (34 airplanes)	29 work-hours × \$85 per hour = \$2,465	0	2,465	83,810

* Parts are Nomex felt, adhesive, and tapes. There are no kits for this required action.

The FAA estimates the following costs to do any necessary replacements that would be required based on the

results of the inspection. The agency has no way of determining the number of

aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of corner seals	1 work-hour × \$85 per hour = \$85	Up to \$3,848	Up to \$3,933.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds

necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–13–10 The Boeing Company:
Amendment 39–22096; Docket No. FAA–2021–1177; Project Identifier AD–2021–00570–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 20, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category, identified as Group 1, Configuration 4; Group 14, Configuration 1 and 3; Group 15, Configuration 2; and Group 17, Configuration 3 and 4; in Boeing Special Attention Service Bulletin 767–25–0381, Revision 4, dated April 26, 2021.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by reports of burned Boeing Material Specification (BMS) 8–39 urethane foam, and a report from the airplane manufacturer that airplanes were assembled with seals throughout various areas of the airplane (including flight deck and cargo compartments) made of BMS 8–39 urethane foam, a material with fire-retardant properties that deteriorate with age. The FAA is issuing this AD to address degraded BMS 8–39 urethane foam used in seals, which may fail to maintain sufficient halon concentrations in the cargo compartments to extinguish or contain fire or smoke, and may result in penetration of smoke or fire into the flight compartment, leading to possible loss of control of the airplane.

(f) Compliance

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

(g) Required Actions

Within 72 months after the effective date of this AD, do the applicable actions specified in paragraph (g)(1), (2), (3), or (4) of this AD in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 767–25–0381, Revision 4, dated April 26, 2021.

(1) For Group 1, Configuration 4, airplanes; and Group 2, 3, 12, and 13, Configuration 3,

airplanes: Replace BMS 8–39 foam pads in the forward and aft crown area with Nomex felt.

(2) For Group 14, Configuration 1 and 3, airplanes; and Group 15, Configuration 2, airplanes: Remove BMS 8–39 foam pads in the crown area.

(3) For Group 17, Configuration 3, airplanes: Replace BMS 8–39 foam pads in the forward and aft crown area with Nomex felt, inspect the corner seals to determine if the corner seals were replaced and if any corner seals were not replaced, within 72 months after the effective date of this AD, replace affected corner seals.

(4) For Group 17, Configuration 4, airplanes: Inspect the corner seals to determine if the corner seals were replaced and if any corner seals were not replaced, within 72 months after the effective date of this AD, replace affected corner seals.

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may install a BMS 8–39 urethane foam seal on any airplane in any location identified in Boeing Special Attention Service Bulletin 767–25–0381, Revision 4, dated April 26, 2021.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: 9-ANMSeattle-ACO-AMOC-Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

For more information about this AD, contact Julie Linn, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3584; email: julie.linn@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Service Bulletin 767–25–0381, Revision 4, dated April 26, 2021.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet www.myboeingfleet.com.

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

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

Issued on June 13, 2022.

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

[FR Doc. 2022–17436 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0624; Airspace Docket No. 22–ACE–3]

RIN 2120–AA66

Amendment of Area Navigation (RNAV) Route Q–136; MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the description of Area Navigation (RNAV) route Q–136 by changing the name of the “BAACN”, 1A, waypoint (WP) to “DIYAP”. The FAA is taking this action due to a similarly pronounced and sounding Fix (BACNN, MO) located approximately 55 nautical miles (NM) southwest of the BAACN WP which contributes to communications errors resulting from the similar-sounding Fix and WP names in radio communications. In addition, the FAA is making minor editorial changes to the Q–136 route description to standardize the format.

DATES: Effective date 0901 UTC, November 3, 2022. The Director of the Federal Register approves this

incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

In 2019, the FAA published a final rule for Docket No. FAA-2018-0232 in the **Federal Register** (84 FR 10407; March 21, 2019) that established the BAACN, IA, WP and extended Q-136 to that WP in support of new standard instrument departures (SIDs) and standard terminal arrival routes (STARs) developed for Denver International Airport and surrounding airports. At that time, there was a BACNN, MO, Fix located at the intersection of Jet Routes J-18 and J-25 approximately 55 NM southwest of the new BAACN, IA, WP. The BACCN Fix and the BAACN WP are both verbalized as "bacon" in air to ground communications between air traffic control (ATC) and aircraft flight crews, and the similar-sounding Fix and WP names have contributed, on occasion, to confusion and communication errors between ATC and

flight crews. To eliminate future misunderstandings, the FAA is changing the "BAACN" WP name to "DIYAP". This is a WP name change only and the geographic position of the WP remains the same as currently published.

Additionally, the FAA is making a minor editorial change to the Q-136 description to spell out the Coaldale, NV, VHF Omnidirectional Range/ Tactical Air Navigation (VORTAC) navigational aid name in accordance with existing route description formatting guidance. This editorial change standardizes the format of route descriptions and does not affect the alignment of Q-136.

United States Area Navigation Routes (Q-routes) are published in paragraph 2006 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Q-136 route description listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends 14 CFR part 71 by changing the name of the "BAACN" WP in the RNAV route Q-136 description to "DIYAP" to overcome the similar-sounding pronunciation of the BACCN, MO, Fix and the BAACN, IA, WP located approximately 55 NM apart. Additionally, this action makes a minor editorial change to the route description to standardize the format. These changes are administrative and do not affect the existing alignment of the route. The charted depiction of Q-136 is unchanged and the full route description is listed in "The Amendment" section, below.

This administrative change of the BAACN WP name in the existing Q-136 RNAV route description and the editorial formatting correction of the Coaldale, NV, VORTAC listed in the description do not affect the route structure, charted alignment, or the operating requirements of the route. Therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of amending RNAV route Q-136, by changing the "BAACN" WP name to "DIYAP", qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 2006. United States Area Navigation Routes.

* * * * *

Q-136 COALDALE, NV (OAL) TO DIYAP, IA [AMENDED]

Coaldale, NV (OAL)	VORTAC	(Lat. 38°00'11.74" N, long. 117°46'13.60" W)
RUMPS, NV	WP	(Lat. 38°07'10.00" N, long. 117°16'15.00" W)
KATTS, NV	WP	(Lat. 38°20'00.00" N, long. 116°20'00.00" W)
WEEMN, UT	WP	(Lat. 39°21'57.00" N, long. 109°58'02.80" W)
COUGH, CO	WP	(Lat. 39°53'45.04" N, long. 105°14'56.79" W)
ZIRKL, NE	WP	(Lat. 40°07'56.94" N, long. 101°22'17.29" W)
DIYAP, IA	WP	(Lat. 40°58'29.04" N, long. 093°47'25.79" W)

* * * * *

Issued in Washington, DC, on August 9, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–17409 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2021–1157; Airspace Docket No. 19–AAL–36]

RIN 2120–AA66

Establishment of United States Area Navigation (RNAV) Route T–367; St. Mary's, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes United States Area Navigation (RNAV) route T–367 in the vicinity of St. Mary's, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

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

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800

Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it expands the availability of RNAV routes in the state of Alaska and improves the efficient flow of air traffic within the National Airspace System by lessening the dependency on ground based navigation.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2021–1157 in the **Federal Register** (87 FR 2091; January 13, 2022), establishing RNAV route T–367 in the vicinity of St. Mary's, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. Interested parties were invited to participate in this rulemaking effort by submitting comments on the

proposal. There was one comment received supporting this action.

The commenter supported the FAA's Next Generation Air Transportation System (NextGen) efforts to modernize air traffic routes in Alaska using satellite-based navigation. The commenter expressed that developing and improving the RNAV route structure in Alaska has important results of increased efficiency and access with decreased restrictions on pilots.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends 14 CFR part 71 by establishing RNAV route T–367 in the vicinity of St. Mary's, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. The new route is described below.

T–367: T–367 is established between the JOPES, AK, waypoint (WP) located over the St. Mary's Airport (KSM), AK, and the CABGI, AK, WP located over

the Cape Lisburne LRRS Airport (LUR), AK.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this airspace action of establishing RNAV route T-367 in the vicinity of St. Mary’s, AK, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and

its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5–6.5i, which categorically excludes from further environmental review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further

analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

- 1. The authority citation for 14 CFR part 71 continues to read as follows:
Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.
- § 71.1 [Amended]
- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6011 United States Area Navigation Routes
* * * * *

T-367 JOPES, AK TO CABGI, AK [NEW]		
JOPES, AK	WP	(Lat. 62°03'33.30" N, long. 163°17'07.68" W)
WOMEV, AK	WP	(Lat. 62°18'43.29" N, long. 162°57'55.67" W)
JERDN, AK	WP	(Lat. 63°44'57.33" N, long. 160°44'31.91" W)
HALUS, AK	WP	(Lat. 64°41'43.78" N, long. 162°04'03.53" W)
FEMEP, AK	WP	(Lat. 65°14'24.15" N, long. 160°58'41.58" W)
JIGUM, AK	WP	(Lat. 65°59'34.37" N, long. 161°56'53.01" W)
Kotzebue, AK (OTZ)	VOR/DME	(Lat. 66°53'08.46" N, long. 162°32'23.77" W)
CABGI, AK	WP	(Lat. 68°52'16.94" N, long. 166°04'50.37" W)

* * * * *

Issued in Washington, DC, on August 9, 2022.

Scott M. Rosenbloom,
Manager, Airspace Rules and Regulations.
[FR Doc. 2022–17408 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9964]

RIN 1545–BI29

Disclosure of Information to State Officials Regarding Tax-Exempt Organizations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: These final regulations provide guidance to states regarding the process by which they may obtain or inspect certain returns and return information (including information

about final and proposed denials and revocations of tax-exempt status) for the purpose of administering State laws governing certain tax-exempt organizations and their activities. The final regulations amend existing regulations to reflect changes to the Internal Revenue Code (Code) made by the Pension Protection Act of 2006 (PPA). The final regulations will affect the states choosing to obtain information from the IRS under these rules, as well as the organizations and taxable persons whose tax information is disclosed.

DATES:

Effective date: August 16, 2022.

Applicability date: For the date of applicability, see § 301.6104(c)–1(k).

FOR FURTHER INFORMATION CONTACT: Seth Groman, (202) 317–5640 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

1. Overview

This document contains amendments to 26 CFR part 301 under section 6104(c), which replace current § 301.6104(c)–1, which was issued in 1971, amended in 1973 and 1981, and redesignated in 1982, in its entirety. Section 6104(c) was added to the Code by section 101(e) of the Tax Reform Act of 1969 (Pub. L. 91–172, 83 Stat. 523) and amended by section 1224(a) of the PPA of 2006 (Pub. L. 109–280, 120 Stat. 1091). Section 6104(c), as amended by the PPA, governs the circumstances under which the IRS may disclose to State officials certain information about organizations described in section 501(c)(3) of the Code, including private foundations (charitable organizations), organizations that have applied for recognition as organizations described in section 501(c)(3) (applicants), certain other exempt organizations, and taxable persons.

On March 15, 2011, the Department of the Treasury (Treasury Department) and the IRS published a notice of proposed rulemaking (NPRM) (REG–140108–08) in the **Federal Register** (76 FR 13932). No public hearing was requested or held. One comment letter on the NPRM was received. This Treasury decision adopts the NPRM with certain changes explained in the Summary of Comments and Explanation of Provisions.

2. PPA Amendments to Section 6104(c)

Prior to the passage of the PPA, the IRS was authorized to share certain information with appropriate State officers (ASOs). Section 6104(c)(1), which is unchanged by the PPA, directs the IRS to notify the ASO of (1) a refusal to recognize an entity as a charitable organization; (2) the operation of a charitable organization in a manner not meeting, or no longer meeting, the requirements of its exemption; and (3) the mailing of a notice of deficiency for any tax imposed under section 507 or chapter 41 or 42 of the Code. The directive to notify the ASO of an organization no longer meeting the requirements for exemption under section 501(c)(3) includes not only providing the ASO notice of a revocation of exemption, but also notice (when the IRS is so informed) that a charitable organization is terminating or has dissolved in accordance with its governing documents. In addition, an ASO, upon request, may inspect and

copy the returns, filed statements, records, reports, and other information relating to a final determination as are relevant to any determination under State law.

The PPA added section 6104(c)(2) through (6) of the Code, which expanded the IRS's ability to disclose information to an ASO. With respect to charitable organizations and applicants, the IRS now is authorized under section 6104(c)(2) to disclose information about certain proposed revocations and proposed denials before an administrative appeal has been made and a final revocation or denial has been issued.

Specifically, section 6104(c)(2)(A)(i) and (ii) provides that the IRS may disclose to an ASO proposed refusals to recognize organizations as charitable organizations, proposed revocations of such recognition, and notices of proposed deficiency of excise taxes imposed by section 507 or chapter 41 or 42 of the Code relating to charitable organizations. Previously, only final determinations of these kinds (denials of recognition, revocations, and notices of deficiency) could be disclosed under section 6104(c).

Section 6104(c)(2)(A)(iii) provides that the IRS may disclose to an ASO the names, addresses, and taxpayer identification numbers of applicants. Previously, information on applicants, other than information relating to a final denial of recognition, could not be disclosed under section 6104(c).

Section 6104(c)(2)(B) provides that the IRS may disclose to an ASO the returns and return information of organizations with respect to which information is disclosed under section 6104(c)(2)(A) (proposed determinations and applicant identifying information). Prior law allowed for disclosure under section 6104(c) only of returns and return information of organizations related to their receipt of final determinations.

Section 6104(c)(2)(C) provides that proposed determinations, applicant identifying information, and the related returns and return information with respect to charitable organizations and applicants under sections 6104(c)(2)(A) or (B) may be disclosed to an ASO only upon the ASO's written request and only as necessary to administer State laws regulating charitable organizations. Prior law provided for automatic disclosure—with no requirement for a disclosure request—but only of final determinations.

Under section 6104(c)(2)(D), the IRS may disclose to an ASO, on its own initiative and without a written request, returns and return information with

respect to charitable organizations and applicants if the IRS determines that this information may constitute evidence of noncompliance with the laws under the jurisdiction of the ASO. Thus, if the IRS determines these conditions to be met, it may, for example, disclose to an ASO a proposed revocation of exemption for a charitable organization that does not have a determination letter. There was no such provision under section 6104(c) previously.

Section 6104(c)(3) provides that the IRS may disclose returns and return information of organizations described in section 501(c), other than those described in section 501(c)(1) or (3) (such as section 501(c)(4) social welfare organizations, section 501(c)(5) labor organizations, and section 501(c)(6) business leagues), to an ASO upon the ASO's written request, but only for the purpose of, and to the extent necessary in, administering State laws regulating the solicitation or administration of charitable funds or charitable assets of such organizations. Previously, only information relating to charitable organizations or applicants was disclosed under section 6104(c).

Section 6104(c)(4) generally provides that returns and return information of organizations and taxable persons disclosed under section 6104(c) may be disclosed in civil administrative and civil judicial proceedings pertaining to the enforcement of State laws regulating such organizations, under procedures prescribed by the IRS similar to those under section 6103(h)(4). There was no such provision under section 6104(c) previously.

Section 6104(c)(5) generally provides that no return or return information may be disclosed under section 6104(c) to the extent the IRS determines that such disclosure would seriously impair Federal tax administration. This disclosure prohibition, though new in the Code, was provided previously by regulation. See former § 301.6104(c)–1(b)(3)(ii) (replaced by these final regulations).

Section 6104(c)(2)(C) (flush language) and (c)(3) provides that the IRS may disclose returns and return information under section 6104(c) to a State officer or employee designated by the ASO to receive such information on the ASO's behalf. Prior law did not provide for IRS disclosures to persons other than ASOs.

Section 6104(c)(6)(B) defines an ASO as the State attorney general, the State tax officer, any State official charged with overseeing charitable organizations (in the case of charitable organizations and applicants), and the head of the State agency designated by the State

attorney general as having the primary responsibility for overseeing the solicitation of funds for charitable purposes (in the case of section 501(c) organizations other than Federal instrumentalities and charitable organizations). Before its amendment by the PPA, section 6104(c)(2) defined ASO as the State attorney general, the State tax officer, or any State official charged with overseeing organizations of the type described in section 501(c)(3).

3. PPA Amendments to Related Code Provisions

The PPA also amended section 6103 to make section 6104(c), in its entirety, subject to its confidentiality and disclosure provisions.

Section 6103(a)(2) provides the general rule that returns and return information are confidential and that an officer or employee of a State who receives returns or return information from the IRS under section 6104(c) must not disclose such information, except as authorized by Title 26 of the United States Code.

Section 6103(p)(3) requires the IRS to maintain permanent standardized records of all requests for inspection or disclosure of returns or return information under section 6104(c) and of all such information inspected or disclosed pursuant to those requests.

Section 6103(p)(4) requires an ASO, as a condition for receiving returns or return information under section 6104(c), to establish and maintain certain safeguards, such as keeping permanent standardized records of all requests and disclosures, maintaining a secure information storage area, restricting access to the information, and providing whatever other safeguards the IRS deems necessary to protect the confidentiality of the information. See § 301.6103(p)(4)–1 and IRS Publication 1075, “Tax Information Security Guidelines for Federal, State and Local Agencies”. Publication 1075 is available at <http://www.irs.gov/formspubs>.

The PPA also amended sections 7213, 7213A, and 7431 to impose civil and criminal penalties for the unauthorized disclosure or inspection of section 6104(c) information.

4. IRS Disclosure Procedures

Under section 6103(p)(4)(E), before a Federal or State agency may receive returns and return information from the IRS under section 6103 or section 6104, it must file with the IRS a report detailing the physical, administrative, and technical safeguards implemented by the agency to protect this information from unauthorized inspection or

disclosure. Only upon approval of these safeguards by the IRS, as well as satisfaction of any other statutory requirements (such as submission of a written request), may an agency receive the information to which it is entitled under the Code, and then only for the use specified by the relevant statute.

Under various disclosure programs, the IRS and other Federal and State agencies often execute disclosure agreements detailing the responsibilities of the parties and the terms and parameters of the disclosure arrangement. For example, under section 6103(d), the IRS executes a disclosure agreement with each State tax agency to which it discloses information. This agreement, which serves as the written request required by section 6103(d), has been the foundation of the State tax disclosure program under this provision since the Tax Reform Act of 1976.

After the enactment of the PPA, the IRS revised its disclosure procedures under section 6104(c), as set forth in the Internal Revenue Manual, to model them after the section 6103(d) program. Accordingly, the section 6104(c) program uses a disclosure agreement patterned after the section 6103(d) agreement but tailored to the specific requirements and restrictions of section 6104(c).

Summary of Comments and Explanation of Provisions

As noted in the Background, one commenter submitted a letter commenting on the NPRM. After considering the comments in the letter, the NPRM is adopted by this Treasury decision with one clarifying substantive change to § 301.6104(c)–1(h) of the proposed regulations (proposed § 301.6104(c)–1(h)) and various non-substantive clarifying changes.

1. Security, Confidentiality, and Use Restrictions

The commenter’s primary concern is the requirement that all disclosures under section 6104(c) must be made pursuant to an agreement committing the ASO to the security, confidentiality, and use restrictions of section 6103(p)(4), which the commenter characterizes as onerous. The commenter acknowledges, however, that the changes it seeks require legislative action by Congress. The Treasury Department and the IRS agree that the proposed regulations implement the statutory regime enacted by Congress. Thus, these final regulations adopt the safeguard requirements as proposed.

As a threshold matter, the commenter asserts that only a few states have entered into disclosure agreements due to what the commenter characterizes as the cumbersome nature of the safeguard requirements of section 6103(p) and the resources needed to adhere to them. In the commenter’s view, the reluctance of states to commit themselves to the safeguard requirements of section 6103 means that the PPA actually decreased the disclosure of information to the states because non-participating states no longer receive the pre-PPA notifications of final denials, revocations, and notices of tax deficiencies.

The Treasury Department and the IRS do not agree with the proposition that few states are willing to participate in IRS information-sharing programs because of the safeguard requirements. As noted in the Background, the section 6104(c) agreement, under which the IRS discloses certain information to the ASO who is charged with the administration of the State’s laws regulating charitable organizations or the solicitation or administration of charitable funds or assets, is based on the section 6103(d) agreement, under which the IRS discloses certain information to the State office charged with the responsibility for administering the State’s tax laws. Under both section 6104(c) and section 6103(d), the receipt of information from the IRS is conditioned on the recipient agency or official implementing and adhering to the applicable provisions of section 6103(p), as amended by the PPA, to protect the information from unauthorized inspection or disclosure.

The IRS currently has a section 6103(d) agreement in each of the 50 states and the District of Columbia with the agency or official responsible for administering that jurisdiction’s tax laws. In addition, the IRS currently has section 6104(c) agreements with 9 ASOs, all of whom are State tax officers responsible for administering State tax laws. For sample disclosure agreements, see Internal Revenue Manual Exhibit 7.28.2–2 (Sample Disclosure Agreement under section 6104(c) for State Tax Officer) and Exhibit 7.28.2–1 (Sample Disclosure Agreement under section 6104(c) for Attorney General’s Office). In view of the current participation in the section 6104(c) disclosure program, and considering the potential for increased participation by other ASOs, the Treasury Department and the IRS consider the publication of these final regulations important in fulfilling the mandate under section 6104(c) to facilitate the enforcement of State law

regarding exempt organizations consistent with statutory requirements.

2. Information Shared Without a Disclosure Agreement

The commenter, citing proposed § 301.6104(c)–1(b), which provides that the IRS may require an ASO to execute a disclosure agreement or similar document, states that it is not clear what, if any information—other than that available to the general public—would be disclosed to ASOs without an agreement.

Under section 6104(c) before its amendment by the PPA, the IRS was required to disclose to ASOs certain final determinations, with no requirement that the ASO request such disclosure in writing. The PPA changed this procedure, making all of section 6104(c) subject to the confidentiality provisions of section 6103. These final regulations provide that the IRS may not disclose information under section 6104(c) unless the State receiving the information follows the applicable disclosure, recordkeeping, and safeguard procedures of section 6103(p)(4). To give effect to the confidentiality restrictions mandated by Congress, the IRS's disclosure program requires an ASO to enter into a disclosure agreement with the IRS stipulating the procedures for disclosure under section 6104(c), as well as the restrictions on use and redisclosure. Because of these statutory requirements, without such an agreement, an ASO may receive only information otherwise available to the public.

3. Use of Disclosed Information

The commenter objects to proposed § 301.6104(c)–1(h)(1), which requires an ASO intending to use any disclosed information in a State administrative or judicial proceeding to notify the IRS of this intention before such use. Under this provision, an ASO may use the information as intended only in accordance with any conditions the IRS might impose, and only to the extent that the IRS determines that the disclosure would not seriously impair Federal tax administration. The commenter states that by disclosing taxpayer information initially to an ASO, the IRS already has determined under proposed § 301.6104(c)–1(e) that this information will not seriously impair Federal tax administration and that requiring the same determination again after the initial disclosure would place an ASO at risk of spending time and resources on developing a State law case, only to be told by the IRS that the ASO cannot proceed. The commenter asserts that, in an environment of scarce

resources, this restriction is likely to discourage ASOs from taking that risk.

Section 6104(c)(5) prohibits the disclosure under section 6104(c)(1) through (3) of returns and return information to an ASO, or redisclosure of such information by an ASO in a State proceeding described in section 6104(c)(4), if the IRS determines that such disclosure or redisclosure would seriously impair Federal tax administration. Section 6104(c)(5) addresses two separate actions or events, requiring in most circumstances two separate determinations by the IRS. Because the facts and circumstances surrounding a particular administrative or judicial proceeding typically would not be known to the IRS at the time of the initial disclosure of taxpayer information to an ASO, it would not be possible during the initial disclosure to the ASO for the IRS to determine whether the use of that information in a subsequent State proceeding would seriously impair Federal tax administration (such as identifying a confidential informant or compromising a civil or criminal tax investigation). It is possible that the IRS could determine that the disclosure to an ASO would not seriously impair Federal tax administration but that disclosure by an ASO in a State proceeding would. To fulfill its statutory duties, the IRS must evaluate the effect of the use of disclosed information in a State proceeding before authorizing any such redisclosure.

4. Restrictions on Redisclosure

The commenter states that the prohibition in proposed § 301.6104(c)–1(h)(2) on the redisclosure of return information to an ASO's agent or contractor appears to include persons such as expert witnesses, court reporters, and other litigation support service providers often necessary to conduct civil and judicial proceedings within the ambit of proposed § 301.6104(c)–1(g)(2), as limited by proposed § 301.6104(c)–1(h)(1), which is discussed in the prior section of this Summary of Comments and Explanation of Provisions. The commenter contends that this restriction is “simply untenable” and serves to “further undercut any rational basis” for ASOs to obtain returns and return information under section 6104(c).

The requirement in proposed § 301.6104(c)–1(h)(1) that an ASO notify the IRS before using any disclosed information in a State proceeding is a limit on the authority of the ASO under proposed § 301.6104(c)–1(g)(2) to make such use of disclosed information under rules similar to those in section

6103(h)(4), as provided in section 6104(c)(4). With respect to section 6103(h)(4), the IRS construes “disclosure in judicial and administrative proceedings” to include the disclosure of returns and return information in court during a trial (whether or not some of those present might be considered an agent or contractor, such as a court reporter or expert witness); in formal or informal discovery, including depositions; in settlement negotiations; and in mediation or arbitration proceedings. Disclosure of returns and return information is permitted to participants in, or parties to, a judicial or administrative proceeding (including expert witnesses) under practices and procedures generally applicable to the proceeding, and subject to rules governing the proceeding. The prohibition in proposed § 301.6104(c)–1(h)(2) on the redisclosure of return information to an ASO's agent or contractor was not intended to hinder a State's ability to conduct investigations or civil litigation under its statutory authority.

In considering this comment regarding the interaction of the two redisclosure limitations of proposed § 301.6104(c)–1(h), however, it became apparent that, by identifying the agent-contractor disclosure prohibition as one of two limitations on the redisclosure of returns and return information by an ASO, proposed § 301.6104(c)–1(h)(2) might be read as limiting the application of such a restriction solely to redisclosures. The prohibition on disclosing to agents and contractors, however, is a broader rule, applying both to initial disclosures by the IRS as well as to subsequent redisclosures by an ASO. With respect to disclosures by the IRS, proposed § 301.6104(c)–1(f)(1)(ii) provides that the IRS may disclose return information to someone other than the ASO only if that person is a State officer or employee designated by the ASO. With respect to redisclosures by an ASO, proposed § 301–6104(c)–1(g)(1) provides that an ASO who receives information from the IRS under section 6104(c) may redisclose that information for certain purposes to another State officer or employee. The legislative history of section 6104(c) provides that the term “officer or employee” does not include agents and contractors, and the final regulations apply this agent-contractor disclosure prohibition equally to the IRS and the ASO.

Consequently, these final regulations clarify the proper application of the prohibition against disclosure to agents and contractors by eliminating proposed

§ 301.6104(c)–1(h)(2) and adding definitional clauses to proposed § 301.6104(c)–1(f)(1)(ii) and (g)(1) and (2) emphasizing that the agent-contractor disclosure prohibition applies both to IRS disclosures and to ASO redisclosures.

5. *Application of Document Retention and Freedom-of-Information Laws*

The commenter notes that many states have document retention and freedom-of-information laws that might be implicated whenever an ASO receives or acts upon tax return information acquired from the IRS. According to the commenter, nothing in the PPA or regulations addresses what portions of tax return information may become a part of the ASO's own records or work product.

This issue, however, is addressed by section 6103, made applicable to section 6104(c) by the PPA. Among the disclosure, recordkeeping, and safeguard provisions of section 6103, section 6103(p)(4) requires an ASO, as a condition for receiving returns or return information under section 6104(c), to establish and maintain certain safeguards, such as keeping permanent standardized records of all requests and disclosures, maintaining a secure information storage area, restricting access to the information, and providing whatever other safeguards the IRS deems necessary to protect the confidentiality of the information. Upon completion of the ASO's use of the returns or return information it receives under section 6104(c), section 6103(p)(4)(F) requires the ASO to return the information, along with any copies, to the IRS, or to render it undisclosable and report to the IRS how it was so rendered. Rendering returns and return information undisclosable requires the ASO to physically destroy the information. Thus, after its use, any information an ASO receives from the IRS under section 6104(c) should no longer be in the ASO's possession and, so, will not become part of the ASO's own records or work product.

6. *Designation by Attorney General*

Referring to the definition of an ASO in section 6104(c)(6)(B)(iv) (in the case of tax-exempt entities other than charitable organizations or Federal instrumentalities), the commenter states that it is not clear in what circumstances an attorney general would designate the agency responsible for overseeing charitable solicitation. If, for example, the authority to designate the head of the agency responsible for overseeing charitable solicitation is vested in the

secretary of state, the agency head referred to in the statute and the regulations would not be able to meet the definition of an ASO in proposed § 301.6104(c)–1(i)(1)(iv).

In light of the variations in State laws, it is doubtful that Congress used the term “designate” in section 6104(c)(6)(B)(iv) to mean a delegation of legal authority (and there is no indication in the legislative history of the PPA that such a meaning was intended). In contrast to how the term is used in section 6104(c)(2)(C) (dealing with the procedures for disclosure), where it does mean to delegate authority, the term “designate” in section 6104(c)(6)(B)(iv) is a generic one, meaning the ability to specify, identify, or acknowledge the head of the agency in a particular State who is responsible for overseeing charitable solicitation. The attorney general, as an ASO under § 301.6104(c)–1(i)(1)(i), should be able to identify such an agency head, whether or not the attorney general is able to confer the requisite authority on any particular State official.

Special Analyses

This regulation is not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Department of the Treasury and the Office of Management and Budget regarding review of tax regulations.

Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. chapter 6), it is hereby certified that these final regulations will not have a significant economic impact on a substantial number of small entities within the meaning of section 601(6) of the Regulatory Flexibility Act. The analysis requirements of the RFA do not apply because states are not considered small entities for purposes of the RFA. Therefore, a regulatory flexibility analysis is not required. Accordingly, the Secretary of the Treasury's delegate certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these final regulations was submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on its impact on small business. No comments were received from the Chief Counsel for the Office of Advocacy of the Small Business Administration.

Drafting Information

The principal author of these regulations is Seth Groman of the Office of Associate Chief Counsel (Tax Exempt and Government Entities), though other persons in the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1.** The authority citation for part 301 is amended by adding an entry for § 301.6104(c)–1 in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 301.6104(c)–1 also issued under 26 U.S.C. 6104(c).

* * * * *

■ **Par. 2.** Section 301.6104(c)–1 is revised to read as follows:

§ 301.6104(c)–1 Disclosure of certain information to State officials.

(a) *In general*—(1) *Charitable organizations and applicants.* Subject to the disclosure, recordkeeping, and safeguard provisions of section 6103 of the Internal Revenue Code (Code), and only as necessary to administer State laws regulating charitable organizations, upon written request by an appropriate State officer (ASO, as defined in paragraph (i)(1) of this section), the Internal Revenue Service (IRS) may, under section 6104(c)(1) and (2), disclose or make available to the ASO (or to a person designated by the ASO as provided in paragraph (f)(1)(ii) of this section) the returns and return information described in paragraph (c) of this section with respect to—

(i) Any organization described or formerly described in section 501(c)(3) and exempt or formerly exempt from taxation under section 501(a) (a charitable organization); or

(ii) Any organization that has applied for recognition as an organization described in section 501(c)(3) (an applicant).

(2) *Section 501(c) organizations not described in section 501(c)(1) or (3).* Subject to the disclosure, recordkeeping, and safeguard provisions of section

6103, and upon written request by an ASO, the IRS may disclose or make available to the ASO (or to a person designated by the ASO as provided in paragraph (f)(1)(ii) of this section) under section 6104(c)(3) returns and return information regarding any organization described or formerly described in section 501(c) other than section 501(c)(1) or (3). Such information will be disclosed or made available only as necessary to administer State laws regulating the solicitation or administration of the charitable funds or charitable assets of these organizations.

(b) *Disclosure agreement.* The IRS may require an ASO to execute a disclosure agreement or similar document specifying the procedures, terms, and conditions for the disclosure or inspection of information under section 6104(c), including compliance with the safeguards prescribed by section 6103(p)(4), as well as specifying the information to be disclosed. Such an agreement or similar document constitutes the request for disclosure required by section 6104(c)(1)(C), as well as the written request required by section 6104(c)(2)(C)(i) and (c)(3).

(c) *Disclosures regarding charitable organizations and applicants—(1) In general.* With respect to any organization described in paragraph (d) of this section, the IRS may disclose or make available for inspection under section 6104(c)(1) and (2) and paragraph (a)(1) of this section to an ASO the following returns and return information with respect to a charitable organization or applicant:

(i) A refusal or proposed refusal to recognize an organization's exemption as a charitable organization (a final or proposed denial letter).

(ii) Return information regarding a grant of exemption following a proposed denial.

(iii) A revocation of exemption as a charitable organization (a final revocation letter), including a notice of termination or dissolution.

(iv) A proposed revocation of recognition of exemption as a charitable organization (a proposed revocation letter).

(v) Return information regarding the final disposition of a proposed revocation of recognition other than by final revocation.

(vi) A notice of deficiency or proposed notice of deficiency of tax imposed under section 507 or chapter 41 or 42 of the Code on the organization or on a taxable person (as described in paragraph (i)(4) of this section).

(vii) Returns and return information regarding the final disposition of a proposed notice of deficiency of tax

imposed under section 507 or chapter 41 or 42 of the Code on the organization other than by issuance of a notice of deficiency.

(viii) The names, addresses, and taxpayer identification numbers of applicants for charitable status, provided on an applicant-by-applicant basis or by periodic lists of applicants. Under this paragraph (c)(1)(viii), the IRS may respond to inquiries from an ASO as to whether a particular organization has applied for recognition of exemption as a charitable organization.

(ix) Return information regarding the final disposition of an application for recognition of exemption where no proposed denial letter is issued, including whether the application was withdrawn or whether the applicant failed to establish its exemption.

(x) Returns and return information relating to the return information described in paragraph (c)(1) of this section, except for returns and return information relating to proposed notices of deficiency described in paragraph (c)(1)(vi) of this section with respect to taxable persons.

(2) *Disclosure of evidence of noncompliance with certain State laws.* With respect to any organization described in paragraph (d) of this section, the IRS may disclose to the ASO or make available for the ASO's inspection under section 6104(c)(1) and (2) and paragraph (a)(1) of this section the returns and return information of a charitable organization or applicant, as listed in paragraph (c)(1) of this section, if the IRS determines that such information might constitute evidence of noncompliance with the laws under the jurisdiction of the ASO regulating charitable organizations and applicants. Such information may be disclosed on the IRS's own initiative, subject to the disclosure, recordkeeping, and safeguard provisions of section 6103. Disclosures under this paragraph (c)(2) may be made before the IRS issues a proposed determination (denial of recognition, revocation, or notice of deficiency) or any other action by the IRS described in this section.

(d) *Organizations to which disclosure applies.* Regarding the information described in paragraphs (a)(1) and (2) of this section, the IRS will disclose or make available for inspection to an ASO such information only with respect to—

(1) An organization formed under the laws of the ASO's State;

(2) An organization, the principal office of which is located in the ASO's State;

(3) An organization that, as determined by the IRS, is or might be subject to the laws of the ASO's State

regulating charitable organizations or the solicitation or administration of charitable funds or charitable assets; or

(4) A private foundation required by § 1.6033–2(a)(iv) of this chapter to list the ASO's State on any of the foundation's returns filed for its last five taxable years.

(e) *Disclosure limitations.*

Notwithstanding any other provision of this section, the IRS will not disclose or make available for inspection under section 6104(c) any information, the disclosure of which it determines would seriously impair Federal tax administration, including, but not limited to—

(1) Identification of a confidential informant or interference with a civil or criminal tax investigation; and

(2) Information obtained pursuant to a tax convention, as defined in section 6105(c)(2), between the United States and a foreign government.

(f) *Disclosure recipients—(1) In general.* The IRS may disclose returns and return information under section 6104(c) to, or make it available for inspection by—

(i) An ASO, as defined in paragraph (i)(1) of this section, or

(ii) A person other than an ASO, but only if that person is a State officer or employee (which excludes an agent or contractor) designated by the ASO to receive information under section 6104(c) on behalf of the ASO, as specified in paragraph (f)(2) of this section.

(2) *Designation by ASO.* An ASO may designate State officers or employees to receive information under section 6104(c) on the ASO's behalf by specifying in writing each person's name and job title, and the name and address of the person's office. The ASO must promptly notify the IRS in writing of any additions, deletions, or other changes to the list of designated persons.

(g) *Rediscovery—(1) In general.* An ASO to whom a return or return information has been disclosed may thereafter disclose such information to another State officer or employee (which excludes an agent or contractor) only as necessary to administer State laws governing charitable organizations or State laws regulating the solicitation or administration of charitable funds or charitable assets of noncharitable exempt organizations.

(2) *Civil administrative or judicial proceedings.* Except as provided in paragraph (h) of this section, an ASO to whom a return or return information has been disclosed may thereafter disclose such information to another State officer or employee (which excludes an agent

or contractor) who is personally and directly preparing for a civil proceeding before a State administrative body or court in a matter involving the enforcement of State laws regulating organizations with respect to which information can be disclosed under this section, solely for use in such a proceeding, but only if—

(i) The organization or a taxable person is a party to the proceeding, or the proceeding arose out of, or in connection with, determining the civil liability of the organization or a taxable person, or collecting such civil liability, under State laws governing organizations with respect to which information can be disclosed under this subsection;

(ii) The treatment of an item reflected on such a return is directly related to the resolution of an issue in the proceeding; or

(iii) The return or return information directly relates to a transactional relationship between the organization or a taxable person and a person who is a party to the proceeding that directly affects the resolution of an issue in the proceeding.

(h) *Redisclosure limitation.* Before disclosing any return or return information received under section 6104(c) in a proceeding described in paragraph (g)(2) of this section, the ASO must notify the IRS of the intention to make such a disclosure. No State officer or employee may make such a disclosure except in accordance with any conditions the IRS might impose in response to the ASO's notice of intent. No such disclosure may be made if the IRS determines that the disclosure would seriously impair Federal tax administration.

(i) *Definitions.* For purposes of section 6104(c) and this section—

(1) *Appropriate State officer or ASO* means—

(i) The State attorney general;
(ii) The State tax officer;
(iii) With respect to a charitable organization or applicant, any State officer other than the attorney general or tax officer charged with overseeing charitable organizations, provided that the officer shows the IRS that the officer is an ASO by presenting a letter from the State attorney general describing the functions and authority of the officer under State law, with sufficient facts for the IRS to determine that the officer is an ASO; and

(iv) With respect to a section 501(c) organization that is not described in section 501(c)(1) or (c)(3), the head of the agency designated by the State attorney general as having primary responsibility for overseeing the

solicitation of funds for charitable purposes, provided that the officer shows the IRS that the officer is an ASO by presenting a letter from the State attorney general describing the functions and authority of the officer under State law, with sufficient facts for the IRS to determine that the officer is an ASO.

(2) *Return* has the same meaning as in section 6103(b)(1).

(3) *Return information* has the same meaning as in section 6103(b)(2).

(4) *Taxable person* means any person who is liable or potentially liable for excise taxes under chapter 41 or 42 of the Code. Such a person includes—

(i) A disqualified person described in section 4946(a)(1), 4951(e)(4), or 4958(f);

(ii) A foundation manager described in section 4946(b);

(iii) An organization manager described in section 4955(f)(2) or 4958(f)(2);

(iv) A person described in section 4958(c)(3)(B);

(v) An entity manager described in section 4965(d); and

(vi) A fund manager described in section 4966(d)(3).

(j) *Failure to comply.* Upon a determination that an ASO has failed to comply with the requirements of section 6103(p)(4), the IRS may take the actions it deems necessary to ensure compliance, including the refusal to disclose any further returns or return information to the ASO until the IRS determines that the requirements of section 6103(p)(4) have been met. For procedures for the administrative review of a determination that an authorized recipient has failed to safeguard returns or return information, see § 301.6103(p)(7)–1.

(k) *Applicability date.* The rules of this section apply on and after August 16, 2022.

Douglas W. O'Donnell,

Deputy Commissioner for Services and Enforcement.

Approved: June 7, 2022.

Lily Batchelder,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2022–17574 Filed 8–15–22; 8:45 am]

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DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 285

[Docket No. Fiscal-2021–0007]

RIN 1530–AA21

Debt Collection Authorities Under the Debt Collection Improvement Act of 1996

AGENCY: Bureau of the Fiscal Service, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Department of the Treasury (“Treasury”), Bureau of the Fiscal Service (“Fiscal Service”), regarding the Treasury Offset Program (“TOP”) and the Cross-Servicing program. The primary reason for amending the regulation is to inform the public about how Fiscal Service will use Social Security numbers in mailings, as required by the Social Security Number Fraud Prevention Act of 2017, which requires Fiscal Service to have final regulations in place by September 15, 2022.

DATES: This rule is effective September 15, 2022.

FOR FURTHER INFORMATION CONTACT:

Tawanna Edmonds, Director, Receivables Management & Debt Services Division, Debt Management Services, Bureau of the Fiscal Service at (202) 874–6810.

SUPPLEMENTARY INFORMATION:

I. Background

Legal Authorities. The Debt Collection Improvement Act of 1996 (“DCIA”), Public Law 104–134, 110 Stat. 1321–358 *et seq.* (April 26, 1996), authorized Federal agencies to refer Federal nontax debt to Treasury for collection services, among other things. *See* 31 U.S.C. 3711(g). The DCIA authorized Federal disbursing officials to withhold eligible Federal nontax payments to pay the payee's delinquent nontax debt owed to the United States. *See* 31 U.S.C. 3716(c). The DCIA also provided that Federal nontax payments may be offset to collect delinquent debt owed to States, including past-due support, and that payments made by States may be offset to collect delinquent nontax debt owed to the United States. *See* 31 U.S.C. 3716(h). Further, Federal tax refund payments may be offset to collect nontax debt owed to the United States and debt owed to States, including past-due support. *See* 26 U.S.C. 6402, 31 U.S.C. 3720A, and 42 U.S.C. 664.

Cross-Servicing program. Fiscal Service administers the Cross-Servicing program, through which it provides delinquent nontax debt collection services to Federal agencies under 31 U.S.C. 3711(g).

Centralized Receivables Service. Fiscal Service administers the Centralized Receivables Service, or CRS, through which it provides invoicing and early delinquent debt collection services to Federal agencies under 31 U.S.C. 3711(g).

Treasury Offset Program. Fiscal Service administers a centralized offset program, known as the Treasury Offset Program, or TOP, through which it offsets payments to collect debts.

Revision of Regulations. Fiscal Service promulgated 31 CFR 285.12 to implement 31 U.S.C. 3711(g). Among other things, the regulation codified at 31 CFR 285.12 describes the procedures and criteria for transferring delinquent debt to Treasury. It also explains the statutory exceptions to this requirement and the standards under which the Secretary of the Treasury (“Secretary”) will determine whether to grant exemptions to this requirement.

Fiscal Service promulgated 31 CFR part 285, subpart A to implement the centralized offset of payments through TOP, pursuant to the Debt Collection Improvement Act of 1996.

On March 2, 2022, Fiscal Service published a Notice of Proposed Rulemaking (“NPRM”) at 87 FR 11660 to revise the regulations codified at 31 CFR part 285, subpart A, and 31 CFR 285.12 (the “existing regulations”). The primary reason for revising these regulations is to inform the public about how Fiscal Service will use Social Security numbers in mailings, as required by the Social Security Number Fraud Prevention Act of 2017, which requires Fiscal Service to have final regulations in place by September 15, 2022. The revisions also add definitions for previously undefined terms and reword certain provisions for clarity, consistent with the requirements of the Plain Writing Act of 2010 and Executive Order 12866 (Sept. 1993). This final rule implements the revisions proposed by the NPRM, without change, except to correct a typographical error by moving “and” from the end of § 285.3(m)(2) to the end of § 285.3(m)(3).

II. Analysis of Comments

Fiscal Service received comments from two non-profit organizations in response to the NPRM.

One comment addressed the definition of “legally enforceable” and suggested that debts should not be referred to Fiscal Service for collection

until administrative appeals and other challenges are resolved. As stated in the NPRM, the term “legally enforceable” is used in the existing regulations, and the description of the meaning of that term in the existing regulations is in § 285.12(c)(3). The definition of this term, as proposed by the NPRM, is consistent with the existing meaning. The proposed definition provides agencies with necessary flexibility to determine when it is appropriate to refer debts to Fiscal Service’s Cross-Servicing program. The Cross-Servicing program collects a wide variety of debts (ranging from defaulted loans and benefit overpayments to complex audit disallowances and enforcement findings), and the appropriate level of review before determining a debt to be “legally enforceable” can differ significantly depending on the type of debt. Each agency is best equipped to determine the appropriate level of review for its debts.

The comment also expressed concern that “in the absence of some independent prohibition, agencies will be required to refer debts to” the Cross-Servicing program. Fiscal Service does not agree that this is a necessary consequence of the statement in the NPRM that a pending appeal does not preclude the agency from referring a debt to the Cross-Servicing program. Some agencies provide debtors with dispute opportunities beyond what is required by Fiscal Service’s rules. Only after the agency provides at least the level of due process required by Fiscal Service’s rules may the agency refer the debt to the Cross-Servicing program. An agency would not be required to refer the debt to the Cross-Servicing program if it had not yet completed its required reviews. Moreover, agencies may suspend debt collection activity (including referring debts to the Cross-Servicing program) if the debtor has requested a waiver or review of the debt. 31 CFR 903.2. As such, Fiscal Service does not believe any change is necessary to the definition of “legally enforceable.”

One comment urged Fiscal Service to preserve and expand all existing provisions that allow for suspension of collection. This comment is outside the scope of this NPRM, as it addresses possible changes to a separate regulation, specifically 31 CFR 903.2. Nevertheless, for clarity, Fiscal Service notes that nothing proposed by the NPRM is intended to narrow the existing provisions that allow for the suspension of collection under 31 U.S.C. 3711(a)(3) and the associated regulations, including 31 CFR 903.2.

One comment asserted that the NPRM does not sufficiently address the current debt collection system’s impact on communities of color and recommended that Fiscal Service suspend the operation of TOP until “critical issues are resolved.” This comment is outside the scope of the targeted changes proposed by the NPRM. Nevertheless, Fiscal Service notes that it is conducting an equity review in a separate forum. See Treasury’s Equity Action Plan: One Year Progress Report (April 2022), available at <https://home.treasury.gov/system/files/136/Treasury-Equity-ActionPlan-OneYearProgress.pdf>.

One comment recommended that Fiscal Service consider limiting the amounts that can be collected through offset of benefit and tax refund payments. This comment is outside the scope of the targeted changes proposed by the NPRM. This comment also made various recommendations regarding the collection of student loan debts owed to the Department of Education. Fiscal Service does not have regulatory responsibilities over student loan debts and would not be authorized or empowered to implement some of the recommended changes.

One comment stated that Fiscal Service should exempt means-tested tax credits from offset. This comment is outside the scope of the targeted changes proposed by the NPRM. Moreover, Fiscal Service lacks the statutory authority to exempt federal tax payments from offset. The Secretary has limited authority to exempt federal nontax payments from offset under 31 U.S.C. 3716(c)(3)(B), including means-tested payments. The Secretary has no such authority with regard to federal tax payments.

One comment asserted that Fiscal Service should increase the dollar threshold for debts that agencies must refer for collections. This comment is outside the scope of the changes contemplated by the NPRM. Nevertheless, Treasury notes that a change to the regulation to accomplish this change is not required, as the existing regulation set the threshold at more than \$25, “or such other amount as Fiscal Service may determine.” 31 CFR 285.5(d)(3)(i)(C), 285.12(c)(4). Fiscal Service can, at any time it deems appropriate, increase this threshold without the need for regulatory action, through its regular guidance for or communications with its creditor agencies. Moreover, under 31 CFR 903.3(a)(3), agencies may terminate collection when the costs of collection are anticipated to exceed the amount recoverable. Termination of collection action would excuse the agencies from

the general requirement to refer debts to the Cross-Servicing program or the Treasury Offset Program. Relatedly, 31 CFR 901.10 states that agencies should periodically evaluate the cost-effectiveness of collection techniques and establish guideline with respect to points at which costs of further collection efforts are likely to exceed recoveries. Collection costs in this regard are likely to be a significant factor for small dollar debts.

One comment urged Fiscal Service to look at all its regulations impacting debt collection to mitigate harm to debtors and to advance racial equity including, for example, its administrative wage garnishment regulation. This comment is out of scope and is not addressed here.

III. Procedural Analyses

This rule is not a significant rule for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is hereby certified that the rule will not have a significant economic impact on a substantial number of small entities because this rule only impacts persons who receive payments from Federal agencies or States and who are delinquent on debts owed to Federal agencies or States. Accordingly, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

List of Subjects in 31 CFR Part 285

Administrative practice and procedure, Black lung benefits, Child support, Child welfare, Claims, Credit, Debts, Disability benefits, Federal employees, Garnishment of wages, Hearing and appeal procedures, Income taxes, Loan programs, Payments, Privacy, Railroad retirement, Railroad unemployment insurance, Salaries, Social Security benefits, Supplemental Security Income, Taxes, Unemployment compensation, Veteran's benefits, Wages.

For the reasons set forth in this preamble, Fiscal Service amends 31 CFR part 285 as follows:

PART 285—DEBT COLLECTION AUTHORITIES UNDER THE DEBT COLLECTION IMPROVEMENT ACT OF 1996

■ 1. The authority citation for part 285 continues to read as follows:

Authority: 5 U.S.C. 5514; 26 U.S.C. 6402; 31 U.S.C. 321, 3701, 3711, 3716, 3719, 3720A, 3720B, 3720D; 42 U.S.C. 664; E.O.

13019, 61 FR 51763, 3 CFR, 1996 Comp., p. 216.

■ 2. In § 285.1, add paragraph (q) to read as follows:

§ 285.1 Collection of past-due support by administrative offset.

* * * * *

(q) *Social Security numbers.* Fiscal Service will ensure that an individual's Social Security number will not be visible on the outside of any package it sends by mail. In addition, Fiscal Service generally will redact or partially redact Social Security numbers in documents it sends by mail; however, to administer administrative offset, Fiscal Service (and other disbursing officials) may include Social Security numbers in mailed documents, including, for example:

(1) In interoffice and interagency communications;

(2) In notices, including notices to the debtor or payee that an offset has or will occur, when the Social Security number is (or is embedded in) a creditor agency's account number, debt identification number, or debtor identification number;

(3) In response to a request of a debtor or a debtor's representative for records of Fiscal Service's offset activities; and

(4) When required by law.

■ 3. In § 285.3, add paragraph (m) to read as follows:

§ 285.3 Offset of tax refund payments to collect past-due support.

* * * * *

(m) *Social Security numbers.* Fiscal Service will ensure that an individual's Social Security number will not be visible on the outside of any package it sends by mail. In addition, Fiscal Service generally will redact or partially redact Social Security numbers in documents it sends by mail; however, to administer the tax refund offset program, Fiscal Service (and other disbursing officials) may include Social Security numbers in mailed documents, including, for example:

(1) In interoffice and interagency communications;

(2) In notices, including notices to the debtor or payee that an offset has or will occur, when the Social Security number is (or is embedded in) a creditor agency's account number, debt identification number, or debtor identification number;

(3) In response to a request of a debtor or a debtor's representative for records of Fiscal Service's offset activities; and

(4) When required by law.

■ 4. In § 285.5, add paragraph (l) to read as follows:

§ 285.5 Centralized offset of Federal payments to collect nontax debts owed to the United States.

* * * * *

(l) *Social Security numbers.* Fiscal Service will ensure that an individual's Social Security number will not be visible on the outside of any package it sends by mail. In addition, Fiscal Service generally will redact or partially redact Social Security numbers in documents it sends by mail; however, to administer the Treasury Offset Program, Fiscal Service (and other disbursing officials) may include Social Security numbers in mailed documents, including, for example:

(1) In interoffice and interagency communications;

(2) In notices, including notices to the debtor or payee that an offset has or will occur, when the Social Security number is (or is embedded in) a creditor agency's account number, debt identification number, or debtor identification number;

(3) In response to a request of a debtor or a debtor's representative for records of Fiscal Service's offset activities; and

(4) When required by law.

■ 5. In § 285.6, add paragraph (n) to read as follows:

§ 285.6 Administrative offset under reciprocal agreements with states.

* * * * *

(n) *Social Security numbers.* Fiscal Service will ensure that an individual's Social Security number will not be visible on the outside of any package it sends by mail. In addition, Fiscal Service generally will redact or partially redact Social Security numbers in documents it sends by mail; however, to administer administrative offset, Fiscal Service (and other disbursing officials) may include Social Security numbers in mailed documents, including, for example:

(1) In interoffice and interagency communications;

(2) In notices, including notices to the debtor or payee that an offset has or will occur, when the Social Security number is (or is embedded in) a creditor agency's account number, debt identification number, or debtor identification number;

(3) In response to a request of a debtor or a debtor's representative for records of Fiscal Service's offset activities; and

(4) When required by law.

■ 6. In § 285.8, add paragraph (k) to read as follows:

§ 285.8 Offset of tax refund payments to collect certain debts owed to States.

* * * * *

(k) *Social Security numbers.* Fiscal Service will ensure that an individual's

Social Security number will not be visible on the outside of any package it sends by mail. In addition, Fiscal Service generally will redact or partially redact Social Security numbers in documents it sends by mail; however, to administer the tax refund offset program, Fiscal Service (and other disbursing officials) may include Social Security numbers in mailed documents, including, for example:

(1) In interoffice and interagency communications;

(2) In notices, including notices to the debtor or payee that an offset has or will occur, when the Social Security number is (or is embedded in) a creditor agency's account number, debt identification number, or debtor identification number;

(3) In response to a request of a debtor or a debtor's representative for records of Fiscal Service's offset activities; and

(4) When required by law.

■ 7. Section 285.12(a) is amended by:

■ a. Removing the words "an agency" and "An agency" wherever they appear and adding in their place the words "a Federal agency" and "A Federal agency", respectively;

■ b. Removing the words "the agency" and "the agency's" wherever they appear and adding in their place the words "the Federal agency" and "the Federal agency's", respectively;

■ c. In paragraph (a):

■ i. Removing the definition for "Agency";

■ ii. Adding in alphabetical order definitions for "Centralized Receivables Service," "Cross-Servicing program," and "Days delinquent";

■ iii. Removing the words "Secretary of the Treasury" and adding in their place the words "Secretary" in the definition for "Debt collection center";

■ iv. Adding in alphabetical order definitions for "Debtor," "Delinquent or past-due," "Federal agency," and "Legally enforceable"; and

■ v. Removing the words "a Federal agency" and adding in their place the words "the United States or a Federal agency" in the definition for "Person";

■ d. Revising paragraphs (b), (c), and (d)(1)(iii);

■ e. Removing the word "or" at the end of paragraph (d)(1)(v);

■ f. Redesignating paragraph (d)(1)(vi) as paragraph (d)(1)(vii);

■ g. Adding a new paragraph (d)(1)(vi);

■ h. Revising paragraphs (d)(4);

■ i. Adding (d)(5) introductory text;

■ j. Removing paragraph (d)(6);

■ k. Removing and reserving paragraph (e);

■ l. In paragraph (i), removing the words "delegatee" and "agency" and adding in

their place the words "delegate" and "the debt", respectively;

■ m. Revising paragraph (j); and

■ n. Adding paragraph (k).

The revisions and additions read as follows:

§ 285.12 Transfer of debts to Treasury for collection.

(a) * * *

Centralized Receivables Service means the program through which Fiscal Service provides servicing, pursuant to 31 U.S.C. 3711(g), for Federal nontax debt from the point at which a creditor agency establishes a debt until the debt is paid, otherwise resolved, or referred to the Cross-Servicing program for further action.

* * * * *

Cross-Servicing program means the program through which Fiscal Service provides delinquent nontax debt collection services pursuant to 31 U.S.C. 3711(g).

Days delinquent refers to the number of days that a debt has been in a delinquent status. For administrative debts (e.g., debts arising from fines, penalties, and overpayments), the first day of delinquency generally is the date of the creditor agency's initial written demand for payment. For debts that arise from the extension of credit through direct loans, loan guarantees, or insurance, the date of delinquency generally is the due date specified in the applicable agreement or instrument.

* * * * *

Debtor means a person who owes a debt.

Delinquent or past-due refers to the status of a debt and means a debt has not been paid by the date specified in the creditor agency's initial written demand for payment, or other applicable agreement or instrument, unless other payment arrangements satisfactory to the creditor agency have been made.

Federal agency means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of the Federal Government, including government corporations.

* * * * *

Legally enforceable refers to a characteristic of a debt and means there has been a final agency determination that the debt, in the amount stated, is due, and there are no legal bars to collection. A debt would not be legally enforceable, for example, if the debt is:

(1) The subject of a pending administrative review required by a statute or regulation that prohibits collection action during the review process; or

(2) Governed by a statute that precludes collection.

(b) *In general.* Fiscal Service and other debt collection centers may take debt collection action on behalf of one or more Federal agencies or a unit or subagency thereof. Fiscal Service provides these services through its Cross-Servicing program and its Centralized Receivables Service.

* * * * *

(c) *Mandatory transfer of debts to Fiscal Service's Cross-Servicing program.* (1) A debt is considered eligible for transfer to the Cross-Servicing program only if it is past due and is legally enforceable.

(2) Except as set forth in paragraphs (c)(3) and (d) of this section, a creditor agency must transfer any eligible debt that is over \$25 (or such other amount as Fiscal Service may determine) to the Cross-Servicing program by no later than 120 days delinquent if the creditor agency relies on the Cross-Servicing program to submit the transferred debts for centralized offset on the creditor agency's behalf or, otherwise, by no more than 180 days delinquent.

(3) If a final agency determination resulting from an administrative appeal or review process is not made until after the time specified in paragraph (c)(2) of this section, the creditor agency must transfer such debt to the Cross-Servicing program within 30 days after the date of the final decision.

(4) For accounting and reporting purposes, the debt remains on the books and records of the Federal agency, which transferred the debt.

(5) On behalf of the creditor agency, Fiscal Service will take appropriate action to collect or compromise the transferred debt, or to suspend or terminate collection action thereon. Appropriate action to collect a debt may include referral to another debt collection center, a private collection contractor, or the Department of Justice for litigation. The creditor agency must advise Fiscal Service, in writing, of any specific statutory or regulatory requirements pertaining to its debt and will agree, in writing, to a collection strategy, which includes parameters for entering into compromise and repayments agreements with debtors.

* * * * *

(d) * * *

(1) * * *

(iii) Is at a private collection contractor if the debt has been referred to a private collection contractor for a period of time determined by the Secretary;

* * * * *

(vi) Is being serviced and/or collected in accordance with applicable statutes

and/or regulations by third parties, such as private lenders or guaranty agencies; or

* * * * *

(4) A debt is being collected by internal offset if a creditor agency expects the debt to be collected in full within three (3) years from the date of delinquency through the withholding of funds payable to the debtor by the creditor agency, or if the creditor agency has issued notice to the debtor of the creditor agency's intent to offset such funds.

(5) The Secretary may exempt classes of debt from mandatory referral.

* * * * *

(j) *Fees.* Fiscal Service and other debt collection centers may charge Federal agencies fees sufficient to cover the full cost of providing debt collection services authorized by this section. Fiscal Service and other debt collection centers may calculate fees in any manner designed to cover up to the full cost of providing these services, including based on a percentage of collections received on account of a debt while it was being serviced under this section or a flat fee based on actions taken under this section by Fiscal Service or another debt collection center with regard to a debt or group of debts. Such fees may be determined based on overall program costs and need not be based on costs related to the collection of a specific debt. Fiscal Service and debt collection centers are authorized to retain fees from amounts collected and may deposit and use such fees in accordance with 31 U.S.C. 3711(g). Fees charged by Fiscal Service and other debt collection centers may be added to the debt as an administrative cost if authorized under 31 U.S.C. 3717(e).

(k) *Social Security numbers.* When conducting activities for or related to its Centralized Receivables Service or Cross-Servicing program, Fiscal Service will ensure that an individual's Social Security number will not be visible on the outside of any package it sends by physical mail or in the subject line of an email. In addition, Fiscal Service generally will redact or partially redact Social Security numbers in documents it sends by mail; however, to administer these programs, Fiscal Service may include Social Security numbers in mailed documents, including, for example:

(1) In interoffice and interagency communications;

(2) In communications with private collection contractor and agents that assist Fiscal Service in its debt collection activities;

(3) In notices and letters, including demand letters and notices to employers regarding wage garnishment, when the Social Security number is (or is embedded in) a creditor agency's account number, debt identification number, or debtor identification number;

(4) In notices to employers regarding wage garnishment;

(5) In response to a request of a debtor or a debtor's representative for records of Fiscal Service's collection activities; and

(6) When required by law.

David A. LeBryk,

Fiscal Assistant Secretary.

[FR Doc. 2022–17117 Filed 8–15–22; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2022–0614]

RIN 1625–AA08

Special Local Regulation; Ohio River, Cincinnati, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is proposing to establish a temporary special local regulation for all navigable waters of the Ohio River, extending the entire width of the river, between mile marker (MM) 464.0–473.0 and the Licking River between MM 0.0–0.3. In the event the Ohio River Gauge is at or above the 45 foot level, the special local regulation will extend west to MM 476.0. This action is necessary to provide for the safety of life on these navigable waters near Cincinnati, OH during Riverfest 2022 on September 4, 2022 through September 5, 2022. This rulemaking prohibits persons and vessels from operating above no wake speeds in the area unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative.

DATES: This rule is effective from 12 p.m. on September 4, 2022 through 3 a.m. on September 5, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0614 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Thomas Harp, Marine Safety Detachment Cincinnati, U.S. Coast Guard; telephone 513–921–9033, email Thomas.L.Harp@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish this regulation by September 4, 2022 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is necessary to protect persons and property from the dangers associated with the event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Ohio Valley (COTP) has determined that potential hazards with the fireworks display, occurring at 12 p.m. on September 4 until 3 a.m. on September 5, 2022, will be a safety concern for all navigable waters on the Ohio River between MM 464–473 and the Licking River between MM 0.0–0.3. In the event the Ohio River Gauge is at or above the 45 foot level, this regulation will extend west to MM 476.0 on the Ohio River before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a special local regulation from 12 p.m. on September 4 until 3 a.m. September 5, 2022. The special local regulation would cover all waters of the Ohio River between MM 464–479 and the Licking River between MM 0.0–0.3. In the event the Ohio River Gauge is at or above the 45 foot level, this regulation will extend west to MM 476.0 on the Ohio River in Cincinnati, OH. The duration of the special local regulation is to ensure the safety of vessels and these navigable waters before, during, and after the scheduled event. No vessel or person is permitted to operate above no wake speeds without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of Sector Ohio Valley. They may be contacted on VHF–FM Channel 16 or by telephone at 1–800–253–7465. Persons and vessels permitted to enter this regulated area must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, time-of-day of the special local regulation. The special local regulation will be in place from 12 p.m. on September 4, 2022 to 3 a.m. on September 5, 2022 on the Ohio River between MM 464–479 and the Licking River between MM 0.0–0.3. In the event the Ohio River Gauge is at or above the 45 foot level, this regulation will extend west to MM 476.0 on the Ohio River in Cincinnati, OH. The Coast Guard will issue a written Local Notice to Mariners

and Broadcast Notice to Mariners via VFH–FM marine channel 16 about the special local regulation, and this rule allows vessels to seek permission from the COTP or a designated representative to enter the area.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation from 12 p.m. on September 4, 2022 until 3 a.m. on September 5, 2022 that prohibits vessels from operating above no wake speeds on all navigable waters of the Ohio River between MM 464–479 and the Licking River between MM 0.0–0.3. In the event the Ohio River Gauge is at or above the 45 foot level, this regulation will extend west to MM 476.0 on the Ohio River in Cincinnati, OH. It is categorically

excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T08-0614 Special Local Regulation, Ohio River, Cincinnati, OH.

(a) *Location.* All navigable waters of the Ohio River between MM 464-479 and the Licking River between MM 0.0-0.3. In the event the Ohio River Gauge is at or above the 45 foot level, this regulation will extend west to MM 476.0 on the Ohio River in Cincinnati, OH.

(b) *Period of Enforcement.* This special local regulation will be enforced from 12 p.m. on September 4, 2022 through 3 a.m. on September 5, 2022.

(c) *Regulations.* (1) In accordance with the general regulations in § 100.35 of this part, all vessels entering the zone described in paragraph (a) of this section are prohibited from operating above no wake speeds unless specifically authorized by the Captain of the Port (COTP) or a designated representative. Persons or vessels desiring to operate above no wake speeds must request permission from the COTP or a designated representative. They may be contacted on VHF-FM radio channel 16 or phone at 1-800-253-7465.

(2) Persons and vessels permitted to deviate from this special local regulation must transit at the slowest safe speed and comply with all lawful directions issued by the COTP or a designated representative.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through

broadcast notice to mariners of the enforcement period of the special local regulation as well as any changes in the planned schedule.

Dated: August 9, 2022

H.R. Mattern,

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

[FR Doc. 2022-17586 Filed 8-15-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2022-0225]

Special Local Regulations; Marine Events Within the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Bay Bridge Paddle on September 25, 2022, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event between Sandy Point State Park and Kent Island, MD. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 100.501 will be enforced for the Bay Bridge Paddle regulated area listed in table 2 to paragraph (i)(2) of § 100.501 from 7 a.m. to 1 p.m. on September 25, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email MST2 Courtney Perry, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410-576-2596, email Courtney.E.Perry@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a special local regulation for the Bay Bridge Paddle regulated area from 7 a.m. to 1 p.m. on September 25, 2022. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District § 100.501, specifies the location of the regulated area for the Bay Bridge Paddle. As reflected in § 100.501(d)(1), during the

enforcement periods if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and a marine information broadcast.

Dated: August 11, 2022.

James R. Bendle,

Commander, U.S. Coast Guard, Acting Captain of the Port Maryland-National Capital Region.

[FR Doc. 2022-17623 Filed 8-15-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2022-0685]

Safety Zone; Military Ocean Terminal Concord Safety Zone, Suisun Bay, Military Ocean Terminal Concord, CA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone in the navigable waters of Suisun Bay, off Concord, CA, in support of explosive on-loading to Military Ocean Terminal Concord (MOTCO) from August 12, 2022, through August 22, 2022. This safety zone is necessary to protect personnel, vessels, and the marine environment from potential explosion within the explosive arc. The safety zone is open to all persons and vessels for transitory use, but vessel operators desiring to anchor or otherwise loiter within the safety zone must obtain the permission of the Captain of the Port San Francisco or a designated representative. All persons and vessels operating within the safety zone must comply with all directions given to them by the Captain of the Port San Francisco or a designated representative.

DATES: The regulations in 33 CFR 165.1198 will be enforced from 12:01 a.m. on August 12, 2022, until 11:59 p.m. on August 22, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant William Harris, Coast Guard Sector San Francisco, Waterways Management Division, 415-399-7443, SFWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.1198 for the Military Ocean Terminal Concord, CA (MOTCO) regulated area from 12:01 a.m. on August 12, 2022, until 11:59 p.m. on August 22, 2022, or as announced via marine local broadcasts. This safety zone is necessary to protect personnel, vessels, and the marine environment from potential explosion within the explosive arc. The regulation for this safety zone, § 165.1198, specifies the location of the safety zone which encompasses the navigable waters in the area between 500 yards of MOTCO Pier 2 in position 38°03'30" N, 122°01'14" W and 3,000 yards of the pier. During the enforcement periods, as reflected in § 165.1198(d), if you are the operator of a vessel in the regulated area you must comply with the instructions of the COTP or the designated on-scene patrol personnel. Vessel operators desiring to anchor or otherwise loiter within the safety zone must contact Sector San Francisco Vessel Traffic Service at 415-556-2760 or VHF Channel 14 to obtain permission.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via marine information broadcasts.

Dated: August 11, 2022.

Taylor Q. Lam,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2022-17713 Filed 8-12-22; 4:15 pm]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2022-0660]

RIN 1625-AA00

Safety Zone; Ohio River, Cincinnati, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Ohio River, extending the entire width of the river, from mile marker (MM) 469.6–470.2 in Cincinnati, OH. This action is necessary to provide for the safety of life on these navigable waters near Cincinnati, OH, during the Great Ohio River Swim on August 28, 2022.

DATES: This rule is effective August 28, 2022, from 6:30 a.m. through 9:30 a.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0660 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Thomas Harp, Marine Safety Detachment Cincinnati, U.S. Coast Guard; telephone 513-921-9033, email MSDCincinnati@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(3), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. This action is necessary to publish an NPRM because the Coast Guard must establish this safety zone by August 28, 2022 and lacks sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest in ensuring the safety of participants and vessels during the event because immediate action is necessary to prevent possible loss of life and property on August 28, 2022. Broadcast Notice to Mariners (BNM) and sharing information with the waterway users will update mariners of the restrictions, requirements and enforcement times during this event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Ohio Valley (COTP) has determined this action is necessary to provide for the safety of life on these navigable waters near Cincinnati, OH during the Great Ohio River Swim on August 28, 2022. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone from MM 469.6–470.2 from 6:30 a.m. through 9:30 a.m.

IV. Discussion of the Rule

This rule establishes a safety zone from 6:30 a.m. until 9:30 a.m. on August 28, 2022. The safety zone will cover all navigable waters of the Ohio River extending from MM 469.6–470.2. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the schedule event. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time of year of the temporary safety zone. The temporary safety zone will be in effect from 6:30 a.m. until 9:30 a.m. on August 28, 2022 on the Ohio River between MM 469.6–470.2. The Coast Guard expects minimum adverse impact to mariners from the temporary safety zone activation as the event has been advertised to 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.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry from MM 469.6–470.2 of the Ohio River lasting from 6:30 a.m. through 9:30 a.m. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0660 to read as follows:

§ 165.T08–0060 Safety Zone; Ohio River, Cincinnati, OH.

(a) *Location.* All navigable waters of the Ohio River extending from mile marker 469.6–470.2 in Cincinnati, OH.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless specifically authorized by the Captain of the Port Ohio Valley (COTP) or a designated representative. Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM radio channel 16 or phone at 1–800–253–7465.

(2) Persons and vessels permitted to deviate from this safety zone regulation and enter the restricted area must transit at the slowest safe speed and comply with all lawful directions issued by the COTP or a designated representative.

(c) *Period of enforcement.* This temporary safety zone will be enforced from 6:30 a.m. until 9:30 a.m. on August 28, 2022.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through broadcast notice to mariners of the enforcement period for the temporary safety zone as well as any changes in the planned schedule.

Dated: August 9, 2022.

H.R. Mattern,

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

[FR Doc. 2022–17587 Filed 8–15–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165****[Docket Number USCG–2022–0655]****RIN 1625–AA00****Safety Zone; Little Egg Harbor, Beach Haven, NJ****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of Little Egg Harbor in Beach Haven, NJ. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by barge-based fireworks displays. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Delaware Bay.

DATES: This rule is effective from 8 p.m. on September 3, 2022, through 10:30 p.m. on September 23, 2022. This rule will be enforced from 8 p.m. until 10:30 p.m. on September 3, 2022, or those same hours on September 4, 2022, in the case of inclement weather on September 3, 2022. It will also be enforced from 8 p.m. until 10:30 p.m. on September 23, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0655 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

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

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the

Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest to do so. There is insufficient time to allow for a reasonable comment period prior to the event. The rule must be in force by September 3, 2022, the date the first fireworks display is scheduled for. We are taking immediate action to ensure the safety of spectators and the general public from hazards associated with a barge based fireworks display. Hazards include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest. The rule needs to be in place by September 3, 2022, to mitigate the potential safety hazards associated with a barge based fireworks display in this location.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority granted in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port, Delaware Bay (COTP) has determined that potential hazards associated with a barge based fireworks display will be a safety concern for anyone within a 150-yard radius of the barge. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after a barge based fireworks display.

IV. Discussion of the Rule

This rule establishes a temporary safety zone on the waters of Little Egg Harbor in Beach Haven, NJ, during a barge based fireworks display. The first fireworks display is scheduled to take place between 8 p.m. and 10:30 p.m. on September 3, 2022, with a rain date of September 4, 2022. The second fireworks display will occur those same hours on September 23, 2022. The safety zone will extend 150 yards around the barge, which will be anchored at approximate position latitude 39°34′10″ N, longitude 074°14′31″ W. The duration of the zone is intended to

protect personnel, vessels, and the marine environment in these navigable waters during the barge based fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the following factors: (1) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the COTP Delaware Bay or a designated representative during the enforcement period, they may operate in the surrounding area; (2) persons and vessels will still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the COTP Delaware Bay; and (3) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Broadcast Notice to Mariners and/or Local Notice to Mariners.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this

rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0655 to read as follows:

§ 165.T05–0655 Safety Zone; Little Egg Harbor, Beach Haven, NJ.

(a) *Location.* The following area is a safety zone: All waters of Little Egg Harbor in Beach Haven, NJ within 150 yards of the fireworks barge anchored in approximate position latitude 39°34'10" N, longitude 074°14'31" W.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer on board a Coast Guard vessel or on board a federal, state, or local law enforcement vessel assisting the Captain of the Port (COTP), Delaware Bay in the enforcement of the safety zone.

(c) *Regulations.*

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

(2) To seek permission to enter or remain in the zone, contact the COTP or the COTP's representative via VHF–FM channel 16 or 215–271–4807. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) No vessel may take on bunkers or conduct lightering operations within the safety zone during its enforcement period.

(4) This section applies to all vessels except those engaged in law enforcement, aids to navigation servicing, and emergency response operations.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This zone will be enforced from 8 p.m. until 10:30 p.m. on September 3, 2022, or those same hours on September 4, 2022, in the event of inclement weather on September 3, 2022. It will also be enforced from 8 p.m. until 10:30 p.m. on September 23, 2022.

Dated: August 10, 2022.

Jonathan D. Theel,

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

[FR Doc. 2022-17555 Filed 8-15-22; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2017-0290; FRL-10115-02-R3]

Air Plan Partial Disapproval; Commonwealth of Pennsylvania; Reasonably Available Control Technology Regulations for the 1997 and 2008 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to disapprove a specific part of a state implementation plan (SIP) revision that was previously approved by EPA. On May 19, 2019, EPA fully approved certain parts of a SIP revision submitted by the Commonwealth of Pennsylvania to address reasonably available control technology (RACT) for the 1997 and 2008 ozone national ambient air quality standards (NAAQS), and conditionally approved other parts of that submission. The U.S. Court of Appeals for the Third Circuit vacated EPA's approval of a portion of the SIP revision, as discussed below. EPA is now disapproving the portion of the SIP submission addressed by the court's decision. This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on September 15, 2022.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2017-0290. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER**

INFORMATION CONTACT section for additional availability information.

FOR FURTHER INFORMATION CONTACT:

Sean Silverman, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-5511. Mr. Silverman can also be reached via electronic mail at silverman.sean@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On May 9, 2019, EPA published a final action fully approving certain provisions of Pennsylvania's May 16, 2016 SIP revision submission to implement RACT for both the 1997 and 2008 ozone NAAQS (hereafter the "RACT II rule"), and conditionally approving other provisions of the SIP revision. 84 FR 20274 (May 9, 2019). Specifically, EPA's action fully approved "25 Pa. Code [Pennsylvania Code] sections 121.1, 129.96, 129.97, and 129.100 as meeting certain aspects of major stationary source RACT in CAA section 172, 182, and 184 for the 1997 and 2008 ozone NAAQS submitted May 16, 2016" and conditionally approved "25 Pa. Code sections 129.98 and 129.99 based on the commitment provided by Pennsylvania to submit additional SIP revisions to address the deficiencies identified by EPA in the May 16, 2016 SIP revision." Id. at 20290. The May 16, 2016 SIP submittal was intended to satisfy CAA sections 182(b)(2)(C), 182(f), and 184 for the 1997 and 2008 8-hour ozone NAAQS for all major sources of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) in Pennsylvania not subject to control techniques guidelines (CTG), with a few exceptions not relevant to this action.

The Sierra Club filed a petition for review with the U.S. Third Circuit Court of Appeals. The petition challenged EPA's approval of the portion of the RACT II rule applicable to coal-fired electricity generating units (EGUs) equipped with selective catalytic reduction (SCR) for control of NO_x. For these EGUs, the petition challenged EPA's approval of the presumptive RACT NO_x limit of 0.12 pounds of NO_x per Million British Thermal Units (MMBtu) of heat input (lbs/MMBtu) when the inlet temperature to the SCR was 600 degrees Fahrenheit or above, the less stringent NO_x limits of 25 Pa. Code 129.97(g)(1)(vii) when the SCR inlet temperature is below 600 degrees Fahrenheit, and the failure of the rule to specifically require EGUs to keep inlet

temperature data and report it to the Pennsylvania Department of Environmental Protection (PADEP).

In *Sierra Club v. U.S. EPA*, No. 19-2562 (3rd Cir. 2020), on August 27, 2020, the Third Circuit ruled in favor of the Sierra Club and vacated the Agency's approval of the SIP submission on all three challenged portions of Pennsylvania's plan. On September 15, 2021, EPA proposed to disapprove the specific SIP provisions for which the court had vacated EPA's prior approval. See 86 FR 51315.

II. Summary of SIP Revisions Being Disapproved

The purpose of this action is to partially disapprove those portions of Pennsylvania's RACT II SIP for which the Third Circuit vacated EPA's approval. The specific section of Pennsylvania's regulation in the SIP that is at issue here is 25 Pa. Code 129.97(g)(1)(viii), which set a "presumptive" RACT limit for coal-fired combustion units equipped with SCR at 0.12 lbs NO_x/MMBtu. The court held that the selected limit was arbitrary and capricious, in light of evidence submitted which demonstrated that EGUs covered by 25 Pa. Code 129.97(g)(1)(viii) had achieved much lower emission rates in the past and that other states had adopted lower RACT NO_x limits for similar coal fired sources. *Sierra Club* at 299-303. The court also held that the 600-degree Fahrenheit "exemption" to the 0.12 lbs NO_x/MMBtu was arbitrary and capricious as the record failed to support why the exemption was needed or why the threshold was set at 600 degrees. Id. at 303-307. Thus, the court vacated EPA's approval of these two provisions, both of which are only found in 25 Pa. Code 129.97(g)(1)(viii). See Id. at 309.

The court also took issue with the recordkeeping and reporting requirements of 25 Pa. Code 129.100(d), stating "[b]ecause the SIP's 600-degree threshold necessarily depends upon accurate temperature reporting, the EPA's approval of such inadequate requirements on this record was arbitrary and capricious." Id. at 309. The court agreed with the Sierra Club that language in 25 Pa. Code 129.97(g)(1)(viii) was too vague to be enforceable and would not ensure that subject sources keep specific SCR temperature inlet data, report that data to PADEP, and make it available to the public. Further, the court explained that "[t]he combination of this lack of mandatory reporting and the temperature waiver created a potent loophole for polluters to walk through."

Id. at 297. For these reasons, EPA now finds that the previously approved recordkeeping and reporting provisions are inadequate in this specific context. Other specifics and the rationale for EPA's proposed action are explained in the notice of proposed rulemaking (NPRM) and will not be restated here.

III. EPA's Response to Comments Received

EPA only received comments on this proposed disapproval from the Sierra Club. Sierra Club's comments were supportive of EPA's proposal to disapprove those elements of PA's RACT II SIP for which EPA's prior approval was vacated and remanded to EPA by the U.S. Third Circuit Court of Appeals. Many, if not most, of the Sierra Club's comments focus on providing support for a lower RACT emission limit at these sources in any future SIP submitted by Pennsylvania or FIP issued by EPA. Therefore the comments are outside the scope of this rule, which merely disapproves those portions of Pennsylvania's NO_x RACT SIP setting limits for five EGUs equipped with SCR.

IV. Final Action

Consistent with the Third Circuit's decision, and based on the reasoning contained therein, EPA is finalizing a disapproval under CAA section 110(k)(3) for certain provisions of the Pennsylvania RACT II rule for which EPA's prior approval was vacated and remanded to EPA by the court. EPA's partial disapproval of this previously-approved SIP revision is limited to the regulatory provision related to presumptive RACT requirements for coal-fired combustion units at EGUs equipped with SCR, specifically 25 Pa. Code 129.97(g)(1)(viii). Because we are now disapproving 25 Pa. Code 129.97(g)(1)(viii), and the 600-degree temperature threshold and 0.12 lbs NO_x/MMBtu limit are contained entirely within this section, no additional Federal regulatory revisions are necessary to address the court's holding that EPA's approval of the record-keeping requirement was arbitrary and capricious.

Section 110(c)(1) of the CAA requires the Administrator to promulgate a FIP at any time within two years after the Administrator finds that a state has failed to make a required SIP submission, finds a SIP submission to be incomplete, or disapproves a SIP submission, unless the state corrects the deficiency, and the Administrator approves the SIP revision, before the Administrator promulgates a FIP. Therefore, EPA will be obligated under CAA section 110(c)(1) to promulgate a

FIP within two years after the effective date of this partial disapproval, unless the state submits and the EPA approves SIP revisions to correct the identified deficiencies in the RACT II rule before EPA promulgates the FIP. EPA proposed such a FIP on May 25, 2022. See 87 FR 31798. Notwithstanding this timeframe established under CAA section 110(c)(1) for EPA's promulgation of a FIP, the Third Circuit has ordered the EPA to promulgate a FIP within two years of the date of its decision if the Agency has not approved a SIP correcting the identified deficiencies in the RACT II rule within this timeframe.¹ Sierra Club, 972 F.3d 290, 309. In addition, this final partial disapproval would trigger mandatory sanctions in accordance with the timelines and provisions of CAA section 179 and 40 CFR 52.31 unless the state submits, and EPA approves, SIP revisions that correct the identified deficiencies in the RACT II rule within 18 months of the effective date of the final partial disapproval action.

V. Incorporation by Reference

In this document, EPA is finalizing revisions to a prior incorporation by reference. See 84 FR 20274 (May 9, 2019). In accordance with requirements of 1 CFR 51.5, EPA is finalizing the removal of the incorporation by reference of 25 Pa. Code 129.97(g)(1)(viii) into the EPA-approved Pennsylvania SIP, as described in section IV of this preamble. EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rule of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.²

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders (E.O.) can

be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

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

This action is not a significant regulatory action as defined by E.O. 12866 and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA, because this SIP partial approval and partial disapproval does not in-and-of itself create any new information collection burdens, but simply partially approves and partially disapproves certain State requirements for inclusion in the SIP.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This SIP partial approval and partial disapproval does not in-and-of itself create any new requirements but simply partially approves and partially disapproves certain pre-existing State requirements for inclusion in the SIP.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

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

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP EPA is disapproving would not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe

¹ On May 26, 2022 and June 9, 2022, PADEP submitted case-by-case RACT determinations for the affected facilities that are still in operation as revisions to the Pennsylvania SIP. EPA has not yet evaluated those submittals and they are outside of the scope of this action. Any action on those proposed SIP revisions will be at a later date, and under a separate action.

² 62 FR 27968 (May 22, 1997).

has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive order. This action is not subject to Executive Order 13045 because this SIP partial approval and partial disapproval does not in-and-of itself create any new regulations, but simply partially approves and partially disapproves certain pre-existing State requirements for inclusion in the SIP.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus

standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

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

As described in the NPRM for this action, the EPA lacks the discretionary authority to address environmental justice in this rulemaking.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 17, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of

such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Adam Ortiz,

Regional Administrator, Region III.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

- 2. In § 52.2020, the table in paragraph (c)(1) is amended by revising the entry for “Section 129.97” to read as follows:

§ 52.2020 Identification of plan.

*	*	*	*	*
(c)	*	*	*	*
(1)	*	*	*	*

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
Title 25—Environmental Protection Article III—Air Resources				
*	*	*	*	*
Chapter 129—Standards for Sources				
*	*	*	*	*
Additional RACT Requirements for Major Sources of NO_x and VOCs				
*	*	*	*	*
Section 129.97	Presumptive RACT requirements, RACT emission limitations, and petition for alternative compliance schedule.	4/23/16	8/16/2022, [INSERT Federal Register Citation].	Partial Disapproval. See 40 CFR 52.2023(o).
*	*	*	*	*

* * * * *

- 3. Section 52.2023 is amended by adding paragraph (o) to read as follows:

§ 52.2023 Approval status.

* * * * *

(o) EPA disapproves 25 Pa. Code 129.97(g)(1)(viii), submitted on May 16, 2016 to address the RACT requirements

under CAA sections 182(b)(2)(C), 182(f), and 184 under the 1997 and 2008 ozone NAAQS.

[FR Doc. 2022–17579 Filed 8–15–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2022-0482; FRL-9906-02-R7]

Air Plan Approval; Missouri; General Conformity Rescission

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Missouri State Implementation Plan (SIP). This final action will rescind the Missouri General Conformity Rule from the Missouri SIP. General Conformity ensures federal agency actions, such as airport construction, do not interfere with a state's plans to attain and maintain national standards for air quality. After rescission of the state's General Conformity Rule, federal agency actions will be subject to the Federal General Conformity Rule.

DATES: This final rule is effective on September 15, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2022-0482. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Jed D. Wolkins, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551-7588; email address wolkins.jed@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” refer to EPA.

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- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. What action is the EPA taking?
- IV. Incorporation by Reference
- V. Environmental Justice Concerns
- VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is approving the rescission of Missouri's General Conformity Rule, 10 CSR 10-6.300, from Missouri's SIP. General Conformity ensures federal agency actions, such as airport construction, do not interfere with a state's plans to attain and maintain national standards for air quality.

As explained in detail in the EPA's proposed rule, Missouri has demonstrated that removal of 10 CSR 10-6.300 will not interfere with attainment of the NAAQS, reasonable further progress, or any other applicable requirement of the CAA because federal agency actions will be subject to the same requirements under the Federal General Conformity Rule, codified at 40 CFR part 93 Subpart B.¹ The public comment period on the EPA's proposed rule opened June 12, 2022, the date of its publication in the **Federal Register** and closed on July 13, 2022. During this period, the EPA received no comments. Therefore, the EPA is finalizing its proposal to remove 10 CSR 10-6.300 from the Missouri SIP.

II. Have the requirements for approval of a SIP revision been met?

Missouri's General Conformity Rule, 10 CSR 10-6.300, titled “Conformity of General Federal Actions to State Implementation Plans,” was incorporated into the SIP consistent with section 176(c) of the CAA, as amended (42 U.S.C. 7506(c)), and regulations located in 40 CFR part 93, subpart B, that directed states to include in their SIPs provisions requiring General Conformity of Federal actions to the applicable implementation plan. In 2005, Congress passed the “Safe, Flexible, Efficient Transportation Equity Act: A Legacy for Users” (SAFETEA-LU). Section 6011 of SAFETEA-LU amended section 176(c) of the CAA to remove the requirement for states to adopt a General Conformity rule into the SIP. In turn, EPA amended the federal General Conformity rule at 40 CFR part 51, subpart W, to make state adoption of a General Conformity rule into the SIP optional rather than mandatory (75 FR 17258). 10 CSR 10-6.300 duplicates the federal regulations at 40 CFR part 93, subpart B. After rescission of the state's General Conformity Rule, federal agency actions will be subject to the Federal General Conformity Rule.

CAA section 110(l), 42 U.S.C. 7410(l), states that the Administrator cannot approve a SIP revision if the revision would interfere with any applicable

requirement concerning attainment and reasonable further progress or any other applicable requirement. The federal General Conformity rule contains the same requirements as the state's General Conformity rule. Therefore, the same requirements will apply after the state's rule is rescinded and there will be no associated emissions increase or adverse impact to air quality. For this reason, the EPA finds that this change will not interfere with any area's ability to attain or maintain any NAAQS, make reasonable progress towards natural visibility in Missouri's Class I areas nor any Class I area in another state Missouri impacts, or any other applicable requirement.

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from August 16, 2021 to October 7, 2021 and received no comment. In addition, as explained above, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is the EPA taking?

The EPA is taking final action to approve a SIP revision submitted by the State of Missouri on April 15, 2022, rescinding the State General Conformity Rule, 10 CSR 10-6.300 from the Missouri SIP. EPA has determined that this revision would not interfere with attainment or maintenance of any NAAQS or with any other CAA requirement because the same requirements exist in federal regulations.

IV. Incorporation by Reference

In this document, the EPA is deleting rules which were previously incorporated by reference from the applicable Missouri SIP. In accordance with requirements of 1 CFR 51.5, the EPA is deleting certain Missouri rules as described in Section 1 of this preamble. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Environmental Justice Concerns

This action approves the rescission of the state's General Conformity rule from the Missouri SIP. The state's rule duplicates the federal General Conformity rule. Once approved, all federal actions that would have been

¹ 87 FR 35709, June 13, 2022.

subject to the state rule will be subject to the same requirements in the federal rule. For this reason, this action will not result in disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples.

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- This action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The

basis for this determination is contained in Section V of this action, “Environmental Justice Concerns.”

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

- This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

- Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 17, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: August 9, 2022.

Meghan A. McCollister

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart—AA Missouri

§ 52.1320 [Amended]

■ 2. In § 52.1320, the table in paragraph (c) is amended by removing the entry “10–6.300” under the heading “Chapter

6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri.”

■ 3. In § 52.1323, paragraphs (h) and (j) are revised to read as follows:

§ 52.1323 Approval status.

* * * * *

(h) Missouri rule 10 CSR 10–6.300 was rescinded on September 15, 2022.

* * * * *

(j) Missouri rule 10 CSR 10–6.300 was rescinded on September 15, 2022.

* * * * *

[FR Doc. 2022–17569 Filed 8–15–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0672; EPA–R05–OAR–2016–0706; EPA–R05–OAR–2016–0708; FRL–9649–02–R5]

Air Plan Approval; Indiana, Michigan and Minnesota; Revised Startup, Shutdown, and Malfunction Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving three State Implementation Plan (SIP) revision requests, submitted by Indiana, Michigan, and Minnesota. All three States submitted the SIP revision requests in 2016 in response to a finding of substantial inadequacy and a SIP call published on June 12, 2015, for specific provisions in each State's SIP related to excess emissions during startup, shutdown, and malfunction (SSM) events. EPA is determining that each submission corrects the State's respective SIP deficiencies as identified in the June 12, 2015, SIP call. EPA proposed to approve this action on May 5, 2022, and received no adverse comments.

DATES: This final rule is effective on September 15, 2022.

ADDRESSES: EPA has established dockets for this action under Docket ID No. EPA–R05–OAR–2016–0672 (Indiana); EPA–R05–OAR–2016–0706 (Michigan); and EPA–R05–OAR–2016–0708 (Minnesota). All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is

restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through www.regulations.gov or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID-19. We recommend that you telephone Michael Leslie, Environmental Engineer at (312) 353-6680 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

Michael Leslie, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-6680, leslie.michael@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

I. Background Information

On May 5, 2022 (87 FR 26707), EPA proposed to approve three SIP revision requests submitted in 2016 and supplemented in 2017 by Indiana, Michigan, and Minnesota to address EPA’s 2015 SSM SIP Action. EPA is determining that the three States’ rulemaking actions and revised rules are consistent with the SSM requirements for SIP provisions under the CAA; that their respective SIP submissions correct the SSM deficiencies identified for the state within EPA’s 2015 SSM SIP Action; and fulfill the obligation to respond to it.

An explanation of the CAA requirements, a detailed analysis of the revisions, and EPA’s reasons for proposing approval were provided in the notice of proposed rulemaking and will not be restated here. The public comment period for this proposed rule ended on June 6, 2022. EPA received three supportive comments and no adverse comments on the proposal.

II. Final Action

EPA is approving three SIP revision requests submitted in 2016 and supplemented in 2017 by Indiana, Michigan, and Minnesota to address EPA’s 2015 SSM SIP Action. Specifically, EPA is approving Indiana rules 326 IAC 1-6-1, 326 IAC 1-6-2, 326 IAC 1-6-4, 326 IAC 1-6-5, 326 IAC 1-6-6, and 326 IAC 2-9-1, effective

January 29, 2017. EPA is also removing Michigan rule R 339.1916 and Minnesota rule R. 7011.1415 from each State’s respective federally enforceable criteria pollutant SIP. EPA has determined that the three States’ rulemaking actions and revised rules are consistent with the SSM requirements for SIP provisions under the CAA; that their respective SIP submissions correct the SSM deficiencies identified for the State within EPA’s 2015 SSM SIP Action; and fulfill the obligation to respond to it.

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Indiana regulations described in Section II of this preamble and set forth in the amendments to 40 CFR part 52 below. EPA has made, and will continue to make, these documents generally available through www.regulations.gov, and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.¹

Also in this document, as described in Section II of this preamble and set forth in the amendments to 40 CFR part 52 below, EPA is removing provisions of the EPA-Approved Michigan and Minnesota Regulations from the Michigan and Minnesota SIPs, which are incorporated by reference in accordance with the requirements of 1 CFR part 51.

IV. Statutory and Executive Order Reviews

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

beyond those imposed by state law. For that reason, this action:

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

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

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 17, 2022. Filing a

¹ 62 FR 27968 (May 22, 1997).

petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations,

Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 8, 2022.

Debra Shore,

Regional Administrator, Region 5.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

EPA-APPROVED INDIANA REGULATIONS

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

■ 2. In § 52.770, the table in paragraph (c) is amended by revising the entries for “1–6–1”, “1–6–2”, “1–6–4”, “1–6–5”, and “1–6–6” under “Article 1. General Provisions”, “Rule 6. Malfunctions”, and the entry for “2–9–1” under “Article 2. Permit Review Rules”, “Rule 9. Source Specific Operating Agreement Program”, to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
Article 1. General Provisions				
Rule 1. Provisions Applicable Throughout Title 326				
*	*	*	*	*
Rule 6. Malfunctions				
1–6–1	Applicability	1/29/2017	8/16/2022, [Insert Federal Register Citation].	
1–6–2	Records; notice of malfunction	1/29/2017	8/16/2022, [Insert Federal Register Citation].	
*	*	*	*	*
1–6–4	Conditions under which malfunction not considered violation.	1/29/2017	8/16/2022, [Insert Federal Register Citation].	
1–6–5	Excessive malfunctions; department actions	1/29/2017	8/16/2022, [Insert Federal Register Citation].	
1–6–6	Malfunction emission reduction program	1/29/2017	8/16/2022, [Insert Federal Register Citation].	
*	*	*	*	*
Article 2. Permit Review Rules				
*	*	*	*	*
Rule 9. Source Specific Operating Agreement Program				
2–9–1	General provisions	1/29/2017	8/16/2022, [INSERT FEDERAL REGISTER CITATION].	
*	*	*	*	*

* * * * *

§ 52.1170 [Amended]

■ 3. In § 52.1170, the table in paragraph (c) is amended by removing the entry for “R 339.1916”.

§ 52.1220 [Amended]

■ 4. In § 52.1220, the table in paragraph (c) is amended by removing the entry for “7011.1415”.

[FR Doc. 2022–17334 Filed 8–15–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2021–0621; FRL–9085–02–R6]

Air Plan Approval; Oklahoma; Updates to the General SIP and Incorporation by Reference Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving identified portions of two revisions to the Oklahoma State Implementation Plan (SIP) submitted by the State of Oklahoma designee on May 15, 2020, and February 9, 2021. This action addresses revisions to the Oklahoma SIP pertaining to the general SIP definitions under Oklahoma

Administrative Code (OAC) Title 252, Chapter 100, Subchapter 1, Section 1–3, and revisions to the Oklahoma SIP to update the incorporation by reference of Federal requirements under OAC Title 252, Chapter 100, Subchapter 2, and Appendix Q.

DATES: This rule is effective on September 15, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2021–0621. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Adina Wiley, EPA Region 6 Office, Air Permits Section, 214–665–2115, wiley.adina@epa.gov. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID–19. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our proposed rulemaking published on October 27, 2021 (86 FR 59333). In that document we proposed to approve revisions to the Oklahoma SIP that update the definitions relied on throughout the Oklahoma SIP and update the incorporation by reference dates for Federal requirements. The public comment period for the proposed action closed on November 26, 2021. We received one comment in support of our action. This supportive comment, which is included in the publicly posted docket associated with this action at <https://www.regulations.gov>, restated the purpose of the EPA’s proposed rulemaking and expressed support for our action. Therefore, we are finalizing our action as proposed.

II. Impact on Areas of Indian Country

As stated in the proposed action, following the U.S. Supreme Court decision in *McGirt v Oklahoma*, 140 S.Ct. 2452 (2020), the Governor of the

State of Oklahoma requested approval under Section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users, Public Law 109–59, 119 Stat. 1144, 1937 (August 10, 2005) (“SAFETEA”), to administer in certain areas of Indian country (as defined at 18 U.S.C. 1151) the State’s environmental regulatory programs that were previously approved by the EPA outside of Indian country.¹ The State’s request excluded certain areas of Indian country further described below. In addition, the State only sought approval to the extent that such approval is necessary for the State to administer a program in light of *Oklahoma Dept. of Environmental Quality v. EPA*, 740 F.3d 185 (D.C. Cir. 2014).²

On October 1, 2020, the EPA approved Oklahoma’s SAFETEA request to administer all of the State’s EPA-approved environmental regulatory programs, including the Oklahoma SIP, in the requested areas of Indian country.³ As requested by Oklahoma, the EPA’s approval under SAFETEA does not include Indian country lands, including rights-of-way running through the same, that: (1) qualify as Indian allotments, the Indian titles to which have not been extinguished, under 18 U.S.C. 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe (collectively “excluded Indian country lands”).

The EPA’s approval under SAFETEA expressly provided that to the extent the EPA’s prior approvals of Oklahoma’s environmental programs excluded

Indian country, any such exclusions are superseded for the geographic areas of Indian country covered by the EPA’s approval of Oklahoma’s SAFETEA request.⁴ The approval also provided that future revisions or amendments to Oklahoma’s approved environmental regulatory programs would extend to the covered areas of Indian country (without any further need for additional requests under SAFETEA).⁵

As explained above, the EPA is approving revisions to the general definitions used in the Oklahoma SIP as well as updates to the incorporation by reference provisions to maintain consistency with Federal requirements, which will apply statewide in Oklahoma. Consistent with the D.C. Circuit’s decision in *ODEQ v. EPA* and with the EPA’s October 1, 2020, SAFETEA approval, these SIP revisions will apply to all Indian country within the State of Oklahoma, other than the excluded Indian country lands. Because—per the State’s request under SAFETEA—the EPA’s October 1, 2020 approval does not displace any SIP authority previously exercised by the State under the CAA as interpreted in *ODEQ v. EPA*, the SIP will also apply to any Indian allotments or dependent Indian communities located outside of an Indian reservation over which there has been no demonstration of tribal authority.

III. Final Action

We are approving, under section 110 of the CAA, revisions to the Oklahoma SIP that update the definitions relied on throughout the SIP and update the incorporation by reference dates for Federal requirements. We have determined that the revisions submitted on May 15, 2020, and February 9, 2021, were developed in accordance with the CAA and the EPA’s regulations, policy and guidance for SIP development.

¹ A copy of the Governor’s July 22, 2020, request can be found in the docket for this rulemaking on the <https://www.regulations.gov> website. See Document ID No. EPA–R06–OAR–2021–0621–0006.

² In *ODEQ v. EPA*, the D.C. Circuit held that under the CAA, a state has the authority to implement a SIP in non-reservation areas of Indian country in the state, where there has been no demonstration of tribal jurisdiction. Under the D.C. Circuit’s decision, the CAA does not provide authority to states to implement SIPs in Indian reservations. *ODEQ* did not, however, substantively address the separate authority in Indian country provided specifically to Oklahoma under SAFETEA. That separate authority was not invoked until the State submitted its request under SAFETEA, and was not approved until EPA’s decision, described in this section, on October 1, 2020.

³ A copy of EPA’s October 1, 2020, approval can be found in the docket for this rulemaking on the <https://www.regulations.gov> website. See Document ID No. EPA–R06–OAR–2021–0621–0007.

⁴ The EPA’s prior approvals relating to Oklahoma’s SIP frequently noted that the SIP was not approved to apply in areas of Indian country (consistent with the D.C. Circuit’s decision in *ODEQ v. EPA*) located in the state. See, e.g., 85 FR 20178, 20180 (April 10, 2020). Such prior expressed limitations are superseded by the EPA’s approval of Oklahoma’s SAFETEA request.

⁵ On December 22, 2021, the EPA proposed to withdraw and reconsider the October 1, 2020, SAFETEA approval. See <https://www.epa.gov/ok/proposed-withdrawal-and-reconsideration-and-supporting-information>. The EPA expects to have further discussions with tribal governments and the State of Oklahoma as part of this reconsideration. The EPA also notes that the October 1, 2020, approval is the subject of a pending challenge in Federal court. *Pawnee Nation of Oklahoma v. Regan*, No. 20–9635 (10th Cir.). The EPA may make further changes to the approval of Oklahoma’s program to reflect the outcome of the proposed withdrawal and reconsideration of the October 1, 2020, SAFETEA approval.

The EPA is approving the following revisions to the Oklahoma SIP adopted on May 28, 2019, effective September 15, 2019, and submitted to the EPA on May 15, 2020:

- Revisions to OAC 252:100–2–3, Incorporation by Reference;
- Repeal of OAC 252:100, Appendix Q; and
- Adoption of new OAC 252:100, Appendix Q.

The EPA is approving the following revisions to the Oklahoma SIP adopted on June 25, 2020, effective September 15, 2020, and submitted to the EPA on February 9, 2021:

- Revisions to OAC 252:100–1–3, Definitions;
- Revisions to OAC 252:100–2–3, Incorporation by Reference;
- Repeal of OAC 252:100, Appendix Q; and
- Adoption of new OAC 252:100, Appendix Q.

IV. Environmental Justice Considerations

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”⁶ The EPA is providing additional analysis of environmental justice associated with this action for the purpose of providing information to the public and not as a basis of our final action.

The EPA conducted an EJScreen analysis for census block groups within the State of Oklahoma. The complete report is available in the docket for this action. We reviewed census block group data for the entire state to identify

counties that contained census block groups over the 80th percentile for any EJ Index. From this statewide analysis, we identified 11 counties within the state that have census block groups with EJScreen Indexes over the 80th percentile that were targeted for further review using EJScreen 2.0. Of the 11 identified counties, 1 county has census block groups that exceed the 80th percentile in the state for the EJ Index for particulate matter PM_{2.5}, 2 counties have census block groups that exceed the 80th percentile in the state for the EJ Index for ozone, 1 county has census block groups that exceed the 80th percentile in the state for the EJ Index for 2017 Diesel Particulate Matter, 1 county has census block groups that exceed the 80th percentile in the state for the EJ Index for 2017 air toxics cancer risk, 1 county has census block groups that exceed the 80th percentile in the state for the EJ Index for 2017 air toxics respiratory HI, 5 counties have census block groups that exceed the 80th percentile in the state for the EJ Index for traffic proximity, 4 counties have census block groups that exceed the 80th percentile in the state for the EJ Index for lead paint, 5 counties have census block groups that exceed the 80th percentile in the state for the EJ Index for RMP facility proximity, 6 counties have census block groups that exceed the 80th percentile in the state for the EJ Index for hazardous waste proximity, 7 counties have census block groups that exceed the 80th percentile in the state for the EJ Index for underground storage tanks, and 4 counties contain census block groups that exceed the 80th percentile in the state for the EJ Index for wastewater discharge.

The EPA also reviewed demographic data, which provides an assessment of individual demographic groups of the populations living within Oklahoma.⁷ The EPA then compared the data to the national average for each of the demographic groups. The results of the demographic analysis indicate that, for populations within Oklahoma, the percent people of color (persons who reported their race as a category other than White alone (not Hispanic or Latino)) is less than the national average (35 percent versus 40 percent). Within people of color, the percent of the population that is Black or African American alone is lower than the national average (7.8 percent versus 13.4 percent) and the percent of the

population that is American Indian/Alaska Native is significantly higher than the national average (9.4 percent versus 1.3 percent). The percent of the population that is Two or More races is higher than the national averages (6.3 percent versus 2.8 percent). The percent of people living below the poverty level in Oklahoma is higher than the national average (14.3 percent versus 11.4 percent). The percent of people over 25 with a high school diploma in Oklahoma is similar to the national average (88.6 percent versus 88.5 percent), while the percent with a Bachelor's degree or higher is below the national average (26.1 percent versus 32.9 percent). These populations and others residing in Oklahoma may be vulnerable and subject to disproportionate impacts within the meaning of the Executive orders described above.

This final rule approves revisions to the general definitions germane to the Oklahoma SIP and updates to the incorporation by reference provisions to maintain consistency with Federal requirements. Final approval of these revisions to the implementing definitions of the Oklahoma SIP and incorporation of current Federal requirements will continue to enable the State of Oklahoma to implement control strategies and permitting programs that will achieve emissions reductions and contribute to reduced environmental and health impacts on those residing, working, attending school, or otherwise present in vulnerable communities in Oklahoma. This final rule is not anticipated to have disproportionately high or adverse human health or environmental effects on communities with environmental justice concerns because it should not result in or contribute to emissions increases in Oklahoma.

V. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference the revisions to the Oklahoma regulations as described in the Final Action section above. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are

⁶ <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>.

⁷ See the United States Census Bureau's QuickFacts on Oklahoma at <https://www.census.gov/quickfacts/fact/table/OK,US/PST045221>.

fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated in the next update to the SIP compilation.

VI. Statutory and Executive Order Reviews

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

This action to approve revisions to the Oklahoma SIP that update the definitions relied on throughout the SIP and update the incorporation by reference dates for Federal requirements will apply to certain areas of Indian country as discussed in the preamble, and therefore has tribal implications as specified in E.O. 13175 (65 FR 67429, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of tribal governments. This action will also not preempt tribal law as no Oklahoma tribe implements a regulatory program under the CAA, and thus does not have applicable or related tribal laws. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (May 4, 2011), the EPA offered consultation (by letter dated October 15, 2021) on our proposed rulemaking to tribal governments that may be affected by this action. We received no requests for tribal consultation.

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this

action must be filed in the United States Court of Appeals for the appropriate circuit by October 17, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 5, 2022.

Earthea Nance,
Regional Administrator, Region 6.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart LL—Oklahoma

- 2. In § 52.1920, in paragraph (c), the table titled "EPA Approved Oklahoma Regulations" is amended by revising the entries for "252:100-1-3", "252:100-2-3", and "252:100, Appendix Q" to read as follows:

§ 52.1920 Identification of plan.

*	*	*	*	*
(c)	*	*	*	

EPA APPROVED OKLAHOMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
CHAPTER 100 (OAC 252:100). AIR POLLUTION CONTROL				
Subchapter 1. General Provisions				

EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:100–1–3	Definitions	9/15/2020	8/16/2022, [Insert Federal Register citation].	
Subchapter 2. Incorporation by Reference				
252:100–2–3	Incorporation by reference	9/15/2020	8/16/2022, [Insert Federal Register citation].	
Appendices for OAC 252: Chapter 100				
252:100, Appendix Q.	Incorporation by reference	9/15/2020	8/16/2022, [Insert Federal Register citation].	SIP only includes specified portions of 40 CFR parts 50, 51, and 98, as referenced in 252:100, Appendix Q.

* * * * *

[FR Doc. 2022–17241 Filed 8–15–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA–R07–OAR–2022–0422; FRL–9838–02–R7]

Air Plan Approval; Missouri; Construction Permit Exemptions**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Missouri State Implementation Plan (SIP) received on June 10, 2021. The submission revises Missouri's regulation on construction permit exemptions. These revisions update incorporations by reference, remove unnecessary words, and make minor clarifications and grammatical changes. These revisions do not impact the stringency of the SIP or have an adverse effect on air quality. The EPA's approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on September 15, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2022–0422. All documents in the docket are listed on the <https://www.regulations.gov> web site. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Bethany Olson, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7905; email address: olson.bethany@epa.gov.

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

Table of Contents

- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. The EPA's Responses to Comments
- IV. What action is the EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is approving revisions to the Missouri SIP received on June 10, 2021. The revisions are to Title 10, Division 10 of the Code of State Regulations (CSR), 10 CSR 10–6.061 “Construction Permit Exemptions”. The purpose of the state regulation is to list specific construction or modification projects that are exempt from the requirement to obtain permits to construct under 10 CSR 10–6.060. Missouri made several revisions to the rule. These revisions to the rule update incorporations by references, remove unnecessary words, and make minor clarifications and grammatical changes. As explained in detail in the EPA's proposed rule, EPA finds these revisions meet the requirements of the Clean Air Act, do not impact the stringency of the SIP, and do not adversely impact air quality. 87 FR 31966 (May 26, 2022) The full text of the rule revisions as well as EPA's analysis of the revisions are contained in the technical support document (TSD) included in the docket for this action.

II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided

public notice on this SIP revision from January 2, 2020, to April 2, 2020, and held a public hearing on March 26, 2020. Missouri received six comments from three sources during the comment period on 10 CSR 10–6.061. The EPA provided four comments. Missouri responded to all comments and revised the rule based on public comment prior to submitting to EPA, as noted in the State submission included in the docket for this action.

In addition, as explained in the proposed rule and in more detail in the technical support document (TSD) which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. The EPA's Response to Comment

The public comment period on the EPA's proposed rule opened May 26, 2022, the date of its publication in the **Federal Register** and closed on June 27, 2022. During this period, the EPA received one comment from an anonymous commenter. The comment and the EPA's response are below.

Comment: The commenter stated their recommendation is to not permit exemptions as there is too much development and it is time to contract.

EPA's Response: The revision to the Missouri SIP that EPA is approving in this action pertains to construction permitting requirements for minor sources under the New Source Review (NSR) program. For these sources, EPA regulations provide states with discretion to determine which facilities must be subject to permitting requirements to prevent their construction or modification from interfering with attainment and maintenance of National Ambient Air Quality Standards (NAAQS).¹ Thus, states may exempt construction or modification projects producing emissions below a certain emission threshold, as Missouri does in 10 CSR 10–6.061, if the state determines such projects need not be regulated to protect the NAAQS. In an earlier rulemaking action, EPA determined that the exemptions in Missouri's rule are consistent with the federal rule for minor NSR programs.

In 2006, EPA approved Missouri's state rule 10 CSR 10–6.061 which moved previously SIP-approved exemptions from 10 CSR 10–6.060 into this new state rule to increase clarity. (71 FR 38997). The revisions to Missouri's construction permit exemptions rule that EPA proposed to approve as part of this action are

administrative in nature and do not expand the scope of any existing and already SIP-approved exemptions. Revisions of this nature do not reopen the question of whether the previously-approved exemptions should be included. Further, the commenter has not provided information to show how any exempted construction could threaten attainment of the NAAQS. Therefore, the EPA is finalizing the action as proposed.

IV. What action is the EPA taking?

The EPA is amending the Missouri SIP by approving the State's request to revise 10 CSR 10–6.061 "Construction Permit Exemptions."

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Missouri rule 10 CSR 10–6.061 as described in Section I of this preamble and set forth below in the amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).
- This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).
- Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 17, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference,

¹ See 40 CFR 51.160.

Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 9, 2022.

Meghan A. McCollister,
Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry “10–6.061” to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
* * *	* * *	* * *	* * *	* * *
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
* * *	* * *	* * *	* * *	* * *
10–6.061	Construction Permit Exemptions.	9/30/2020	8/16/2022, [Insert Federal Register citation].	Sections (3)(A)2.D. and (3)(A)2.E.(II)(c) are not SIP-approved.
* * *	* * *	* * *	* * *	* * *

* * * * *

[FR Doc. 2022–17570 Filed 8–15–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R04–OAR–2021–0370; FRL–9092–02–R4]

Florida; Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a Clean Air Act (CAA) section 111(d) state plan submitted by the Florida Department of Environmental Protection (FDEP) on December 22, 2020, and supplemented on May 16, 2022. This state plan was submitted to fulfill the requirements of the CAA and is responsive to the EPA's promulgation of Emissions Guidelines (EG) and Compliance Times for municipal solid waste (MSW) landfills. The Florida state plan establishes performance standards and other

operating requirements for existing MSW landfills and provides for the implementation and enforcement of those standards and requirements.

DATES: This rule is effective on September 15, 2022. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of September 15, 2022.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R04–OAR–2021–0370. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information may not be publicly available, *e.g.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Tracy Watson, Communities and Air Toxics Section, Air Analysis and Support Branch, Air and Radiation

Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth St. SW, Atlanta, Georgia 30303. The telephone number is (404) 562–8998. Mr. Watson can also be reached via electronic mail at watson.marion@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The EPA published a notice of proposed rulemaking (NPRM) for the State of Florida on October 27, 2021 (86 FR 59336). In the NPRM, the EPA proposed the approval of a CAA section 111(d) state plan submitted by the FDEP on December 22, 2020. The EPA's analysis of the Florida state plan may be found in the aforementioned NPRM and the technical support document (TSD) associated with this docket. Comments on the EPA's proposed approval of the Florida state plan for existing MSW landfills were due on or before November 26, 2021. The EPA received one comment during the public comment period. The comment was unrelated to the NPRM.

II. Final Action

The EPA is finalizing approval of Florida's section 111(d) state plan for MSW landfills. The state plan was submitted in full compliance with the requirements of 40 CFR part 60, subparts B and Cf. Therefore, EPA is

amending 40 CFR part 62, subpart K, to reflect this approval action. This approval is based on the rationale provided in the NPRM and discussed in further detail in the TSD associated with this rulemaking. The EPA's approval is in accordance with the general provisions of plan approval found in 40 CFR part 60, subpart B, and 40 CFR part 62, subpart A, and is pursuant to the Agency's role under 42 U.S.C. 7411(d). The EPA's approval of the Florida plan is limited to those landfills that meet the criteria established in 40 CFR part 60, subpart Cf, and grants the state authority to implement and enforce the performance standards and source requirements of the EG, except in those cases where authorities are specifically reserved for the EPA Administrator or his designee. Authorities retained by the EPA Administrator are those listed in 40 CFR 60.30f(c).

III. Incorporation by Reference

In accordance with requirements of 1 CFR 51.5, the EPA is finalizing regulatory text that includes incorporation by reference of Florida Administrative Code (F.A.C.) 62–204.800(9)(h), which became effective in the State of Florida on October 8, 2021.¹ The regulatory provisions of this section of the F.A.C. incorporate the CAA 111(d) state plan elements required by the EG for existing MSW landfills promulgated at 40 CFR part 60, subpart Cf. This incorporation establishes emission standards and compliance times for the control of air pollutants from certain MSW landfills that commenced construction, modification, or reconstruction on or before July 17, 2014. The emissions standards and compliance times established within the Florida state plan are at least as stringent as those required by the EG for existing MSW landfills subject to subpart Cf. The EPA has made, and will continue to make, these materials generally available through the docket for this action, EPA–R04–OAR–2021–0370, at <https://www.regulations.gov> and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). This incorporation by reference has

been approved by the Office of the Federal Register and the plan is federally enforceable under the CAA as of the effective date of this final rulemaking.

IV. Statutory and Executive Order Reviews

In reviewing state plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

In addition, this approval of Florida's state plan for existing MSW landfills does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the state plan is not approved to apply in Indian country located in the state, and the EPA notes that it will not

impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 17, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 62

Administrative practice and procedure, Air pollution control, Environmental protection, Landfills, Incorporation by reference, Intergovernmental relations, Methane, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 5, 2022.

Daniel Blackman,

Regional Administrator, Region 4.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 62 as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

- 1. The authority citation for part 62 continues to read as follows:

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

¹ On May 16, 2022, FDEP submitted to EPA a request to incorporate by reference F.A.C. 62–204.800(9)(h) with a state-effective date of October 8, 2021, instead of the June 15, 2020, version. The October 8, 2021, version includes the changes to the state rules described in the November 26, 2021, NPRM, specifically those outlined in the July 7, 2021, letter the FDEP sent to EPA modifying its original plan. Since the October 8, 2021, state-effective version encompasses those changes described in the NPRM and no additional changes, EPA agrees to incorporate by reference this version.

Subpart K—Florida

■ 2. Revising the undesignated heading preceding § 62.2360 and § 62.2360 to read as follows:

Emissions From Existing Municipal Solid Waste Landfills—Section 111(d) Plan

§ 62.2360 Identification of sources.

(a) *Identification of plan.* Florida's State Plan for Existing Municipal Solid Waste Landfills, as submitted on December 22, 2020, and supplemented on May 16, 2022. The plan includes the regulatory provisions cited in paragraph (d) of this section, which EPA incorporates by reference.

(b) *Identification of sources.* The plan applies to each existing municipal solid waste landfill in the State of Florida that commenced construction on or before July 17, 2014, as such landfills are defined in 40 CFR 60.41f and 40 CFR part 60.

(c) *Effective date.* The effective date of the plan is August 16, 2022.

(d) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the EPA and at the National Archives and Records Administration (NARA). Contact EPA at: EPA Region 4 office, 61 Forsyth St. SW, Atlanta, Georgia 30303, 404-562-9900. For information on the availability of this material at NARA, email fr.inspection@nara.gov or go to: www.archives.gov/federal-register/cfr/ibr-locations.html. The material may be obtained from the source in paragraph (d)(2) of this section.

(2) *State of Florida—Department of State.* R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; phone: (850) 245-6270; email: AdministrativeCode@dos.myflorida.com; website: <https://flrules.org/>.

(i) F.A.C. 62-204.800(9)(h), Florida Administrative Code (F.A.C.) Department of Environmental Protection, Air Pollution Controls—General Provisions, Federal Regulations Adopted by Reference, effective October 8, 2021.

(ii) [Reserved]

[FR Doc. 2022-17242 Filed 8-15-22; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 173

[Docket No. PHMSA-2019-0030 (HM-215P)]

RIN 2137-AF46

Hazardous Materials: Harmonization With International Standards; Correction

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Final rule; correction.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration is correcting a final rule that was published in the **Federal Register** on July 26, 2022. The final rule was published to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.

DATES: This correction is effective August 25, 2022.

FOR FURTHER INFORMATION CONTACT: Candace Casey, Standards and Rulemaking, Steven Andrews, Standards and Rulemaking, or Aaron Wiener, International Program, at (202) 366-8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, East Building, 2nd Floor, Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

I. Background and Need for Technical Correction

On July 26, 2022, PHMSA published a final rule in the **Federal Register** entitled “Hazardous Materials: Harmonization with International Standards.”¹ In the final rule, the instructions for the revision of § 173.27(c) did not include the words “introductory text” and thus as written the amendatory instruction 18 to § 173.27 inadvertently removed paragraphs (i) and (ii) to paragraph (c)(2). The publication of this final rule correction is needed to ensure that § 173.27—which is effective August 25, 2022—continues to read as intended by revising introductory text to paragraph

(c)(2) and restoring paragraphs (i) and (ii).

II. Regulatory Analyses and Notices

A. Statutory/Legal Authority

Statutory authority for this notice's technical corrections to the final rule, as with the final rule itself, is provided by the Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*). The Secretary delegated the authority granted in the Federal hazardous materials transportation law to the PHMSA Administrator at 49 CFR 197(b).

PHMSA finds it has good cause to make those clarification and technical corrections without notice and comment pursuant to Section 553(b) of the Administrative Procedure Act (APA, 5 U.S.C. 551, *et seq.*). Section 553(b)(B) of the APA provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. As explained above, the textual alterations herein consist of a technical correction to the amendatory instruction 18 to § 173.27 which inadvertently removed paragraphs (i) and (ii) to paragraph (c)(2). The publication of this final rule correction is needed to ensure that § 173.27 continues to read as intended by revising introductory text to paragraph (c)(2) and restoring paragraphs (i) and (ii); this technical correction makes no substantive changes to the final rule but merely facilitate its implementation by restoring the regulatory text. Because the final rule is the product of an extensive administrative record with numerous opportunities—including through written comments—for public comment, PHMSA finds that additional comment on the technical corrections herein is unnecessary.

The August 25, 2022, effective date of the revisions contained in this notice is authorized under both Section 553(d)(1) and (3) of the APA. Section 553(d)(1) provides that a rule should take effect “not less than 30 days” after publication in the **Federal Register** except for “a substantive rule which grants or recognizes an exemption or relieves a restriction,” while Section 553(d)(3) allows for earlier effectiveness for good cause found by the agency and published within the rule. 5 U.S.C. 553(d)(1), (3). “The purpose of the thirty-day waiting period is to give affected parties a reasonable time to adjust their behavior before the final rule takes effect.” *Omnipoint Corp. v.*

¹ 87 FR 44944 (July 26, 2022).

F.C.C., 78 F.3d 620, 630 (D.C. Cir. 1996). Since this final rule has not yet taken effect, the impact on affected parties is minimal and such parties will not be adversely impacted by the shortened period before the technical correction becomes effective. The technical correction of § 173.27 reinstates the intended language of the regulations that was inadvertently deleted by the final rule and, in accordance with 5 U.S.C. 553(d)(1), is effective August 25, 2022. Moreover, PHMSA finds that good cause under Section 553(d)(3) supports making the revisions effective August 25, 2022, because the technical correction contained in this notice is entirely consistent with the final rule—which itself was published in July 2022—and helps promote timely compliance with the final rule's requirements before its August 25, 2022, effective date.

B. Executive Order 12866 and DOT Regulatory Policies and Procedures

This notice has been evaluated in accordance with existing policies and procedures and is considered not significant under Executive Order 12866 (“Regulatory Planning and Review”) and DOT Order 2100.6A (“Rulemaking and Guidance Procedures”); therefore, this notice has not been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. PHMSA finds that the technical corrections herein (in all respects consistent with the final rule) neither impose incremental compliance costs nor adversely affect safety. Overall, PHMSA expects any impacts on the expected costs and benefits of the final rule will be negligible.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires agencies to review regulations to assess their impact on small entities unless the agency head certifies that a rulemaking will not have a significant economic impact on a substantial number of small entities including small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. The Regulatory Flexibility Act directs agencies to establish exceptions and differing compliance standards for small businesses, where possible to do so and still meet the objectives of applicable regulatory statutes. Executive Order 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) ²

requires agencies to establish procedures and policies to promote compliance with the Regulatory Flexibility Act and to “thoroughly review draft rules to assess and take appropriate account of the potential impact” of the rules on small businesses, governmental jurisdictions, and small organizations. DOT posts its implementing guidance on a dedicated web page.³

This final rule was developed in accordance with Executive Order 13272 and with DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered. This final rule facilitates the transportation of hazardous materials in international commerce by providing consistency with international standards. It applies to offerors and carriers of hazardous materials, some of whom are small entities, such as chemical manufacturers, users, and suppliers, packaging manufacturers, distributors, and training companies. As discussed at length in the regulatory impact analysis (RIA) that accompanied the final rule and was posted in the rulemaking docket, the amendments in this rule should result in net cost savings that will ease the regulatory compliance burden for those and other entities engaged in domestic and international commerce, including trans-border shipments within North America. Additionally, the changes in this final rule will relieve U.S. companies—including small entities competing in foreign markets—from the burden of complying with a dual system of regulations. Therefore, PHMSA expects that these amendments will not, if adopted, have a significant economic impact on a substantial number of small entities. Because the technical correction herein will impose no new incremental compliance costs, PHMSA understands the analysis in that RIA remains unchanged.

D. Paperwork Reduction Act

The technical corrections in this notice impose no new or revised information collection requirements beyond those discussed in the final rule.

E. Unfunded Mandates Reform Act of 1995

PHMSA analyzed the technical corrections in this notice under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA, 2 U.S.C.

1501 *et seq.*) and determined that the technical corrections to the final rule herein do not impose enforceable duties on state, local, or tribal governments or on the private sector of \$100 million or more, adjusted for inflation, in any one year. PHMSA prepared an analysis of the UMRA considerations in the final RIA for the final rule, which is available in the docket for the rulemaking. Because the technical corrections herein will impose no new incremental compliance costs, PHMSA understands the analysis in that UMRA discussion for the final rule remains unchanged.

F. National Environmental Policy Act

The National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) requires federal agencies to prepare a detailed statement on major Federal actions significantly affecting the quality of the human environment. PHMSA analyzed the final rule in accordance with NEPA, implementing Council on Environmental Quality regulations (40 CFR parts 1500–1508), and DOT implementing policies (DOT Order 5610.1C, “Procedures for Considering Environmental Impacts”) and determined the final rule would have not significantly impact on the human environment. The technical corrections to the final rule in this notice have no effect on PHMSA's earlier NEPA analysis as they are consistent, and merely facilitate compliance with, the final rule.

G. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

H. Executive Order 13132 (Federalism)

PHMSA has analyzed this notice in accordance with the principles and criteria contained in Executive Order 13132 (“Federalism”).⁴ The technical corrections herein are consistent with, and merely facilitate compliance with, the final rule, and do not have any substantial direct effect on the states, the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government beyond what was accounted for in the final rule. It does not contain any provision that imposes

² 67 FR 53461 (Aug. 16, 2002).

³ DOT, “Rulemaking Requirements Related to Small Entities,” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed June 17, 2021).

⁴ 64 FR 43255 (Aug. 10, 1999).

any substantial direct compliance costs on state and local governments, nor any new provision that preempts state law. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.⁵

I. Executive Order 12898

DOT Order 5610.2C (“Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”) and Executive Orders 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”),⁶ 13985 (“Advancing Racial Equity and Support for Underserved Communities Through the Federal Government”),⁷ 13990 (“Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis”),⁸ and 14008 (“Tackling the Climate Crisis at Home and Abroad”)⁹ require DOT agencies to achieve environmental justice as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects of their programs, policies, and activities on minority populations, low-income populations, and other underserved and disadvantaged communities.

PHMSA evaluated the final rule under the above Executive Orders and DOT Order 5610.2C and did not expect the final rule to cause disproportionately high and adverse human health and environmental effects on minority, low-income, underserved, and other disadvantaged populations, and communities. The final rule was facially neutral and national in scope; it was neither directed toward a particular population, region, or community, nor was it expected to adversely impact any particular population, region, or community. Since PHMSA did not expect the final rule to adversely affect the safe transportation of hazardous materials generally, PHMSA does not expect the technical corrections herein to involve disproportionately high adverse risks for minority populations, low-income populations, or other underserved and other disadvantaged communities.

J. Executive Order 13175

This document was analyzed in accordance with the principles and criteria contained in Executive Order 13175 (“Consultation and Coordination with Indian Tribal Governments”)¹⁰ and DOT Order 5301.1 (“Department of Transportation Policies, Programs, and Procedures Affecting American Indians, Alaska Natives, and Tribes”). Because none of the technical revisions have Tribal implications or impose substantial direct compliance costs on Indian Tribal governments, the funding and consultation requirements of Executive Order 13175 do not apply.

K. Executive Order 13609 and International Trade Analysis

Under Executive Order 13609 (“Promoting International Regulatory Cooperation”),¹¹ agencies must consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The technical corrections to the final rule in this notice do not impact international trade.

L. National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) directs Federal agencies to use voluntary consensus standards in their regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specification of materials, test methods, or performance requirements) that are developed or adopted by voluntary consensus standard bodies. The final rule involved multiple voluntary consensus standards which were discussed at length in the discussion on § 171.7.¹² The technical corrections herein do not invoke any voluntary consensus standards, so the National

Technology Transfer and Advancement Act of 1995 is not applicable here.

In FR Doc. 2022–15358 appearing on page 44944 in the **Federal Register** of Tuesday, July 26, 2022, the following correction is made:

§ 173.27 [Corrected]

■ 1. On page 44991, in the third column, in part 173, in amendment 18., the instruction “In § 173.27, revise paragraph (c)(2), add paragraph (f) introductory text, and revise paragraph (f)(1), tables 1 and 2 to paragraph (f), and the heading to table 3 to paragraph (f) to read as follows:” is corrected to read “In § 173.27, revise paragraph (c)(2) introductory text, add paragraph (f) introductory text, and revise paragraph (f)(1), tables 1 and 2 to paragraph (f), and the heading to table 3 to paragraph (f) to read as follows:”.

Issued in Washington, DC, on August 10, 2022, under authority delegated in 49 CFR 1.97.

Tristan H. Brown,

Deputy Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2022–17525 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 211217–0262; RTID 0648–XC268]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer from NC to VA

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

ACTION: Notification of quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2022 commercial summer flounder quota to the Commonwealth of Virginia. This adjustment to the 2022 fishing year quota is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised 2022 commercial quotas for North Carolina and Virginia.

DATES: Effective August 11, 2022 through December 31, 2022.

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

⁵ Moreover, PHMSA determined that the final rule did not impose substantial direct compliance costs on State and local governments.

⁶ 59 FR 7629 (Feb. 11, 1994).

⁷ 86 FR 7009 (Jan. 20, 2021).

⁸ 86 FR 7037 (Jan. 20, 2021).

⁹ 86 FR 7619 (Feb. 1, 2021).

¹⁰ 65 FR 67249 (Nov. 6, 2000).

¹¹ 77 FR 26413 (May 4, 2012).

¹² 87 FR 44948 (July 26, 2022).

SUPPLEMENTARY INFORMATION:

Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102 and final 2022 allocations were published on December 23, 2021 (86 FR 72859).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan (FMP), as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial 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 transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: The transfer or combinations would not 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 Fishery Conservation and Management Act. The Regional Administrator has determined these three criteria have been met for the transfer approved in this notification.

North Carolina is transferring 7,775 lb (3,527 kg) to Virginia through mutual agreement of the states. This transfer was requested to repay landings made by an out-of-state permitted vessel under a safe harbor agreement. The revised summer flounder quotas for 2022 are: North Carolina, 3,334,339 lb (1,512,431 kg) and Virginia, 2,796,591 lb (1,268,512 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 11, 2022.

Kelly Denit,

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

[FR Doc. 2022–17619 Filed 8–11–22; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 220223–0054; RTID 0648–XC272]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific ocean perch in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area. This action is necessary to fully use the 2022 total allowable catch of Pacific ocean perch (POP) specified for the Bering Sea subarea of the Bering Sea and Aleutian Islands management area. **DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), August 13, 2022, through 2400 hrs, A.l.t., December 31, 2022. Comments must be received at the following address no later than 4:30 p.m., A.l.t., August 31, 2022.

ADDRESSES: You may submit comments on this document, identified by docket number NOAA–NMFS–2022–0076, by any of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2022–0076 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Mail: Submit written comments to Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public

viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT:

Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands management area (BSAI) exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands management area (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 part 600 and 50 CFR part 679.

NMFS closed directed fishing for POP in the Bering Sea subarea of the BSAI under § 679.20(d)(1)(iii) (87 FR 11626, March 2, 2022).

NMFS has determined that approximately 7,300 metric tons of POP remain in the directed fishing allowance. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the 2022 total allowable catch of POP in the Bering Sea subarea of the BSAI, NMFS is terminating the previous closure and is opening directed fishing for POP in Bering Sea subarea of the BSAI, effective 1200 hrs, A.l.t., August 13, 2022, through 2400 hrs, A.l.t., December 31, 2022. This will enhance the socioeconomic well-being of harvesters dependent on POP in this area.

The Administrator, Alaska Region considered the following factors in reaching this decision: (1) the current catch of POP in the BSAI and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels participating in this fishery.

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 the opening of directed fishing for POP in the Bering Sea subarea of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 9, 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.

Without this inseason adjustment, NMFS could not allow the fishery for Pacific ocean perch in the Bering Sea subarea of the BSAI to be harvested in an expedient manner and in accordance with the regulatory schedule. Under

§ 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until August 31, 2022.

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

Dated: August 12, 2022.

Kelly Denit,

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

[FR Doc. 2022–17697 Filed 8–12–22; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 87, No. 157

Tuesday, August 16, 2022

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

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2022–0298]

RIN 1625–AA09

Drawbridge Operation Regulation; Pascagoula River, Pascagoula, MS

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change how the CSX Transportation railroad drawbridge across the Pascagoula River, mile 1.5, Pascagoula, MS will be operated. The bridge will continue to open according to the drawbridge regulations but the bridge tender will operate this bridge from a remote location at the CSX railroad terminal in Mobile, Alabama. We invite your comments on this proposed rulemaking.

DATES: Comments and relate material must reach the Coast Guard on or before October 17, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0298 using Federal Decision Making Portal at <https://www.regulations.gov>.

See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Douglas Blakemore, Eighth Coast Guard District Bridge Administration Branch Chief at (504) 671–2128 or Douglas.A.Blakemore@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register

OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking
(Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background, Purpose and Legal Basis

The CSX Transportation railroad drawbridge crosses the Pascagoula River, mile 1.5, Pascagoula, MS. The bridge will continue to open according to the drawbridge regulations but the bridge tender will operate this bridge from a remote location at the CSX railroad terminal in Mobile, Alabama. This bridge has an eight foot vertical clearance at mean high water, an unlimited vertical clearance when in the open to vessel position and a 140' horizontal clearance. The bridge operates according to 33 CFR 117.5.

CSX Transportation has requested to operate this bridge remotely from their railroad terminal in Mobile, AL. A copy of the bridge owners request can be found at <https://www.regulations.gov> in the Docket USCG–2022–0298. CSX has installed a remote operation system at the bridge and a remote control center, located in Mobile, AL. At the bridge, CSX has installed infrared cameras, closed circuit cameras and TVs, communication systems and information technology systems on the bridge that allow an operator from Mobile to monitor and control the bridge.

This NPRM will run simultaneously with a Test Deviation; under the same name and docket number. Both documents can be found at <https://www.regulations.gov> and comments can be made to either document.

This CSX drawbridge is located on the Pascagoula River, mile 1.5, Pascagoula, MS. It has a vertical clearance of eight feet in the closed to vessel position. The bridge operates according to 33 CFR 117.5. Pascagoula River is used by commercial tows, barges and recreational vessel. The bridge opens for vessels about 17 times per day and vessels that do not need the bridge to open may pass.

III. Discussion of Proposed Rule

33 CFR 117.42 sets Coast Guard drawbridge regulations. This regulation authorizes the Coast Guard District Commander to approve operations from a remote site. The bridge opens on signal for the passage of vessels in

accordance with 33 CFR 117.5. This proposed rule will not change the operating schedule nor will it change how to request or signal for the bridge to open. Mariners requiring an opening may do so by contacting the CSX remote control center on Channels 13/16 or by the phone number posted at the bridge.

This proposed rule requires CSX to have the capability, including resources and manpower to return the operator to the bridge location following any of the below situations:

(1) Any component of the remote operations system fails and prevents the remote operator from being able to visually identify vessels, communicate with vessels, detect vessels immediately underneath the bridge or visually identify trains approaching the bridge.

(2) CSX fails to meet Federal Railway Administration (FRA) or any other government agency safety requirements; and.

(3) At the direction of the District Commander

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on 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 NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the ability that vessels can still transit the bridge given advanced notice.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 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 proposed rule would not have a significant economic impact on a substantial number of small entities.

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would 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. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 proposed rule will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has 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 proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment

applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2022–0298 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published of any posting or updates to the docket.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; DHS Delegation No. 0170.1.

■ 2. Add § 117.682 to read as follows:

§ 117.682 Pascagoula River.

(a) The draw of the CSX Transportation Railroad bridge, mile 1.5 Pascagoula, MS shall be remotely operated by the bridge tender at CSX’s

bridge remote control center in Mobile, Alabama and shall open promptly and fully when signaled to open. Vessels can contact the CSX bridge tender via VHF-FM channel 13 or 16 or by telephone at the number displayed on the signs posted at the bridge to request an opening of the draw.

(b) CSX will return the tender to the bridge location within 3 hours following any of the below situations:

(1) Any component of the remote operations system fails and prevents the remote operator from being able to visually identify vessels, communicate with vessels, detect vessels immediately underneath the bridge or visually identify trains approaching the bridge;

(2) CSX fails to meet Federal Railway Administration (FRA) or any other government agency safety requirements;

(3) Anytime at the direction of the District Commander.

Dated: August 5, 2022.

R.V. Timme,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2022-17578 Filed 8-15-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2022-0058]

RIN 1625-AA87

Security Zone; Port of Miami, Florida

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to change the existing Port of Miami fixed security zone regulation that encompasses certain navigable waters of the Miami Main Channel in Miami, FL. The proposed change is designed to extend the existing security zone eastward. The extension is needed to include future cruise ship terminals at the Port of Miami. This proposed action would extend the existing fixed security zone approximately 840 yards eastward along the Miami Main Channel. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before September 15, 2022.

ADDRESSES: You may submit comments identified by docket number USCG-2022-0058 using the Federal Decision Making Portal at <https://www.regulations.gov>. See the “Public

Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LTJG Ben Adrien, Waterways Management Division Chief, U.S. Coast Guard; telephone (305) 535-4307, email Benjamin.D.Adrien@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On January 23, 2003, the Coast Guard published a final rule entitled, “Security Zones; Port of Palm Beach, Port Everglades, Port of Miami, and Port of Key West, Florida” in the **Federal Register**¹ to protect the public, ports, and waterways of the Port of Palm Beach, Port Everglades, and the Port of Miami, against potential subversive acts. The existing fixed security zone described in 33 CFR 165.760(b)(2), for the Port of Miami, encompasses all waters between Watson Island and Star Island from the MacArthur Causeway south to Port of Miami. The Port of Miami is undergoing an expansion project that will create new cruise ship terminals at the eastern end of the Port and outside the existing security zone.

The proposed rule would make changes to the existing fixed security zone for the Port of Miami, described in § 165.760(b)(2), by extending the zone by approximately 840 yards eastward along the Miami Main Channel to just west of the Biscayne Bay Pilots Station. This proposed change is intended to protect the public, ports and waterways of the Port of Miami against potential subversive acts. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The Coast Guard is proposing to extend the existing Port of Miami fixed security zone eastward approximately 840 yards. The extension would cover all navigable waters in the Main Ship Channel from approximately Star Island to just west of the Biscayne Bay Pilots Station. The extension would carry the same regulations described in § 165.760,

which goes into effect when two or more passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying liquefied hazardous gas (LHG), enter or moor within this zone. When the security zone is in effect, persons and vessels would not be allowed to enter or transit the security zone along the Miami Main Channel, unless authorized by Captain of the Port of Miami or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on three specific factors: (1) persons and vessels may transit the Miami Main Channel when only one passenger vessel is berthed in the channel, one vessel carrying cargoes of particular hazard is berthed in the channel, or one vessel carrying LHG is berthed in the channel; (2) persons and vessels may operate within the security zone when authorized by Captain of the Port of Miami or a designated representative; and (3) mariners will be notified of the fixed security zone extension through the Local Notice to Mariners.

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 proposed rule would not have a significant economic impact on a substantial number of small entities.

¹ 68 FR 3189.

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would 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. If you believe this proposed rule has implications for federalism or Indian

tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed 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 made a preliminary determination 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 proposed rule involves increasing the size of an existing security zone along the Miami Main Channel. Such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period.

Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2022–0058 in the search box and click “Search.” Next, look for this document in the *Search Results* column, and click on it. Then click on the *Comment* option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. In § 165.760, revise paragraph (b)(2) to read as follows:

§ 165.760 Security Zones; Port of Palm Beach, Port Everglades, and Port of Miami, Florida.

* * * * *

(b) * * *

(2) *Fixed security zone in Port of Miami, Florida.* A fixed security zone encompassing all navigable waters within the Miami Main Channel between Star Island to just west of the Biscayne Bay Pilots Station. The security zone is formed by an imaginary line starting at the northwest corner in position 25°46.33' N, 080°09.16' W; thence in an easterly direction to the northeast corner in position 25°46.17' N, 080°08.77' W; thence in a southerly direction to the southeast corner in position 25°46.04' N, 080°08.75' W; thence in a northwesterly direction to the southwest corner in position 25°46.23' N, 080°09.16' W, thence in a northerly direction back to the northwest corner.

(i) When the security zone is in effect, persons and vessels shall not enter or transit the security zone along the Miami Main Channel unless authorized by Captain of the Port of Miami or a designated representative.

(ii) Persons and vessels may transit the Miami Main Channel when only one passenger vessel is berthed in the channel, one vessel carrying cargoes of particular hazard is berthed in the channel, or one vessel carrying LHG is berthed in the channel.

(iii) Law enforcement vessels can be contacted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

* * * * *

Dated: August 2, 2022.

C.R. Cederholm,

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

[FR Doc. 2022-17458 Filed 8-15-22; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2022-0370; FRL-9950-01-R5]

Air Plan Approval; Wisconsin; 2015 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve

rules submitted by the Wisconsin Department of Natural Resources (WDNR) as a revision to its State Implementation Plan (SIP). The submitted rules incorporate the 2015 primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone. In addition, WDNR included several updates to ensure implementation of the ozone NAAQS, in areas currently or formerly designated as nonattainment for any ozone standard, in a manner consistent with Clean Air Act (CAA) requirements.

DATES: Comments must be received on or before September 15, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2022-0370 at <https://www.regulations.gov>, or via email to blakley.pamela@epa.gov. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6031, hatten.charles@epa.gov. The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID-19.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean

EPA. This supplementary information section is arranged as follows:

- I. When and why did the State make this submittal?
- II. What are the State rule revisions?
- III. What is EPA’s analysis of the revisions?
- IV. What action is EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

I. When and why did the State make this submittal?

Section 109 of the CAA requires EPA to establish national primary (protective of human health) and secondary (protective of human welfare) air quality standards for pollutants for which air quality criteria have been issued under section 108 of the CAA (the criteria pollutants¹). Section 109(d)(1) of the CAA requires EPA to review, and if necessary, based on accumulated health and welfare data, to revise each NAAQS every five years. If a NAAQS is revised, states whose rules include state air quality standards may revise their rules to address the revised NAAQS and associated monitoring requirements, and submit them to EPA as SIP revision requests. *See, e.g.*, 415 ILCS 5/10(H).

On October 26, 2015 (80 FR 65291), EPA revised the primary and secondary ozone NAAQS from 0.075 to 0.070 parts per million (ppm), daily maximum 8-hour concentration, codified at 40 CFR 50.19. The ozone NAAQS continues to use an 8-hour averaging time, calculated as the fourth-highest daily maximum averaged across three consecutive years. EPA also revised the monitoring requirements for ozone, which are codified at 40 CFR part 50.

As part of the implementation rule for the 2015 standard, EPA did not address any revocation of the 2008 ozone NAAQS. Thus, currently there are two ozone NAAQS in effect and being implemented: the 2015 ozone NAAQS and the 2008 ozone NAAQS. Several elements of this rule will apply to areas currently or formerly designated as nonattainment for any ozone standard, including these two ozone NAAQS.

On April 8, 2022, WDNR submitted rules to update chapters NR 404 and 484 of Wisconsin’s ambient air quality rule to include the 2015 primary and secondary NAAQS for ozone and its incorporation by reference rule to add EPA-promulgated monitoring requirements related to the NAAQS. WDNR revised sections of chapters NR

¹ The criteria pollutants are ozone (O₃), nitrogen oxides (represented by nitrogen dioxide (NO₂)), sulfur oxides (represented by sulfur dioxide (SO₂)), carbon monoxide (CO), particulate matter (represented by total suspended particulates (TSP), particulates (PM₁₀), and fine particulates (PM_{2.5})), and lead (Pb).

407 (Operation permits), 408 (Construction permits for direct major sources in nonattainment areas) and 428 (nitrogen oxides (NO_x) reasonably available control technologies (RACT)) to ensure implementation of the ozone NAAQS in a manner consistent with Federal regulations. As there are currently two ozone NAAQS in effect, the revisions to NR 407, NR 408, and NR 428 clarify which major source emissions thresholds apply in areas subject to more than one ozone nonattainment classifications.

WDNR provided opportunities to comment on the rule during the public comment period from March 1, 2021, through April 15, 2021, and at a public hearing held on April 8, 2021, in accordance with chapter 227 of the Wisconsin Statutes and 40 CFR 51.102. No comments were received.

II. What are the State rule revisions?

Chapter NR 404—Ambient Air Quality and NR 484—Incorporation by Reference Rules

WDNR updated and amended its ambient air quality rule in chapter NR 404 by adding both the primary and secondary ozone standards for ozone to be consistent with EPA's 2015 NAAQS and codified that revision into section NR 404.04(5)(c). Also, WDNR revised its incorporation by reference rule in chapter NR 484 to add a reference to the monitoring requirements at 40 CFR part 50, appendix U, Interpretation of the National Ambient Air Quality Standards for Ozone, and codified that revision into NR 484.04, Table 2, row 7(s) relating to the incorporation of the 2015 NAAQS for ozone.

Chapter NR 407—Operation Permits and Chapter NR 408—Construction Permits for Direct Major Sources in Nonattainment Areas

NR 407 applies to all stationary sources required to obtain an operation permit. A "major source" is a stationary source whose emissions exceed a specified threshold. Major source thresholds are defined in part D of title I of the CAA (42 U.S.C. 7501 to 7515) based on an area's ozone nonattainment classifications (100 tons per year (tpy) in areas classified as "moderate," 50 tpy in areas classified as "serious," 25 tpy in areas classified as "severe," and 10 tpy in areas classified as "extreme" nonattainment). This definition is currently incorporated in Wisconsin's rule at subsection NR 407.02(4)(c)(1)(a).

WDNR is updating the definition of major stationary source at NR 407.20(4)(c) to clarify which major source emissions threshold applies in

an area classified as nonattainment for more than one NAAQS. WDNR revised NR 407.20(4)(c) by adding subsection (1)(b). NR 407.20(4)(c)(1)(b) explains that the classification with the lowest emission threshold under subsection NR 407.02(4)(c)(1)(a) determines the major source threshold in an area classified as nonattainment for more than one ozone NAAQS, until the area is redesignated to attainment for a current standard or a redesignation substitute for a revoked standard has been approved by the EPA for the standard with the lowest emission threshold.

Chapter NR 408—Construction Permits for Direct Major Sources in Nonattainment Areas

NR 408 applies to all new major sources and all major modifications located in areas designated as ozone nonattainment by EPA. A "major modification" refers to a modification project, including construction of new emission units and modification of existing units, at an existing source that results in the source's potential to emit exceeding the CAA-specified major source threshold. New major sources and major modifications are subject to nonattainment New Source Review permitting requirements. As such, WDNR updated its definition of "nonattainment" at subsection NR 408.02(24) to identify which major source or major modification emissions thresholds apply in an area classified nonattainment for more than one NAAQS.

WDNR is revising subsection NR 408.02(24) by adding subsection (c). As subsection NR 408.02(24)(c) explains, the classification with the lowest emission threshold under section NR 407.02 (4)(c)(1)(a) determines the major source or major modification threshold in an area classified as nonattainment for more than one ozone NAAQS, until the area is redesignated to attainment for a current standard or a redesignation substitute for a revoked standard has been approved by the EPA for the standard with the lowest emission threshold.

WDNR also makes a minor change to update the definition of "significant" at subsection NR 408.02(32)(a) to correct an oversight to include NO_x as an ozone precursor. WDNR amended subsection NR 408.02(32)(a)(6) by adding emissions of NO_x in reference to determination of a significant net emissions increase or the potential of a source to emit that would equal or exceed a pollutant rate of 40 tpy of NO_x.

Chapter NR 428—Control of Nitrogen Compounds

In subchapter IV of NR 428, to meet the requirements of sections 172(c) and 182 (f) of the CAA, section NR 428.20 includes NO_x RACT standards for NO_x emission units in areas that are classified moderate nonattainment for ozone. Currently, in subsection NR 428.20(a)(1)(a), NO_x RACT requirements apply to sources with maximum theoretical NO_x emissions equal to or greater than 100 tpy in Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha Counties that are or had been previously classified as "moderate" ozone nonattainment areas. WDNR is updating the NO_x RACT requirements to expand its applicability to any area that is classified as moderate and above for ozone nonattainment to be consistent with section 182 of the CAA. WDNR revised the applicability of NO_x RACT requirements at subsection NR 428.20(1)(a) by adding subsection (2). Subsection NR 428.20(1)(a)(2) includes all the major source emissions thresholds associated with current (and former) ozone nonattainment classification of the area (i.e., 100 tpy in areas classified as "moderate," 50 tpy in areas classified as "serious," 25 tpy in areas classified as "severe," and 10 tpy in areas classified as "extreme" nonattainment). Thus, the revision to the NO_x RACT applicability threshold provisions in NR 428 will include other counties that may be classified as moderate in the future or for counties whose ozone nonattainment classifications may be changed from moderate to a more stringent classification and, as a result, have major source thresholds below 100 tpy under the CAA.

In addition, WDNR updated the NO_x RACT requirements to clarify which emissions threshold is applicable to the same area due to different ozone standards or a change in nonattainment classification. WDNR amended section NR 428 by adding subsection 428.20(1)(a)(3)(b), which explains that if more than one emission threshold is applicable to the same area due to different ozone standards or a change in nonattainment classification, the lowest applicable emission threshold applies. To ensure implementation of the ozone NAAQS under NO_x RACT, WDNR amended NR 428.20 by adding subsection NR 428.20(1)(a)(3)(c), which states, "The requirements of this subchapter remain applicable to each affected unit regardless of any subsequent decrease in maximum theoretical emissions of NO_x at the

source to a level below the applicable emission thresholds.”

Subsection NR 428.21(3), “Other Regulated Units,” provides an exemption for certain NO_x emission units. WDNR amended NR 428.21(3), to ensure that the existing 75 tpy exemption threshold continues to apply in areas with a 100 tpy major source emission threshold, by adding subsections NR 428.21(3)(b) and (c). The changes clarify that the exemption applies—if the emissions unit is located in a facility subject to the applicability thresholds specified under section NR 428.20 (1)(a)1, 2(a), or 3(a), and if the emission unit is subject to and meeting an emission limitation in Wisconsin’s SIP under section NR 428.04(2) or NR 428.05(3).

Last, WDNR updated NR 428 to create a section that describes the compliance schedule for a facility that has NO_x emission units affected by the updated NO_x RACT thresholds in NR 428.20, by adding subsection NR 428.255 to include information on compliance schedules. The changes to NR 428 will only have the potential to impact sources whose emissions exceed the NO_x RACT major source applicability.

III. What is EPA’s analysis of the revisions?

CAA Section 110(l) prohibits EPA from approving a SIP revision if that revision would interfere with any applicable requirement concerning attainment, reasonable further progress, or any other CAA requirement. EPA concurs with WDNR’s 110(l) analysis that the revision to Wisconsin’s rules does not interfere with any applicable requirement concerning attainment or any other applicable requirement of the CAA. The revisions to rules NR 404, NR 407, NR 408, NR 428, and NR 484 have no impact on emissions, ensures implementation of the ozone NAAQS in areas designated nonattainment and are consistent with the requirements of the CAA.

IV. What action is EPA taking?

EPA is proposing to approve revisions to chapters NR 404, 407, 408, 428, and 484, as submitted on April 8, 2022, into the Wisconsin SIP. The revision to chapters NR 404 and 484 update Wisconsin’s ambient air quality rule to incorporate the 2015 ozone NAAQS and the incorporation by reference rule with the monitoring requirements related to the NAAQS make Wisconsin’s rules consistent with the Federal regulations. Additionally, the clarifications and updates to sections of chapters NR 407, 408 and 428, ensure implementation of the ozone NAAQS in areas designated

nonattainment and are consistent with the CAA.

V. Incorporation by Reference

In this proposed rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference revisions to Wisconsin Administrative Code rules NR 404, NR 407, NR 408, NR 428, and NR 484 as published in the Wisconsin Register #794 on February 28, 2022, effective March 1, 2022, discussed in section II of this preamble. EPA has made, and will continue to make, these documents generally available through www.regulations.gov and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: August 9, 2022.

Debra Shore,

Regional Administrator, Region 5.

[FR Doc. 2022–17517 Filed 8–15–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 391

[Docket No. FMCSA–2022–0111]

Qualifications of Drivers: Medical Examiner’s Handbook and Medical Advisory Criteria Proposed Regulatory Guidance

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of proposed regulatory guidance; request for comments.

SUMMARY: FMCSA announces the availability of the draft Medical Examiner’s Handbook (MEH), which includes updates to the Medical Advisory Criteria published in the Code of Federal Regulations (CFR), and requests comments on the proposed

regulatory guidance. The MEH and Medical Advisory Criteria provide information about regulatory requirements and guidance to medical examiners (ME) listed on FMCSA's National Registry of Certified Medical Examiners (National Registry) who perform physical qualification examinations of interstate commercial motor vehicle (CMV) drivers. The draft MEH with proposed changes to the Medical Advisory Criteria is available in Docket Number FMCSA-2022-0111.

DATES: Comments must be received on or before September 30, 2022.

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2022-0111 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov/docket/FMCSA-2022-0111/document>. Follow the online instructions for submitting comments.
- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- **Hand Delivery or Courier:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.
- **Fax:** (202) 493-2251.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366-4001, FMCSAMedical@dot.gov. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number (FMCSA-2022-0111), indicate the specific page and section of the MEH to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone

number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2022-0111/document>, click on this request for comments, click "Comment," and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2022-0111/document> and choose the document to review. To view comments, click this request for comments, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

C. Privacy Act

DOT solicits comments from the public to better inform its guidance process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL 14—Federal Docket Management System (FDMS), which can be reviewed at www.transportation.gov/privacy.

II. Background

FMCSA's mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. FMCSA is authorized by statute to establish minimum physical qualification standards for drivers of CMVs operating in interstate commerce.

The determination by MEs on the National Registry of a driver's physical qualification is a critical element of FMCSA's safety program to ensure the physical condition of CMV drivers is adequate to enable them to operate the vehicles safely. First posted on FMCSA's website in 2008, the MEH

provided guidance to MEs on the physical qualification standards in the Federal Motor Carrier Safety Regulations (FMCSRs) and the conduct of the physical qualification examination. FMCSA has also issued guidance for MEs in the form of Medical Advisory Criteria, now published at 49 CFR part 391, Appendix A.

In 2015, FMCSA withdrew the MEH because some of the information was obsolete or was prescriptive in nature. MEs and training organizations were informed that the MEH was no longer in use and that they should not consider the MEH as Agency guidance.

The FMCSRs, in 49 CFR 391.41 through 391.49, provide the basic driver physical qualification standards for interstate CMV operators. MEs currently make physical qualification determinations on a case-by-case basis and may consider guidance to assist with making those determinations.

The goal of the updated MEH and related Medical Advisory Criteria is to provide information about regulatory requirements and guidance for MEs to consider when making physical qualification determinations in conjunction with established best medical practices. The revised Medical Advisory Criteria, in addition to being included in the MEH, would also be published in Appendix A to 49 CFR part 391. The final version of the criteria would be identical in both publications. FMCSA is proposing to update both the MEH and Medical Advisory Criteria and seeks public comment on these documents.

III. MRB Task Statement 17-1

The Medical Review Board (MRB) was established to provide FMCSA with medical advice and recommendations on medical standards and guidelines for the physical qualifications of CMV operators, ME education, and medical research (49 U.S.C. 31149(a)(1)). The MRB, in view of its statutory creation and advisory function, is chartered by DOT as an advisory committee under the provisions of the Federal Advisory Committee Act (5 U.S.C. App.). See also *Announcement of Establishment of the Federal Motor Carrier Safety Administration Medical Review Board* (70 FR 57642; Oct. 3, 2005). The members of the MRB are appointed by the Secretary to reflect expertise in a variety of medical specialties relevant to the driver fitness requirements of FMCSA (49 U.S.C. 31149(a)(2)).

To assist in the development of the MEH, FMCSA, in collaboration with its Chief Medical Officer, requested advice from the MRB for the Agency to consider via MRB Task Statement 17-1.

Specifically, FMCSA asked the MRB to review and provide recommendations for streamlining the MEH. This included removing non-regulatory directive language and updating and removing obsolete information. The MRB held public meetings, in part, to discuss the development of the new MEH and Medical Advisory Criteria and to review drafts of the MEH. Details of the meetings, including MRB Task Statement 17–1, are posted on the Agency’s public website at <https://www.fmcsa.dot.gov/medical-review-board-mrb-meeting-topics>.

V. Comments Requested

Comments are requested on the draft of the proposed MEH, including the revised Medical Advisory Criteria. To the extent possible, comments should identify the page number and section number of the MEH to which the comments apply. Please submit comments only, not redlined or heavily annotated copies of the entire MEH. FMCSA will consider comments received by the closing date of the comment period.

VI. Publication of the Regulatory Guidance

In accordance with section 5203(a)(2)(A) and (a)(3) of the Fixing

America’s Surface Transportation Act, Public Law 114–94, 129 Stat. 1312, 1535 (49 U.S.C. 113 note) (Dec. 4, 2015), the regulatory guidance would be posted in the guidance portal on FMCSA’s website at <https://www.fmcsa.dot.gov/guidance>. The Agency would then review it no later than 5 years after it is published. It would consider at that time whether the guidance should be withdrawn, reissued for another period up to 5 years, or incorporated into the regulations.

Robin Hutcheson,

Deputy Administrator.

[FR Doc. 2022–17592 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register

Vol. 87, No. 157

Tuesday, August 16, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–SC–22–0033]

Almonds Grown in California; Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection for Almonds Grown in California, Marketing Order No. 981.

DATES: Comments on this notice must be received by October 17, 2022.

ADDRESSES: Interested persons are invited to submit written comments concerning this notice. Comments must be sent to the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: <https://www.regulations.gov/>. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <https://www.regulations.gov/>. All comments submitted in response to this notice will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made available to the public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT:

Pushpa Kathir, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Room 1406–S, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: pushpa.kathir@usda.gov.

Small businesses may request information on this notice by contacting Richard Lower, Assistant to the Director, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Room 1406–S, Washington, DC 20250–0237; Telephone (202) 720–2491, Fax: (202) 720–8938; or Email: richard.lower@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Almonds Grown in California, Marketing Order No. 981.

OMB Number: 0581–0242.

Expiration Date of Approval: November 30, 2022.

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

Abstract: The information collection requirements in this request are essential to carry out the intent of the Agricultural Marketing Agreement Act of 1937 (Act), as amended (7 U.S.C. 601–674), to provide the respondents the type of service they request, and to administer the California almond marketing order (7 CFR part 981), which has been operating since 1950.

The marketing order and its rules and regulations authorize the Almond Board of California (Board), the agency responsible for local administration of the marketing order, to require handlers and other certain entities to submit information.

Since September 2007, the Board has been operating a mandatory program under the marketing order to help reduce the potential for Salmonella in almonds. The Board had developed forms as a means for handlers to file required information with the Board relating to the treatment of almonds. Almond handlers are required to submit annual treatment plans to the Board and inspection agency regarding how they plan to treat their almonds in compliance with the program.

Entities interested in being almond process authorities that validate technologies are required to submit an application to the Board on ABC Form

No. 51, “Application for Process Authority for Almonds.” Manufacturers in the United States, Canada, and Mexico interested in being approved to accept untreated almonds, provided they agree to treat the almonds themselves under the Board’s Direct Verifiable (DV) program, are required to submit an application to the Board on ABC Form No. 52, “Application for Direct Verifiable (DV) Program for Further Processing of Untreated Almonds.” Entities interested in being approved DV Program user auditors are required to apply to the Board on ABC Form No. 53, “Application for Direct Verifiable (DV) Program Auditors.” To ensure compliance with the mandatory program, entities are required to use either an on-site or audit-based verification program and annually submit a treatment plan to the Board on ABC Form No. 54, “Handler Treatment Plan.”

The information collected is used only by authorized representatives of USDA, including AMS, Specialty Crops Program’s regional and headquarters’ staff, and authorized employees and agents of the Board. Authorized Board employees, agents, and the industry are the primary users of the information, and AMS is the secondary user.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.7 hours per response.

Respondents: Almond handlers; persons or organizations that would like to qualify to be Board-approved process authorities that validate treatments and technologies; manufacturers who would like to qualify to participate in the Board’s DV program; and entities that would like to qualify as auditors under the DV program.

Estimated Number of Respondents: 175.

Estimated Number of Responses per Respondent: 1.00.

Estimated Total Annual Burden on Respondents: 4,200 hours.

Comments are invited on: (1) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (2) the accuracy of the agency’s estimate of the burden of the collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility,

and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on those who respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record, including any personal information provided.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2022–17581 Filed 8–15–22; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding these information collections are best assured of having their full effect if received by September 15, 2022. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control

number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Transparency in Poultry Grower Contracting and Tournaments.

OMB Control Number: 0581–NEW.

Summary of Collection: In accordance with the authority granted to the Secretary by the Packers and Stockyards Act of 1921 the Packers and Stockyards Division (PSD) is proposing regulations under the Packers and Stockyards Act, 1921, (P&S Act) (7 U.S.C. 181 *et seq.*) that clarify when certain conduct in the livestock and poultry industries represents the making or giving of an undue or unreasonable preference or advantage or subjects a person or locality to an undue or unreasonable prejudice or disadvantage. These proposed regulations also establish criteria PSD will consider in determining whether a live poultry dealer has provided prescribed documents to a prospective or current poultry grower.

Need and Use of the Information: The information collection requirements in this request are essential to improve transparency and forestall deception in the use of poultry growing arrangements, in accordance with the purposes of the Packers and Stockyards Act, 1921. Proposed revisions to the Packers and Stockyards regulations would require live poultry dealers to provide certain disclosures to poultry growers in advance of entering into production contracts. Under the proposal, dealers would have the option of using the Live Poultry Dealer Disclosure Form provided by AMS to meet the requirements for the cover page that must accompany additional dealer-generated disclosure documents as required. Alternatively, dealers could develop their own cover page to meet the requirement, as long as all the required information is included. Poultry growers could use the disclosure information to evaluate the accuracy of proposed contracts and make informed business decisions regarding financial investments related to poultry production.

Description of Respondents: Business or other for-profit.

Number of Respondents: 89.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 29,346.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–17557 Filed 8–15–22; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 15, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: Meat and Poultry Processing Expansion Program.

OMB Control Number: 0570–0079.

Summary of Collection: Section 1001(b)(4) of the American Rescue Plan Act provided funding for “loans and

grants and provide other assistance to maintain and improve food and agricultural supply chain resiliency.” Pursuant to this authority, the Rural Business-Cooperative Service (RBCS or Agency), a Rural Development (RD) Agency of the United States Department of Agriculture (USDA), has developed requirements for the Meat and Poultry Processing Expansion Program (MPPEP). The Agency has made grant funding available to promote competition and give more and better options to producers by increasing meat and poultry processing.

Need and Use of the Information: Applicants wishing to apply for an MPPEP grant must submit applications with specified forms, proposals, certifications, and agreements to the Agency electronically through the www.grants.gov online application system.

The information provided will be used to determine applicant and project eligibility and to ensure that projects meet program goals and are for authorized purposes.

Applicants that receive grant awards are also required to execute a Financial Assistance Agreement with the Agency and provide financial and project performance reports to the Agency to ensure that projects are being completed in a timely manner.

Description of Respondents: State, Local, and Tribal Governments.

Number of Respondents: 300.

Frequency of Responses: Reporting: Semi-annually.

Total Burden Hours: 11,924.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–17556 Filed 8–15–22; 8:45 am]

BILLING CODE 3410-XY-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency’s estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the

information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 15, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Risk Management Agency

Title: General Administrative Regulations; Interpretations of Statutory and Regulatory Provisions.

OMB Control Number: 0563–0055.

Summary of Collection: Section 533 of the Agricultural Research, Extension, and Education Reform Act of 1998 (1998 Research Act) requires the Federal Crop Insurance Corporation (FCIC) to publish regulation on how FCIC will provide a final agency determination in response to certain inquiries. Consistent with section 506(r) of the Act and 7 CFR part 400, subpart X in accordance with the Federal Crop Insurance Act, as amended, FCIC revised section 20 of the Common Crop Insurance Policy Basic Provisions, published at 7 CFR 457.8, to require the FCIC to provide interpretations of policy provisions and procedures (handbooks, manuals, memoranda, and bulletins) when any dispute in mediation, arbitration, or litigation requires interpretation of a policy provision or procedure.

Need and Use of the Information: The information collection requirements for this renewal package are necessary for FCIC to respond to requests for interpretations of provisions of the Federal Crop Insurance Act, policy provisions codified in the Code of Federal Regulations, policy provisions not codified in the Code of Federal Regulations, and procedures used in the

administration of the Federal crop insurance program. This data is used to administer the provisions of 7 CFR part 400, subpart X in accordance with the Federal Crop Insurance Act, as amended.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 75.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 600.

Levi S. Harrell,

Departmental Information Clearance Officer.

[FR Doc. 2022–17554 Filed 8–15–22; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–101–2022]

Approval of Expansion of Subzone 68A, Expeditors International of Washington, Inc., El Paso, Texas

On June 22, 2022, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the City of El Paso, grantee of FTZ 68, requesting expanded subzone status subject to the existing activation limit of FTZ 68, on behalf of Expeditors International of Washington, Inc., in El Paso, Texas.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (87 FR 38373–38374, June 28, 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 expand Subzone 68A was approved on August 10, 2022, subject to the FTZ Act and the Board’s regulations, including Section 400.13, and further subject to FTZ 68’s 2,000-acre activation limit.

Dated: August 10, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–17536 Filed 8–15–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-34-2022]

**Foreign-Trade Zone (FTZ) 75—
Phoenix, Arizona; Notification of
Proposed Production Activity; Lucid
Motors USA, Inc. (Electric Automobiles
and Subassemblies); Casa Grande and
Tempe, Arizona**

Lucid Motors USA, Inc., submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Casa Grande and Tempe, Arizona within Subzone 75N. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on July 29, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz. The proposed material(s)/ component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed foreign-status materials and components include vehicle roof, backlite, window, and mirror glass (duty rate of 2.5%). The request indicates that the materials/components are subject to duties under section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is September 26, 2022.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Juanita Chen at juanita.chen@trade.gov.

Dated: August 10, 2022.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2022-17537 Filed 8-15-22; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No.: ITA-2022-0007]

RIN 0625-XC048

**Request for Comments on Artificial
Intelligence Export Competitiveness**

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Commerce (DOC) has made it a top priority to drive U.S. innovation and global competitiveness in critical and emerging technologies such as artificial intelligence (AI). Recognizing the growing importance of AI and the impact it can have for transforming our economy, industries, and society, the International Trade Administration (ITA) is requesting public comments to gain insight on the current global AI market and stakeholder concerns regarding international AI policies, regulations, and other measures which may impact U.S. exports of AI technologies. This stakeholder input will provide the DOC with a stronger understanding of the AI landscape as AI impacts existing economic sectors and industries, creates new areas for innovations, and makes its way into global trade discussions.

DATES: Comments must be submitted in writing by October 17, 2022.

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

Electronic Submission (Strongly Preferred): Submit all electronic comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter ITA-2022-0007 in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

Email: artificialintelligence@trade.gov. Comments submitted by email should be machine-readable and should not be copy-protected. However, if you are unable to comment via [regulations.gov](https://www.regulations.gov) or email, you may contact artificialintelligence@trade.gov for instructions on submitting your comments.

Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by ITA. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change.

Commenters should include the name of the person or organization filing the comment. All personal identifying information (for example, name, address) voluntarily submitted by the commenter may be publicly accessible. ITA will not accept anonymous comments.

For those seeking to submit confidential business information (CBI) for Government use only, please clearly mark such submissions as CBI and submit an accompanying redacted version to be made public. CBI comments can be submitted either through www.regulations.gov (strongly preferred) or by email.

FOR FURTHER INFORMATION CONTACT: Cameron Small, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 28018, Washington, DC 20230; telephone (202) 495-8356; email artificialintelligence@trade.gov. Please direct media inquiries to ITA's Office of Public Affairs (202) 482-3809 or publicaffairs@trade.gov.

SUPPLEMENTARY INFORMATION: The Commerce Department is focused on solidifying U.S. leadership in emerging technologies, including AI, to drive U.S. innovation and global competitiveness. The United States seeks to promote the development of innovative and trustworthy AI systems that respect human rights, democratic values, and are designed to enhance privacy protections. The Department of Commerce International Trade Administration (ITA) seeks to promote these ideals through stakeholder engagement and with the goal of supporting U.S. economic interests. In support of its mission to create prosperity by strengthening the international competitiveness of U.S. industry, promoting trade and investment, and ensuring fair trade and compliance with trade laws and agreements, the ITA requests information from stakeholders on the global market landscape for AI. This information will be used to inform ITA efforts to promote an international environment that supports U.S. AI research and innovation, opens markets for U.S. AI technologies, and enhance the U.S. technological advantage in AI.

ITA is broadly defining AI as both the goods and services that enable AI systems, such as data, algorithms and computing power, as well as AI-driven products across all industry verticals, such as autonomous vehicles, robotics and automation technology, medical devices and healthcare, security technology, and professional and business services, among others. This

notice serves as a general solicitation for public comment as an initial step to enhance ITA's understanding of the current global market landscape for the deployment of AI technologies, including a particular emphasis on rapidly developing AI policy and regulatory landscape in foreign markets and the potential impact on U.S. competitiveness. ITA seeks input from stakeholders regarding any international policies or regulations that impact the ability of U.S. companies to develop, deploy, or export advanced and effective AI technologies and AI-enabled products and services competitively to foreign markets.

Questions for Comment: This notice serves as an initial step in improving ITA's understanding of private sector interests, concerns, and policy needs with respect to the potential for exports of AI technologies. ITA seeks broad input from all interested stakeholders—including U.S. industry, researchers, academia, and civil society—on the potential opportunities for and challenges to increasing U.S. export competitiveness for AI-enabled technologies. Commenters are encouraged to address any and all the following questions that pertain to their experience or expertise with AI technologies or to submit general comments addressing U.S. competitiveness in AI broadly. To the extent commenters choose to respond to the specific questions asked, responses may be formatted as the commenter prefers.

Request for Comment on Questions Related to AI

1. What foreign/international AI policies or regulations exist?
2. What trade barriers currently exist in the AI space? What remedies could resolve these trade barriers?
3. What challenges are there when it comes to exporting AI products or services?
4. How could international AI regulations impact future product or service design and development?
5. What trade policies could be helpful in supporting small-to-medium sized enterprises that export AI products and services?
6. Who is involved in standards development activities related to AI? In which fora should standards development for AI take place?
7. What challenges does your organization face with regards to protecting your AI intellectual property (IP), especially during overseas dealings?
8. What can the U.S. government do to best foster and protect IP rights for

U.S. AI technologies in overseas dealings?

9. How should trustworthiness and risk management of AI systems be considered by industry and/or policymakers?

10. What role do global innovation hubs and regulatory sandboxes play in U.S. competitiveness in AI? Please describe specific examples of involvement if applicable.

11. How is U.S. competitiveness (talent, research and development, and commercial exports) in AI compared to other countries?

12. What can the International Trade Administration do to create more opportunities for U.S. AI technologies in the global marketplace? What impactful actions can ITA take to reduce or remove challenges, risks, and barriers to help U.S. AI technologies compete in the global marketplace?

13. How can AI be incorporated into existing and future trade agreements to ensure the competitiveness of U.S. industry?

Barton Meroney,

Executive Director, Office of Manufacturing Industries.

[FR Doc. 2022-17576 Filed 8-15-22; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

International Trade Administration

For Inspiration and Recognition of Science and Technology (FIRST), et. al., Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before September 6, 2022. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Please also email a copy of those comments to Dianne.Hanshaw@trade.gov.

Docket Number: 22-001. Applicant: For Inspiration and Recognition of Science and Technology (FIRST), 200 Bedford Street, Manchester, NH 03101. Instrument: Dual Band 1.17 Gbps Access Point. Manufacturer: Open Mesh

Inc., China. Intended Use: According to the applicant, the FIRST Robotics Competition (FRC) (EIN 22-2990908) requires wireless radio communication between student teams' driver controls and their home-built robots. It is crucial that FRC be able to manage the wireless traffic (for safety and team experience reasons). FRC mandates a specific radio (Datto's OM5P-AN, obsolete, or OM5P-AC models, both are dual band 1.17 Gbps access points) with custom firmware which optimizes the radio for the competition use case. This transaction is to secure the radios needed for educational robotic kits for the 2020 season (4,400 air-freighted to meet 2020 season deadlines) and the 2021 season (4,336 shipped via ocean). The applicant certifies that there will not be any use of the foreign instrument by or for the primary benefit of any commercial (for-profit) entity with 5 years after entry of the foreign instrument into the United States customs territory. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: November 25, 2020.

Docket Number: 22-002. Applicant: University of California, Riverside, 900 University Avenue, Riverside, CA 92521. Instrument: Customs Pulsed Laser Deposit & Molecular-Beam Epitaxy (PLD/MBE) deposition system. Manufacturer: BEIJING PERFECT TECHNOLOGY CO., LTD., Beijing, China. Intended Use: According to the applicant, the instrument is intended to be used for research purposes for experimental condenses matter physics, spin transport, quantum transport, and spin-dependent physics, graphene, 2D layers, heterostructures, and nanoscale devices, magnetic insulators, heterostructures and interfaces, energy related materials science research. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: December 17, 2021.

Docket Number: 22-003. Applicant: University of Chicago Argonne LLC, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Lemont, IL (U.S.A.), 60439-4873. Instrument: High Heat Load Exit Mask Assemblies. Manufacturer: Strumenti Scientifici CINEL S.R.L., Italy. Intended Use: According to the applicant, these components will be used to assemble the new high heat load front ends for

the Advanced Photon Source upgrade. The front end consists of a series of components that connect the storage ring to the user beamline to deliver a photon beam that will be used as a three-dimensional X-ray microscope for experimental purposes. The materials/phenomena that are studied vary widely from material properties analysis, protein mapping for pharmaceutical companies, X-ray imaging and chemical composition determination. These components will be used exclusively for scientific research for a minimum of 5 years at Argonne National Laboratory. The properties of the materials studied include but are not limited to grain structure, grain boundary and interstitial defects, and morphology. These properties are not only studied at ambient environments but also under high pressure, temperature, stress and strain. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 6, 2022.

Docket Number: 22–004. Applicant: UChicago Argonne LLC, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Lemont, IL (U.S.A.) 60439–4873. Instrument: High Energy Monochromators. Manufacturer: Strumenti Scientific CINEL S.R.L., Italy. Intended Use: According to the applicant, these instruments will be used on new beamlines for the Advanced Photon Source upgrade. The monochromators are bandpass optical filters, that allow only a narrow band of wavelengths of X-rays to pass. This is critical for the needs of the beamline's experimental purposes. The materials/phenomena that are studied vary widely from material properties analysis, protein mapping for pharmaceutical companies, X-ray imaging and chemical composition determination. These components will be used exclusively for scientific research for a minimum of 5 years at Argonne National Laboratory. The properties of the materials studied include but are not limited to grain structure, grain boundary and interstitial defects, and morphology. These properties are not only studied at ambient environments but also under high pressure, temperature, stress and strain. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 6, 2022.

Docket Number: 22–005. Applicant: Cornell University, School of Civil and Environmental Engineering, Hollister Hall (2046), Room #220, 527 College Avenue, Ithaca, NY 14853–3501, USA. Instrument: Semi-automatic single cell sorter. Manufacturer: Hooke Instruments, Ltd., P.R. China. Intended Use: According to the applicant, the research will involve identifying and obtaining novel single cells based on metabolic traits that can not be identified with simple label/staining, and in addition, we would like to obtain live cells for further culturing and investigation. We are interested in novel and non-culturable organisms/cells that possess combined traits of desire that can be detected using Raman micro-spectroscopy fingerprinting. This unique label-free and ejection-based cell sorter is the only one known that will enable the applicant to eject the single live cell (pre-identified with non-invasive, non-damaging Raman) in complicated bioprocess/environmental (soil water) samples into collectors and then allow us to study them. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: August 30, 2021.

Dated: August 11, 2022.

Richard Herring,

Director, Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2022–17583 Filed 8–15–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–815, A–455–806, A–469–825]

Certain Preserved Mushrooms From the Netherlands, Poland, and Spain: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable August 16, 2022.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Smith (the Netherlands), Eliza Siordia (Poland), or Katherine Johnson (Spain), AD/CVD Operations, Offices III and V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone:

(202) 482–2181, (202) 482–3878, or (202) 482–2437, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 20, 2022, the U.S. Department of Commerce (Commerce) initiated the less-than-fair-value (LTFV) investigations of imports of certain preserved mushrooms from the Netherlands, Poland, and Spain.¹ Currently, the preliminary determinations are due no later than September 7, 2022.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On August 8, 2022, Giorgio Foods, Inc. (the petitioner) submitted a timely request that Commerce postpone the preliminary determinations in the LTFV investigations for the Netherlands, Poland, and Spain.² The petitioner stated that it requests postponement due to concerns that Commerce will need more time to issue supplemental questionnaires to address deficiencies in the respondents' initial questionnaire responses.³

For the reasons stated above, and because there are no compelling reasons to deny the request, Commerce, in

¹ See *Certain Preserved Mushrooms from France, the Netherlands, Poland, and Spain: Initiation of Less-Than-Fair-Value Investigations*, 87 FR 24941 (April 27, 2022).

² See Petitioner's Letter, "Less-Than-Fair-Value Investigations of Certain Preserved Mushrooms from Netherlands, Poland, and Spain—Petitioner's Request for Postponement of Preliminary Antidumping Determinations," dated August 8, 2022.

³ *Id.* at 2.

accordance with section 733(c)(1)(A) of the Act and 19 CFR 351.205(e), is postponing the deadline for the preliminary determinations for the Netherlands, Poland, and Spain by 50 days (*i.e.*, 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than October 27, 2022. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations in these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 10, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–17584 Filed 8–15–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC224]

Determination of Overfishing or an Overfished Condition

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

ACTION: Notice.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has found that Atlantic bigeye tuna is still overfished. NMFS, on behalf of the Secretary, is required to provide this notice whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, (301)–427–8568.

SUPPLEMENTARY INFORMATION: Pursuant to section 304(e)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2), NMFS, on behalf of the Secretary, must publish a notice in the **Federal Register**, whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

Atlantic bigeye tuna are tropical tuna that are widely distributed throughout the Atlantic Ocean. The International Commission for the Conservation of Atlantic Tunas (ICCAT) Standing Committee on Research and Statistics (SCRS) conducts assessments for Atlantic bigeye tuna and makes stock status determinations consistent with ICCAT stock status criteria. NMFS uses the information from the SCRS assessments to make domestic determinations. NMFS has determined that Atlantic bigeye tuna is still overfished. This determination is based on a 2021 assessment, using data through 2019. Based on the domestic status determination criteria for overfishing and overfished, the stock remains overfished because the spawning stock biomass is less than the minimum stock size threshold. International cooperation is critical to effective management of the stock, given its geographic range and the small contribution of the United States to fishing mortality on the stock. NMFS continues to work with ICCAT to implement an international rebuilding program for this stock.

Dated: August 10, 2022.

Kelly Denit,

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

[FR Doc. 2022–17535 Filed 8–15–22; 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; User Needs Survey by the Space Weather Advisory Group

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

ACTION: Notice of information collection, request for comment.

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

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before October 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Dr. Jennifer Meehan, Designated Federal Officer, Space Weather Advisory Group, DOC/NOAA/NWS, 1325 East West Highway, Silver Spring, MD 20910, 301–427–9798, jennifer.meehan@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for a new collection of information.

The data collection is sponsored by DOC/NOAA/NWS/Space Weather Advisory Group (SWAG). The SWAG is required under 51 U.S. Code 60601(d)(3) to undertake a comprehensive survey of space weather product users to identify the “research, observations, forecasting, prediction, and modeling advances required to improve space weather products.” Specifically, the SWAG will (i) assess the adequacy of current Federal Government goals for lead time, accuracy, coverage, timeliness, data rate, and data quality for space weather observations and forecasting; (ii) identify options and methods to, in consultation with the academic community and the commercial space weather sector, improve upon the advancement of the goals described in clause (i); (iii) identify opportunities for collection of new data to address the needs of the space weather user community; (iv) identify methods to increase coordination of space weather research to operations and operations to research; (v) identify opportunities for new technologies, research, and instrumentation to aid in research, understanding, monitoring, modeling, prediction, forecasting, and warning of space weather; and (vi) identify methods and technologies to improve preparedness for potential space weather phenomena.

This collection identified seven sectors (Aviation, Emergency Management, Global Navigation Satellite System, Human Space Flight, Power Grid, Research, and Space

Situational Awareness/Space Traffic Management) that will be consulted as part of this effort. Information will be collected on a one-off basis from each of the sectors. Respondents in each sector include the general public, defined as (adults ages 18+). Members of the SWAG will oversee recruitment of the respondents. Respondents will be asked questions about their current use of space weather observations, information, and forecasts, technological systems, components or elements affected by space weather, current and future risk and resilience activities, future space weather requirements, and unused or new types of measurements or observations that would enhance space weather risk mitigation. This data collection serves many purposes, including gaining a better understanding of the needs of users of space weather products. The SWAG will use the data to identify the space weather research, observations, forecasting, prediction, and modeling advances required to improve space weather products. Specifically, the information will be used to advise the National Science and Technology Council's Space Weather Operations, Research, and Mitigation (SWORM) Subcommittee on improving the ability of the United States to prepare for, mitigate, respond to, and recover from space weather storms.

II. Method of Collection

Information will be collected from seven sectors identified in Section I. Several methods will be used to collect the information including web-based surveys, interviews, and focus groups. Determination of the appropriate method will be based on the sector in question.

III. Data

OMB Control Number: 0648–XXXX.

Form Number(s): None.

Type of Review: Regular (New information collection).

Affected Public: Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

Estimated Number of Respondents: 515.

Estimated Time per Response:

- *Aviation:* 30 minutes
- *Emergency Management:* 8 hours
- *Global Navigation Satellite System:* 15 minutes (Survey) and 1 hour (Interview)
- *Human Space Flight:* 1 hour
- *Power Grid:* 1 hour
- *Research Sector:* 30 minutes

• *Space Situational Awareness/Space Traffic Management:* 1 hour
Estimated Total Annual Burden Hours: 6824.

Estimated Total Annual Cost to Public: None.

Respondent's Obligation: Voluntary.

Legal Authority: 51 U.S. Code 60601, Space weather.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) 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; (b) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (c) Minimize the reporting burden on those who are asked to voluntarily 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. 2022–17567 Filed 8–15–22; 8:45 am]

BILLING CODE 3510–KE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Natural Resource Damage Assessment Restoration Project Information Sheet

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

ACTION: Notice of information collection, request for comment.

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

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before October 17, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648–0497 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Cuiyin Wu (Program Analyst), 1315 East-West Hwy. (SSMC3), Silver Spring, MD 20910, (301) 427–8674 or cuiyin.wu@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection.

The purpose of this information collection is to assist state and federal Natural Resource Trustees in more efficiently carrying out the restoration planning phase of Natural Resource Damage Assessments (NRDA), in compliance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321–4370d; 40 CFR 1500–1500 and other federal and local statutes and regulations as applicable. The NRDA Restoration Project Information Sheet is designed to facilitate the collection of information on existing, planned, or proposed restoration projects. This information will be used by the Natural Resource Trustees to develop potential restoration alternatives for natural resource injuries and service losses requiring restoration, during the restoration planning phase of the NRDA process. This information is provided by the public on a voluntary basis. The information provided benefits the public by informing the NRDA restoration process. However, there are no individual benefits that depend on the submission of information.

Individuals can update the information as needed, but there is no required update frequency.

II. Method of Collection

The Restoration Project Information Sheet can be submitted electronically via the internet or email.

III. Data

OMB Control Number: 0648–0497.

Form Number: None.

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

Affected Public: State, local, or tribal governments; individuals or households; business or other for-profits organizations; not-for-profit institutions; farms; and the federal government.

Estimated Number of Respondents: 300.

Estimated Time per Response: 20 minutes for new submissions, 10 minutes to update submissions.

Estimated Total Annual Burden Hours: 100.

Estimated Total Annual Cost to Public: \$0 in recordkeeping/reporting costs.

Respondent's Obligation: Voluntary.

Legal Authority: National Environmental Policy Act of 1969.

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. 2022–17566 Filed 8–15–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC153]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Site Characterization Surveys Off New Jersey and New York in the Area of the Atlantic Shores Lease Area (OCS–A 0541)

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Atlantic Shores Offshore Wind Bight, LLC (Atlantic Shores Bight) to incidentally harass marine mammals during site characterization surveys off New Jersey and New York in the area of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Lease Area (OCS–A 0541). There are no changes from the proposed authorization in this final authorization.

DATES: This Authorization is effective August 10, 2022 to August 9, 2023.

FOR FURTHER INFORMATION CONTACT:

Jessica Taylor, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>. In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain

exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On April 8, 2022, NMFS received a request from Atlantic Shores Bight for an IHA to take marine mammals incidental to marine site characterization survey activities off New Jersey and New York. The application was deemed adequate and complete on May 23, 2022. Atlantic Shores Bight’s request is for take of 15 species of marine mammals by Level B harassment only. Neither Atlantic Shores Bight nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued three IHAs to Atlantic Shores, the parent company of Atlantic Shores Bight, for similar work in a comparable geographic region (85 FR 21198, April 16, 2020; 86 FR 21289, April 22, 2021; 87 FR 24103, April 20, 2022). The 2020 monitoring report confirmed that Atlantic Shores had previously implemented the required mitigation and monitoring, and demonstrated that no impacts of a scale or nature not previously analyzed or authorized had occurred as a result of the activities conducted under the 2020

IHA. At the time of developing this IHA for Atlantic Shores Bight, the Atlantic Shores 2021 (Renewal) monitoring report was not available as the renewal IHA expired on April 19, 2022 (86 FR 21289; April 22, 2021). There are no changes from the proposed IHA to the final IHA.

On August 1, 2022, NMFS announced proposed changes to the existing North Atlantic right whale vessel speed regulations to further reduce the likelihood of mortalities and serious injuries to endangered right whales from vessel collisions, which are a leading cause of the species' decline and a primary factor in an ongoing Unusual Mortality Event (87 FR 46921). Should a final vessel speed rule be issued and become effective during the effective period of this IHA (or any other MMPA incidental take authorization), the authorization holder would be required to comply with any and all applicable requirements contained within the final rule. Specifically, where measures in any final vessel speed rule are more protective or restrictive than those in this or any other MMPA authorization, authorization holders would be required to comply with the requirements of the rule. Alternatively, where measures in this or any other MMPA authorization are more restrictive or protective than those in any final vessel speed rule, the

measures in the MMPA authorization would remain in place. These changes would become effective immediately upon the effective date of any final vessel speed rule and would not require any further action on NMFS's part.

Description of Activity

Overview

As part of its overall marine site characterization survey operations, Atlantic Shores Bight will conduct high-resolution geophysical (HRG) surveys in the Lease Area (OCS)-A 0451 and along potential submarine export cable routes (ECR) to a landfall location in either New York or New Jersey. These two areas are collectively referred to as the survey area. The survey area is approximately 1,375,710 acres (5,567.3 km²) and extends from 11 nautical miles (20 km) offshore of New Jersey and New York out to a maximum distance of approximately 40 nautical miles (74 km).

The purpose of the surveys is to support the site characterization, siting, and engineering design of offshore wind project facilities including wind turbine generators, offshore substations, and submarine cables within the Lease Area and along ECRs. A maximum of three survey vessels may operate at any one time during the surveys. Underwater sound resulting from Atlantic Shores

Bight's site characterization survey activities, specifically HRG surveys, has the potential to result in incidental take of marine mammals in the form of behavioral harassment. Atlantic Shores Bight will conduct HRG surveys within the lease area and ECR survey areas over a period of up to 12 months.

Table 1 identifies the representative survey equipment that may be used in support of planned geophysical survey activities. Operational parameters presented in Table 1 were obtained from the following sources: Crocker and Fratantonio (2016); manufacturer specifications; personal communication with manufacturers; agency correspondence; and Atlantic Shores/ Atlantic Shores Bight. The make and model of the listed geophysical equipment may vary depending on availability and the final equipment choices will vary depending upon the final survey design, vessel availability, and survey contractor selection. Geophysical surveys are expected to use several equipment types concurrently in order to collect multiple aspects of geophysical data along one transect. Selection of equipment combinations is based on specific survey objectives. All categories of representative HRG survey equipment shown in Table 1 work with operating frequencies <180 kiloHertz (kHz).

TABLE 1—SUMMARY OF REPRESENTATIVE EQUIPMENT SPECIFICATIONS WITH OPERATING FREQUENCIES BELOW 180 KHZ

HRG survey equipment	Representative equipment	Operating frequency ranges (kHz)	Operational source level (dB _{RMS})	Beamwidth ranges (degrees)	Typical pulse durations RMS ₉₀ (millisecond)	Pulse repetition rate (Hz)
Sparker	Applied Acoustics Dura-Spark 240 A.	0.01 to 1.9	203	180	3.4	2
CHIRPs	Geo Marine Geo-Source	0.2 to 5	195	180	7.2	0.41
	Edgetech 2000-DSS	2 to 16	195	24	6.3	10
	Edgetech 216	2 to 16	179	17, 20, or 24	10	10
	Edgetech 424	4 to 24	180	71	4	2
	Edgetech 512i	0.7 to 12	179	80	9	8
	Pangeosubsea Sub-Bottom ImagerTM.	4 to 12.5	190	120	4.5	44

Note: The operational source level for the Dura-Spark 240 is assigned based on the value closest to the field operational history of the Dura-Spark 240 [operating between 500–600 J] found in Table 10 in Crocker and Fratantonio (2016), which reports a 203 dB_{RMS} (decibels root mean square) for 500 J source setting and 400 tips. Because Crocker and Fratantonio (2016) did not provide other source levels for the Dura-Spark 240 near the known operational range, the SIG ELC 820 @750 J at 5m depth assuming an omnidirectional beam width was considered as a proxy or comparison to the Dura-Spark 240. The corresponding 203 dB_{RMS} level is considered a realistic and conservative value that aligns with the history of operations of the Dura-Spark 240 over three years of survey by Atlantic Shores.

The deployment of HRG survey equipment, including the equipment planned for use during Atlantic Shores Bight's activities, produces sound in the marine environment that has the potential to result in harassment of marine mammals. Mitigation, monitoring, and reporting measures are described in detail later in this

document (please see Mitigation and Monitoring and Reporting).

A detailed description of the planned survey is provided in the **Federal Register** notice for the proposed IHA (87 FR 38067; June 27, 2022). Since that time, no changes have been made to Atlantic Shores Bight's planned survey activities. Therefore, a detailed description is not provided here. Please

refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to Atlantic Shores Bight was published in the **Federal Register** on June 27, 2022 (87 FR 38067). This proposed notice described, in detail, Atlantic Shores Bight's activities, the marine mammal species that may be

affected by the activities, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. This proposed notice was available for a 30-day public comment period.

During the 30-day public comment period, NMFS received letters from two environmental non-governmental organizations (eNGOs) (Oceana, Inc. and Clean Ocean Action (COA)). All comments, and NMFS' responses, are provided below, and the letters are available online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-atlantic-shores-offshore-wind-bight-llc-marine-site>. Please review the letters for full details regarding the comments and underlying justification.

Comment 1: Oceana objects to NMFS' renewal process regarding the extension of any one-year IHA with a truncated 15-day public comment period, and suggested an additional 30-day public comment period is necessary for any renewal request.

Response: NMFS' IHA renewal process meets all statutory requirements. In prior responses to comments about IHA renewals (e.g., 84 FR 52464; October 2, 2019 and 85 FR 53342, August 28, 2020), NMFS has explained how the renewal process, as implemented, is consistent with the statutory requirements contained in section 101(a)(5)(D) of the MMPA, and further, promotes NMFS' goals of improving conservation of marine mammals and increasing efficiency in the MMPA compliance process. Therefore, we intend to continue implementing the renewal process.

In particular, we emphasize that any Renewal IHA does have a 30-day public comment period, and in fact, each Renewal IHA is made available for a 45-day public comment period. The notice of the proposed IHA published in the **Federal Register** on June 27, 2022 (87 FR 38067) made clear that NMFS was seeking comment on the proposed IHA and the potential issuance of a renewal for this survey. As detailed in the **Federal Register** notice for the proposed IHA and on the agency's website, any renewal is limited to another year of identical or nearly identical activities in the same location or the same activities that were not completed within the 1-year period of the initial IHA. NMFS' analysis of the anticipated impacts on marine mammals caused by the

applicant's activities covers both the Initial IHA period and the possibility of a 1 year renewal. Therefore a member of the public considering commenting on a proposed Initial IHA also knows exactly what activities (or subset of activities) would be included in a proposed Renewal IHA, the potential impacts of those activities, the maximum amount and type of take that could be caused by those activities, the mitigation and monitoring measures that would be required, and the basis for the agency's negligible impact determinations, least practicable adverse impact findings, small numbers findings, and (if applicable) the no unmitigable adverse impact on subsistence use finding—all the information needed to provide complete and meaningful comments on a possible renewal at the time of considering the proposed Initial IHA. Reviewers have the information needed to meaningfully comment on both the immediate proposed IHA and a possible 1-year renewal, should the IHA holder choose to request one.

While there would be additional documents submitted with a renewal request, for a qualifying renewal these would be limited to documentation that NMFS would make available and use to verify that the activities are identical to those in the initial IHA, are nearly identical such that the changes would have either no effect on impacts to marine mammals or decrease those impacts, or are a subset of activities already analyzed and authorized but not completed under the initial IHA. NMFS would also need to confirm, among other things, that the activities would occur in the same location; involve the same species and stocks; provide for continuation of the same mitigation, monitoring, and reporting requirements; and that no new information has been received that would alter the prior analysis. The renewal request would also contain a preliminary monitoring report, in order to verify that effects from the activities do not indicate impacts of a scale or nature not previously analyzed. The additional 15-day public comment period, which includes NMFS' direct notice to anyone who commented on the proposed Initial IHA, provides the public an opportunity to review these few documents, provide any additional pertinent information and comment on whether they think the criteria for a renewal have been met. Between the initial 30-day comment period on these same activities and the additional 15 days, the total comment period for a renewal is 45 days.

In addition to the IHA renewal process being consistent with all requirements under section 101(a)(5)(D),

it is also consistent with Congress' intent for issuance of IHAs to the extent reflected in statements in the legislative history of the MMPA. Through the provision for renewals in the regulations, description of the process and express invitation to comment on specific potential renewals in the Request for Public Comments section of each proposed IHA, the description of the process on NMFS' website, further elaboration on the process through responses to comments such as these, posting of substantive documents on the agency's website, and provision of 30 or 45 days for public review and comment on all proposed initial IHAs and Renewals respectively, NMFS has ensured that the public is "invited and encouraged to participate fully in the agency's decision-making process", as Congress intended.

Comment 2: Oceana stated that NMFS must utilize the best available science, and suggested that NMFS has not done so, specifically referencing information regarding the North Atlantic right whale (NARW) such as updated population estimates, habitat usage in the survey area, and seasonality information. Oceana specifically asserted that NMFS is not using the best available science with regards to the NARW population estimate and state that NMFS should be using the estimate of 336 individuals presented by the New England Aquarium (https://www.neaq.org/about-us/news-media/press-kit/press-releases/population-of-north-atlantic-right-whales-continues-its-downward-trajectory/?fbclid=IwAR3VJcauSifygKxU4ZICau0Cd_fo2t4KU6RSJIK7WSmkGRLYLGHpjz1_WkY).

Response: While NMFS agrees that the best available science should be used for assessing NARW abundance estimates, we disagree that the New England Aquarium site represents the most recent and best available estimate for NARW abundance. Rather the revised abundance estimate (368; 95 percent with a confidence interval of 356–378) published by Pace (2021) (and subsequently included in the 2021 Stock Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>)), which was used in the proposed IHA, provides the most recent and best available estimate, and introduced improvements to NMFS' right whale abundance model. Specifically, Pace (2021) looked at a different way of characterizing annual estimates of age-specific survival. NMFS considered all relevant information regarding North Atlantic right whale, including the information cited by the

commenters. However, NMFS relies on the SAR. Recently (after publication of the notice of proposed IHA), NMFS updated its species web page to recognize the population estimate for NARW is now below 350 animals (<https://www.fisheries.noaa.gov/species/north-atlantic-right-whale>). We anticipate that this information will be presented in the draft 2022 SAR. We note that this change in abundance estimate would not change the estimated take of NARW or authorized take numbers, nor affect our ability to make the required findings under the MMPA for Atlantic Shores Bight's survey activities.

NMFS further notes that Oceana's comment seems to be conflating the phrase "best available data" with "the most recent data." The MMPA specifies that the "best available data" must be used, which does not always mean the most recent. As is NMFS' prerogative, we referenced the best available NARW abundance estimate of 368 from the 2021 SARs as NMFS' determination of the best available data that we relied on in our analysis. The Pace (2021) results strengthened the case for a change in mean survival rates after 2010–2011, but did not significantly change other current estimates (population size, number of new animals, adult female survival) derived from the model. Furthermore, NMFS notes that the SARs are peer reviewed by other scientific review groups prior to being finalized and published and that the New England Aquarium site referenced by the commenter does not undertake this process.

NMFS considered the best available science regarding both recent habitat usage patterns for the study area and up-to-date seasonality information in the notice of the proposed IHA, including consideration of existing biologically important area (BIAs) and densities provided by Roberts *et al.* (2021). While the commenter has suggested that NMFS consider best available information for recent habitat usage patterns and seasonality, it has not offered any additional information which it suggests should be considered best available information in place of what NMFS considered in its notice of proposed IHA (87 FR 38067; June 27, 2022).

Lastly, as we stated in the notice of proposed IHA (87 FR 38067; June 27, 2022), any impacts to marine mammals are expected to be temporary and minor and, given the relative size of the survey area compared to the overall migratory route leading to foraging habitat (which is not affected by the specified activity). Comparatively, the survey area is

extremely small (approximately 5,567.3 km²) compared to the size of the NARW migratory BIA (269,448 km²). Because of this, and in context of the minor, low-level nature of the impacts expected to result from the planned survey, such impacts are not expected to result in disruption to biologically important behaviors.

Comment 3: Oceana noted that chronic stressors are an emerging concern for NARW conservation and recovery, and stated that chronic stress may result in energetic effects for NARW. Oceana suggested that NMFS has not fully considered both the use of the area and the effects of both acute and chronic stressors on the health and fitness of NARW, as disturbance responses in NARW could lead to chronic stress or habitat displacement, leading to an overall decline in their health and fitness.

Response: NMFS agrees with Oceana that both acute and chronic stressors are of concern for NARW conservation and recovery. We recognize that acute stress from acoustic exposure is one potential impact of these surveys, and that chronic stress can have fitness, reproductive, etc. impacts at the population-level scale. NMFS has carefully reviewed the best available scientific information in assessing impacts to marine mammals, and recognizes that the surveys have the potential to impact marine mammals through behavioral effects, stress responses, and auditory masking. However, NMFS does not expect that the generally short-term, intermittent, and transitory marine site characterization survey activities planned by Atlantic Shores Bight will create conditions of acute or chronic acoustic exposure leading to long-term physiological stress responses in marine mammals. NMFS has also prescribed a robust suite of mitigation measures, including extended distance shutdowns for NARW, that are expected to further reduce the duration and intensity of acoustic exposure, while limiting the potential severity of any possible behavioral disruption. The potential for chronic stress was evaluated in making the determinations presented in NMFS' negligible impact analyses. Because NARW generally use this location in a transitory manner, specifically for migration, any potential impacts from these surveys are lessened for other behaviors due to the brief periods where exposure is possible. In context of these expected low-level impacts, which are not expected to meaningfully affect important behavior, we also refer again to the large size of the migratory corridor compared with the survey area

(the overlap between the BIA and the proposed survey area will cover approximately 5,567.3 km² of the 269,448 km² BIA). Thus, the transitory nature of NARW at this location means it is unlikely for any exposure to cause chronic effects, as Atlantic Shores Bight's planned survey area and ensonified zones are much smaller than the overall migratory corridor. As such, NMFS does not expect acute or cumulative stress to be a detrimental factor to NARW from Atlantic Shores Bight's described survey activities.

Lastly, NMFS disagrees that the effects of Atlantic Shores Bight's survey may contribute to stunted growth rates as suggested by Oceana's comments. The activities associated with Atlantic Shores Bight's survey are outside the scope of activities described in the Stewart *et al.* (2022) paper and NMFS does not expect impacts such as these to result from Atlantic Shores Bight's described survey activities.

Comment 4: Oceana and COA asserted that NMFS must fully consider the discrete effects of each activity and the cumulative effects of the suite of approved, proposed and potential activities on marine mammals and NARW in particular and ensure that the cumulative effects are not excessive before issuing or renewing an IHA.

Response: Neither the MMPA nor NMFS' codified implementing regulations call for consideration of other unrelated activities and their impacts on populations. The preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989) states in response to comments that the impacts from other past and ongoing anthropogenic activities are to be incorporated into the negligible impact analysis via their impacts on the baseline. Consistent with that direction, NMFS has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline, *e.g.*, as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant stressors. The 1989 final rule for the MMPA implementing regulations also addressed public comments regarding cumulative effects from future, unrelated activities. There NMFS stated that such effects are not considered in making findings under section 101(a)(5) concerning negligible impact. In this case, this IHA, as well as other IHAs currently in effect or proposed within the specified geographic region, are appropriately considered an unrelated activity relative to the others. The IHAs are unrelated in the sense that they are discrete actions

under section 101(a)(5)(D), issued to discrete applicants.

Section 101(a)(5)(D) of the MMPA requires NMFS to make a determination that the take incidental to a “specified activity” will have a negligible impact on the affected species or stocks of marine mammals. NMFS’ implementing regulations require applicants to include in their request a detailed description of the specified activity or class of activities that can be expected to result in incidental taking of marine mammals. 50 CFR 216.104(a)(1). Thus, the “specified activity” for which incidental take coverage is being sought under section 101(a)(5)(D) is generally defined and described by the applicant. Here, Atlantic Shores Bight was the applicant for the IHA, and we are responding to the specified activity as described in that application (and making the necessary findings on that basis).

Through the response to public comments in the 1989 implementing regulations, NMFS also indicated (1) that we would consider cumulative effects that are reasonably foreseeable when preparing a NEPA analysis, and (2) that reasonably foreseeable cumulative effects would also be considered under section 7 of the Endangered Species Act (ESA) for ESA-listed species, as appropriate. Accordingly, NMFS has written Environmental Assessments (EA) that addressed cumulative impacts related to substantially similar activities, in similar locations, e.g., the 2017 Ocean Wind, LLC EA for site characterization surveys off New Jersey. Cumulative impacts regarding issuance of IHAs for site characterization survey activities such as those planned by Atlantic Shores Bight have been adequately addressed under NEPA in prior environmental analyses that support NMFS’ determination that this action is appropriately categorically excluded from further NEPA analysis. NMFS independently evaluated the use of a categorical exclusion (CE) for issuance of Atlantic Shores Bight’s IHA, which included consideration of extraordinary circumstances.

Separately, the cumulative effects of substantially similar activities in the northwest Atlantic Ocean have been analyzed in the past under section 7 of the ESA when NMFS has engaged in formal intra-agency consultation, such as the 2013 programmatic Biological Opinion for BOEM Lease and Site Assessment Rhode Island, Massachusetts, New York, and New Jersey Wind Energy Areas (<https://repository.library.noaa.gov/view/noaa/29291>). Analyzed activities include those for which NMFS issued previous

IHAs (82 FR 31562; July 7, 2017, 85 FR 21198; April 16, 2020, and 86 FR 26465; May 10, 2021), which are similar to those planned by Atlantic Shores Bight under this current IHA request. This Biological Opinion determined that NMFS’ issuance of IHAs for site characterization survey activities associated with leasing, individually and cumulatively, are not likely to adversely affect listed marine mammals. NMFS notes that, while issuance of this IHA is covered under a different consultation, this Biological Opinion remains valid.

Comment 5: Oceana states that NMFS must make an assessment of which activities, technologies and strategies are truly necessary to achieve site characterization to inform development of the offshore wind projects and which are not critical, asserting that NMFS should prescribe the appropriate survey techniques. In general, Oceana stated that NMFS must require that all IHA applicants minimize the impacts of underwater noise to the fullest extent feasible, including through the use of best available technology and methods to minimize sound levels from geophysical surveys such as through the use of technically and commercially feasible and effective noise reduction and attenuation measures.

Response: The MMPA requires that an IHA include measures that will effect the least practicable adverse impact on the affected species and stocks and, in practice, NMFS agrees that the IHA should include conditions for the survey activities that will first avoid adverse effects on NARW in and around the survey site, where practicable, and then minimize the effects that cannot be avoided. NMFS has determined that the IHA meets this requirement to effect the least practicable adverse impact. As part of the analysis for all marine site characterization survey IHAs, NMFS evaluated the effects expected as a result of the specified activity, made the necessary findings, and prescribed mitigation requirements sufficient to achieve the least practicable adverse impact on the affected species and stocks of marine mammals. It is not within NMFS’ purview to make judgments regarding what may be appropriate techniques or technologies for an operator’s survey objectives.

Comment 6: Oceana suggests that Protected Species Observer (PSOs) complement their survey efforts using additional technologies, such as infrared detection devices when in low-light conditions.

Response: NMFS agrees with Oceana regarding this suggestion and a requirement to utilize a thermal

(infrared) device during low-light conditions was included in the proposed **Federal Register** notice. That requirement is included as a requirement of the issued IHA.

Comment 7: Oceana recommended that NMFS restrict all vessels of all sizes associated with the proposed survey activities to speeds less than 10 knots (kn) at all times due to the risk of vessel strikes to NARW and other large whales.

Response: While NMFS acknowledges that vessel strikes can result in injury or mortality, we have analyzed the potential for vessel strike resulting from Atlantic Shores Bight’s activity and have determined that based on the nature of the activity and the required mitigation measures specific to vessel strike avoidance included in the IHA, potential for vessel strike is so low as to be discountable. The required mitigation measures, all of which were included in the proposed IHA and are now required in the final IHA, include: A requirement that all vessel operators comply with 10 knots (kn) (18.5 kilometer/hour (km/hour)) or less speed restrictions in any Seasonal Management Areas (SMA), Dynamic Management Areas (DMA) or Slow Zone while underway, and check daily for information regarding the establishment of mandatory or voluntary vessel strike avoidance areas (SMAs, DMAs, Slow Zones) and information regarding NARW sighting locations; a requirement that all vessels greater than or equal to 19.8 m in overall length operating from November 1 through April 30 operate at speeds of 10 kn (18.5 km/hour) or less; a requirement that all vessel operators reduce vessel speed to 10 kn (18.5 km/hour) or less when any large whale, any mother/calf pairs, pods, or large assemblages of non-delphinid cetaceans are observed near the vessel; a requirement that all survey vessels maintain a separation distance of 500 m or greater from any ESA-listed whales or other unidentified large marine mammals visible at the surface while underway; a requirement that, if underway, vessels must steer a course away from any sighted ESA-listed whale at 10 kn (18.5 km/hr) or less until the 500 m minimum separation distance has been established; a requirement that, if an ESA-listed whale is sighted in a vessel’s path, or within 500 m of an underway vessel, the underway vessel must reduce speed and shift the engine to neutral; a requirement that all vessels underway must maintain a minimum separation distance of 100 m from all non-ESA-listed baleen whales; and a requirement that all vessels underway must, to the maximum extent practicable, attempt to maintain a

minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (e.g., for animals that approach the vessel). We have determined that the vessel strike avoidance measures in the IHA are sufficient to ensure the least practicable adverse impact on species or stocks and their habitat. Furthermore, no documented vessel strikes have occurred for any marine site characterization surveys which were issued IHAs from NMFS during the survey activities themselves or while transiting to and from survey sites.

Comment 8: Oceana suggests that NMFS require vessels maintain a separation distance of at least 500 m from NARW at all times.

Response: NMFS agrees with Oceana regarding this suggestion and a requirement to maintain a separation distance of at least 500 m from NARW at all times was included in the proposed **Federal Register** notice and was included as a requirement in the issued IHA.

Comment 9: Oceana recommended that the IHA should require all vessels supporting site characterization to be equipped with and using Class A Automatic Identification System (AIS) devices at all times while on the water. Oceana suggested this requirement should apply to all vessels, regardless of size, associated with the survey.

Response: NMFS is generally supportive of the idea that vessels involved with survey activities be equipped with and using Class A Automatic Identification System (devices) at all times while on the water. Indeed, there is a precedent for NMFS requiring such a stipulation for geophysical surveys in the Atlantic Ocean (38 FR 63268, December 7, 2018); however, these activities carried the potential for much more significant impacts than the marine site characterization surveys to be carried out by Atlantic Shores Bight, with the potential for both Level A and Level B harassment take. Given the small isopleths and small numbers of take authorized by this IHA, NMFS does not agree that the benefits of requiring AIS on all vessels associated with the survey activities outweighs and warrants the cost and practicability issues associated with this requirement.

Comment 10: Oceana asserts that the IHA must include requirements to hold all vessels associated with site characterization surveys accountable to the IHA requirements, including vessels owned by the developer, contractors, employees, and others regardless of ownership, operator, and contract. They

state that exceptions and exemptions will create enforcement uncertainty and incentives to evade regulations through reclassification and re-designation. They recommend that NMFS simplify this by requiring all vessels to abide by the same requirements, regardless of size, ownership, function, contract or other specifics.

Response: NMFS agrees with Oceana and required these measures in the proposed IHA and final IHA. The IHA requires that a copy of the IHA must be in the possession of Atlantic Shores Bight, the vessel operators, the lead PSO, and any other relevant designees of Atlantic Shores Bight operating under the authority of this IHA. The IHA also states that Atlantic Shores Bight must ensure that the vessel operator and other relevant vessel personnel, including the PSO team, are briefed on all responsibilities, communication procedures, marine mammal monitoring protocols, operational procedures, and IHA requirements prior to the start of survey activity, and when relevant new personnel join the survey operations.

Comment 11: Oceana stated that the IHA must include a requirement for all phases of the site characterization to subscribe to the highest level of transparency, including frequent reporting to Federal agencies. Oceana recommends requirements to report all visual and acoustic detections of NARW and any dead, injured, or entangled marine mammals to NMFS or the Coast Guard as soon as possible and no later than the end of the PSO shift. Oceana states that to foster stakeholder relationships and allow public engagement and oversight of the permitting, the IHA should require all reports and data to be accessible on a publicly available website.

Response: NMFS agrees with the need for reporting and indeed, the MMPA calls for IHAs to incorporate reporting requirements. As included in the proposed IHA, the final IHA includes requirements for reporting that supports Oceana's recommendations.

Further, the draft IHA and final IHA stipulate that if a NARW is observed at any time by any survey vessels, during surveys or during vessel transit, Atlantic Shores Bight must immediately report sighting information to the NMFS NARW Sighting Advisory System within two hours of occurrence, when practicable, or no later than 24 hours after occurrence. Atlantic Shores Bight may also report the sighting to the U.S. Coast Guard. Additionally, Atlantic Shores Bight must report any discoveries of injured or dead marine mammals to the Office of Protected Resources, NMFS, and to the New

England/Mid-Atlantic Regional Stranding Coordinator as soon as feasible. This includes entangled animals. All reports and associated data submitted to NMFS are included on the website for public inspection.

Daily visual and acoustic detections of NARW and other large whale species along the Eastern Seaboard, as well as Slow Zone locations, are publicly available on WhaleMap (<https://whalemap.org/WhaleMap/>). Further, recent acoustic detections of NARW and other large whale species are available to the public on NOAA's Passive Acoustic Cetacean Map website <https://apps-nefsc.fisheries.noaa.gov/pacm/#/narw>.

Comment 12: Oceana recommends a shutdown requirement if a NARW or other ESA-listed species is detected in the clearance zone as well as a publicly available explanation of any exemptions as to why the applicant would not be able to shut down in these situations.

NMFS reiterates that use of the planned sources is not expected to have any potential to cause injury of any species, including North Atlantic right whale, even in the absence of mitigation. Consideration of the anticipated effectiveness of the mitigation measures (i.e., exclusion zones and shutdown measures) discussed below and in the Mitigation section of this notice further strengthens the conclusion that injury is not a reasonably anticipated outcome of the survey activity. Nevertheless, there are several shutdown requirements described in the **Federal Register** notice of the proposed IHA (87 FR 38067; July 27, 2022), and which are included in the final IHA, including the stipulation that geophysical survey equipment must be immediately shut down if any marine mammal is observed within or entering the relevant shutdown zone while geophysical survey equipment is operational. There is no exemption for the shutdown requirement for NARW and ESA-listed species.

Atlantic Shores Bight is required to implement a 30-minute pre-start clearance period prior to the initiation of ramp-up of specified HRG equipment. During this period, clearance zones will be monitored by the PSOs, using the appropriate visual technology. Ramp-up may not be initiated if any marine mammal(s) is within its respective clearance zone. If a marine mammal is observed within an clearance zone during the pre-start clearance period, ramp-up may not begin until the animal(s) has been observed exiting its respective exclusion zone or until an additional time period has elapsed with no further sighting (i.e., 15 minutes for

small odontocetes and seals, and 30 minutes for all other species). If the acoustic source is shut down for reasons other than mitigation (*e.g.*, mechanical difficulty) for less than 30 minutes, it may be activated again without ramp-up if PSOs have maintained constant observation and no detections of any marine mammal have occurred within the respective exclusion zones.

Comment 13: Oceana recommended increasing the clearance zone to 1,000 m for NARW with requirements for HRG survey vessels to use PSOs and Passive Acoustic Monitoring (PAM) to establish and monitor these zones.

Response: NMFS notes that the 500 m Exclusion Zone for NARW exceeds the modeled distance to the largest 160 dB Level B harassment isopleth (141 m during sparker use) by a conservative margin to be extra cautious.

Commenters do not provide a compelling rationale for why the clearance zone should be even larger. Given that these surveys are relatively low impact and that, regardless, NMFS has prescribed a precautionary NARW Exclusion Zone that is larger (500 m) than the conservatively estimated largest harassment zone (141 m), NMFS has determined that the clearance zone is appropriate.

Regarding the use of acoustic monitoring to implement the clearance zones, NMFS does not anticipate that acoustic monitoring would be effective for a variety of reasons discussed below and therefore has not required it in this IHA. As described in the Mitigation section, NMFS has determined that the prescribed mitigation requirements are sufficient to effect the least practicable adverse impact on all affected species or stocks.

The commenters do not explain why they expect that PAM would be effective in detecting vocalizing mysticetes, nor does NMFS agree that this measure is warranted, as it is not expected to be effective for use in detecting the species of concern. It is generally accepted that, even in the absence of additional acoustic sources, using a towed passive acoustic sensor to detect baleen whales (including NARW) is not typically effective because the noise from the vessel, the flow noise, and the cable noise are in the same frequency band and will mask the vast majority of baleen whale calls. Vessels produce low-frequency noise, primarily through propeller cavitation, with main energy in the 5–300 Hertz (Hz) frequency range. Source levels range from about 140 to 195 decibel (dB) re 1 μ Pa (micropascal) at 1 m (NRC, 2003; Hildebrand, 2009), depending on factors such as ship type, load, and speed, and ship hull and

propeller design. Studies of vessel noise show that it appears to increase background noise levels in the 71–224 Hz range by 10–13 dB (Hatch *et al.* 2012; McKenna *et al.* 2012; Rolland *et al.* 2012). PAM systems employ hydrophones towed in streamer cables approximately 500 m behind a vessel. Noise from water flow around the cables and from strumming of the cables themselves is also low frequency and typically masks signals in the same range. Experienced PAM operators participating in a recent workshop (Thode *et al.* 2017) emphasized that a PAM operation could easily report no acoustic encounters, depending on species present, simply because background noise levels rendered any acoustic detection impossible. The same workshop report stated that a typical eight-element array towed 500 m behind a vessel could be expected to detect delphinids, sperm whales, and beaked whales at the required range, but not baleen whales, due to expected background noise levels (including seismic noise, vessel noise, and flow noise).

There are several additional reasons why we do not agree that use of PAM is warranted for 24-hour HRG surveys. While NMFS agrees that PAM can be an important tool for augmenting detection capabilities in certain circumstances, its utility in further reducing impact during HRG survey activities is limited. First, for this activity, the area expected to be ensonified above the Level B harassment threshold is relatively small (a maximum of 141 m); this reflects the fact that, to start with, the source level is comparatively low and the intensity of any resulting impacts would be lower level and, further, it means that inasmuch as PAM will only detect a portion of any animals exposed within a zone, the overall probability of PAM detecting an animal in the harassment zone is low. Together these factors support the limited value of PAM for use in reducing take with smaller zones. PAM is only capable of detecting animals that are actively vocalizing, while many marine mammal species vocalize infrequently or during certain activities, which means that only a subset of the animals within the range of the PAM would be detected (and potentially have reduced impacts). Additionally, localization and range detection can be challenging under certain scenarios. For example, odontocetes are fast moving and often travel in large or dispersed groups which makes localization difficult.

Given that the effects to marine mammals from the types of surveys authorized in this IHA are expected to

be limited to low level behavioral harassment even in the absence of mitigation, the limited additional benefit anticipated by adding this detection method (especially for NARW and other low frequency cetaceans, species for which PAM has limited efficacy), and the cost and impracticability of implementing a full-time PAM program, we have determined the current requirements for visual monitoring are sufficient to ensure the least practicable adverse impact on the affected species or stocks and their habitat. NMFS has previously provided discussions on why PAM isn't a required monitoring measure during HRG survey IHAs in past **Federal Register** notices (see 86 FR 21289, April 22, 2021 and 87 FR 13975, March 11, 2022 for examples).

Comment 14: Oceana recommended that when HRG surveys are allowed to resume after a shutdown event, the surveys should be required to use a ramp-up procedure to encourage any nearby marine life to leave the area.

Response: NMFS agrees with this recommendation and included in the **Federal Register** notice of the proposed IHA (87 FR 38067; June 27, 2022) and this final IHA a stipulation that when technically feasible, survey equipment must be ramped up at the start or restart of survey activities. A ramp-up procedure, involving a gradual increase in source level output, is required at all times as part of the activation of the acoustic source when technically feasible. Operators should ramp up sources to half power for 5 minutes and then proceed to full power. A 30-minute pre-start clearance observation period must occur prior to the start of ramp-up (or initiation of source use if ramp-up is not technically feasible). NMFS notes that ramp-up is not required for short periods where acoustic sources were shut down (*i.e.*, less than 30 minutes) if PSOs have maintained constant visual observation and no detections of marine mammals occurred within the applicable clearance zones.

Comment 15: COA does not agree with NMFS' negligible impact determination for NARW and states that NMFS provides an inaccurate characterization of impacts to NARW.

Response: NMFS disagrees with the COA's position regarding the negligible impact analysis, and they do not provide a reasoned basis for finding that the effects of the specified activity would be greater than negligible on NARW. The Negligible Impact Analysis and Determination section of the proposed IHA (87 FR 38067; June 27, 2022) provides a detailed qualitative discussion supporting NMFS'

determination that any anticipated impacts from this action would be negligible. The section contains a number of factors that were considered by NMFS based on the best available scientific data and why we concluded that impacts resulting from the specified activity are not reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

With specific regard to NARW, we note that take is authorized for only a very small percentage of the right whale population (see Table 9). However, the numbers of potential incidents of take or animals taken are only part of an assessment and are not, alone, decisively indicative of the degree of impact. In order to adequately evaluate the effects of noise exposure at the population level, the total number of take incidents must be further interpreted in context of relevant biological and population parameters and other biological, environmental, and anthropogenic factors and in a spatially and temporally explicit manner. The effects to individuals of a “take” are not necessarily equal. Some take events represent exposures that only just exceed a Level B harassment threshold, which would be expected to result in lower-level impacts, while other exposures occur at higher received levels and would typically be expected to have comparatively greater potential impacts on an individual. Further, responses to similar received levels may result in significantly different impacts on an individual dependent upon the context of the exposure or the status of the individuals (*e.g.*, if it occurred in an area and time where concentrated feeding was occurring, or to individuals weakened by other effects). In this case, NMFS reiterates that no such higher level takes are expected to occur. The maximum anticipated Level B harassment zone is 141 m, a distance smaller than the precautionary shutdown zone of 500 m. To the extent that any exposure of NARW does occur, it would be expected to result in lower-level impacts that are unlikely to result in significant or long-lasting impacts to the exposed individual and, given the relatively small amount of exposures expected to occur, it is unlikely that these exposures would result in population-level impacts. NMFS acknowledges that impacts of a similar degree on a proportion of the individuals in a stock may have differing impacts to the stock based on its status, *i.e.*, smaller stocks may be less able to absorb deaths or reproductive suppression and maintain similar

growth rates as larger stocks. However, even given the precarious status of the NARW, the low-level nature of the impacts expected to occur from this action and the small number of individuals affected supports NMFS’ determination that population-level impacts will not occur. The commenters provide no substantive reasoning to contradict this finding, and do not support their assertions of effects greater than NMFS has assumed may occur.

Comment 16: COA is concerned that habitat displacement could significantly increase the risk of ship-strike to NARW from outside the survey area.

Response: NMFS does not anticipate that NARW would be displaced from the area where Atlantic Shores Bight’s marine site characterization surveys would occur, and COA does not provide evidence that this effect should be a reasonably anticipated outcome of the specified activity. Similarly, NMFS is not aware of any scientific information suggesting that the survey activity would drive marine mammals into shipping lanes, and disagrees that this would be a reasonably anticipated effect of the specified activities. The take by Level B harassment authorized by NMFS is precautionary but considered unlikely, as NMFS’ take estimation process does not account for the use of extremely precautionary mitigation measures, *e.g.*, the requirement for Atlantic Shores Bight to implement a shutdown zone that is more than three times as large as the estimated harassment zone. These requirements are expected to largely eliminate the actual occurrence of Level B harassment events and, to the extent that harassment does occur, would minimize the duration and severity of any such events. Therefore, even if a NARW was in the area of the cable corridor surveys, a displacement impact is not anticipated.

Although the primary stressor to marine mammals from the specified activities is acoustic exposure to the sound source, NMFS takes seriously the risk of vessel strike and has prescribed measures sufficient to avoid the potential for ship strike to the extent practicable. NMFS has required these measures despite a very low likelihood of vessel strike; vessels associated with the survey activity will add a discountable amount of vessel traffic to the specific geographic region and, furthermore, vessels towing survey gear travel at very slow speeds (*i.e.*, roughly 4–5 kn; 7.4–9.3 km/h).

Comment 17: COA asserted that NMFS is overestimating the population abundance for NARW.

Response: NMFS agrees that the most up to date population estimate should be used for assessing NARW abundance estimates. The revised abundance estimate (368; 95 percent with a confidence interval of 356–378) published by Pace (2021) (and subsequently included in the 2021 Stock Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>)), which was used in the proposed IHA, provides the most recent and best available estimate, and introduced improvements to NMFS’ right whale abundance model. Specifically, Pace (2021) looked at a different way of characterizing annual estimates of age-specific survival. NMFS considered all relevant information regarding NARW, including the information cited by the commenters. However, NMFS relies on the SAR. Recently, NMFS updated its species web page to recognize the population estimate for NARW is now below 350 animals (<https://www.fisheries.noaa.gov/species/north-atlantic-right-whale>), as COA mentioned. We anticipate that this information will be presented in the draft 2022 SAR. We note that this change in abundance estimate would not change the estimated take of NARW or authorized take numbers, nor affect our ability to make the required findings under the MMPA for Atlantic Shores Bight’s survey activities.

As stated above, NMFS notes that the MMPA specifies that the “best available data” must be used, which does not always mean the most recent. As is NMFS’ prerogative, we referenced the best available NARW abundance estimate of 368 from the 2021 SARs as NMFS’ determination of the best available data that we relied on in our analysis. The Pace (2021) results strengthened the case for a change in mean survival rates after 2010–2011, but did not significantly change other current estimates (population size, number of new animals, adult female survival) derived from the model.

Lastly, as we stated previously and in the notice of proposed IHA (87 FR 38067; June 27, 2022), any impacts to marine mammals are expected to be temporary and minor and, given the relative size of the survey area compared to the overall migratory route and foraging habitat (which is not affected by the specified activity). The survey area is small (approximately 5,567.3 km² total area) compared to the size of the NARW migratory BIA (269,448 km²). Because of this, and in context of the minor, low-level nature of

the impacts expected to result from the planned survey, such impacts are not expected to result in disruption to biologically important behaviors.

Comment 18: Oceana states that Atlantic Shores Bight's activities will increase vessel traffic in and around the project area and that the IHA must include a vessel traffic plan to minimize the effects of increased vessel traffic.

Response: NMFS disagrees with Oceana's statement that the IHA must require a vessel traffic plan. During HRG surveys there are no service vessels required. NMFS agrees that a vessel plan may be potentially appropriate for project construction, but it is not needed for marine site characterization surveys.

Comment 19: COA is concerned regarding the number of harbor seals that could be impacted by the activities, as well as a lack of baseline data being available for harbor seals off New Jersey.

Response: We appreciate the concern expressed by COA. NMFS utilizes the best available science when analyzing which species may be impacted by an applicant's proposed activities. Based on information found in the scientific literature, as well as based on density models developed by Duke University, all marine mammal species included in the proposed **Federal Register** notice have some likelihood of occurring in Atlantic Shores Bight's survey area. Furthermore, the MMPA requires us to evaluate the effects of the specified activities in consideration of the best scientific evidence available and, if the necessary findings are made, to issue the requested take authorization. The MMPA does not allow us to delay decision making in hopes that additional information may become available in the future.

Regarding the lack of baseline information cited by COA, with specific concern pointed out for harbor seals, NMFS points towards two sources of information for marine mammal baseline information: the Ocean/Wind

Power Ecological Baseline Studies, January 2008—December 2009 completed by the New Jersey Department of Environmental Protection in July 2010 (<https://dspace.njstatelib.org/xmlui/handle/10929/68435>) and the Atlantic Marine Assessment Program for Protected Species (AMAPPS; <https://www.fisheries.noaa.gov/new-england-mid-atlantic/population-assessments/atlantic-marine-assessment-program-protected>) with annual reports available from 2010 to 2020 (<https://www.fisheries.noaa.gov/resource/publication-database/atlantic-marine-assessment-program-protected-species>) that cover the areas across the Atlantic Ocean. NMFS has duly considered this and all available information.

Based on the information presented, NMFS has determined that no new information has become available, nor do the commenters present additional information, that would change our determinations since the publication of the proposed notice.

Changes From the Proposed IHA to Final IHA

NMFS considered all public comments received and determined that no changes to the final IHA were necessary.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, incorporated here by reference, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; www.fisheries.noaa.gov/

[national/marine-mammal-protection/marine-mammal-stock-assessments](https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments)) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 2 lists all species or stocks for which take is expected and authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or authorized, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. 2021 U.S. Atlantic and Gulf of Mexico SARs. All values presented in Table 2 are the most recent available at the time of publication and are available in the 2021 SARs (available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports>).

TABLE 2—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ¹	Stock abundance (CV, N _{min} , most re- cent abundance survey) ²	PBR	Annual M/SI ³
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
North Atlantic right whale	<i>Eubalaena glacialis</i>	Western Atlantic	E/D, Y	368 (0; 364; 2019) ⁵	0.7	7.7
Humpback whale	<i>Megaptera novaeangliae</i>	Gulf of Maine	-/-, Y	1,396 (0; 1,380; 2016)	22	12.15

TABLE 2—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ¹	Stock abundance (CV, N _{min} , most re- cent abun- dance survey) ²	PBR	Annual M/SI ³
Fin whale	<i>Balaenoptera physalus</i>	Western North Atlantic	E/D, Y	6,802 (0.24; 5,573; 2016)	11	1.8
Sei whale	<i>Balaenoptera borealis</i>	Nova Scotia	E/D, Y	6,292 (1.02; 3,098; 2016)	6.2	0.8
Minke whale	<i>Balaenoptera acutorostrata</i>	Canadian East Coastal	-/-, N	21,968 (0.31; 17,002; 2016)	170	10.6
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Sperm whale	<i>Physeter macrocephalus</i>	North Atlantic	E/D, Y	4,349 (0.28; 3,451; 2016)	3.9	0
Long-finned pilot whale	<i>Globicephala melas</i>	Western North Atlantic	-/-, N	39,215 (0.3; 30,627; 2016)	306	29
Atlantic white-sided dolphin	<i>Lagenorhynchus acutus</i>	Western North Atlantic	-/-, N	93,233 (0.71; 54,443; 2016)	544	27
Bottlenose dolphin	<i>Tursiops truncatus</i>	Western North Atlantic Offshore	-/-, N	62,851 (0.23; 51,914; 2016)	519	28
Common dolphin	<i>Delphinus delphis</i>	Western North Atlantic	-/-, N	172,974 (0.21, 145,216, 2016)	1,452	390
Atlantic spotted dolphin	<i>Stenella frontalis</i>	Western North Atlantic	-/-, N	39,921 (0.27; 32,032; 2016)	320	0
Risso's dolphin	<i>Grampus griseus</i>	Western North Atlantic Sock	-/-, N	35,215 (0.19; 30,051; 2016)	301	34
Harbor porpoise	<i>Phocoena phocoena</i>	Gulf of Maine/Bay of Fundy	-/-, N	95,543 (0.31; 74,034; 2016)	851	164
Order Carnivora—Superfamily Pinnipedia						
Harbor seal	<i>Phoca vitulina</i>	Western North Atlantic	-/-, N	61,336 (0.08; 57,637; 2018)	1,729	339
Gray seal ⁴	<i>Halichoerus grypus</i>	Western North Atlantic	-/-, N	27,300 (0.22; 22,785; 2018)	1,389	4,453

¹ ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

² NMFS marine mammal stock assessment reports online at: www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments. CV is the coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

³ These values, found in NMFS' SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike).

⁴ NMFS' stock abundance estimate (and associated PBR value) applies to U.S. populations only. Total stock abundance (including animals in Canada) is approximately 451,431. The annual M/SI value given is for the total stock.

⁵ The draft 2022 SARs have yet to be released; however, NMFS has updated its species web page to recognize the population estimate for NARWs is now below 350 animals (<https://www.fisheries.noaa.gov/species/north-atlantic-right-whale>).

A detailed description of the species likely to be affected by Atlantic Shores Bight's activities, including information regarding population trends, threats, and local occurrence, was provided in the **Federal Register** notice for the proposed IHA (87 FR 38067; June 27, 2022); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (<https://www.fisheries.noaa.gov/find-species>) for generalized species accounts.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals

underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, etc.). Note that no direct measurements of hearing ability have

been successfully completed for mysticetes (*i.e.*, low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS
[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.*, 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.*, 2006; Kastelein *et al.*, 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information. 15 marine mammal species (13 cetaceans and 2 phocid pinniped species) have the reasonable potential to co-occur with the planned survey activities. Please refer to Table 2. Of the cetacean species that may be present, five are classified as low-frequency cetaceans (*i.e.*, all mysticete species), seven are classified as mid-frequency cetaceans (*i.e.*, all delphinids and the sperm whale), and one is classified as high-frequency cetaceans (*i.e.*, harbor porpoise).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from the deployed acoustic sources have the potential to result in behavioral harassment of marine mammals in the

vicinity of the study area. The **Federal Register** notice for the proposed IHA (87 FR 38067; June 27, 2022) included a discussion of the effects of anthropogenic noise on marine mammals and their habitat, therefore that information is not repeated here; please refer to the **Federal Register** notice (87 FR 38067; June 27, 2022) for that information.

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of "small numbers," and the negligible impact determinations.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing,

nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes are by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to HRG acoustic sources. Based on the nature of the activity, Level A harassment is neither anticipated (even absent mitigation) nor authorized. Level A harassment (injury) is considered unlikely based on the characteristics of the signals produced by the acoustic sources planned for use. Implementation of required mitigation detailed in the Mitigation section below further reduces the potential for Level A harassment. As described previously, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how the authorized take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the

density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (e.g., previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the authorized take estimates.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (e.g., frequency, predictability, duty cycle, duration of the exposure,

signal-to-noise ratio, distance to the source), the environment (e.g., bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (e.g., Southall *et al.*, 2007, 2021, Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μ Pa)) when exposed to underwater anthropogenic noise above received levels of 160 dB re 1 μ Pa (rms) for the impulsive sources (i.e., sparkers) and non-impulsive, intermittent sources (e.g., CHIRPs) evaluated here for Atlantic Shores Bight's activities.

Atlantic Shores Bight's HRG surveys include the use of non-impulsive, intermittent (CHIRPs) and impulsive (sparkers) sources, and therefore the RMS SPL threshold of 160 dB re 1 μ Pa is applicable.

Level A harassment—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). Atlantic Shores Bight's HRG survey activities include the use of impulsive (sparkers) and non-impulsive (CHIRPs) sources.

These thresholds are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS' 2018 Technical Guidance, which may be accessed at: www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.

TABLE 4—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{p,0-pk,flat}$: 219 dB; $L_{E,p,LF,24h}$: 183 dB.	Cell 2: $L_{E,p,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	Cell 3: $L_{p,0-pk,flat}$: 230 dB; $L_{E,p,MF,24h}$: 185 dB.	Cell 4: $L_{E,p,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	Cell 5: $L_{p,0-pk,flat}$: 202 dB; $L_{E,p,HF,24h}$: 155 dB.	Cell 6: $L_{E,p,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{p,0-pk,flat}$: 218 dB; $L_{E,p,PW,24h}$: 185 dB.	Cell 8: $L_{E,p,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{p,0-pk,flat}$: 232 dB; $L_{E,p,OW,24h}$: 203 dB.	Cell 10: $L_{E,p,OW,24h}$: 219 dB.

* Dual metric thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds are recommended for consideration.

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s. In this Table, thresholds are abbreviated to be more reflective of International Organization for Standardization standards (ISO 2017). The subscript "flat" is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals (i.e., 7 Hz to 160 kHz). The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level thresholds could be exceeded in a multitude of ways (i.e., varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these thresholds will be exceeded.

The 2020 **Federal Register** notice of proposed IHA for Atlantic Shores' HRG surveys (85 FR 7926; February 12, 2020) previously analyzed the potential for Level A harassment (refer to Table 5 in that notification and additional discussion therein).

Similar to the past IHAs issued to Atlantic Shores, the activities for 2022–2023 include the use of impulsive (i.e., sparkers) and non-impulsive (e.g., CHIRPs) sources, and Atlantic Shores Bight did not request authorization of take by Level A harassment. The

locations, species, survey durations, equipment used, and source levels authorized are all of a similar scope previously analyzed for Atlantic Shores' surveys. NMFS concluded for past surveys that Level A harassment was not a reasonably likely outcome for marine mammals exposed to noise through use of similar impulsive and non-impulsive HRG sources, therefore, the same conclusion applies to the sources authorized for use here. Therefore, the potential for Level A harassment is not evaluated further in

this document and no take by Level A harassment is authorized by NMFS. Note that the mitigation measures will further reduce the potential for Level A harassment.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

NMFS has developed a user-friendly methodology for estimating the extent of the Level B harassment isopleths associated with relevant HRG survey equipment (NMFS, 2020). This methodology incorporates frequency and directionality to refine estimated ensonified zones. For acoustic sources that operate with different beamwidths, the maximum beamwidth was used, and the lowest frequency of the source was used when calculating the frequency-dependent absorption coefficient (Table 1).

NMFS considers the data provided by Crocker and Fratantonio (2016) to represent the best available scientific information on source levels associated with HRG survey equipment and, therefore, recommends that source levels provided by Crocker and Fratantonio (2016) be incorporated in the method described above to estimate isopleth distances to harassment thresholds. In cases where the source level for a specific type of HRG equipment is not provided in Crocker and Fratantonio (2016), NMFS

recommends that either the source levels provided by the manufacturer be used, or, in instances where source levels provided by the manufacturer are unavailable or unreliable, a proxy from Crocker and Fratantonio (2016) may be used instead. Table 1 shows the HRG equipment types that may be used during the authorized surveys and the source levels associated with those HRG equipment types. The computations and results from the Level B harassment ensonified area analysis are displayed in Table 5.

TABLE 5—INFORMATION INPUTS AND RESULTING DISTANCES TO LEVEL B THRESHOLD (M) FOR REPRESENTATIVE ACOUSTIC SOURCES

Source information		Input values into spreadsheet				Computed Values	
HRG survey equipment type	Representative equipment	Operating frequencies ranges (kHz)	Operational source level ranges (dB _{RMS})	Beamwidth ranges (degree)	Water depth (m)	Slant threshold range to Level B threshold (m)	Horizontal threshold range to Level B threshold (m)
Sparker	SIG ELC 820 sparker at 750J*.	0.01	203	180	5	141	141
	Geo Marine Survey System 2D SUHRS.	0.2	195	180	5	56	56
CHIRPs	Edgetech 2000–DSS.	2	195	24	5	56	1.1
	Edgetech 216	2	179	24	5	9	1.1
	Edgetech 424	4	180	71	10	10	5.8
	Edgetech 512i	0.7	179	80	10	9	5.8
	Pangeosubsea Sub-Bottom ImagerTM.	4	190	120	5	32	8.7

* Used as a proxy for the Applied Acoustics Dura-Spark 240 because the specific energy setting isn't described in Crocker and Franantonio (2016).

Results of modeling using the methodology described and shown above indicated that, of the HRG survey equipment planned for use by Atlantic Shores Bight that has the potential to result in Level B harassment of marine mammals, the Applied Acoustics Dura-Spark 240 would produce the largest Level B harassment isopleth (141 m; please refer to Table 6).

Although Atlantic Shores Bight does not expect to use sparker sources on all planned survey days and during the entire duration that surveys are likely to occur, Atlantic Shores Bight assumes, for purposes of analysis, that the sparker would be used on all survey days. This is a conservative approach, as the actual

sources used on individual survey days may produce smaller harassment distances, and NMFS agrees with this approach.

The Level B harassment isopleth distance of 141 m generated for the Dura-Spark 240 was used as the “r” input to calculate the zone of influence (ZOI) around the survey vessel, which is the maximum ensonified area around the sound source over a 24 hour period. The following formula for a mobile source was used to calculate the ZOI:

$$\text{Mobile Source ZOI} = (\text{Distance/day} \times 2r) + \pi r^2$$

Where:

Distance/day = the maximum distance a

survey vessel could travel in a 24-hour period;

r = the maximum radial distance from a given sound source to the NOAA Level A or Level B harassment thresholds.

For the purpose of the Atlantic Shores Bight HRG surveys, the total distance/day has been estimated to be approximately 55.0 km in the survey area. Based upon a daily survey distance of 55 km/day and a maximum radial distance to the Level B harassment threshold (141 m, see Tables 6, 7), an area of 15.57 km² will be ensonified to the Level B harassment threshold across both survey sites during Atlantic Shores Bight's authorized surveys (Table 6).

TABLE 6—MAXIMUM HRG SURVEY AREA DISTANCES AND DAILY ENSONIFIED AREAS

Survey area	Number of active survey days	Survey distances per day in km	Maximum radial distance (r) in m	Calculated isopleth per day (km ²)	Total annual ensonified area (km ²)
Lease Area	180	55	141	15.57	2,802.6
ECR Survey Area	180				2,802.6

As described above, this is a conservative estimate as it assumes the HRG source that results in the greatest isopleth distance to the Level B harassment threshold would be operated at all times during the entire survey, which is not expected to ultimately occur.

Marine Mammal Occurrence

In this section we provide information about the occurrence of marine mammals, including density or other relevant information that will inform the take calculations.

Habitat-based density models produced by the Duke University Marine Geospatial Ecology Laboratory and the Marine-life Data and Analysis Team, based on the best available marine mammal data from 1992–2019 obtained in a collaboration between Duke University, the Northeast Regional Planning Body, the University of North Carolina Wilmington, the Virginia Aquarium and Marine Science Center, and NOAA (Roberts *et al.*, 2016a; Curtice *et al.*, 2018), represent the best available scientific information regarding marine mammal densities in the survey area. More recently, these data have been updated with new modeling results and include density estimates for pinnipeds (Roberts *et al.*, 2016b, 2017, 2018, 2020).

The density data presented by Roberts *et al.*, (2016b, 2017, 2018, 2020) incorporates aerial and shipboard line-transect survey data from NMFS and other organizations and incorporates data from eight physiographic and 16 dynamic oceanographic and biological covariates, and controls for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting. These density models were originally developed for all cetacean taxa in the U.S. Atlantic (Roberts *et al.*, 2016a). In subsequent years, certain models have been updated based on additional data

as well as certain methodological improvements. More information is available online at <https://seamap.env.duke.edu/models/Duke/EC/>. Marine mammal density estimates in the survey area (animals/km²) were obtained using the most recent model results for all taxa (Roberts *et al.*, 2016b, 2017, 2018, 2020). The updated models incorporate additional sighting data, including sightings from NOAA's Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys.

For the exposure analysis, density data from Roberts *et al.*, (2016b, 2017, 2018, 2020) were mapped using a geographic information system (GIS). For each of the survey areas (*i.e.*, Lease Survey Area, ECR Survey Area), the densities of each species as reported by Roberts *et al.* (2016b, 2017, 2018, 2020) were averaged by season; thus, a density was calculated for each species for spring, summer, fall and winter. The seasons were defined as follows: Spring (March–May); summer (June–August); fall (September–November); winter (December–February). To be conservative, the greatest seasonal density calculated for each species was then carried forward in the exposure analysis. Estimated seasonal densities (animals per km²) of all marine mammal species that may be taken by the survey, for all survey areas are shown in Tables C–1, C–2 and C–3 in Appendix C of Atlantic Shores Bight's IHA application. The maximum seasonal density values used to estimate take numbers are shown in Table 7 below. Below, we discuss how densities were assumed to apply to specific species for which the Roberts *et al.* (2016b, 2017, 2018, 2020) models provide results at the genus or guild level.

For bottlenose dolphin densities, Roberts *et al.* (2016b, 2017, 2018) does not differentiate by individual stock. As the northern migratory coastal stock is not expected to occur in the survey area,

densities and takes were only analyzed for the offshore stock.

Pilot whale density models from Duke University (Roberts *et al.* 2016a, 2016b, 2017) represent pilot whales as a 'guild' rather than by species. However, since the survey area is only expected to contain long-finned pilot whales, it is assumed that pilot whale densities modeled by Roberts *et al.* (2016a, 2016b, 2017) in the survey area only reflect the presence of long-finned pilot whales.

Recently, the Duke University density data have been updated with new modeling results, including updated NARW density data and density estimates for pinnipeds (Roberts *et al.*, 2016b, 2017, 2018, 2020). Updated density estimates for the NARW are due to the inclusion of three new datasets: 2011–2015 Northeast Large Pelagic Survey Cooperative, 2017–2018 Marine Mammal Surveys of the Wind Energy Areas conducted by the New England Aquarium, and 2017–2018 New York Bight Whale Monitoring Program surveys conducted by the New York State Department of Environmental conservation (NYSDEC). This new density data shows distribution changes that are likely influenced by oceanographic and prey covariates in the whale density model (Roberts *et al.*, 2021).

Pinniped density data (as presented in Roberts *et al.*, 2016b, 2017, 2018) were used to estimate pinniped densities within the identified survey area. Since pinniped density models (Roberts *et al.*, 2016b, 2017, 2018) represent seals as a "guild" rather than by species, seal densities were apportioned for gray and harbor seals as 50 percent for each stock. These estimates were then applied to the average seasonal density values which were analyzed using the Roberts *et al.* (2018) data.

Seasonal marine mammal densities across survey areas are shown in Table 7. Maximum densities used in exposure analysis are shown in Table 8.

TABLE 7—MARINE MAMMAL SEASONAL DENSITIES ACROSS SURVEY SITES

Species	Averaged seasonal densities (number of animals per 100 km ²)							
	Spring		Summer		Fall		Winter	
	Lease area	ECR	Lease area	ECR	Lease area	ECR	Lease area	ECR
North Atlantic right whale	0.386	0.475	0.003	0.003	0.011	0.012	0.273	0.373
Humpback whale	0.068	0.045	0.021	0.023	0.055	0.058	0.021	0.040
Fin whale	0.230	0.193	0.295	0.216	0.237	0.170	0.167	0.120
Sei whale	0.012	0.013	0.002	0.001	0.002	0.002	0.002	0.001
Minke whale	0.168	0.112	0.062	0.037	0.045	0.027	0.057	0.039
Sperm whale	0.003	0.003	0.030	0.042	0.021	0.023	0.002	0.001
Long-finned pilot whale	0.354	0.256	0.354	0.256	0.354	0.256	0.354	0.256
Bottlenose dolphin (offshore stock)	1.622	0.776	2.309	3.028	5.011	3.231	2.786	1.347
Common dolphin	7.017	3.326	6.138	3.753	7.235	6.611	19.246	13.251
Atlantic white-sided dolphin	2.213	1.611	0.972	0.802	0.855	0.726	1.461	0.890
Atlantic spotted dolphin	0.062	0.036	0.513	0.327	0.409	0.267	0.026	0.015
Risso's dolphin	0.012	0.005	0.089	0.038	0.024	0.012	0.032	0.015

TABLE 7—MARINE MAMMAL SEASONAL DENSITIES ACROSS SURVEY SITES—Continued

Species	Averaged seasonal densities (number of animals per 100 km ²)							
	Spring		Summer		Fall		Winter	
	Lease area	ECR	Lease area	ECR	Lease area	ECR	Lease area	ECR
Harbor porpoise	6.657	6.059	0.034	0.049	0.215	0.556	3.927	5.635
Harbor seal	3.544	5.799	0.052	0.077	0.055	0.109	3.262	5.479
Gray seal	3.544	5.799	0.052	0.077	0.055	0.109	3.262	5.479

TABLE 8—MAXIMUM SEASONAL DENSITIES OF MARINE MAMMALS USED IN EXPOSURE ANALYSIS

Species	Maximum seasonal density used (number of animals per 100 km ²)	
	Lease area	ECR survey area
North Atlantic right whale	0.386	0.475
Humpback whale	0.068	0.058
Fin whale	0.295	0.216
Sei whale	0.012	0.013
Minke whale	0.168	0.112
Sperm whale	0.030	0.042
Long-finned pilot whale	0.354	0.256
Bottlenose dolphin	5.011	3.231
Common dolphin	19.246	13.251
Atlantic white-sided dolphin	2.213	1.611
Atlantic spotted dolphin	0.062	0.036
Risso's dolphin	0.089	0.038
Harbor porpoise	6.657	6.059
Harbor seal	3.544	5.799
Gray seal	3.544	5.799

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and authorized.

The number of marine mammals expected to be incidentally taken per day is calculated by estimating the number of each species predicted to

occur within the daily ensonified area (animals/km²), incorporating the maximum seasonal estimated marine mammal densities as described above. Estimated numbers of each species taken per day across all survey sites are then multiplied by the total number of survey days (*i.e.*, 360). The product is then rounded, to generate an estimate of the total number of instances of harassment expected for each species

over the duration of the survey. A summary of this method is illustrated in the following formula with the resulting authorized take of marine mammals is shown below in Table 9:

Estimated Take = $D \times ZOI \times \# \text{ of days}$

Where:

D = average species density (per km²); and
 ZOI = maximum daily ensonified area to relevant thresholds.

TABLE 9—TOTAL ESTIMATED AND AUTHORIZED TAKE NUMBERS

[By level B harassment only]

Species	Calculated take estimate		Combined take estimate	Total adjusted authorized take estimate *	Percent of population to be taken
	Lease area	ECR survey area			
North Atlantic right whale	11	13	24	24	6.5
Humpback whale *	2	2	4	8	0.6
Fin whale	9	7	16	16	0.2
Sei whale ^	0.3	0.4	0.7	2	0.03
Minke whale	5	3	8	8	0.04
Sperm whale	0.9	2	2.9	3	0.07
Long-finned pilot whale *	10	8	18	20	0.07
Bottlenose dolphin (Offshore stock)	141	91	232	232	0.4
Common dolphin	539	372	911	911	0.2
Atlantic white-sided dolphin	62	46	108	108	0.5
Atlantic spotted dolphin *	2	1	3	100	0.3
Risso's dolphin *	3	2	5	30	0.1
Harbor porpoise	187	170	357	357	0.4
Harbor seal	100	163	263	263	0.4

TABLE 9—TOTAL ESTIMATED AND AUTHORIZED TAKE NUMBERS—Continued
[By level B harassment only]

Species	Calculated take estimate		Combined take estimate	Total adjusted authorized take estimate *	Percent of population to be taken
	Lease area	ECR survey area			
Gray seal	100	163	263	263	1.0

* Requested take adjusted for group size.

^Based upon previous IHAs.

NMFS has rounded decimal estimates to the nearest whole number in the event that a decimal was calculated for take. Therefore, take estimates for the sperm whale and sei whale were rounded up to three whales and two whales, respectively (Table 9). Requested take estimates were also adjusted to account for typical group sizes of humpback whale (King *et al.*, 2021), Risso's dolphin (NOAA 2022), Atlantic spotted dolphin (Jefferson *et al.*, 2008), and long-finned pilot whale (NOAA 2022). A total of 30 takes of Risso's dolphin, 100 takes of Atlantic spotted dolphin, and 20 takes of long-finned pilot whales are requested. Adding these additional takes ensures the number of takes authorized is at least equal to the average group size.

Based on recent information from King *et al.* (2021) that demonstrated that the humpback whale is commonly sighted along the New York Bight area, NMFS determined that the humpback whale take request may be too low given the occurrence of animals near the survey area. Because of this, NMFS doubled the requested take to account for underestimates to the actual occurrence of this species within the density data.

Previously, 100 takes of Atlantic spotted dolphins, by Level B harassment, were authorized to Atlantic Shores during their 2020 IHA surveys (85 FR 7926; February 12, 2020). Early into the 2021 field season, Atlantic Shores observed large numbers of Atlantic spotted dolphins. A take of 100 Atlantic spotted dolphins was authorized for the Atlantic Shores 2022 IHA (87 FR 4200, January 27, 2022) to account for these numerous sightings. Based upon takes authorized for prior IHAs, NMFS adjusted the take estimate, by Level B harassment, from 3 to 100 Atlantic spotted dolphins.

One sei whale take was calculated (Table 9), however, Atlantic Shores Bight has requested to increase sei whale takes to two whales. This increase is based on the average group size of sei whales (NOAA 2022). Therefore, NMFS adjusted the take

estimate, by Level B harassment, from 1 sei whale to 2 sei whales.

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost and impact on operations.

NMFS requires that the following mitigation measures be implemented during Atlantic Shores Bight's planned

marine site characterization surveys. Pursuant to section 7 of the ESA, Atlantic Shores Bight is also required to adhere to relevant Project Design Criteria (PDC) of the NMFS' Greater Atlantic Regional Fisheries Office (GARFO) programmatic consultation (specifically PDCs 4, 5, and 7) regarding geophysical surveys along the U.S. Atlantic coast (<https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-take-reporting-programmatics-greater-atlantic#offshore-wind-site-assessment-and-site-characterization-activities-programmatic-consultation>).

Marine Mammal Shutdown Zones

Marine mammal shutdown zones will be established around specified HRG survey equipment and monitored by PSOs. These PSOs will be NMFS-approved visual PSOs. Based upon the acoustic source in use (impulsive: Sparkers; non-impulsive: Non-parametric sub-bottom profilers), a minimum of one PSO must be on duty, per source vessel, during daylight hours and two PSOs must be on duty, per source vessel, during nighttime hours. These PSO will monitor shutdown zones based upon the radial distance from the acoustic source rather than being based around the vessel itself. The shutdown zone distances are as follows:

- A 500-m shutdown zone for NARW during use of specified acoustic sources (impulsive: Sparkers; non-impulsive: Non-parametric sub-bottom profilers).
- A 100-m shutdown zone for all other marine mammals (excluding NARWs and delphinids from the genera *Delphinus*, *Lagenorhynchus*, *Stenella*, or *Tursiops* that are visually detected as voluntarily approaching the vessel or towed equipment) during use of specified acoustic sources (as specified below). All visual monitoring must begin no less than 30 minutes prior to the initiation of the specified acoustic source and must continue until 30 minutes after use of specified acoustic sources ceases.

If a marine mammal is detected approaching or entering the shutdown zones during the HRG survey, the vessel

operator will adhere to the shutdown procedures described below to minimize noise impacts on the animals. If a shutdown is required, a PSO will notify the survey crew immediately. Vessel operators and crews will comply immediately with any call for shutdown. Shutdown will remain in effect until the minimum separation distances (detailed above) between the animal and noise source are re-established. These stated requirements will be included in the site-specific training to be provided to the survey team.

Ramp Up of Survey Equipment and Pre-Clearance of the Shutdown Zones

When technically feasible, a ramp-up procedure will be required for HRG survey equipment capable of adjusting energy levels at the start or restart of survey activities. A ramp-up will begin with the powering up of the smallest acoustic HRG equipment at its lowest practical power output appropriate for the survey. The ramp-up procedure will be used in order to provide additional protection to marine mammals near the survey area by allowing them to vacate the area prior to the commencement of survey equipment operation at full power. When technically feasible, the power will then be gradually turned up and other acoustic sources will be added. All ramp-ups shall be scheduled so as to minimize the time spent with the source being activated.

Ramp-up activities will be delayed if a marine mammal(s) enters its respective shutdown zone. Ramp-up will continue if the animal has been observed exiting its respective shutdown zone or until an additional time period has elapsed with no further sighting (*i.e.*, 15 minutes for small odontocetes and seals and 30 minutes for all other species).

Atlantic Shores Bight is required to implement a 30 minute pre-clearance period of the shutdown zones prior to the initiation of ramp-up of HRG equipment. The operator must notify a designated PSO of the planned start of ramp-up where the notification time should not be less than 60 minutes prior to the planned ramp-up. This will allow the PSOs to monitor the shutdown zones for 30 minutes prior to the initiation of ramp-up. Prior to ramp-up beginning, Atlantic Shores Bight must receive confirmation from the PSO that the shutdown zone is clear prior to proceeding. During this 30 minute pre-start clearance period, the entire applicable shutdown zones must be visible. The exception to this will be in situations where ramp-up may occur during periods of poor visibility

(inclusive of nighttime) as long as appropriate visual monitoring has occurred with no detections of marine mammals in 30 minutes prior to the beginning of ramp-up. Acoustic source activation may only occur at night where operational planning cannot reasonably avoid such circumstances.

During this period, the shutdown zone will be monitored by the PSOs, using the appropriate visual technology. Ramp-up may not be initiated if any marine mammal(s) is within its respective shutdown zone. If a marine mammal is observed within a shutdown zone during the pre-clearance period, ramp-up may not begin until the animal(s) has been observed exiting its respective shutdown zone or until an additional time period has elapsed with no further sighting (*i.e.*, 15 minutes for small odontocetes and pinnipeds and 30 minutes for all other species). If a marine mammal enters the shutdown zone during ramp-up, ramp-up activities must cease and the source must be shut down. Any PSO on duty has the authority to delay the start of survey operations if a marine mammal is detected within the applicable pre-start clearance zones.

The required pre-clearance zones will be:

- 500-m for all ESA-listed species (North Atlantic right, sei, fin, sperm whales); and
- 100-m for all other marine mammals.

If any marine mammal species that are listed under the ESA are observed within the clearance zones, the presence of the animal will be recorded and the 30 minute clock must be paused. If the PSO confirms the animal has exited the zone and headed away from the survey vessel, the 30 minute clock that was paused may resume. The pre-clearance clock will reset to 30 minutes if the animal dives or visual contact is otherwise lost.

If the acoustic source is shut down for brief periods (*i.e.*, less than 30 minutes) for reasons other than implementation of prescribed mitigation (*e.g.*, mechanical difficulty), the acoustic source may be reactivated without ramp-up if PSOs have maintained constant visual observation and no detection of marine mammals occurs within the applicable shutdown zone. For any longer shutdown, pre-start clearance observation and ramp-up are required.

Activation of survey equipment through ramp-up procedures may not occur when visual detection of marine mammals within the pre-clearance zone is not expected to be effective (*e.g.*,

during inclement conditions such as heavy rain or fog).

The acoustic source(s) must be deactivated when not acquiring data or preparing to acquire data, except as necessary for testing. Unnecessary use of the acoustic source shall be avoided.

Shutdown Procedures

An immediate shutdown of the impulsive HRG survey equipment (Table 1) is required if a marine mammal is sighted entering or within its respective shutdown zone(s). Any PSO on duty has the authority to call for a shutdown of the acoustic source if a marine mammal is detected within the applicable shutdown zones. Any disagreement between the PSO and vessel operator should be discussed only after shutdown has occurred. The vessel operator will establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the HRG source(s) to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch.

The shutdown requirement is waived for small delphinids (belonging to the genera of the Family *Delphinidae*: *Delphinus*, *Lagenorhynchus*, *Stenella*, or *Tursiops*) and pinnipeds if they are visually detected within the applicable shutdown zones. If a species for which authorization has not been granted, or, a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the applicable Level B harassment zone, shutdown is required to occur. In the event of uncertainty regarding the identification of a marine mammal species (*i.e.*, such as whether the observed marine mammal belongs to *Delphinus*, *Lagenorhynchus*, *Stenella*, or *Tursiops* for which shutdown is waived, PSOs must use their best professional judgment in making the decision to call for a shutdown.

Specifically, if a delphinid from the specified genera or a pinniped is visually detected approaching the vessel (*i.e.*, to bow ride) or towed equipment, shutdown is not required.

Upon implementation of a shutdown, the source may be reactivated after the marine mammal has been observed exiting the applicable shutdown zone or following a clearance period of 15 minutes for harbor porpoises and 30 minutes for all other species where there are no further detections of the marine mammal.

Shutdown, pre-start clearance, and ramp-up procedures are not required during HRG survey operations using only non-impulsive sources (*e.g.*,

parametric sub-bottom profilers) other than non-parametric sub-bottom profilers (e.g., CHIRPs). Pre-clearance and ramp-up, but not shutdown, are required when using non-impulsive, non-parametric sub-bottom profilers.

Seasonal Operating Requirements

A section of the survey area overlaps with approximately 2% of a NARW SMA. This SMA is active from

November 1 through April 30 of each year. All survey vessels, regardless of length, are required to adhere to vessel speed restrictions (<10 kn; 18.5 km/hr) when operating within the SMA during times when the SMA is active. In addition, between watch shifts, members of the monitoring team will consult NMFS' NARW reporting systems for the presence of NARW throughout survey operations. Members

of the monitoring team will also monitor the NMFS NARW reporting systems for the establishment of DMA. NMFS may also establish voluntary right whale Slow Zones any time a right whale (or whales) is acoustically detected. Atlantic Shores Bight should be aware of this possibility and remain attentive in the event a Slow Zone is established nearby or overlapping the survey area (Table 10).

TABLE 10—NORTH ATLANTIC RIGHT WHALE DYNAMIC MANAGEMENT AREA (DMA) AND SEASONAL MANAGEMENT AREA (SMA) RESTRICTIONS WITHIN SURVEY AREA

Survey area	Species	DMA restrictions	Slow zones	SMA restrictions
Lease Area	North Atlantic Right Whale (<i>Eubalaena glacialis</i>).	If established by NMFS, all of Atlantic Shores Bight's vessels will abide by the described restrictions		N/A.
ECR Survey Area				November 1–April 30 (ports of New York/New Jersey).

There are no known marine mammal rookeries or mating or calving grounds in the survey area that would otherwise potentially warrant increased mitigation measures for marine mammals or their habitat (or both). The authorized survey activities will occur in an area that has been identified as a BIA for migration for NARW. However, given the small spatial extent of the survey area relative to the substantially larger spatial extent of the right whale migratory area and the relatively low amount of noise generated by the survey activities, the survey activities are not expected to appreciably reduce the quality of migratory habitat nor to negatively impact the migration of NARW.

Vessel Strike Avoidance Procedures

Vessel operators must comply with the below measures except under extraordinary circumstances when the safety of the vessel or crew is in doubt or the safety of life at sea is in question. These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

- A Vessel Strike Avoidance Zone(s) will be maintained, as defined as 1,640 ft (500 m) or greater from any sighted ESA-listed whale species or other unidentified large marine mammal;

- (a) If a large whale is identified within 1,640 ft (500 m) of the forward path of any vessel, the vessel operator must steer a course away from the whale at 10 kn (18.5 km/hr) or less until the 1,640 ft (500 m) minimum separation

distance has been established. Vessels may also shift to idle if feasible.

- (b) If a large whale is sighted within 656 ft (200 m) of the forward path of a vessel, the vessel operator must reduce speed and shift the engine to neutral. Engines must not be engaged until the whale has moved outside of the vessel's path and beyond 1,640 ft (500 m). If stationary, the vessel must not engage engines until the large whale has moved beyond 1,640 ft (500 m).

- All vessel operators and crew will maintain vigilant watch for all marine mammals, and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any marine mammals. Unless a required PSO is aboard and on duty, then a designated and trained vessel crew member on all vessels associated with survey activities (transiting [i.e., traveling between a port and survey site] or actively surveying) will be assigned as a lookout for marine mammals;

- Members of the monitoring team will consult NMFS NARW reporting system and Whale Alert, daily and as able, for the presence of NARW throughout survey operations, and for the establishment of a DMA. If NMFS should establish a DMA in the survey area during the survey, the vessels will abide by speed restrictions in the DMA. All survey vessels, regardless of size, will observe a 10 kn (less than 18.5 km per hour [km/h]) speed restriction in the specific areas designated by NOAA Fisheries for the protection of NARWs from vessel strikes including SMAs, Right Whale Slow Zones, and DMAs, when in effect. See www.fisheries.noaa.gov/national/engangered-species-conservation/

reducing-ship-strikes-north-atlantic-right-whales for specific detail regarding these areas.

- All vessels greater than or equal to 65 ft (19.8 m) in overall length operating from November 1 through April 30 will operate at speeds of 10 knots or less while transiting to and from the survey area.

- All vessels, regardless of size, will reduce vessel speed to 10 knots or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near (within 330 ft [100 m]) of an underway vessel.

- All vessels will, to the maximum extent practicable, attempt to maintain a minimum separation distance of 164 ft (50 m) from all other marine mammals than ESA-listed and large whales, with an understanding that at times this may not be possible (e.g., for animals that approach the vessel).

- When marine mammals are sighted while a vessel is underway, the vessel will take action as necessary to avoid violating the relevant separation distance (e.g., attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). Engines will not be engaged until the animals are clear of the area. This will not apply to any vessel towing gear or any vessel that is navigationally constrained.

Training

All PSOs must have completed a PSO training program and received NMFS approval to act as a PSO for geophysical surveys. Documentation of NMFS approval and most recent training certificates of individual PSOs'

successful completion of a commercial PSO training course must be provided upon request. Further information can be found at www.fisheries.noaa.gov/national/endangered-species-conservation/protected-species-observers. In the event where third-party PSOs are not required, crew members serving as lookouts must receive training on protected species identification, vessel strike minimization procedures, how and when to communicate with the vessel captain, and reporting requirements.

Atlantic Shores Bight shall instruct relevant vessel personnel with regard to the authority of the marine mammal monitoring team, and shall ensure that relevant vessel personnel and the marine mammal monitoring team participate in a joint onboard briefing (hereafter PSO briefing), led by the vessel operator and lead PSO, prior to beginning survey activities to ensure that responsibilities, communication procedures, marine mammal monitoring protocols, safety and operational procedures, and IHA requirements are clearly understood. This PSO briefing must be repeated when relevant new personnel (e.g., PSOs, acoustic source operator) join the survey operations before their responsibilities and work commences.

Project-specific training will be conducted for all vessel crew prior to the start of a survey and during any changes in crew such that all survey personnel are fully aware and understand the mitigation, monitoring, and reporting requirements. All vessel crew members must be briefed in the identification of protected species that may occur in the survey area and in regulations and best practices for avoiding vessel collisions. Reference materials must be available aboard all project vessels for identification of listed species. The expectation and process for reporting of protected species sighted during surveys must be clearly communicated and posted in highly visible locations aboard all project vessels, so that there is an expectation for reporting to the designated vessel contact (such as the lookout or the vessel captain), as well as a communication channel and process for crew members to do so. Prior to implementation with vessel crews, the training program will be provided to NMFS for review and approval. Confirmation of the training and understanding of the requirements will be documented on a training course log sheet. Signing the log sheet will certify that the crew member understands and will comply with the necessary

requirements throughout the survey activities.

Based on our evaluation of the applicant's mitigation measures, NMFS has determined that these measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (e.g., presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (e.g., source characterization, propagation, ambient noise); (2) affected species (e.g., life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (e.g., age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (e.g., marine mammal prey species, acoustic habitat, or other important

physical components of marine mammal habitat); and,

- Mitigation and monitoring effectiveness.

Monitoring Measures

Atlantic Shores Bight must use independent, dedicated, trained PSOs, meaning that the PSOs must be employed by a third-party observer provider, must have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammal and mitigation requirements (including brief alerts regarding maritime hazards), and must have successfully completed an approved PSO training course for geophysical surveys. Visual monitoring must be performed by qualified, NMFS-approved PSOs. PSO resumes must be provided to NMFS for review and approval prior to the start of survey activities.

PSO names must be provided to NMFS by the operator for review and confirmation of their approval for specific roles prior to commencement of the survey. For prospective PSOs not previously approved, or for PSOs whose approval is not current, NMFS must review and approve PSO qualifications. Resumes should include information related to relevant education, experience, and training, including dates, duration, location, and description of prior PSO experience. Resumes must be accompanied by relevant documentation of successful completion of necessary training.

NMFS may approve PSOs as conditional or unconditional. A conditionally-approved PSO may be one who is trained but has not yet attained the requisite experience. An unconditionally-approved PSO is one who has attained the necessary experience. For unconditional approval, the PSO must have a minimum of 90 days at sea performing the role during a geophysical survey, with the conclusion of the most recent relevant experience not more than 18 months previous.

At least one of the visual PSOs aboard the vessel must be unconditionally-approved. One unconditionally-approved visual PSO shall be designated as the lead for the entire PSO team. This lead should typically be the PSO with the most experience, would coordinate duty schedules and roles for the PSO team, and serve as primary point of contact for the vessel operator. To the maximum extent practicable, the duty schedule shall be planned such that unconditionally-approved PSOs are

on duty with conditionally-approved PSOs.

PSOs must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences, a minimum of 30 semester hours or equivalent in the biological sciences, and at least one undergraduate course in math or statistics. The educational requirements may be waived if the PSO has acquired the relevant skills through alternate experience. Requests for such a waiver shall be submitted to NMFS and must include written justification. Alternate experience that may be considered includes, but is not limited to (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored marine mammal surveys; and (3) previous work experience as a PSO (PSO must be in good standing and demonstrate good performance of PSO duties).

PSOs must successfully complete relevant training, including completion of all required coursework and passing (80 percent or greater) a written and/or oral examination developed for the training program.

PSOs must coordinate to ensure 360° visual coverage around the vessel from the most appropriate observation posts and shall conduct visual observations using binoculars or night-vision equipment and the naked eye while free from distractions and in a consistent, systematic, and diligent manner.

PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least two hours between watches and may conduct a maximum of 12 hours of observation per 24-hour period.

Any observations of marine mammal by crew members aboard any vessel associated with the survey shall be relayed to the PSO team.

Atlantic Shores Bight must work with the selected third-party PSO provider to ensure PSOs have all equipment (including backup equipment) needed to adequately perform necessary tasks, including accurate determination of distance and bearing to observed marine mammals, and to ensure that PSOs are capable of calibrating equipment as necessary for accurate distance estimates and species identification. Such equipment, at a minimum, shall include:

- At least one thermal (infrared) image device suited for the marine environment;
- Reticle binoculars (*e.g.*, 7 × 50) of appropriate quality (at least one per PSO, plus backups);

- Global Positioning Units (GPS) (at least one plus backups);
- Digital cameras with a telephoto lens that is at least 300-mm or equivalent on a full-frame single lens reflex (SLR) (at least one plus backups). The camera or lens should also have an image stabilization system;
- Equipment necessary for accurate measurement of distances to marine mammal;
- Compasses (at least one plus backups);
- Means of communication among vessel crew and PSOs; and
- Any other tools deemed necessary to adequately and effectively perform PSO tasks.

The equipment specified above may be provided by an individual PSO, the third-party PSO provider, or the operator, but Atlantic Shores Bight is responsible for ensuring PSOs have the proper equipment required to perform the duties specified in the IHA.

During good conditions (*e.g.*, daylight hours; Beaufort sea state 3 or less), PSOs shall conduct observations when the specified acoustic sources are not operating for comparison of sighting rates and behavior with and without use of the specified acoustic sources and between acquisition periods, to the maximum extent practicable.

The PSOs will be responsible for monitoring the waters surrounding each survey vessel to the farthest extent permitted by sighting conditions, including shutdown zones, during all HRG survey operations. PSOs will visually monitor and identify shutdown zones during survey activities. It will be the responsibility of the PSO(s) on duty to communicate the presence of marine mammals as well as to communicate the action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate.

In cases when pre-clearance has begun in conditions with good visibility, including via the use of night-vision equipment, and the lead PSO has determined that the pre-start clearance zones are clear of marine mammals, survey operations may commence (*i.e.*, no delay is required) despite brief periods of inclement weather and/or loss of daylight.

Atlantic Shores Bight plans to utilize six PSOs across each vessel to account for shift changes, with a total of 18 during this project (six PSOs per vessel × three vessels). At a minimum, during all HRG survey operations (*e.g.*, any day on which use of an HRG source is planned to occur), one PSO must be on duty during daylight operations on each survey vessel, conducting visual observations at all times on all active

survey vessels during daylight hours (*i.e.*, from 30 minutes prior to sunrise through 30 minutes following sunset) and two PSOs will be on watch during nighttime operations. The PSO(s) will ensure 360° visual coverage around the vessel from the most appropriate observation posts and will conduct visual observations using binoculars and/or night vision goggles and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least 2 hours between watches and may conduct a maximum of 12 hours of observation per 24-hr period. In cases where multiple vessels are surveying concurrently, any observations of marine mammals would be communicated to PSOs on all nearby survey vessels.

PSOs must be equipped with binoculars and have the ability to estimate distance and bearing to detect marine mammals, particularly in proximity to Exclusion Zones. Reticulated binoculars must also be available to PSOs for use as appropriate based on conditions and visibility to support the sighting and monitoring of marine mammals. During nighttime operations, night-vision goggles with thermal clip-ons and infrared technology will be used. Position data will be recorded using hand-held or vessel GPS units for each sighting.

During good conditions (*e.g.*, daylight hours; Beaufort sea state (BSS) 3 or less), to the maximum extent practicable, PSOs will also conduct observations when the acoustic source is not operating for comparison of sighting rates and behavior with and without use of the active acoustic sources. Any observations of marine mammals by crew members aboard any vessel associated with the survey will be relayed to the PSO team. Data on all PSO observations will be recorded based on standard PSO collection requirements (see *Reporting Measures*). This will include dates, times, and locations of survey operations; dates and times of observations, location and weather; details of marine mammal sightings (*e.g.*, species, numbers, behavior); and details of any observed marine mammal behavior that occurs (*e.g.*, noted behavioral disturbances).

Reporting Measures

Atlantic Shores Bight shall submit a draft comprehensive report on all activities and monitoring results within 90 days of the completion of the survey or expiration of the IHA, whichever comes sooner. The report must describe

all activities conducted and sightings of marine mammals, must provide full documentation of methods, results, and interpretation pertaining to all monitoring, and must summarize the dates and locations of survey operations and all marine mammals sightings (dates, times, locations, activities, associated survey activities). The draft report shall also include geo-referenced, time-stamped vessel tracklines for all time periods during which acoustic sources were operating. Tracklines should include points recording any change in acoustic source status (e.g., when the sources began operating, when they were turned off, or when they changed operational status such as from full array to single gun or vice versa). GIS files shall be provided in ESRI shapefile format and include the UTC date and time, latitude in decimal degrees, and longitude in decimal degrees. All coordinates shall be referenced to the WGS84 geographic coordinate system. In addition to the report, all raw observational data shall be made available. The report must summarize the information submitted in interim monthly reports (if required) as well as additional data collected. A final report must be submitted within 30 days following resolution of any comments on the draft report. All draft and final marine mammal reports must be submitted to

PR.ITP.MonitoringReports@noaa.gov, *ITP.Taylor@noaa.gov*, and *nmfs.gar.incidental-take@noaa.gov*.

PSOs must use standardized electronic data forms to record data. PSOs shall record detailed information about any implementation of mitigation requirements, including the distance of marine mammal to the acoustic source and description of specific actions that ensued, the behavior of the animal(s), any observed changes in behavior before and after implementation of mitigation, and if shutdown was implemented, the length of time before any subsequent ramp-up of the acoustic source. If required mitigation was not implemented, PSOs should record a description of the circumstances.

At a minimum, the following information must be recorded:

1. Vessel names (source vessel and other vessels associated with survey), vessel size and type, maximum speed capability of vessel;
2. Dates of departures and returns to port with port name;
3. The lease number;
4. PSO names and affiliations;
5. Date and participants of PSO briefings;
6. Visual monitoring equipment used;

7. PSO location on vessel and height of observation location above water surface;

8. Dates and times (Greenwich Mean Time) of survey on/off effort and times corresponding with PSO on/off effort;

9. Vessel location (decimal degrees) when survey effort begins and ends and vessel location at beginning and end of visual PSO duty shifts;

10. Vessel location at 30-second intervals if obtainable from data collection software, otherwise at practical regular interval

11. Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any change;

12. Water depth (if obtainable from data collection software);

13. Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon;

14. Factors that may contribute to impaired observations during each PSO shift change or as needed as environmental conditions change (e.g., vessel traffic, equipment malfunctions); and

15. Survey activity information (and changes thereof), such as acoustic source power output while in operation, number and volume of airguns operating in an array, tow depth of an acoustic source, and any other notes of significance (i.e., pre-start clearance, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, etc.).

Upon visual observation of any marine mammal, the following information must be recorded:

1. Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);

2. Vessel/survey activity at time of sighting (e.g., deploying, recovering, testing, shooting, data acquisition, other);

3. PSO who sighted the animal;

4. Time of sighting;

5. Initial detection method;

6. Sightings cue;

7. Vessel location at time of sighting (decimal degrees);

8. Direction of vessel's travel (compass direction);

9. Speed of the vessel(s) from which the observation was made;

10. Identification of the animal (e.g., genus/species, lowest possible taxonomic level or unidentified); also note the composition of the group if there is a mix of species;

11. Species reliability (an indicator of confidence in identification);

12. Estimated distance to the animal and method of estimating distance;

13. Estimated number of animals (high/low/best);

14. Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, etc.);

15. Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars, or markings, shape and size of dorsal fin, shape of head, and blow characteristics);

16. Detailed behavior observations (e.g., number of blows/breaths, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; length of time observed in the harassment zone; note any observed changes in behavior before and after point of closest approach);

17. Mitigation actions; description of any actions implemented in response to the sighting (e.g., delays, shutdowns, ramp-up, speed or course alteration, etc.) and time and location of the action;

18. Equipment operating during sighting;

19. Animal's closest point of approach and/or closest distance from the center point of the acoustic source; and

20. Description of any actions implemented in response to the sighting (e.g., delays, shutdown, ramp-up) and time and location of the action.

If a NARW is observed at any time by PSOs or personnel on any project vessels, during surveys or during vessel transit, Atlantic Shores Bight must report the sighting information to the NMFS NARW Sighting Advisory System (866-755-6622) within two hours of occurrence, when practicable, or no later than 24 hours after occurrence. NARW sightings in any location may also be reported to the U.S. Coast Guard via channel 16 and through the WhaleAlert app (<http://www.whalealert.org>).

In the event that Atlantic Shores Bight personnel discover an injured or dead marine mammal, regardless of the cause of injury or death, Atlantic Shores Bight must report the incident to NMFS as soon as feasible by phone (866-755-6622) and by email (*nmfs.gar.stranding@noaa.gov* and *PR.ITP.MonitoringReports@noaa.gov*) as soon as feasible. The report must include the following information:

1. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

2. Species identification (if known) or description of the animal(s) involved;

3. Condition of the animal(s) (including carcass condition if the animal is dead);

4. Observed behaviors of the animal(s), if alive;
5. If available, photographs or video footage of the animal(s); and
6. General circumstances under which the animal was discovered.

In the unanticipated event of a ship strike of a marine mammal by any vessel involved in the activities covered by the IHA, Atlantic Shores Bight must report the incident to NMFS by phone (866-755-6622) and by email (nmfs.gar.stranding@noaa.gov and PR.ITP.MonitoringReports@noaa.gov) as soon as feasible. The report will include the following information:

1. Time, date, and location (latitude/longitude) of the incident;
2. Species identification (if known) or description of the animal(s) involved;
3. Vessel's speed during and leading up to the incident;
4. Vessel's course/heading and what operations were being conducted (if applicable);
5. Status of all sound sources in use;
6. Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
7. Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
8. Estimated size and length of animal that was struck;
9. Description of the behavior of the marine mammal immediately preceding and/or following the strike;
10. If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
11. Estimated fate of the animal (*e.g.*, dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
12. To the extent practicable, photographs or video footage of the animal(s).

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact

determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to all the species listed in Table 2, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. Where there are meaningful differences between species or stocks—as is the case of the NARW—they are included as separate subsections below. NMFS does not anticipate that serious injury or mortality will occur as a result from HRG surveys, even in the absence of mitigation, and no serious injury or mortality is authorized. As discussed in the Potential Effects section, non-auditory physical effects and vessel strike are not expected to occur. NMFS expects that all potential takes will be in the form of short-term Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity was occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.*, Southall *et al.*, 2007). Even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any significant realized decrease in viability for the affected individuals, and thus will not result in any adverse impact to the stock as a whole. As described above, Level A harassment is not expected to occur given the nature of the operations, the estimated size of the Level A harassment zones, and the required shutdown zones for certain activities.

In addition to HRG activities being temporary, the maximum expected harassment zone around a survey vessel

is 141 m. Although this distance is assumed for all survey activity in estimating authorized take numbers, in reality, the Applied Acoustics Dura-Spark 240 would likely not be used across the entire 24-hour period and across all 360 days. As noted in Table 5, the other acoustic sources Atlantic Shores Bight has included in their application produce Level B harassment zones below 60-m. Therefore, the ensonified area surrounding each vessel is relatively small compared to the overall distribution of the animals in the area and their habitat.

Feeding behavior is not likely to be significantly impacted as prey species are mobile and are broadly distributed throughout the survey area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Due to the temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

There are no known mating or calving grounds nor feeding areas known to be biologically important to marine mammals within the survey area. There is no designated critical habitat for any ESA-listed marine mammals in the survey area.

North Atlantic Right Whales

The status of the NARW population is of heightened concern and, therefore, merits additional analysis. As noted previously, elevated NARW mortalities began in June 2017 and there is an active Unusual Mortality Event (UME). Overall, preliminary findings support human interactions, specifically vessel strikes and entanglements, as the cause of death for the majority of right whales. As noted previously, the survey area overlaps a migratory corridor BIA for NARW. Due to the fact that the survey activities are temporary and the spatial extent of sound produced by the survey would be very small relative to the spatial extent of the available migratory habitat in the BIA, right whale migration is not expected to be impacted by the survey activities. Required vessel strike avoidance measures will also decrease risk of ship strike during migration; no ship strike is expected to occur during Atlantic Shores Bight's activities. The 500-m shutdown zone for right whales is conservative, considering the Level B harassment isopleth for the most

impactful acoustic source (*i.e.*, sparker) is estimated to be 141-m, and thereby minimizes the potential for behavioral harassment of this species.

As noted previously, Level A harassment is not expected due to the small PTS zones associated with HRG equipment types authorized for use. The authorizations for Level B harassment takes of NARW are not expected to exacerbate or compound upon the ongoing UME. The limited NARW Level B harassment takes authorized are expected to be of a short duration, and given the number of estimated takes, repeated exposures of the same individual are not expected. Further, given the relatively small size of the ensonified area during Atlantic Shores Bight's activities, it is unlikely that NARW prey availability will be adversely affected. Accordingly, NMFS does not anticipate that any NARW takes resulting from Atlantic Shores Bight's activities will impact annual rates of recruitment or survival. Thus, any takes that occur will not result in population level impacts.

Other Marine Mammal Species With Active UMEs

As noted previously, there are several active UMEs occurring in the vicinity of Atlantic Shores Bight's survey area. Elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida since January 2016. Of the cases examined, approximately half had evidence of human interaction (ship strike or entanglement). The UME does not yet provide cause for concern regarding population-level impacts. Despite the UME, the relevant population of humpback whales (the West Indies breeding population, or DPS) remains stable at approximately 12,000 individuals.

Beginning in January 2017, elevated minke whale strandings have occurred along the Atlantic coast from Maine through South Carolina, with highest numbers in Massachusetts, Maine, and New York. This event does not provide cause for concern regarding population level impacts, as the likely population abundance is greater than 20,000 whales.

The required mitigation measures are expected to reduce the number and/or severity of authorized takes for all species listed in Table 2, including those with active UMEs, to the level of least practicable adverse impact. In particular, they will provide animals the opportunity to move away from the sound source throughout the survey area before HRG survey equipment reaches full energy, thus preventing

them from being exposed to sound levels that have the potential to cause injury (Level A harassment) or more severe Level B harassment. As discussed previously, take by Level A harassment (injury) is considered unlikely, even absent mitigation, based on the characteristics of the signals produced by the acoustic sources planned for use. Implementation of required mitigation will further reduce this potential. Therefore, NMFS has not authorized any Level A harassment.

NMFS expects that takes will be in the form of short-term Level B behavioral harassment by way of brief startling reactions, temporarily vacating the area, or decreased foraging (if such activity was occurring)—reactions that (at the scale and intensity anticipated here) are considered to be of low severity, with no lasting biological consequences. Since both the sources and marine mammals are mobile, animals would only be exposed briefly to a small ensonified area that might result in take. Additionally, required mitigation measures will further reduce exposure to sound that could result in more severe behavioral harassment.

Biologically Important Areas for Other Species

As previously discussed, impacts from the authorized project are expected to be localized to the specific area of activity and only during periods of time where Atlantic Shores Bight's acoustic sources are active. While BIAs for feeding for fin and humpback whales as well as haul out sites for harbor seals can be found off the coast of New Jersey and New York, NMFS does not expect this action to affect these areas. This is due to the combination of the mitigation and monitoring measures being required of Atlantic Shores Bight as well as the location of these biologically important areas. All of these important areas are found outside of the range of this survey area, as is the case with fin whales and humpback whales (BIAs found further north), and, therefore, not expected to be impacted by Atlantic Shores Bight's survey activities.

Three major haul-out sites exist for harbor seals, inshore of the ECR Survey Area along New Jersey, at Great Bay, Sand Hook, and Barnegat Inlet (CWFNJ, 2015). As hauled outs are inshore and seals would be out of the water, no in-water effects are expected.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- No Level A harassment (PTS) is anticipated, even in the absence of mitigation measures;
- Foraging success is not likely to be impacted as effects on prey species for marine mammals from the activities are expected to be minimal;
- Alternate areas of similar habitat value are available for marine mammals to temporarily vacate the survey area during the planned activities to avoid exposure to sounds generated by surveys;
- Take is anticipated to be by Level B behavioral harassment only consisting of brief startling reactions and/or temporary avoidance of the survey area;
- While the survey area is within a noted migratory BIA for NARW, the activities will occur in such a comparatively small area such that any avoidance of the survey area due to activities would not affect migration; and
- The mitigation measures, including effective visual monitoring, and shutdowns are expected to minimize potential impacts to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activities on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

NMFS has authorized the incidental take (by Level B harassment only) of 15 marine mammal species (with 15 managed stocks). The total amount of takes authorized relative to the best

available population abundance is less than 7 percent for all stocks (Table 9). Therefore, NMFS finds that small numbers of marine mammals may be taken relative to the estimated overall population abundances for those stocks.

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must evaluate our proposed action (*i.e.*, the issuance of incidental take authorization) and alternatives with respect to potential impacts on the human environment. This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Endangered Species Act

Section 7(a)(2) of the ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in

this case with the Greater Atlantic Regional Fisheries Office.

NMFS OPR is authorizing the incidental take of four species of marine mammals which are listed under the ESA, including the North Atlantic right, fin, sei, and sperm whale, and determined that this activity falls within the scope of activities analyzed in NMFS GARFO's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy Regions (completed June 29, 2021; revised September 2021). GARFO concluded site assessment surveys are not likely to adversely affect endangered species or adversely modify or destroy critical habitat. NMFS has determined issuance of the IHA is covered under the programmatic consultation; therefore, ESA consultation has been satisfied.

Authorization

As a result of these determinations, NMFS has issued an IHA to Atlantic Shores Bight authorized take, by Level B harassment, incidental to conducting site characterization surveys off New Jersey and New York from August 1, 2022 through July 31, 2023, that includes the previously explained mitigation, monitoring, and reporting requirements.

Dated: August 10, 2022.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2022-17522 Filed 8-15-22; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC275]

Nominations for Advisory Committee and Species Working Group Technical Advisor Appointments to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas

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

ACTION: Notice of request for nominations.

SUMMARY: NMFS is soliciting nominations (which may include self-nominations) to the Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT) as established by the Atlantic Tunas

Convention Act (ATCA). NMFS is also soliciting nominations for Technical Advisors to the Advisory Committee's species working groups.

DATES: Nominations must be received by September 30, 2022.

ADDRESSES: Nominations, including a letter of interest and a resume or curriculum vitae, should be sent via email to Bryan Keller at bryan.keller@noaa.gov. Include in the subject line whether the nomination is for a position as an Advisory Committee member or as a Technical Advisor to one of the Committee's species working groups.

FOR FURTHER INFORMATION CONTACT: Bryan Keller, Office of International Affairs, Trade, and Commerce; email: bryan.keller@noaa.gov; phone: 301-427-7725.

SUPPLEMENTARY INFORMATION:

The Convention and the Commission

ICCAT was established to provide an effective program of international cooperation in research and conservation in recognition of the unique problems related to the highly migratory nature of tunas and tuna-like species. The International Convention for the Conservation of Atlantic Tunas (Convention), which established the ICCAT Commission (ICCAT), entered into force in 1969 after receiving the required number of ratifications. ICCAT usually holds an Annual Meeting in November of each year, and convenes meetings of its working groups and other subsidiary bodies between annual meetings as needed. Under ATCA (see 16 U.S.C. 971a), the United States is represented at ICCAT by not more than three U.S. Commissioners. Additional information about ICCAT is available at www.iccat.int.

Advisory Committee to the U.S. Section to ICCAT and Its Species Working Groups

ATCA (see 16 U.S.C. 971 *et seq.*) establishes an advisory committee comprised of: (1) Not less than five nor more than 20 individuals appointed by the U.S. Commissioners to ICCAT who shall select such individuals from the various groups concerned with the fisheries covered by the ICCAT Convention; and (2) the chairs (or their designees) of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf of Mexico Fishery Management Councils. Each member of the Advisory Committee shall serve for a term of 2 years and be eligible for reappointment. The Committee meets at least twice a year during which members receive information and provide advice on ICCAT-related matters. All members of

the Advisory Committee are appointed in their individual professional capacity and undergo a background screening. Any individual appointed to the Committee who is unable to attend all or part of an Advisory Committee meeting may not appoint another person to attend such meetings as his or her proxy. Nominees should be able to fulfill the time and travel commitments required to participate in the Committee's annual spring and fall meetings, in addition to ad hoc meetings as necessary throughout the year. The annual spring and fall meetings are normally two days long and are usually held in Silver Spring, Maryland, or Miami, Florida.

Members of the Advisory Committee receive no compensation for their services. The Secretary of Commerce and the Secretary of State may pay the necessary travel expenses of members of the Advisory Committee. The terms of all currently appointed Advisory Committee members expire on December 31, 2022. NMFS is soliciting nominees to serve as members of the Advisory Committee for a term of 2 years that will begin January 1, 2023, and expire December 31, 2024.

ATCA specifies that the U.S. Commissioners may establish species working groups for the purpose of providing advice and recommendations to the U.S. Commissioners and to the Advisory Committee on matters relating to the conservation and management of any highly migratory species covered by the ICCAT Convention (see 16 U.S.C. 971b–1). Any species working group shall consist of no more than seven members of the Advisory Committee and no more than four scientific or technical personnel, as considered necessary by the Commissioners. Currently, there are four species working groups advising the Committee and the U.S. Commissioners: a Bluefin Tuna Working Group, a Swordfish/Sharks Working Group, a Billfish Working Group, and a Bigeye, Albacore, Yellowfin, and Skipjack Tunas Working Group. Scientific or technical personnel (known as Technical Advisors) appointed to species working groups serve at the pleasure of the Commissioners; therefore, the Commissioners can choose to alter these appointments at any time. As with Committee Members, Technical Advisors may not be represented by a proxy during meetings of the Advisory Committee. Nominees should be able to fulfill the time and travel commitments required to participate in the annual spring meeting of the Advisory Committee, when the species working groups are convened, in addition to ad

hoc meetings throughout the year, as appropriate.

Procedure for Submitting Nominations

Nominations to either the Advisory Committee or a species working group should include a letter of interest and a resume or curriculum vitae that describes the individual's knowledge and experience in a field related to the highly migratory species covered by the ICCAT Convention. Self-nominations are acceptable. Letters of recommendation are useful but not required. When making a nomination, please specify which appointment (Advisory Committee member or Technical Advisor to a species working group) is being sought. Nominees are also encouraged to indicate which of the four species working groups is preferred, although placement on the requested group is not guaranteed.

NMFS encourages nominations for women and for individuals from underserved communities that meet the knowledge, experience, and other requirements of the positions described in this notice. See Executive Order (E.O.) 13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) section 2 (defining “underserved communities” as “populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life,” “such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.”). E.O. 13985 is available at <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

Dated: August 11, 2022.

Alexa Cole,

Director, Office of International Affairs, Trade, and Commerce, National Marine Fisheries Service.

[FR Doc. 2022–17568 Filed 8–15–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC269]

Endangered Species; Take of Anadromous Fish

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

ACTION: Notice of receipt; one application for a scientific enhancement permit.

SUMMARY: Notice is hereby given that NMFS received an application from California Department of Fish and Wildlife in Santa Rosa, California for an U.S. Endangered Species Act (ESA) section 10(a)(1)(A) scientific enhancement permit (permit 26568). The purpose of this permit is to enhance the survival of the endangered Central California Coast (CCC) Evolutionary Significant Unit (ESU) of coho salmon (*Oncorhynchus kisutch*), threatened Northern California (NC) Distinct Population Segment (DPS) of steelhead (*O. mykiss*), and threatened CCC DPS of steelhead (*O. mykiss*) in coastal streams of Mendocino, Sonoma, and Marin counties through rescue and relocation of these species from drying streams. The public is hereby notified that the application for Permit 26568 is available for review and comment before NMFS either approves or disapproves the application.

DATES: Written comments on the permit application must be received at the appropriate email address (see **ADDRESSES**) on or before September 15, 2022.

ADDRESSES: Written comments on the permit application should be submitted to Erin Seghesio via email at erin.seghesio@noaa.gov with “permit 26568” referenced in the subject line. The permit application is available for review online at the Authorizations and Permits for Protected Species website: https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.

FOR FURTHER INFORMATION CONTACT: Erin Seghesio (phone: 707–578–8515 or email: erin.seghesio@noaa.gov).

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Central California Coast (CCC) Evolutionary Significant Unit (ESU) of coho salmon (*Oncorhynchus kisutch*), threatened Northern California (NC) Distinct Population Segment (DPS) of

steelhead (*O. mykiss*), and threatened CCC DPS of steelhead (*O. mykiss*).

Authority

Scientific research and enhancement permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et. seq*) and regulations governing listed fish and wildlife permits (50 CFR 222–227). NMFS issues permits based on findings that such permits (1) are applied for in good faith, (2) would not operate to the disadvantage of the listed species which are the subject of the permits, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and any comment submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period and consideration of any comment submitted therein. NMFS will publish notice of its final action in the **Federal Register**.

Those individuals requesting a hearing on the application listed in this notice should provide the specific reasons why a hearing on the application would be appropriate (see **ADDRESSES**). Such a hearing is held at the discretion of the Assistant Administrator for NOAA Fisheries.

Permit 26568

California Department of Fish and Wildlife in Santa Rosa, California applied for a section 10(a)(1)(A) scientific enhancement permit (permit 26568). This application involves enhancing the survival of endangered CCC coho salmon ESU, threatened NC steelhead DPS, and CCC steelhead DPS in Mendocino, Sonoma and Marin coastal streams through rescue and relocation of these species from drying streams. This application also includes research and monitoring elements. To assess the efficacy of these rescue activities, a subset of the juvenile salmonids may receive a Passive Integrated Transponder tag (PIT-tag) prior to release. The tagged fish will be tracked by fixed antennas positioned in multiple regional watersheds which will provide information on their movements and survival in the freshwater environment. Otoliths and tissue samples will be collected opportunistically from spawned adult carcasses encountered to learn about the

individual's life history. Tissue samples (fin clips and scales) will be collected from carcasses and a subset of live fish for genetic information (fin clips) and age-structure and growth patterns (scales). Activities associated with rescue and relocation could occur anywhere within the Mendocino, Sonoma and Marin coastal watersheds within CCC coho salmon's ESU boundaries. This includes streams from Punta Gorda, CA through, Redwood Creek (Marin County, CA). A summary of these components is provided as follows.

Rescue-Relocation and Research-Monitoring

This component involves rescuing and relocating coho salmon and steelhead from stream sections experiencing dewatering during the dry season or prolonged periods of below average rainfall. Specific staff listed on the application from both California Department of Fish and Wildlife and co-investigators will follow a predetermined communication and documentation protocol outlined in the application and permit while implementing these relocation efforts. Standard scientific methods and equipment (*e.g.*, backpack-electrofishing, nets, seines, portable air pumps, transport containers, water chillers, etc.) will be used during the capture and relocation of coho salmon and steelhead. Captured coho salmon and steelhead will be transported for release into habitats within the same watershed (when possible) that are likely to maintain adequate water and habitat quality through the remainder of the dry season. Because these are endangered and threatened populations with low abundance, relocating coho salmon and steelhead from sections of stream where they will likely perish is expected to benefit the survival of these individual fish and enhance the population. The proposed tagging and tissue collection are intended to provide information on the survival and early life history of rescued fish, contributions of rescued fish to subsequent adult returns, and information on the genetic diversity within basins, particularly where natural origin fish are present.

Field activities for the various proposed enhancement components can occur year-round starting in September 2022 through December 31, 2032. The annual sum of take requested across the various components of this effort is as follows: (1) non-lethal capture and release of up to 20,000 juvenile natural origin coho salmon, 9,000 hatchery origin juvenile coho salmon, 6,000

natural origin juvenile NC steelhead and 10,000 natural origin juvenile CCC steelhead, while electrofishing, seining, or dip-netting, (2) non-lethal capture and release of up to 1500 juvenile natural origin coho salmon for the purpose of applying Passive Integrated Transponder-tags (PIT-tags) and collecting tissue samples, (3) non-lethal capture and release of up to 200 adult natural origin coho salmon, 200 adult hatchery origin coho salmon, 300 adult natural origin NC steelhead, and 300 CCC steelhead by beach seine, (4) tissue collection from up to 1000 adult natural origin coho salmon, 1000 hatchery origin coho salmon, 500 adult natural origin NC steelhead, and 500 adult natural origin CCC steelhead carcasses. The potential annual unintentional lethal coho salmon and steelhead take expected to result from the proposed enhancement activities is up to 2,000 juvenile natural origin coho salmon, 900 juvenile hatchery origin coho salmon, 600 juvenile natural origin NC steelhead, 1000 juvenile natural origin CCC steelhead, 20 adult natural origin coho salmon, 20 adult hatchery origin coho salmon, 30 adult natural origin NC steelhead, and 30 adult natural origin CCC steelhead. These estimates assume up to 10 percent indirect mortality rate. For research and monitoring, indirect mortality rates for capture and handling are generally less than or equal to 2 percent. However, in many cases fish targeted for rescue and relocation are located in isolated habitats and declining habitats with stressful environmental conditions, and therefore it is reasonable to assume a higher potential indirect mortality rate from capture and handling. Absent these rescue efforts, salmonids left in these declining environmental conditions are expected to die.

This proposed scientific enhancement effort is expected to enhance survival and support coho salmon and steelhead recovery within the CCC coho salmon ESU, NC steelhead DPS, and CCC steelhead DPS and is consistent with recommendations and objectives outlined in NMFS' Central California Coast ESU Coho Salmon Recovery Plan and Coastal Multispecies Recovery Plan. See the Permit 26568 application for greater details on the various components of this scientific enhancement effort including the specific scientific methods proposed and take allotments requested for each.

Dated: August 11, 2022.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–17580 Filed 8–15–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RIN 0648–BI58]

Extension of Public Comment on a Supplemental Draft Environmental Impact Statement Regarding the Makah Tribe's Request To Hunt Eastern North Pacific Gray Whales

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

ACTION: Notice; extension of public comment period.

SUMMARY: NMFS announces the extension of the public comment period on the Supplemental Draft Environmental Impact Statement on the Makah Tribe Request to Hunt Gray Whales. We announced a 45-day comment period to end on August 15, 2022. Today, we extend the public comment period on the recommended decision by 60 days to October 14, 2022. Comments previously submitted need not be resubmitted.

DATES: The deadline for the receipt of comments is extended from August 15, 2022 until October 14, 2022.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2012–0104–0454, by any of the following methods:

Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

Email: Submit electronic public comments via the following NMFS email address: makah2022sdeis.wcr@noaa.gov.

Mail: Submit written comments to: Grace Ferrara, NMFS West Coast Region, 7600 Sand Point Way NE, Seattle, WA 98115.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business

Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT:

Grace Ferrara, NMFS Northwest Region, (206) 526–6172, makah2022sdeis.wcr@noaa.gov.

SUPPLEMENTARY INFORMATION: On July 1, 2022, NMFS issued a Supplemental Draft Environmental Impact Statement (SDEIS) regarding the Makah Tribe's request to resume ceremonial and subsistence harvest of eastern North Pacific gray whales, and announced a 45-day comment period on the SDEIS. During the comment period, we received a request to extend the public comment period. We considered the request and agree to extend the public comment period by 60 days. We are therefore extending the close of the public comment period from August 15, 2022, to October 14, 2022.

The SDEIS is available in electronic form on the internet at the following address: <https://www.fisheries.noaa.gov/west-coast/marine-mammal-protection/makah-tribal-whale-hunt>. In addition, copies of the SDEIS are available on CD by contacting Grace Ferrara (see **FOR FURTHER INFORMATION CONTACT**).

Dated: August 11, 2022.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–17620 Filed 8–15–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[OMB Control No. 0651–NEW; Docket No. PTO–C–2022–0018]

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

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

ACTION: Notice; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and

Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection. Public comments were previously requested via the **Federal Register** on May 24, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Submit comments on or before: September 15, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.”

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to:

- InformationCollection@uspto.gov. Include “0651–New information request” in the subject line of the message.

- Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; phone number: (571) 272–7392.

SUPPLEMENTARY INFORMATION:

Title: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

Abstract: A modern, streamlined and responsive customer experience means: raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership.

This proposed information collection activity provides a means to garner customer and stakeholder feedback in an efficient, timely manner in accordance with the Administration's commitment to improving customer service delivery as discussed in Section 280 of OMB Circular A–11 at <https://www.performance.gov/cx/a11-280.pdf>.

As discussed in OMB guidance, agencies should identify their highest-impact customer journeys (using customer volume, annual program cost, and/or knowledge of customer priority as weighting factors) and select

touchpoints/transactions within those journeys to collect feedback.

These results will be used to improve the delivery of Federal services and programs. It will also provide government-wide data on customer experience that can be displayed on www.performance.gov to help build transparency and accountability of Federal programs to the customers they serve.

As a general matter, these information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

USPTO will only submit collections if they meet the following criteria.

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used for general service improvement and program management purposes;
- Upon agreement between OMB and the agency all or a subset of information may be released as part of A-11, Section 280 requirements only on performance.gov. Summaries of customer research and user testing activities may be included in public-facing customer journey maps or summaries.
- Additional release of data must be done coordinated with OMB.

These collections will allow for ongoing, collaborative and actionable communications between the Agency, its customers and stakeholders, and OMB as it monitors agency compliance on Section 280. These responses will inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on services will be unavailable.

Current Action: New Collection of Information.

Type of Review: New.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: Below is a preliminary estimate of the aggregate burden hours for this new collection. USPTO will provide refined estimates of burden in subsequent notices.

Average Expected Annual Number of Activities: Approximately five types of customer experience activities such as feedback surveys, focus groups, user testing, and interviews.

Average Number of Respondents per Activity: 1 response per respondent per activity.

Annual Responses: 2,001,550.

Average Minutes per Response: 3 minutes–60 minutes, dependent upon activity.

Burden Hours: USPTO requests approximately 101,125 burden hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection Regulations.gov.

Justin Isaac,

Acting Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2022–17523 Filed 8–15–22; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates for Variable-Rate Federal Student Loans Made Under the William D. Ford Federal Direct Loan Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Chief Operating Officer for Federal Student Aid announces the interest rates for Federal Direct Stafford/ Ford Loans (Direct Subsidized Loans), Federal Direct Unsubsidized Stafford/ Ford Loans (Direct Unsubsidized Loans), and Federal Direct PLUS Loans (Direct PLUS Loan), Assistance Listing Number 84.268, with first disbursement dates before July 1, 2006, and for Federal Direct Consolidation Loans (Direct Consolidation Loans) for which the application was received before February 1, 1999. The rates announced in this notice are in effect for the period July 1, 2022 through June 30, 2023.

FOR FURTHER INFORMATION CONTACT: Travis Sturlaugson, U.S. Department of Education, 830 First Street NE, 11th floor, Washington, DC 20202. Telephone: (202) 377–4174 or by email: travis.sturlaugson@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans, and Direct Consolidation Loans (collectively referred to as “Direct Loans”) may have either fixed or variable interest rates, depending on when the loan was first disbursed or, in the case of a Direct Consolidation Loan, when the application for the loan was received. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed before July 1, 2006, and Direct Consolidation Loans for which the application was received before February 1, 1999, have variable interest rates. For these loans, a new rate is determined annually and is in effect during the period from July 1 of one

year through June 30 of the following year.

Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2006, and Direct Consolidation Loans for which the application was received on or after February 1, 1999, have fixed interest rates that apply for the life of the loan.

This notice announces the interest rates for variable-rate Direct Loans that will apply during the period from July 1, 2022 through June 30, 2023. Interest rate information for fixed-rate Direct Loans is announced in a separate notice published in the **Federal Register**.

Interest rates for variable-rate Direct Loans are determined in accordance with formulas specified in section 455(b) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1087e(b)). The formulas vary depending on loan type and when the loan was first disbursed or, for certain Direct Consolidation Loans, when the application for the loan was received. The HEA specifies a maximum interest rate for these loan types. If the interest rate formula results in a rate that exceeds the statutory maximum rate, the rate is the statutory maximum rate.

Variable-Rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans

For Direct Subsidized Loans and Direct Unsubsidized Loans with first disbursement dates before July 1, 2006, and for Direct PLUS Loans with first disbursement dates on or after July 1,

1998, and before July 1, 2006, the interest rate is equal to the lesser of—

(1) The bond equivalent rate of 91-day Treasury bills auctioned at the final auction held before the June 1 immediately preceding the 12-month period to which the interest rate applies, plus a statutory add-on percentage; or

(2) 8.25 percent (for Direct Subsidized Loans and Direct Unsubsidized Loans) or 9.00 percent (for Direct PLUS Loans).

For Direct Subsidized Loans and Direct Unsubsidized Loans with first disbursement dates on or after July 1, 1995, and before July 1, 2006, the statutory add-on percentage varies depending on whether the loan is in an in-school, grace, or deferment status, or in any other status. For all other loans, the statutory add-on percentage is the same during any status.

The bond equivalent rate of 91-day Treasury bills auctioned on May 31, 2022, is 1.139 percent, rounded to 1.14 percent.

For Direct PLUS Loans with first disbursement dates before July 1, 1998, the interest rate is equal to the lesser of—

(1) The weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before the June 26 preceding the 12-month period to which the interest rate applies, plus a statutory add-on percentage; or

(2) 9.00 percent.

The weekly average of the one-year constant maturity Treasury yield, as published by the Board of Governors of

the Federal Reserve System, for the last calendar week ending on or before June 26, 2022, is 2.83 percent.

Variable-Rate Direct Consolidation Loans

A Direct Consolidation Loan may have up to three components, depending on the types of loans that were repaid by the consolidation loan and when the application for the consolidation loan was received. The three components are called Direct Subsidized Consolidation Loans, Direct Unsubsidized Consolidation Loans, and (only for Direct Consolidation Loans made based on applications received before July 1, 2006) Direct PLUS Consolidation Loans. In most cases the interest rates for variable-rate Direct Subsidized Consolidation Loans, Direct Unsubsidized Consolidation Loans, and Direct PLUS Consolidation Loans are determined in accordance with the same formulas that apply to Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans, respectively.

Interest Rate Charts

Charts 1 and 2 show the interest rate formulas used to determine the interest rates for all variable-rate Direct Loans and the rates that are in effect during the 12-month period from July 1, 2022, through June 30, 2023.

Chart 1 shows the interest rates for loans with rates based on the 91-day Treasury bill rate. Chart 2 shows the interest rates for loans with rates based on the weekly average of the one-year constant maturity Treasury yield.

CHART 1—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, DIRECT SUBSIDIZED CONSOLIDATION LOANS, DIRECT UNSUBSIDIZED CONSOLIDATION LOANS, DIRECT PLUS LOANS, AND DIRECT PLUS CONSOLIDATION LOANS

[Interest rates based on 91-day Treasury bill]

Loan type	Cohort	91-day T-bill rate 05/31/22 (%)	Add-on (%)		Maximum rate (%)	Interest rate 07/01/22 through 06/ 30/23 (%)	
Subsidized, Un- subsidized.	First disbursed on/after 07/ 01/98 and be- fore 07/01/06.	1.14	1.70 (in-school, grace, deferment).	2.30 (any other status).	8.25	2.84 (in-school, grace, deferment).	3.44 (any other status).
Subsidized Con- solidation, Un- subsidized Consolidation.	First disbursed on/after 07/ 01/98 and be- fore 10/01/98; or Application received be- fore 10/01/98 and first dis- bursed on/ after 10/01/98.						
PLUS	First disbursed on/after 07/ 01/98 and be- fore 07/01/06.	1.14	3.10		9.00	4.24	

**CHART 1—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, DIRECT SUBSIDIZED CONSOLIDATION LOANS,
DIRECT UNSUBSIDIZED CONSOLIDATION LOANS, DIRECT PLUS LOANS, AND DIRECT PLUS CONSOLIDATION LOANS**

[Interest rates based on 91-day Treasury bill]

Loan type	Cohort	91-day T-bill rate 05/31/22 (%)	Add-on (%)		Maximum rate (%)	Interest rate 07/01/22 through 06/ 30/23 (%)	
PLUS Consolida- tion.	First disbursed on/after 07/ 01/1998 and before 10/01/ 1998; or Ap- plication re- ceived before 10/01/98 and first disbursed on/after 10/ 01/98.						
Subsidized Un- subsidized, Subsidized Consolidation, Unsubsidized Consolidation.	First disbursed on/after 07/ 01/95 and be- fore 07/01/98.	1.14	2.50 (in-school, grace, deferment).	3.10 (any other status).	8.25	3.64 (in-school, grace, deferment).	4.24 (any other status).
Subsidized Un- subsidized, Subsidized Consolidation, Unsubsidized Consolidation.	First disbursed before 07/01/ 95.	1.14	3.10		8.25	4.24	
Subsidized Con- solidation, Un- subsidized Consolidation, PLUS Consoli- dation.	Application re- ceived on/ after 10/01/98 and before 02/01/99.	1.14	2.30		8.25	3.44	

CHART 2—DIRECT PLUS LOANS AND DIRECT PLUS CONSOLIDATION LOANS

[Interest rates based on weekly average of one-year constant maturity Treasury yield]

Loan type	Cohort	Weekly aver- age of 1-year constant matu- rity treasury yield for last calendar week ending on or before 06/26/ 22 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/22 through 06/30/23 (%)
PLUS PLUS Consolidation	First disbursed before 07/01/98	2.83	3.10	9.00	5.93

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

Electronic Access to This Document: The official version of this document is the document published in the **Federal**

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

You may also access documents of the Department published in the **Federal Register** by using the article search

feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1087 *et seq.*

Richard Cordray,
Chief Operating Officer, Federal Student Aid.
[FR Doc. 2022–17492 Filed 8–15–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION**Annual Notice of Interest Rates for Variable-Rate Federal Student Loans Made Under the Federal Family Education Loan Program Prior to July 1, 2010**

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Chief Operating Officer for Federal Student Aid announces the interest rates for loans made under the Federal Family Education Loan (FFEL) Program, Assistance Listing Number 84.032, that have variable interest rates. The rates announced in this notice are in effect for the period July 1, 2022, through June 30, 2023.

FOR FURTHER INFORMATION CONTACT: Travis Sturlaugson, U.S. Department of Education, 830 First Street NE, 11th Floor, Washington, DC 20202. Telephone: (202) 377-4174. Email: travis.sturlaugson@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

SUPPLEMENTARY INFORMATION: Section 427A of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1077a), provides formulas for determining the interest rates charged to borrowers on loans made under the FFEL Program, including Federal Subsidized and Unsubsidized Stafford Loans (Stafford Loans), Federal PLUS Loans (PLUS Loans), Federal Consolidation Loans (Consolidation Loans), and Federal Supplemental Loans for Students (SLS Loans). No new loans have been made under the FFEL Program since June 30, 2010.

The FFEL Program includes loans with variable interest rates that change each year and loans with fixed interest rates that remain the same for the life of the loan. For loans with a variable interest rate, the specific interest rate formula that applies to a particular loan depends on the date of the first disbursement of the loan or, in the case of a Consolidation Loan, the date the application for the loan was received. If a loan has a variable interest rate, a new rate is determined annually and is in

effect during the period from July 1 of one year through June 30 of the following year.

This notice announces the interest rates for variable-rate FFEL Program loans that will be in effect during the period from July 1, 2022, through June 30, 2023. Interest rates for fixed-rate FFEL Program loans may be found in a **Federal Register** notice published on September 15, 2015 (80 FR 55342).

For the majority of variable-rate FFEL Program loans, the annual interest rate is equal to the lesser of—

- (1) The bond equivalent rate of the 91-day Treasury bills auctioned at the final auction held before June 1 of each year, plus a statutory add-on percentage; or
- (2) A statutorily established maximum interest rate.

The bond equivalent rate of the 91-day Treasury bills auctioned on May 31, 2022, is 1.139 percent, rounded to 1.14 percent.

For PLUS Loans first disbursed before July 1, 1998, and for all SLS Loans, the annual interest rate is equal to the lesser of—

- (1) The weekly average of the one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 26 of each year, plus a statutory add-on percentage; or
- (2) A statutorily established maximum interest rate.

The weekly average of the one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 26, 2022, is 2.83 percent.

For Consolidation Loans that have a variable interest rate, the annual interest rate for the portion of a Consolidation Loan that repaid loans other than loans made under the Health Education Assistance Loans (HEAL) Program is equal to—

- (1) The bond equivalent rate of the 91-day Treasury bill auctioned at the final auction held before June 1 of each year, plus a statutory add-on percentage; or
- (2) A statutorily established maximum interest rate.

If a Consolidation Loan (whether a variable-rate loan or a fixed-rate loan) repaid loans made under the HEAL

Program, the interest rate on the portion of the Consolidation Loan that repaid HEAL loans is a variable rate that is equal to the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the quarter ending June 30, plus a statutory add-on percentage. For the portion of a Consolidation Loan that repaid HEAL loans, there is no maximum interest rate.

The average of the bond equivalent rates of the 91-day Treasury bills auctioned for the quarter ending on June 30, 2022, is 1.14 percent.

The statutory add-on percentages and maximum interest rates vary depending on loan type and when the loan was first disbursed. In addition, the add-on percentage for certain Stafford Loans is different depending on whether the loan is in an in-school, grace, or deferment status, or in any other status. If the interest rate calculated in accordance with the applicable formula exceeds the statutory maximum interest rate, the statutory maximum rate applies.

Charts 1 through 4 show the interest rate formulas that are used to determine the interest rates for all variable-rate FFEL Program loans and the interest rates that are in effect during the 12-month period from July 1, 2022, through June 30, 2023. Unless otherwise indicated, the cohorts shown in each chart include all borrowers, regardless of prior borrowing.

Chart 1 shows the interest rates for loans with rates based on the 91-day Treasury bill, with the exception of “converted” variable-rate Federal Stafford Loans and certain Federal Consolidation Loans.

Chart 2 shows the interest rates for loans with rates based on the weekly average of the one-year constant maturity Treasury yield.

Chart 3 shows the interest rates for “converted” variable-rate Federal Stafford Loans. These are loans that originally had varying fixed interest rates.

Finally, Chart 4 shows the interest rates for variable-rate Federal Consolidation Loans, and for the portion of any Federal Consolidation Loan that repaid loans made under the HEAL Program.

CHART 1—SUBSIDIZED FEDERAL STAFFORD LOANS, UNSUBSIDIZED FEDERAL STAFFORD LOANS, AND FEDERAL PLUS LOANS

[Interest rate based on 91-day Treasury bill]

Loan type	Cohort	91-day T-bill rate 05/31/22 (%)	Add-on (%)		Maximum rate (%)	Interest rate 07/01/22 through 06/ 30/23 (%)	
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on/after 07/01/98 and before 07/01/06.	1.14	1.70 (in-school, grace, deferment).	2.30 (any other status).	8.25	2.84 (in-school, grace, deferment).	3.44 (any other status)
PLUS	First disbursed on/after 07/01/98 and before 07/01/06.	1.14	3.10		9.00	4.24	
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on/after 07/01/95 and before 07/01/98.	1.14	2.50 (in-school, grace, deferment).	3.10 (any other status).	8.25	3.64 (in-school, grace, deferment).	4.24 (any other status)
Subsidized Stafford. Unsubsidized Stafford.	First disbursed on/after 07/01/94 and before 07/01/95, for a period of enrollment that included or began on or after 07/01/94.	1.14	3.10		8.25	4.24	
Subsidized Stafford. Unsubsidized Stafford.	First disbursed on/after 10/01/92 and before 07/01/94; and First disbursed on/after 07/01/94, for a period of enrollment ending before 07/01/94 (new borrowers).	1.14	3.10		9.00	4.24	

CHART 2—FEDERAL PLUS LOANS AND SLS LOANS

[Interest rate based on weekly average of one-year constant maturity Treasury yield]

Loan type	Cohort	Weekly average of 1-year constant maturity Treasury yield for last calendar week ending on or before 06/26/22 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/22 through 06/30/23 (%)
PLUS	First disbursed on/after 07/01/94 and before 07/01/98.	2.83	3.10	9.00	5.93
PLUS	First disbursed on/after 10/01/92 and before 07/01/94.	2.83	3.10	10.00	5.93
SLS	First disbursed on/after 10/01/92, for a period of enrollment beginning before 07/01/94.	2.83	3.10	11.00	5.93
PLUS SLS	First disbursed before 10/01/92	2.83	3.25	12.00	6.08

CHART 3—"CONVERTED" VARIABLE-RATE SUBSIDIZED AND UNSUBSIDIZED FEDERAL STAFFORD LOANS
[Interest rate based on 91-day Treasury bill]

Loan type	Cohort	Original fixed interest rate (later converted to variable rate) (%)	91-day T-bill rate 05/26/22 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/22 through 06/30/23 (%)
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	8.00, increasing to 10.00.	1.14	3.10	10.00	4.24
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	9.00	1.14	3.10	9.00	4.24
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	8.00	1.14	3.10	8.00	4.24
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	7.00	1.14	3.10	7.00	4.24
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 10/01/92 (new borrowers).	8.00, increasing to 10.00.	1.14	3.25	10.00	4.39
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/01/88 and before 07/23/92.	8.00, increasing to 10.00.	1.14	3.25	10.00	4.39

CHART 4—FEDERAL CONSOLIDATION LOANS

Consolidation loan component	Cohort	91-day T-bill rate 05/31/22 (%)	Average of the bond equivalent rates of the 91-day T-bills auctioned for the quarter ending 06/30/22 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/22 through 06/30/23 (%)
Portion of loan that repaid loans other than HEAL loans.	Application received on/ after 11/13/97 and before 10/01/98.	1.14	N/A	3.10	8.25	4.24
Portion of the loan that repaid HEAL loans.	Application received on/ after 11/13/97.	N/A	1.14	3.00	None	4.14

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

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department

published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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

Program Authority: 20 U.S.C. 1071 *et seq.*

Richard Cordray,
Chief Operating Officer, Federal Student Aid.

[FR Doc. 2022-17560 Filed 8-15-22; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2022-SCC-0072]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Center for Information and Technical Support for Postsecondary Students With Disabilities (NCITSPSD) Program Database

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is

proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before September 15, 2022.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information collection request (ICR) by selecting "Department of Education" under "Currently Under Review," then check the "Only Show ICR for Public Comment" checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the "View Information Collection (IC) List" link. Supporting statements and other supporting documentation may be found by clicking on the "View Supporting Statement and Other Documents" link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Shedita Alston, 202-453-7090.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed ICR that is described below. The Department is especially interested in public comments addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public record.

Title of Collection: National Center for Information and Technical Support for Postsecondary Students with

Disabilities (NCITSPSD) Program Database.

OMB Control Number: 1840-0841.

Type of Review: An extension without change of a currently approved collection.

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

Total Estimated Number of Annual Responses: 4,583.

Total Estimated Number of Annual Burden Hours: 13,749.

Abstract: In 2021, a federal discretionary grant was awarded via the National Center for Information and Technical Support for Postsecondary Students with Disabilities Program (NCITSPSD) to the National Center for College Students with Disabilities (NCCSD) at the University of Minnesota and is authorized by Congress in the Higher Education Opportunity Act of 2008 (777.4). The NCITSPSD program grant was originally awarded in 2015 to the Association on Higher Education and Disability (AHEAD). The NCCSD College Disability Resource Database (CeDar) is designed to address a gap in information about services and accessibility for college students with disabilities, who make up 11% of the undergraduate population. Existing general information about colleges is available in the U.S. Department of Education's on-line College Navigator and College Affordability and Transparency Center, but the only information about students with disabilities in these databases is the percentage of students registered with campus disability services office. At this time, this is the only database that provides systemic collection of information about campus-level, disability-related services, access, and activities at colleges and universities in the United States. The NCCSD survey asks all U.S. campuses to provide basic information about disability services, accessibility of campuses, and disability-related activities that may affect inclusion and the campus climate. The data is available to the public in an accessible and searchable database to assist prospective college students and their families in making informed decisions during the college search process. Because the database is public, researchers and policy makers are able to utilize the data to gather information about disability and higher education in systemic ways.

Dated: August 11, 2022.

Kun Mullan,

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

[FR Doc. 2022-17559 Filed 8-15-22; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates for Fixed-Rate Federal Student Loans Made Under the William D. Ford Federal Direct Loan Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Chief Operating Officer for Federal Student Aid announces the interest rates for Federal Direct Stafford/Ford Loans (Direct Subsidized Loans), Federal Direct Unsubsidized Stafford/Ford Loans (Direct Unsubsidized Loans), and Federal Direct PLUS Loans (Direct PLUS Loans) made under the William D. Ford Federal Direct Loan (Direct Loan) Program, Assistance Listing Number 84.268, with first disbursement dates on or after July 1, 2022, and before July 1, 2023.

FOR FURTHER INFORMATION CONTACT: Travis Sturlaugson, U.S. Department of Education, 830 First Street NE, 11th Floor, Washington, DC 20202. Telephone: (202) 377-4174 or by email: travis.sturlaugson@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

SUPPLEMENTARY INFORMATION: Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans, and Direct Consolidation Loans (collectively referred to as "Direct Loans") may have either fixed or variable interest rates, depending on when the loan was first disbursed or, in the case of a Direct Consolidation Loan, when the application for the loan was received. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2006, and Direct Consolidation Loans for which the application was received on or after February 1, 1999, have fixed interest rates that apply for the life of the loan. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed before July 1, 2006, and Direct Consolidation Loans for which the application was received before February 1, 1999, have variable interest rates that are determined

annually and are in effect during the period from July 1 of one year through June 30 of the following year.

This notice announces the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans with first disbursement dates on or after July 1, 2022, and before July 1, 2023, and provides interest rate information for other fixed-rate Direct Loans. Interest rate information for variable-rate Direct Loans is announced in a separate **Federal Register** notice.

Fixed-Rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans First Disbursed on or After July 1, 2013

Section 455(b) of the Higher Education Act of 1965, as amended

(HEA) (20 U.S.C. 1087e(b)), includes formulas for determining the interest rates for all Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2013. The interest rate for these loans is a fixed rate that is determined annually for all loans first disbursed during any 12-month period beginning on July 1 and ending on June 30. The rate is equal to the high yield of the 10-year Treasury notes auctioned at the final auction held before June 1 of that 12-month period, plus a statutory add-on percentage that varies depending on the loan type and, for Direct Unsubsidized Loans, whether the loan was made to an undergraduate or graduate student. The calculated interest rate may not exceed a maximum

rate specified in the HEA. If the interest rate formula results in a rate that exceeds the statutory maximum rate, the rate is the statutory maximum rate. Loans first disbursed during different 12-month periods that begin on July 1 and end on June 30 may have different interest rates, but the rate determined for any loan is a fixed interest rate for the life of the loan.

On May 11, 2022, the United States Treasury Department held a 10-year Treasury note auction that resulted in a high yield of 2.943 percent.

Chart 1 shows the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2022, and before July 1, 2023.

CHART 1—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2022 AND BEFORE 07/01/2023

Loan type	Borrower type	10-year treasury note high yield 05/12/2021 (%)	Add-on (%)	Maximum rate (%)	Fixed interest rate (%)
Direct Subsidized Loans	Undergraduate students	2.943	2.05	8.25	4.99
Direct Unsubsidized Loans	Graduate and professional students	2.943	3.60	9.50	6.54
Direct Unsubsidized Loans ¹ .					
Direct PLUS Loans	Parents of dependent undergraduate students.	2.943	4.60	10.50	7.54
	Graduate and professional students				

¹ Graduate and professional students are not eligible to receive Direct Subsidized Loans.

For reference, Chart 2 compares the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and

Direct PLUS Loans first disbursed during the period July 1, 2022, through June 30, 2023, with the fixed interest

rates for loans first disbursed during each previous 12-month period from July 1, 2013, through June 30, 2022.

CHART 2—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2013 AND BEFORE 07/01/2023

First disbursed		Fixed interest rates (%)			Federal Register notice
On/after	Before	Direct subsidized loans Direct unsubsidized loans (undergraduate students)	Direct unsubsidized loans (graduate or professional students)	Direct PLUS loans	
07/01/2022	07/01/2023	4.99	6.54	7.54	N/A.
07/01/2021	07/01/2022	3.73	5.28	6.28	86 FR 44003 (August 11, 2021).
07/01/2020	07/01/2021	2.75	4.30	5.30	85 FR 48229 (August 10, 2020).
07/01/2019	07/01/2020	4.53	6.08	7.08	85 FR 2417 (January 15, 2020).
07/01/2018	07/01/2019	5.05	6.60	7.60	83 FR 53864 (October 25, 2018).
07/01/2017	07/01/2018	4.45	6.00	7.00	82 FR 29062 (June 27, 2017).
07/01/2016	07/01/2017	3.76	5.31	6.31	81 FR 38159 (June 13, 2016).
07/01/2015	07/01/2016	4.29	5.84	6.84	80 FR 42488 (July 17, 2015).
07/01/2014	07/01/2015	4.66	6.21	7.21	79 FR 37301 (July 1, 2014).
07/01/2013	07/01/2014	3.86	5.41	6.41	78 FR 59011 (September 25, 2013).

Fixed-Rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans First Disbursed on or After July 1, 2006, and Before July 2, 2013

Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS

Loans first disbursed on or after July 1, 2006, and before July 1, 2013, have fixed interest rates that are specified in section 455(b) of the HEA (20 U.S.C. 1087e(b)). Chart 3 shows the interest rates for these loans.

CHART 3—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2006 AND BEFORE 07/01/2013

Loan type	Borrower type	First disbursed on/after	First disbursed before	Interest rate (%)
Subsidized	Undergraduate students	07/01/2011	07/01/2013	3.40
Subsidized	Undergraduate students	07/01/2010	07/01/2011	4.50
Subsidized	Undergraduate students	07/01/2009	07/01/2010	5.60
Subsidized	Undergraduate students	07/01/2008	07/01/2009	6.00
Subsidized	Undergraduate students	07/01/2006	07/01/2008	6.80
Subsidized	Graduate or professional students	07/01/2006	² 07/01/2012	6.80
Unsubsidized	Undergraduate and graduate or professional students	07/01/2006	07/01/2013	6.80
PLUS	Graduate or professional students and parents of dependent undergraduate students.	07/01/2006	07/01/2013	7.90

² Effective for loan periods beginning on or after July 1, 2012, graduate and professional students are no longer eligible to receive Direct Subsidized Loans.

Fixed-Rate Direct Consolidation Loans

Section 455(b) of the HEA specifies that all Direct Consolidation Loans for which the application was received on or after February 1, 1999, have a fixed interest rate that is equal to the weighted average of the interest rates on

the loans consolidated, rounded to the nearest higher one-eighth of one percent. For Direct Consolidation Loans for which the application was received on or after February 1, 1999, and before July 1, 2013, the interest rate may not exceed 8.25 percent. However, under

section 455(b) of the HEA, the 8.25 percent interest rate cap does not apply to Direct Consolidation Loans made based on applications received on or after July 1, 2013. Chart 4 shows the interest rates for fixed-rate Direct Consolidation Loans.

CHART 4—DIRECT CONSOLIDATION LOANS MADE BASED ON APPLICATIONS RECEIVED ON OR AFTER 02/01/1999

Application received	Interest rate (%)	Maximum interest rate (%)
On/after 07/01/2013	Weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent.	None
On/after 02/01/1999 and before 07/01/2013	(same as above)	8.25

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

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

Adobe Acrobat Reader, which is available free at the site.

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

Program Authority: 20 U.S.C. 1087, et seq.

Richard Cordray,

Chief Operating Officer, Federal Student Aid.

[FR Doc. 2022-17493 Filed 8-15-22; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity (NACIQI)

AGENCY: Department of Education, National Advisory Committee on Institutional Quality, and Integrity (NACIQI).

ACTION: Request for nominations for appointment to serve on the National Advisory Committee on Institutional Quality and Integrity (NACIQI).

SUMMARY: Secretary of Education, Miguel A. Cardona, Ed.D., is seeking nomination(s) for appointment to fill one member vacancy on the NACIQI with a term of service that will expire on September 30, 2025.

DATES: Nominations must be received no later than September 15, 2022.

ADDRESSES: You may submit nomination(s), including attachments, via email to: cmtmgmtoffice@ed.gov (please specify in the email subject line "NACIQI Nomination").

SUPPLEMENTARY INFORMATION:

NACIQI's Statutory Authority and Function

The NACIQI is established under Section 114 of the HEA. The NACIQI meets at least twice a year and advises the Secretary of Education with respect to: the establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA; the recognition of specific accrediting agencies or associations; the preparation and publication of the list of nationally recognized accrediting agencies and associations; the eligibility and certification process for institutions of higher education under Title IV of the HEA, together with recommendations for improvements in such process; the relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions; and other advisory functions relating to accreditation and institutional eligibility that the Secretary may prescribe by regulation.

NACIQI is composed of 18 members, of which: six members shall be appointed by the Secretary of Education; six members shall be appointed by the Speaker of the U.S. House of Representatives, three of whom shall be appointed on the recommendation of the majority leader of the U.S. House of Representatives and three of whom shall be appointed on the recommendation of the minority leader of the U.S. House of Representatives; and six members shall be appointed by the President Pro Tempore of the U.S. Senate, three of whom shall be appointed on the recommendation of the majority leader of the U.S. Senate and three of whom shall be appointed on the recommendation of the minority leader of the U.S. Senate. Per 20 U.S.C. 1011d, at least one member of the Committee must be a student who at the time of appointment by the Secretary of Education, is attending an institution of higher education. Members are appointed: (A) on the basis of the individuals' experience, integrity, impartiality, and good judgment; (B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representing all sectors and types of

institutions of higher education; and (C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

Per the authorizing legislation for NACIQI, the term of office of each member of the Committee shall be for six years, except for vacancies. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term. A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurs. If a vacancy occurs in a position to be filled by the Secretary of Education, the Secretary shall publish a **Federal Register** notice soliciting nominations for the position not later than 30 days after being notified of the vacancy. Members of the Committee will serve as Special Government Employees (SGEs), as defined in 18 U.S.C. 202(a). As SGEs, members are selected for their individual experience, integrity, impartiality, and good judgment.

Nomination Process: Interested persons, stakeholders, or organizations may nominate a qualified individual(s). To nominate an individual(s) or self-nominate for appointment to serve on the NACIQI, please submit via the email address cmtmgmtoffice@ed.gov the following information to the U.S. Department of Education:

(1) A cover letter addressed to the Secretary of Education as follows: Honorable Miguel Cardona, Ed.D., Secretary of Education, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. In the letter, please note your reason(s) for submitting the nomination; (2) A copy of the nominee's current resume/cv; and (3) Contact information for the nominee (name, address, contact phone number, and email address).

In addition, the cover letter must include a statement affirming that the nominee (if you are nominating someone other than yourself) has agreed to be nominated and is willing to serve on the NACIQI if appointed by the Secretary of Education.

For questions, please contact Karen Akins, Committee Management Officer, U. S. Department of Education, Telephone: (202) 401-3677 Email: Karen.Akins@ed.gov

Electronic Access to this Document: The official version of this document is published in the **Federal Register**. Free internet access to the official version of this notice in the **Federal Register** and

the applicable Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site, you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Miguel Cardona,

Secretary of Education.

[FR Doc. 2022-17624 Filed 8-15-22; 8:45 am]

BILLING CODE 4000-01-P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meeting: HAVA at 20

AGENCY: U.S. Election Assistance Commission.

ACTION: Sunshine Act notice; notice of public meeting agenda.

SUMMARY: Public Meeting: HAVA at 20: Building Trust in Elections.

DATES: Thursday, September 1, 2022, 11 a.m. to 8:30 p.m. (PT).

ADDRESSES: 24255 Pacific Coast Highway, Malibu, CA 90263.

The roundtable discussion is open to the public, and will be held at the Pepperdine University School of Public Policy, and will also be livestreamed on the U.S. Election Assistance Commission YouTube Channel: <https://www.youtube.com/channel/UCpN6i0g2rlF4ITWhwvBwwZw>.

FOR FURTHER INFORMATION CONTACT:

Kristen Muthig, Telephone: (202) 897-9285, Email: kmuthig@eac.gov.

SUPPLEMENTARY INFORMATION:

Purpose: In accordance with the Government in the Sunshine Act (Sunshine Act), Public Law 94-409, as amended (5 U.S.C. 552b), the U.S. Election Assistance Commission (EAC) will hold an open meeting to discuss the advances made in election administration since the signing of the Help America Vote Act of 2002 (HAVA) and the future of elections.

Agenda: In recognition of the 20th Anniversary of the signing of the Help America Vote Act of 2002 (HAVA) and the 25th anniversary of Pepperdine's School of Public Policy, the U.S. Election Assistance Commission and

Pepperdine University will host a public meeting, “HAVA at 20: Building Confidence in Elections” featuring discussions with election officials and subject matter experts on confidence in elections, security and technology in elections, current issues in election administration, and the future of elections.

The panels will begin with “Confidence in Elections” to discuss data identifying trends and ways to address the challenges of mis- and dis-information, and approaches to improve confidence. The “Security and Technology in Elections” panel will discuss how technology has transformed American elections over the last two decades, the role of election officials as IT managers, the increased coordination between government and private sector partners to keep elections secure, and how election officials are handling the physical and cyber threats. “Current Issues in Election Administration (Clearinghouse/HAVA Grants)” will discuss election funding through HAVA and the impact those grants have had on supporting elections during critical moments over the last 20 years. The panel will also address the importance of exchanging information on election practices and procedures and what additional challenges lie ahead. The final panel, “Future of Elections—HAVA 20 Years From Now,” will discuss how HAVA is still relevant, how elections will evolve in the future, and what can be done to continue confidence in our elections. The full agenda will be posted in advance on the EAC website: <https://www.eac.gov>.

The event will be livestreamed and recorded. The recording will be made available on the EAC website at a later date.

As space is limited, attendees are encouraged to register. Registration instructions and additional event information will be posted on the EAC event web page: <https://www.eac.gov/events/2022/09/01/eac-and-pepperdine-university-hava-20-building-trust-elections>.

Schedule:

Lunch and Keynote Address—11–12 PT
Panel Discussions—12:15–5:30 PT
Evening Reception—6:30–8:30 PT

Background: As part of the Help America Vote Act of 2002 (HAVA) efforts to improve voting processes, the EAC was established as an independent and bipartisan commission to develop guidance to meet the various HAVA requirements. These responsibilities include a national clearinghouse of resources, adopting voluntary voting system guidelines, certifying voting

systems, auditing the use of HAVA funds, and more. This event is being held because 2022 is the 20th anniversary of HAVA. This year also marks the 25th anniversary of Pepperdine University School of Public Policy.

Status: This roundtable discussion will be open to the public.

Camden Kelliher,

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2022–17654 Filed 8–12–22; 11:15 am]

BILLING CODE P

DEPARTMENT OF ENERGY

President’s Council of Advisors on Science and Technology

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open virtual meeting.

SUMMARY: This notice announces an open meeting of the President’s Council of Advisors on Science and Technology (PCAST). The Federal Advisory Committee Act (FACA) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday September 7, 2022; 11:00 a.m. to 12:00 p.m. ET

ADDRESSES: Information to participate virtually can be found on the PCAST website closer to the meeting at: www.whitehouse.gov/PCAST/meetings.

FOR FURTHER INFORMATION CONTACT: Dr. Sarah Domnitz, Designated Federal Officer, PCAST, Telephone: (202) 881–6399; email: PCAST@ostp.eop.gov.

SUPPLEMENTARY INFORMATION: PCAST is an advisory group of the nation’s leading scientists and engineers, appointed by the President to augment the science and technology advice available to him from the White House, cabinet departments, and other Federal agencies. See the Executive Order at whitehouse.gov. PCAST is consulted on and provides analyses and recommendations concerning a wide range of issues where understanding of science, technology, and innovation may bear on the policy choices before the President. The Designated Federal Officer is Dr. Sarah Domnitz. Information about PCAST can be found at: www.whitehouse.gov/PCAST.

Tentative Agenda: PCAST will discuss and consider for approval a report with recommendations for implementing the CHIPS and Science Act funds that are specifically appropriated for semiconductor research and development. Additional information and the meeting agenda,

including any changes that arise, will be posted on the PCAST website at: www.whitehouse.gov/PCAST/meetings.

Public Participation: The meeting is open to the public. It is the policy of the PCAST to accept written public comments no longer than 10 pages and to accommodate oral public comments whenever possible. The PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place on September 7, 2022, at a time specified in the meeting agenda. This public comment period is designed only for substantive commentary on PCAST’s work, not for business marketing purposes.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at PCAST@ostp.eop.gov, no later than 12:00 p.m. Eastern Time on August 31, 2022. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of up to 10 minutes. If more speakers register than there is space available on the agenda, PCAST will select speakers on a first-come, first-served basis from those who registered. Those not able to present oral comments may file written comments with the council.

Written Comments: Although written comments are accepted continuously, written comments should be submitted to PCAST@ostp.eop.gov no later than 12:00 p.m. Eastern Time on August 31, 2022, so that the comments can be made available to the PCAST members for their consideration prior to this meeting.

PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST website at: www.whitehouse.gov/PCAST/meetings.

Minutes: Minutes will be available within 45 days at: www.whitehouse.gov/PCAST/meetings.

Signed in Washington, DC, on August 10, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–17573 Filed 8–15–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY**Environmental Management Site-Specific Advisory Board Chairs**

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid open meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB) Chairs. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 7, 2022; 8 a.m.–5 p.m. MDT.

ADDRESSES: This hybrid meeting will be open to the public virtually (observation only). To attend, please contact Alyssa Petit by email, Alyssa.Petit@em.doe.gov, no later than 5:00 p.m. EDT on Monday, September 5, 2022.

For EM SSAB Chairs, Vice-Chairs and staff, the meeting will be held, strictly following COVID–19 precautionary measures, at: La Fonda on the Plaza, La Terraza Meeting Room, 100 East San Francisco Street, Santa Fe, New Mexico 87501.

Attendees should check the EM SSAB website (<https://www.energy.gov/em/em-site-specific-advisory-board>) for any meeting format changes due to COVID–19 protocols.

FOR FURTHER INFORMATION CONTACT:

Alyssa Petit, EM SSAB Federal Coordinator. U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 586–7627; Email: Alyssa.Petit@em.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda Topics

Wednesday, September 7, 2022

- EM Update
- Chairs Round Robin
- Justice40 Initiative
- Legacy Management Overview
- Public Comment
- Contracting Update
- EM Packaging and Transportation
- Board Business/Open Discussion

Public Participation: As a COVID–19 precaution, the meeting will be open to the public virtually only. Attendees should register for attendance by sending an email to Alyssa.Petit@em.doe.gov

no later than 5 p.m. ET on Wednesday, August 31, 2022. The EM SSAB welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please note this when registering. Public comments will be accepted via email for virtual participants prior to and after the meeting. Comments received in writing no later than 5 p.m. EDT on Wednesday, August 31, 2022 will be read aloud during the meeting. Comments will also be accepted after the meeting by no later than 5 p.m. EDT on Wednesday, September 14, 2022 to be included in the official meeting record. Please send comments to Alyssa Petit at Alyssa.Petit@em.doe.gov. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: Minutes will also be available at the following website: <https://energy.gov/em/listings/chairs-meetings>.

Signed in Washington, DC, on August 10, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–17588 Filed 8–15–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY**National Nuclear Security Administration****Defense Programs Advisory Committee**

AGENCY: Office of Defense Programs, National Nuclear Security Administration, Department of Energy.

ACTION: Notice of closed meeting.

SUMMARY: This notice announces a closed meeting of the Defense Programs Advisory Committee (DPAC). The Federal Advisory Committee Act requires that public notice of meetings be announced in the **Federal Register**. Due to national security considerations, the meeting will be closed to the public and matters to be discussed are exempt from public disclosure under Executive Order 13526, and the Atomic Energy Act of 1954.

DATES: September 22, 2022; 10 a.m. to 3 p.m.

ADDRESSES: In-Person & Microsoft Teams Video Conferencing.

FOR FURTHER INFORMATION CONTACT: Ms. Watti Hill, Office of Strategic

Partnership Programs (NA–10.1) National Nuclear Security Administration, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, (202) 586–8266; watti.hill@nnsa.doe.gov.

SUPPLEMENTARY INFORMATION:

Background: The DPAC provides advice and recommendations to the Deputy Administrator for Defense Programs on topics related to Defense Programs mission areas and those of the National Nuclear Security Administration.

Purpose of the Meeting: The Quarterly meeting of the Defense Programs Advisory Committee (DPAC) will cover the current status of Committee activities as well as additional charges and is expected to contain discussions of a sensitive nature.

Type of Meeting: In the interest of national security, the meeting will be closed to the public. The Federal Advisory Committee Act, 5 U.S.C. App. 2, section 10(d), and the Federal Advisory Committee Management Regulation, 41 CFR 102–3.155, incorporate by reference the Government in the Sunshine Act, 5 U.S.C. 552b, which, at 552b(c)(1) and (c)(3) permits closure of meetings where restricted data or other classified matters will be discussed.

Tentative Agenda: Welcome; Headquarters and DPAC Updates; discussion of reports and current actions; discussion of next charges; conclusion.

Public Participation: There will be no public participation in this closed meeting. Those wishing to provide written comments or statements to the Committee are invited to send them to Ms. Watti Hill at the address listed above.

Minutes: The minutes of the meeting will not be available.

Signed in Washington, DC, on August 10, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–17572 Filed 8–15–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP16–22–000]

NEXUS Gas Transmission, LLC; Notice of Onsite Environmental Review

On August 23–25, 2022, the Federal Energy Regulatory Commission's Office of Energy Projects staff will conduct a

restoration inspection of the NEXUS Gas Transmission Project (NEXUS Project) right-of-way in Columbiana, Stark, Summit, Wayne, Medina, Lorain, and Erie Counties, Ohio. The purpose of the inspection is to assess the existing condition of right-of-way restoration along the eastern end of the NEXUS Project and NEXUS Gas Transmission, LLC's (NEXUS) compliance with the restoration conditions of the Commission's August 25, 2017 Order Issuing Certificate. NEXUS representatives will accompany the Office of Energy Projects staff during the inspection and will view the right-of-way from public access points and where landowners have granted NEXUS access outside of the permanent right-of-way easement. Landowners requesting Commission staff inspection of their properties within the above-mentioned counties must contact either the Office of External Affairs at (866) 208-FERC or email DG2E@ferc.gov no later than August 18, 2022 and provide their own transportation during the inspection.

Dated: August 10, 2022.

Kimberly D. Bose,
Secretary.

[FR Doc. 2022-17590 Filed 8-15-22; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3253-015]

Mad River Power Associates; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the relicensing application for the Campton Hydroelectric Project No. 3253 (project), located on the Mad River in Grafton County, New Hampshire, and has prepared an Environmental Assessment (EA) for the project. The project occupies approximately 0.08 acre of federal land administered by the U.S. Forest Service.

The EA contains staff's analysis of the potential environmental effects of the project and concludes that licensing the project, with appropriate environmental protection measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, toll-free at (866) 208-3676, or for TTY, (202) 502-8659.

You may register online at <https://ferconline.ferc.gov/eSubscription.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice. The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <https://ferconline.ferc.gov/eFiling.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filings, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-3253-015.

For further information, contact Robert Haltner at (202) 502-8612, or by email at Robert.Haltner@ferc.gov.

Dated: August 10, 2022.

Kimberly D. Bose,
Secretary.

[FR Doc. 2022-17589 Filed 8-15-22; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. UL22-1-000]

Consolidated Hydro New York, LLC; Notice of Pending Jurisdictional Inquiry and Soliciting Comments, Protests, and Motions To Intervene

On May 4, 2022, the Federal Energy Regulatory Commission (Commission) received a request from U.S. Department of the Interior's Fish and Wildlife Service (FWS) for a jurisdictional determination for the unlicensed Winnie's Reef Dam. Commission staff's review of Consolidated Hydro New York, LLC's final license application for the Victory Mills Hydroelectric Project (FERC Project No. 7153) found information stating that Winnie's Reef Dam is operated to maintain the water levels of Saratoga Lake. In addition, comments on the license application for the Victory Mills Project and in FWS's jurisdictional request state that Winnie's Reef Dam controls flows downstream in Fish Creek and may provide headwater benefits for both the Victory Mills Project (approximately 5 miles downstream of Winnie's Reef Dam) and the Schuylerville Project No. 8606 (approximately 0.6 miles downstream from Victory Mills Project). As a result, the Commission is beginning a review of the Winnie's Reef Dam to determine whether it is subject to the Commission's mandatory licensing jurisdiction under section 23 of the Federal Power Act (FPA).

Pursuant to section 23(b)(1) of the FPA, 16 U.S.C. 817(1), a non-federal hydroelectric project must be licensed (unless it has a still-valid pre-1920 federal permit) if it: (1) is located on a navigable water of the United States, (2) occupies lands or reservations of the United States, (3) uses the surplus water or water power from a government dam; or (4) is located on a stream over which Congress has Commerce Clause jurisdiction, is constructed or modified on or after August 26, 1935, and affects the interests of interstate or foreign commerce.

Section 4(e) of the FPA authorizes the Commission to issue licenses for hydroelectric project works, including reservoirs. Section 23(b)(1) of the FPA requires (with exceptions not relevant here) a Commission license for the operation of non-federal hydroelectric project works, including reservoirs, that are used to generate electric power on any navigable waters of the United States. Storage reservoirs that are not directly connected to other project

works must be licensed if they are necessary or appropriate in the maintenance and operation of a complete unit of hydropower improvement or development. The Commission makes this finding by examining the facts in each case, considering the reservoir's effect on downstream generation and its storage capacity, location, and purpose, to determine if there are significant generation benefits to a downstream project or projects. The Commission has found, and the D.C. Circuit has affirmed, that a contribution to downstream electric generation of at least two percent amounts to a significant generation benefit.¹

The Commission is soliciting comments, motions to intervene, and protests in these proceedings. Comments, motions to intervene, and protests must be filed by thirty (30) days from notice or September 9, 2022. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules and Practice and Procedure, 18 CFR 385.210, 211, and 214. In determining the appropriate action to take, the Commission will consider all protests or comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date.

The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first

page of any filing should include docket number UL22-1-000.

For further information, please contact Jennifer Polardino at (202) 502-6437 or Jennifer.Polardino@ferc.gov.

Dated: August 10, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022-17591 Filed 8-15-22; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Southeastern Power Administration

Revision to Power Marketing Policy Georgia—Alabama—South Carolina System of Projects

AGENCY: Southeastern Power Administration, DOE.

ACTION: Notice of proposed revision to power marketing policy.

SUMMARY: Pursuant to its Procedure for Public Participation in the Formulation of Marketing Policy, published in the **Federal Register** on July 6, 1978, Southeastern Power Administration (Southeastern) published on January 14, 2022, a notice of intent to revise its power marketing policy to include provisions regarding renewable energy certificates (RECs) from its Georgia-Alabama-South Carolina System of Projects. The current power marketing policy was published on December 28, 1994, for the Georgia-Alabama-South Carolina System (System) and is reflected in contracts for the sale of system power, which are maintained in Southeastern's headquarters office. The following is the proposed revision to the Georgia-Alabama-South Carolina System Power Marketing Policy to include a procedure for distribution of RECs to Preference Customers. Southeastern solicits written comments in formulating the final marketing policy revision.

DATES: A public information and comment forum will be held on October 19, 2022 at 11:00 a.m. by webinar. Persons desiring to attend the forum should notify Southeastern by October 10, 2022, so that a list of forum participants can be prepared. Persons desiring to speak at the forum should specify this in their notification to Southeastern; others may speak if time permits. Written comments are due November 3, 2022, fifteen (15) days after the scheduled comment forum.

ADDRESSES: Five copies of written comments should be submitted to: Virgil G. Hobbs III, Administrator, Southeastern Power Administration, Department of Energy, 1166 Athens

Tech Road, Elberton, Georgia 30635-6711, and emailed to comments@sepa.doe.gov. The public information and comment forum for the revision of the Georgia-Alabama-South Carolina System Power marketing policy to include provisions for RECs will be by Microsoft Teams. Please register your intent to attend, including name, address, phone number, and email address, with Southeastern's Legal Assistant, Karen Fitzpatrick at karen.fitzpatrick@sepa.doe.gov, to receive updates on the meeting status of the comment forum. Registered attendees will be contacted on October 17, 2022 regarding meeting links and call-in information for the webinar.

FOR FURTHER INFORMATION CONTACT:

Leon Jourolmon IV, General Counsel, Southeastern Power Administration, 1166 Athens Tech Road, Elberton, GA 30635. Telephone: (706) 213-3800. Email: leon.jourolmon@sepa.doe.gov.

SUPPLEMENTARY INFORMATION: Pursuant to its Procedure for "Public Participation in Formulation of Marketing Policy", published a "Notice of Issuance of Final Power Marketing Policy, Georgia-Alabama-South Carolina System of Projects" in the **Federal Register** on December 28, 1994, 59 FR 66957. The policy establishes the marketing area for system power and addresses the utilization of area utility systems for essential purposes. The policy also addresses wholesale rates, resale rates, and conservation measures, but does not address RECs. Under Section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), Southeastern is responsible for the transmission disposition of electric power and energy from reservoir projects operated by the Department of the Army. Furthermore, Southeastern must transmit and dispose of such power and energy in such manner as to encourage the most widespread use at the lowest possible rates consistent with sound business principles. Rate schedules are drawn to recover all costs associated with producing and transmitting the power in accordance with repayment criteria.

Southeastern began the development of a REC distribution process at the request of customers in the Kerr-Philpott System. To expand the REC distribution to additional customers, Southeastern has begun to develop a process for REC distribution in the Georgia-Alabama-South Carolina System (System). The purpose of the distributions is to provide customers with a product that the customers have asked to receive, which will add value to the green, renewable hydropower already delivered. The revisions will not

¹ See *Domtar Maine Corp., Inc. v. FERC*, 347 F.3d 304, 311-12 (D.C. Cir. 2003); *Chippewa and Flambeau Improvement Co. v. FERC*, 325 F.3d 353 (D.C. Cir. 2003).

change the Administrator's prior determinations regarding power allocation within the System marketing area.

All documents introduced at the public information and comment forum, and all comments, questions and answers will be available for inspection and copying in accordance with the Freedom of Information Act (5 U.S.C. 552).

Public Notice and Comment

On January 14, 2022, Southeastern published in the **Federal Register**, 87 FR 2429, a "Notice of Intention to begin a public process" to revise its marketing policy by including provisions regarding RECs from the System. The notice requested that written comments and proposals be submitted on or before March 15, 2022. Southeastern received no public comments.

Proposed Revision to the Power Marketing Policy

The System consists of ten projects in or on the border of the states of Georgia, Alabama, and South Carolina. The projects are Hartwell, Richard B. Russell, J. Strom Thurmond, Carters, Buford, Allatoona, Jones Bluff, Millers Ferry, West Point and Walter F. George. The power generated at these projects is purchased by and benefits 192 preference customers in Alabama, Florida, Georgia, Mississippi, South Carolina, and North Carolina. The System provides 2,184,257 kilowatts of capacity and about 3,383,000 MWh of average annual energy from stream-flow based on modeling for the period of record.

Southeastern proposes to revise the Power Marketing Policy for the System to include the following additional provisions for RECs associated with hydroelectric generation:

Renewable Energy Certificates: The M-RETS Tracking System creates and tracks certificates reporting generation attributes, by generating unit, for each megawatt-hour (MWh) of energy produced by registered generators. The System projects are registered generators within M-RETS. The RECs potentially satisfy Renewable Portfolio Standards, state policies, and other regulatory or voluntary clean energy standards in a number of states. Southeastern has subscribed to M-RETS and has an account in which RECs are collected and tracked for each MWh of energy produced from the System. Within M-RETS, certificates can be transferred to other M-RETS subscribers or to a third-party tracking system.

M-RETS creates a REC for every MWh of renewable energy produced in the

region, tracks the life cycle of each REC created, and ensures against any double-counting or double-use of each REC. These RECs may be used by electricity suppliers and other energy market participants to comply with relevant state policies and regulatory programs and to support voluntary "green" electricity markets.

Southeastern proposes distribution of M-RETS-created RECs to Preference Customers with allocations of power from the System.

REC Distribution: M-RETS (or a successor application) will be the transfer mechanism for all RECs related to the System. Southeastern shall maintain an account with M-RETS and collect RECs from the generation at the System projects. Southeastern will verify the total amount of RECs each month. Preference Customers with an allocation of power from the System are eligible to receive RECs by transfer from Southeastern's M-RETS account to their M-RETS account or that of their agent. Transfers to each customer will be based on the customer's monthly invoices during the same three-month period (quarter). Where applicable, RECs will be project-specific based on the customer's contractual arrangements.

All RECs distributed by Southeastern shall be transferred within forty-five days of the end of a quarter. Each customer must submit to Southeastern, by the tenth business day after the quarter, any notice of change to M-RETS account or agent. Any REC transfers that were not claimed or if a transfer account was not provided to Southeastern will be forfeited if they become nontransferable as described in the M-RETS terms of service, procedures, policies, or definitions of reporting and trading periods, or any subsequent rules and procedures for transfers as established.

The initial transfer process in M-RETS will be accomplished by the sixtieth day after the end of the first completed quarter subsequent to publication of the final policy revision. Any balance of RECs that exist in Southeastern's M-RETS account, other than the first quarter after policy revision publication, may also be transferred to Preference Customers according to the customer's invoiced energy at the time of the REC creation.

Rates: No rates shall be established by Southeastern for RECs transferred to Preference Customers. Any cost to Southeastern, such as the M-RETS subscription, will be incorporated into marketing costs and included in recovery through the energy and capacity rates of the System.

Signing Authority

This Department of Energy document was signed on August 10, 2022 by Virgil G. Hobbs III, Administrator, Southeastern Power Administration, pursuant to delegated authority from the Secretary of Energy. That document, with the original signature and date, is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 11, 2022.

Treena V. Garrett,
Federal Register Liaison Officer, U.S.
Department of Energy.

[FR Doc. 2022-17575 Filed 8-15-22; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-10026-01-R5]

Proposed CERCLA Section 122 Administrative Settlement Agreement and Order on Consent; Joan D. Pecina/Trust 2000, Bautsch Gray Mine Superfund Site, Jo Daviess County, Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed Ability to Pay settlement agreement and request for public comments.

SUMMARY: The Environmental Protection Agency (EPA) hereby gives notice of a proposed Ability to Pay Administrative Settlement Agreement and Order on Consent (Settlement) pertaining to an approximately 28-acre portion of the Bautsch Gray Mine Superfund Site (Site), on Blackjack Road, in Jo Daviess County, Illinois. EPA invites public comment on the Settlement for thirty (30) days following publication of this notice. The Settlement reflects Potentially Responsible Party (PRP) Joan D. Pecina/Trust 2000's inability to pay a cash dollar amount and requires that the PRP comply with specified property requirements in the Settlement and through an associated Environmental Covenant. The PRP has evidenced proof of an (In)Ability to Pay (ATP) any portion of CERCLA response costs related to the Site. Satisfying the

property requirements safeguards for human health and the environment by reducing the risk of exposure to certain hazardous wastes and substances.

DATES: Comments must be post marked or received on or before September 15, 2022.

ADDRESSES: The proposed settlement agreement and related site documents can be viewed at the Superfund Records Center, (SRC-7J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-4465 and on-line at www.epa.gov/superfund/bautsch-gray-mine.

FOR FURTHER INFORMATION CONTACT: Further information or a copy of the Settlement may be obtained from either Tom Turner, Office of Regional Counsel (C-14J),

U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6613 or turner.thomas@epa.gov or Public Affairs Specialist Janet Pope, Office of Public Affairs (R-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-0648 or pope.janet@epa.gov:

SUPPLEMENTARY INFORMATION:

I. Background Information

In accordance with Section 122 (i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622 (i), notice is hereby given of a proposed CERCLA ATP Settlement with PRP Joan D. Pecina/Trust 2000 pertaining to the Bautsch Gray Mine Superfund Site, Blackjack Road, Jo Daviess County, Illinois. PRP Pecina/Trust 2000 will not pay a cash amount due to a proven inability to pay, but has agreed to comply with specified property requirements. PRP Pecina/Trust 2000 will fill out and submit for approval an Illinois Environmental Covenant form and attachments, give Notice to any Successors to ownership of the property and secure the remediated portion of the property against disturbance. These actions will reduce the threat of direct contact with lead and hazardous metals contaminated soil. These actions will also reduce the threat of exposure to hazardous wastes and substances at the property.

The Settlement includes an EPA covenant not to sue the settling party pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

II. Opportunity To Comment

A. General Information

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the Settlement. The Agency will consider all comments received, and may modify or withdraw its consent to the Settlement if comments received disclose facts or considerations which indicate that the Settlement is inappropriate, improper, or inadequate.

B. Where do I send my comments or view responses?

Your comments should be mailed to Janet Pope, Public Affairs Specialist (mail code: R-19J), U. S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or pope.janet@epa.gov. The Agency's response to any comments received will be available for public inspection at the Superfund Records Center.

C. What should I consider as I prepare my comments for EPA?

1. *Submitting Confidential Business Information (CBI).* Do not submit such information to EPA through an agency website or via email. Clearly mark the part or all the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (site name, **Federal Register** date and page number).
- Follow directions—the agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree with the terms of the Settlement; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.

- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

- Provide specific examples to illustrate your concerns, and suggest alternatives.

- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

- Make sure to submit your comments by the identified comment period deadline.

Douglas Ballotti,

Director, Superfund & Emergency Management Division.

[FR Doc. 2022-17516 Filed 8-15-22; 8:45 am]

BILLING CODE 6560-50-P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Notice

TIME AND DATE: Monday, August 22, 2022, 10 a.m. Eastern Time.

PLACE: City of Buffalo Common Council Chambers, Buffalo City Hall (65 Niagara Square, 13th Floor, Buffalo, NY 14202). The meeting will also be held as a live streamed videoconference, with an option for listen-only audio dial-in by telephone. The public may attend in person, observe the videoconference, or connect to the audio-only dial-in by following the instructions that will be posted on www.eeoc.gov at least 24 hours before the meeting. Closed captioning and ASL services will be available.

MATTERS TO BE CONSIDERED: The following item will be considered at the meeting:

Strategic Enforcement Plan Listening Session I: Advancing Racial and Economic Justice in the Workplace

Note: In accordance with the Sunshine Act, the public will be able to observe the Commission's deliberations. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings on its website, www.eeoc.gov, and provides a recorded announcement at least a week in advance of future Commission meetings.)

Please telephone (202) 921-2750, or email commissionmeetingcomments@eeoc.gov at any time for information on this meeting.

CONTACT PERSON FOR MORE INFORMATION: Shelley Kahn, Acting Executive Officer, (202) 921-3061.

Dated: August 11, 2022.

Shelley Kahn,

Acting Executive Officer, Executive Secretariat.

[FR Doc. 2022-17661 Filed 8-12-22; 11:15 am]

BILLING CODE 6570-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551-0001, not later than August 29, 2022.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to Applications.Comments@atl.frb.org:

1. *Patrick Charles Cooper, Miami, Florida*; to retain voting shares of CNB Bancorp, Inc., and thereby indirectly retain voting shares of Commonwealth National Bank, both of Mobile, Alabama.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2022-17538 Filed 8-15-22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than August 31, 2022.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166-2034. Comments can also be sent electronically to Comments.applications@stls.frb.org:

1. *The EDM Class A Common Trust II, Ellen Dierberg Milne, as trustee, both of Jackson, Wyoming; and the MJD Class A Common Irrevocable Trust II, Jackson, Wyoming, Michael J. Dierberg, St. Louis, Missouri, and Ellen Dierberg Milne, Jackson, Wyoming, as co-trustees*; to join the Dierberg Family Control Group, a group acting in concert, to retain voting shares of FB Corporation, and thereby indirectly retain voting shares of First Bank, both of Creve Coeur, Missouri.

Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2022-17625 Filed 8-15-22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551-0001, not later than September 12, 2022.

A. Federal Reserve Bank of San Francisco (Mongkha Pavlick, Group Vice President, Formations & Transactions,) 101 Market Street, San Francisco, California 94105-1579:

1. *BancPacific Financial Holding Corporation, Hagatna, Guam, and Our Lady of Peace Memorial Plan, Inc-Trust Fund, Barrigada, Guam*; to become bank holding companies by acquiring BankPacific, Ltd., Hagatna, Guam, upon the conversion of BankPacific, Ltd. from a savings association to a commercial bank.

Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2022-17539 Filed 8-15-22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Advisory Board on Radiation and Worker Health (ABRWH), Subcommittee for Procedures Reviews (SPR), National Institute for Occupational Safety and Health (NIOSH)**

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Subcommittee for Procedures Reviews (SPR) of the Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board). This meeting is open to the public, but without a public comment period. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcomed to listen to the meeting by joining the audio conference (information below). The audio conference line has 150 ports for callers.

DATES: The meeting will be held on September 29, 2022, from 11:00 a.m. to 3:30 p.m., EDT. Written comments must be received on or before September 22, 2022.

ADDRESSES: You may submit comments by mail to: Sherri Diana, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C-34, Cincinnati, Ohio 45226.

Meeting Information: Audio Conference Call via FTS Conferencing. The USA toll-free dial-in number is 1-866-659-0537; the pass code is 9933701.

FOR FURTHER INFORMATION CONTACT: Rashaun Roberts, Ph.D., Designated Federal Officer, NIOSH, CDC, 1090 Tusculum Avenue, Mailstop C-24, Cincinnati, Ohio 45226, Telephone: (513) 533-6800, Toll Free 1(800) CDC-INFO, Email: ocas@cdc.gov.

SUPPLEMENTARY INFORMATION:

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key

functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC). In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC.

The charter was issued on August 3, 2001, renewed at appropriate intervals, and rechartered under Executive Order 13889 on March 22, 2022, and will terminate on March 22, 2024.

Purpose: The Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class. SPR is responsible for overseeing, tracking, and participating in the reviews of all procedures used in the dose reconstruction process by the NIOSH Division of Compensation Analysis and Support (DCAS) and its dose reconstruction contractor (Oak Ridge Associated Universities—ORAU).

Matters To Be Considered: The agenda will include discussions on the following: a) Discussions of technical guidance documents related to: Texas City Chemicals, Weldon Spring Plant, Birdsboro Steel and Foundry Company, Grand Junction Facilities, Peek Street Facility, dose reconstruction default assumptions and methods, and template dose reconstruction methodologies (b) Preparation for December 2022 Full ABRWH meeting, and (c) Newly Issued Guidance Documents and Supplemental topics. Agenda items are subject to change as priorities dictate. For

additional information, please contact Toll Free 1(800) 232-4636.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022-17617 Filed 8-15-22; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. FDA-2022-N-1728]

AbbVie Inc., et al.; Withdrawal of Approval of 30 New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of 30 new drug applications (NDAs) from multiple applicants. The applicants notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Approval is withdrawn as of September 15, 2022.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993-0002, 301-796-3137, Kimberly.Lehrfeld@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: The applicants listed in the table have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

Application No.	Drug	Applicant
NDA 005856	Tridione (trimethadione) Tablets, 150 milligrams (mg); Tridione (trimethadione) Capsules, 300 mg; Tridione (trimethadione) Oral Solution, 200 mg/5 milliliters (mL).	AbbVie Inc., 1 North Waukegan Rd., North Chicago, IL 60064.
NDA 010679	Cantil (mepenzolate bromide) Tablets, 25 mg; Cantil (mepenzolate bromide) Solution, 25 mg/5 mL.	Sanofi-Aventis U.S., LLC, 55 Corporate Dr., Bridgewater, NJ 08807.
NDA 016042	Dyazide (hydrochlorothiazide/triamterene) Capsules, 25 mg/37.5 mg and 25 mg/50 mg.	GlaxoSmithKline LLC, 5 Crescent Dr., Philadelphia, PA 19112.
NDA 017531	Tigan (trimethobenzamide hydrochloride (HCl)) Capsules, 300 mg	King Pharmaceuticals LLC, 235 East 42nd St., New York, NY 10017.
NDA 017565	Norinyl 1+ 35 (ethinyl estradiol and norethindrone) Tablets, 0.035 mg/1 mg.	Allergan Sales, LLC, 5 Giralda Farms, Madison, NJ 07940.
NDA 017766	NephroAmine 5.4% (amino acids) Injection, 5.4% (5.4 grams (g)/100 mL).	B. Braun Medical Inc., 901 Marcon Blvd., Allentown, PA 18109.
NDA 018053	Bupivacaine HCl Injection, 0.25%, 0.5%, and 0.75%	Hospira, Inc., 275 North Field Dr., Bldg. H1-3S, Lake Forest, IL 60045.
NDA 019558	Prinivil (lisinopril) Tablets, 2.5 mg, 5 mg, 10 mg, 20 mg, and 40 mg	Merck Sharp & Dohme Corp., a subsidiary of Merck & Co., Inc., 1 Merck Dr., Whitehouse Station, NJ 08889-0100.
NDA 019805	Heparin Sodium in 5% Dextrose Injection, 4,000 Units/100 mL and 5,000 Units/100 mL.	Hospira, Inc.
NDA 019813	Duragesic (fentanyl transdermal system) Extended-release Film, 12.5 micrograms (mcg)/hour, 25 mcg/hour, 37.5 mcg/hour, 50 mcg/hour, 75 mcg/hour, and 100 mcg/hour.	Janssen Research & Development, LLC, 1000 U.S. Route 202, Raritan, NJ 08869.
NDA 019917	Morphine Sulfate Injection, 0.5 mg/mL	ICU Medical, Inc., 600 N. Field Dr., Lake Forest, IL 60045.
NDA 020156	Videx (didanosine) Powder for Oral Solution, 10 mg/mL	Bristol-Myers Squibb Co., P.O. Box 4000, Princeton, NJ 08543-4000.
NDA 020570	Quadramet (samarium sm 153 lexitronam pentasodium) Injection, 50 millicuries/mL.	Lantheus Medical Imaging, Inc., 331 Treble Cove Rd., Bldg. 300-2, North Billerica, MA 01862.
NDA 020591	Tarka (trandolapril and verapamil HCl) Extended-release Tablets, 1 mg/240 mg, 2 mg/180 mg, 2 mg/240 mg, and 4 mg/240 mg.	AbbVie Inc.
NDA 020658	Requip (ropinirole HCl) Tablets, equivalent to (EQ) 0.25 mg base, EQ 0.5 mg base, EQ 1 mg base, EQ 2 mg base, EQ 3 mg base, EQ 4 mg base, and EQ 5 mg base.	GlaxoSmithKline LLC.
NDA 020685	Crixivan (indinavir sulfate) Capsules, EQ 100 mg base, EQ 200 mg base, EQ 333 mg base, and EQ 400 mg base.	Merck Sharp & Dohme Corp.
NDA 020732	Subutex (buprenorphine HCl), sublingual tablets, EQ 2mg base and EQ 8mg base.	Indivior Inc., 10710 Midlothian Turnpike, Suite 125, North Chesterfield, VA 23235.
NDA 020733	Suboxone (buprenorphine HCl and naloxone HCl) Sublingual Tablets, EQ 2 mg base/EQ 0.5 mg base, and EQ 8 mg base/EQ 2 mg base.	Do.
NDA 020946	Preven Emergency Contraceptive Kit (ethinyl estradiol and levonorgestrel) Tablets, 0.05 mg/0.25 mg.	Teva Branded Pharmaceutical Products R&D, Inc., 145 Brandywine Pkwy., West Chester, PA 19380.
NDA 021183	Videx EC (didanosine) Delayed-release Capsules, 125 mg, 200 mg, 250 mg, and 400 mg.	Bristol-Myers Squibb Co.
NDA 021627	Namenda (memantine HCl) Oral Solution, 2 mg/mL	Allergan Sales, LLC.
NDA 022008	Requip XL (ropinirole HCl) Extended-release Tablets, EQ 2 mg base, EQ 3 mg base, EQ 4 mg base, EQ 6 mg base, EQ 8 mg base, and EQ 12 mg base.	GlaxoSmithKline LLC.
NDA 022205	Giazo (balsalazide disodium) Tablets, 1.1 g	Salix Pharmaceuticals, Inc., 400 Somerset Corporate Blvd., Bridgewater, NJ 08807.
NDA 022246	Metozolv ODT (metoclopramide HCl) Orally Disintegrating Tablets, EQ 5 mg base and EQ 10 mg base.	Do.
NDA 022401	Twynsta (amlodipine besylate and telmisartan) Tablets, EQ 5 mg base/40 mg, EQ 5 mg base/80 mg, EQ 10 mg base/40 mg, and EQ 10 mg base/80 mg.	Boehringer Ingelheim Pharmaceuticals, Inc., 900 Ridgebury Rd., P.O. Box 368, Ridgefield, CT 06877.
NDA 050662	Biaxin Filmtab (clarithromycin) Tablets, 250 mg and 500 mg	AbbVie Inc.
NDA 050698	Biaxin Granules for Oral Suspension (clarithromycin) 125 mg/5 mL, 187 mg/5 mL, and 250 mg/5 mL.	Do.
NDA 050775	Biaxin XL Filmtab (clarithromycin) Extended-release Tablets, 500 mg ...	Do.
NDA 209305	Eskata (hydrogen peroxide) Topical Solution, 40%	Aclaris Therapeutics, Inc., 640 Lee Rd., Suite 200, Wayne, PA 19087.
NDA 211210	Qmii ODT (meloxicam) Orally Disintegrating Tablets, 7.5 mg and 15 mg.	TerSera Therapeutics LLC, 520 Lake Cook Rd., Suite 500, Deerfield, IL 60015.

Therefore, approval of the applications listed in the table, and all amendments and supplements thereto, is hereby withdrawn as of September 15, 2022. Approval of each entire application is withdrawn, including any

strengths and dosage forms included in the application but inadvertently missing from the table. Introduction or delivery for introduction into interstate commerce of products without approved new drug applications

violates section 301(a) and (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(a) and (d)). Drug products that are listed in the table that are in inventory on September 15, 2022 may continue to be dispensed until the

inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: August 10, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–17534 Filed 8–15–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0275–30D]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before September 15, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, Sherrette.Funn@hhs.gov

or (202) 264–0041. When submitting comments or requesting information, please include the document identifier OS–0990–0275–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency’s functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of Collection: Performance Data System (PDS).

Type of Collection: Extension.

OMB No.: 0990–0275.

Abstract: This request for clearance is to extend data collection activities for a currently approved collection using the OMB approved Performance Data System (PDS) (OMB No. 0990–0275), the tool used by the Office of Minority Health (OMH) to collect program management and performance data for all OMH-funded projects. The revised data collection instrument keeps all the same data elements, but includes additional formatting to clarify data elements. Additionally, a few columns were reordered in order to make the form more intuitive. Grantee data collection via the UDS (original data collection system) was first approved by OMB on June 7, 2004 (OMB No. 0990–275).

Need and Proposed Use of the Information: The clearance is needed to continue data collection using the PDS, a system that enables OMH to comply with Federal reporting requirements and monitor and evaluate performance by enabling the efficient collection of performance-oriented data tied to OMH-wide performance reporting needs. The ability to monitor and evaluate performance in this manner, and to work towards continuous program improvement are basic functions that OMH must be able to accomplish to carry out its mandate with the most effective and appropriate use of resources.

Likely Respondents: Respondents for this data collection include the project directors for OMH-funded projects and/or the data entry persons for each OMH-funded project. Affected public includes non-profit institutions, State, Local, or Tribal Governments.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

	Type of respondent	Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Burden	OMH Grantee	PDS	100	4	20/60	133.33
		Record Keeping	100	4	25/60	166.67
Total			100	4	45/60	300

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–17564 Filed 8–15–22; 8:45 am]

BILLING CODE 4150–29–P

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**
National Institutes of Health
**Proposed Collection; 60-Day Comment
Request; a Generic Submission for
Formative Research, Pretesting and
Customer Satisfaction of NCI's
Communication and Education
Resources (NCI)**

AGENCY: National Institutes of Health,
HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health, National Cancer Institute (NCI) will publish periodic summaries of propose projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ilene France, Branch Chief, Office of Communication and Public Liaison, National Cancer Institute, 9609 Medical Center Drive, Rockville, MD 20850 or call non-toll-free number (240) 276-7787 or Email your request,

including your address to: *nciocpl@mail.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of 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.

Proposed Collection Title: A Generic Submission for Formative Research, Pretesting and Customer Satisfaction of NCI's Communication and Education Resources (NCI), 0925-0046, Expiration Date 11/30/2022, EXTENSION, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: This information collection request is to approve the Generic Submission for Formative Research, Pretesting and Customer Satisfaction of

NCI's Communication and Education Resources (NCI) for three years. As part of NCI's mandate from Congress to disseminate information on cancer research, detection, prevention, and treatment, the Institute develops a wide variety of messages and materials. Testing these messages and materials assesses their potential effectiveness in reaching and communicating with their intended audience while they are still in the developmental stage and can be revised. The formative research and pretesting process thus contributes to maximizing NCI's limited dollar resources for information dissemination and education. NCI also must ensure the relevance, utility, and appropriateness of the many educational programs and products that the Institute produces. Customer satisfaction studies help NCI identify modifications necessary to meet the needs of NCI's various target audiences. Since the previous submission, there have been 6 approved sub-studies with an approved request of 13,473 burden hours over 2.5 years. Approval is requested for the conduct of multiple studies annually using such methods as interviews, focus groups, and various types of surveys. The content, timing, and number of respondents to be included in each sub-study will vary, depending on the nature of the message/material/program being assessed, the methodology selected, and the target audiences.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 13,500.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Focus Groups, Individual In-Depth Interviews, Brief Interviews, Surveys, Website Usability Testing.	Individuals (General Public).	9,000	1	45/60	6,750
Focus Groups, Individual In-Depth Interviews, Brief Interviews, Surveys, Website Usability Testing.	Individuals (Health Care Professionals).	9,000	1	45/60	6,750
Totals			18,000		13,500

Dated: August 10, 2022.

Diane Kreinbrink,

*Project Clearance Liaison, National Cancer
Institute, National Institutes of Health.*

[FR Doc. 2022-17518 Filed 8-15-22; 8:45 am]

BILLING CODE 4140-01-P

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**
National Institutes of Health
**National Institute on Drug Abuse;
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 Council on Drug Abuse.

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 open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov/>).

A portion of this 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 Advisory Council on Drug Abuse.

Date: September 13, 2022.

Closed: 11:00 a.m. to 12:15 p.m.

Agenda: To review and evaluate grant applications.

Open: 12:45 p.m. to 5:00 p.m.

Agenda: Presentations and other business of the Council.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Susan R.B. Weiss, Ph.D., Director, Division of Extramural Research, Office of the Director, National Institute on Drug Abuse, NIH, Three White Flint North, RM 09D08, 11601 Landsdown Street, Bethesda, MD 20852, 301-443-6480, sweiss@nida.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to Gillian Acca at gillian.acca@nih.gov. 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: www.drugabuse.gov/NACDA/NACDAHome.html, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: August 11, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022-17613 Filed 8-15-22; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases, Special Emphasis Panel; Development of Medical Countermeasures for Biothreat Agents, Antimicrobial-Resistant Infections and Emerging Infectious Diseases; Research Area 002—Development of Therapeutic Candidates for Biodefense, Antimicrobial Resistant (AMR) Infect.

Date: September 2, 2022.

Time: 10:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room E370, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Mohammed S. Aiyegbo, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70, Rockville, MD 20852, (301) 761-7106, mohammed.aiyegbo@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 11, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022-17614 Filed 8-15-22; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 Child Health and Human Development Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public 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 Advisory Child Health and Human Development Council.

Date: September 12–13, 2022.

Open Session: September 12, 2022, 12 p.m. to 5:00 p.m.

Agenda: Opening Remarks, Administrative Matters, NICHD Directors' Report, Annual DIR Report, and other business of Council.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Bethesda, MD 20892 (Video Assisted Meeting).

Closed Session: September 13, 2022, 12 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Bethesda, MD 20892 (Video Assisted Meeting).

Contact Person: Ms. Lisa Neal, Committee Management Officer, Committee Management Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6701B Rockledge Drive, Room 2208, Bethesda, MD 20892, (301) 204-1830, lisa.neal@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.

Individuals will be able to view the meeting via NIH Videocast. Select the following link for Videocast access instructions: <http://www.nichd.nih.gov/about/advisory/nachhd/Pages/virtual-meeting.aspx>.

Information is also available on the Institute's/Center's home page: <https://www.nichd.nih.gov/about/advisory/council>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 10, 2022.

David W. Freeman,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022-17561 Filed 8-15-22; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the AIDS Research Advisory Committee, NIAID.

The meeting will be open to the public. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov>). Individuals 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.

Name of Committee: AIDS Research Advisory Committee, NIAID.

Date: September 12, 2022.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: Report of Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 8D49, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Pamela Gilden, Branch Chief, Science Planning and Operations Branch, Division of AIDS, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 8D49, Rockville, MD 20852-9831, 301-594-9954, pamela.gilden@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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 11, 2022.

Tyeshia M. Roberson-Curtis,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022-17612 Filed 8-15-22; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention's (CSAP) Drug Testing Advisory Board (DTAB) will convene via web conference on September 20th, 2022, from 10:00 a.m. EDT to 4:30 p.m. EDT.

The board will meet in closed-session September 20th, 2022, from 10 a.m. EDT to 4:30 p.m. EDT, to review and discuss draft revisions to the proposed Mandatory Guidelines for Federal Workplace Drug Testing Programs (hair) that have not been made public by the Department of Health and Human Services. Therefore, the September 20th, 2022 meeting, from 10 a.m. to 4:30 p.m. EDT, is closed to the public, as determined by the Assistant Secretary for Mental Health and Substance Use, SAMHSA, in accordance with 5 U.S.C. 552b(c)(9)(B) and 5 U.S.C. App. 2, Section 10(d).

Meeting information and a roster of DTAB members may be obtained by accessing the SAMHSA Advisory Committees website, <https://www.samhsa.gov/about-us/advisory-councils/meetings> or by contacting the Designated Federal Officer, Lisa Davis.

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, Drug Testing Advisory Board.

Dates/Time/Type: September 20th, 2022, from 10 a.m. EDT to 4:30 p.m. EDT: Closed.

Place: Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, MD 20857.

Contact: Lisa S. Davis, M.S., Social Science Analyst, Center for Substance Abuse Prevention, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (240) 276-1440, Email: Lisa.Davis@samhsa.hhs.gov.

Anastasia M. Donovan,
Public Health Advisor, Division of Workplace Programs.

[FR Doc. 2022-17610 Filed 8-15-22; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4584-DR; Docket ID FEMA-2022-0001]

Washington; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA-4584-DR), dated February 4, 2021, and related determinations.

DATES: This change occurred on July 8, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, David R. Gervino, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Toney L. Raines as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and

Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–17541 Filed 8–15–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4652–DR; Docket ID FEMA–2022–0001]

New Mexico; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New Mexico (FEMA–4652–DR), dated May 4, 2022, and related determinations.

DATES: This amendment was issued July 27, 2022.

FOR FURTHER INFORMATION CONTACT:

Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident for this disaster has been expanded to include flooding, mudflows, and debris flows directly related to the wildfires. Only those damages within the designated areas specifically determined by the Federal Coordinating Officer to be damaged or adversely affected as a direct result of the compromised watershed conditions and fire-generated debris caused by the wildfires will be considered eligible for assistance on a case-by-case basis.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidential Declared Disaster Areas; 97.049, Presidential Declared Disaster Assistance—Disaster

Housing Operations for Individuals and Households; 97.050, Presidential Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–17547 Filed 8–15–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4629–DR; Docket ID FEMA–2021–0001]

Connecticut; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Connecticut (FEMA–4629–DR), dated October 30, 2021, and related determinations.

DATES: The declaration was issued October 30, 2021.

FOR FURTHER INFORMATION CONTACT:

Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 30, 2021, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of Connecticut resulting from the remnants of Hurricane Ida during the period of September 1 to September 2, 2021, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of Connecticut.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas and Hazard Mitigation throughout the State.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Robert V. Fogel, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Connecticut have been designated as adversely affected by this major disaster:

Fairfield and New London Counties, including the Mashantucket Pequot Tribal Nation and the Mohegan Tribal Nation for Individual Assistance.

All areas within the State of Connecticut are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–17543 Filed 8–15–22; 8:45 am]

BILLING CODE 9111–23–P

**DEPARTMENT OF HOMELAND
SECURITY****Federal Emergency Management
Agency**

[Internal Agency Docket No. FEMA-4652-
DR; Docket ID FEMA-2022-0001]

**New Mexico; Amendment No. 7 to
Notice of a Major Disaster Declaration**

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Mexico (FEMA-4652-DR), dated May 4, 2022, and related determinations.

DATES: This amendment was issued July 27, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective July 23, 2022.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

*Administrator, Federal Emergency
Management Agency.*

[FR Doc. 2022-17548 Filed 8-15-22; 8:45 am]

BILLING CODE 9111-23-P

**DEPARTMENT OF HOMELAND
SECURITY****Federal Emergency Management
Agency**

[Internal Agency Docket No. FEMA-4655-
DR; Docket ID FEMA-2022-0001]

**Montana; Amendment No. 4 to Notice
of a Major Disaster Declaration**

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Montana (FEMA-4655-DR), dated June 16, 2022, and related determinations.

DATES: This amendment was issued July 22, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Montana is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of June 16, 2022.

Flathead County for Public Assistance.
Yellowstone County for Individual Assistance (already designated for Public Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

*Administrator, Federal Emergency
Management Agency.*

[FR Doc. 2022-17550 Filed 8-15-22; 8:45 am]

BILLING CODE 9111-23-P

**DEPARTMENT OF HOMELAND
SECURITY****Federal Emergency Management
Agency**

[Internal Agency Docket No. FEMA-4655-
DR; Docket ID FEMA-2022-0001]

**Montana; Amendment No. 3 to Notice
of a Major Disaster Declaration**

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Montana (FEMA-4655-DR), dated June 16, 2022, and related determinations.

DATES: This amendment was issued July 15, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective July 5, 2022.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

*Administrator, Federal Emergency
Management Agency.*

[FR Doc. 2022-17549 Filed 8-15-22; 8:45 am]

BILLING CODE 9111-23-P

**DEPARTMENT OF HOMELAND
SECURITY****Federal Emergency Management
Agency**

[Internal Agency Docket No. FEMA-4539-
DR; Docket ID FEMA-2022-0001]

**Washington; Amendment No. 3 to
Notice of a Major Disaster Declaration**

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA-4539-DR), dated April 23, 2020, and related determinations.

DATES: This change occurred on July 8, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, David R. Gervino, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Toney L. Raines as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,
*Administrator, Federal Emergency
Management Agency.*

[FR Doc. 2022-17540 Filed 8-15-22; 8:45 am]

BILLING CODE 9111-23-P

**DEPARTMENT OF HOMELAND
SECURITY****Federal Emergency Management
Agency**

[Internal Agency Docket No. FEMA-4593-
DR; Docket ID FEMA-2022-0001]

**Washington; Amendment No. 4 to
Notice of a Major Disaster Declaration**

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA-4593-DR), dated April 8, 2021, and related determinations.

DATES: This change occurred on July 8, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, David R. Gervino, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Toney L. Raines as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,
*Administrator, Federal Emergency
Management Agency.*

[FR Doc. 2022-17542 Filed 8-15-22; 8:45 am]

BILLING CODE 9111-23-P

**DEPARTMENT OF HOMELAND
SECURITY****Federal Emergency Management
Agency**

[Internal Agency Docket No. FEMA-4635-
DR; Docket ID FEMA-2022-0001]

**Washington; Amendment No. 5 to
Notice of a Major Disaster Declaration**

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA-4635-DR), dated January 5, 2022, and related determinations.

DATES: This change occurred on July 8, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, David R. Gervino, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Toney L. Raines as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,
*Administrator, Federal Emergency
Management Agency.*

[FR Doc. 2022-17544 Filed 8-15-22; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Internal Agency Docket No. FEMA-4659-DR; Docket ID FEMA-2022-0001]

Minnesota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Minnesota (FEMA-4659-DR), dated July 13, 2022, and related determinations.

DATES: The declaration was issued July 13, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 13, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of Minnesota resulting from severe storms, straight-line winds, and flooding during the period of April 22 to June 15, 2022, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of Minnesota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brian F. Schiller, of FEMA is appointed to act as the Federal

Coordinating Officer for this major disaster.

The following areas of the State of Minnesota have been designated as adversely affected by this major disaster:

Beltrami, Clearwater, Cook, Kittson, Koochiching, Lake, Lake of the Woods, Mahnommen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, and St. Louis Counties and the Bois Forte Band of Chippewa, Leech Lake Band of Ojibwe, Red Lake Nation, and the White Earth Nation for Public Assistance.

All areas within the State of Minnesota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,
Administrator, Federal Emergency Management Agency.

[FR Doc. 2022-17552 Filed 8-15-22; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Internal Agency Docket No. FEMA-4660-DR; Docket ID FEMA-2022-0001]

North Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Dakota (FEMA-4660-DR), dated July 13, 2022, and related determinations.

DATES: The declaration was issued July 13, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and

Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 13, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of North Dakota resulting from a severe winter storm and flooding during the period of April 22 to May 25, 2022, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of North Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Alana B. Kuhn, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of North Dakota have been designated as adversely affected by this major disaster:

Adams, Barnes, Billings, Bottineau, Burke, Cavalier, Dickey, Divide, Dunn, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mountrail, Nelson, Oliver, Pembina, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties for Public Assistance.

All areas within the State of North Dakota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster

Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–17553 Filed 8–15–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4658–DR; Docket ID FEMA–2022–0001]

Minnesota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Minnesota (FEMA–4658–DR), dated July 8, 2022, and related determinations.

DATES: The declaration was issued July 8, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 8, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of Minnesota resulting from severe storms, straight-line winds, tornadoes, and flooding during the period of May 8 to May 13, 2022, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of Minnesota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brian F. Schiller, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Minnesota have been designated as adversely affected by this major disaster:

Aitkin, Big Stone, Cass, Chippewa, Cottonwood, Douglas, Grant, Kandiyohi, Lac qui Parle, Lincoln, Morrison, Nobles, Pope, Redwood, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties for Public Assistance.

All areas within the State of Minnesota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–17551 Filed 8–15–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4648–DR; Docket ID FEMA–2022–0001]

Alaska; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alaska (FEMA–4648–DR), dated March 24, 2022, and related determinations.

DATES: The declaration was issued March 24, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 24, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from a severe winter storm and straight-line winds during the period of December 25 to December 27, 2021, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of Alaska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas J. Dargan, of FEMA is appointed to act as the

Federal Coordinating Officer for this major disaster.

The following areas of the State of Alaska have been designated as adversely affected by this major disaster:

Fairbanks North Star Borough, Denali Borough, and the City of Nenana for Public Assistance.

All areas within the State of Alaska are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–17545 Filed 8–15–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4650–DR; Docket ID FEMA–2022–0001]

Washington; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4650–DR), dated March 29, 2022, and related determinations.

DATES: This change occurred on July 8, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, David R. Gervino, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Toney L. Raines as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–17546 Filed 8–15–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0033]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Report of Medical Examination and Vaccination Record

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to

allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until September 15, 2022.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS–2006–0074. All submissions received must include the OMB Control Number 1615–0033 in the body of the letter, the agency name and Docket ID USCIS–2006–0074.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on June 9, 2022, at 87 FR 35241, allowing for a 60-day public comment period. USCIS received one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and enter USCIS–2006–0074 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public

viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

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

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

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

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Report of Medical Examination and Vaccination Record.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I-693; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The information on the application will be used by USCIS in considering the eligibility for adjustment of status under 8 CFR part 209 and 8 CFR 210.5, 245.1, and 245a.3.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-693 is 667,000 and the

estimated hour burden per response is 3.08 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 2,054,360 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$329,331,250.

Dated: August 10, 2022.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2022-17529 Filed 8-15-22; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R5-ES-2022-N040;
FXES11130500000-223-FF05E00000]

Endangered Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive any written comments on or before September 15, 2022.

ADDRESSES: Use one of the following methods to request documents or submit comments. Requests and comments should specify the applicant name and application number (e.g., PER0001234):

- Email: permitsR5ES@fws.gov.

- U.S. Mail: Abby Gelb, Ecological Services, U.S. Fish and Wildlife Service, 300 Westgate Center Dr., Hadley, MA 01035.

FOR FURTHER INFORMATION CONTACT:

Abby Gelb, 413-253-8212 (phone), or permitsR5ES@fws.gov (email).

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species, unless a Federal permit is issued that allows such activity. The ESA's definition of "take" includes such activities as pursuing, harassing, trapping, capturing, or collecting, in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0034590	New Hampshire Fish and Game Department, Concord, NH.	Karner blue butterfly (<i>Lycaeides melissa samuelis</i>).	New Hampshire, New York ...	Capture, propagation, release.	Capture, collect	New.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0046838	National Marine Fisheries Service, Orono, ME.	Atlantic salmon (<i>Salmo salar</i>)	Maine	Capture, biological sampling, telemetry research.	Capture, collect, wound.	New.
PER0048624	Paul Moosman, Lexington, VA.	Indiana bat (<i>Myotis sodalis</i>), northern long eared bat (<i>Myotis septentrionalis</i>), gray bat (<i>Myotis grisescens</i>), Virginia big eared bat (<i>Corynorhinus</i> (=Plecotus) townsendii virginianus).	Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.	Presence/absence survey, banding, telemetry.	Capture, collect	New.
PER70311D-1	NY Marine Rescue Center, Riverhead, NY.	Kemp's ridley sea turtle (<i>Lepidochelys kempi</i>), loggerhead sea turtle (<i>Caretta caretta</i>), green sea turtle (<i>Chelonia mydas</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>).	New York	Attach customized animal tracking solutions camera and animal motion tags.	Research	Amend.
PER0047058	Massachusetts Division of Fisheries, Westborough, MA.	Plymouth redbelly turtle (<i>Pseudemys rubriventris bangsi</i>).	Massachusetts	Headstarting	Capture, captive rear.	New.
PER0048761	Rhode Island Zoological Society, dba Roger Williams Zoo, Providence, RI.	American burying beetle (<i>Nicrophorus americanus</i>).	Massachusetts, New York, Rhode Island.	Capture, propagation, translocate, survey, tissue sample, tag, research.	Capture, collect	New.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Martin Miller,

Manager, Division of Endangered Species, Ecological Services, Northeast Region.

[FR Doc. 2022-17618 Filed 8-15-22; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

[DOI-2022-0004; 22D0107SL D2L000000.000000 DL9CSHQ500]

Privacy Act of 1974; System of Records

AGENCY: Office of the Solicitor, Interior.

ACTION: Rescindment of a system of records notice.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Interior (DOI) is issuing a public notice of its intent to rescind the Privacy Act system of records, INTERIOR/SOL-4, Workload Analysis, from its existing inventory. During a routine review of DOI system of records notices (SORNs), it was determined that this system of records is no longer necessary as the records in the system are covered under the INTERIOR/DOI-85, Payroll, Attendance, Retirement and Leave Records, SORN. This rescindment will

promote the overall streamlining and management of DOI Privacy Act systems of records.

DATES: These changes take effect on August 16, 2022.

ADDRESSES: You may send comments identified by docket number [DOI-2022-0004] by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for sending comments.

- *Email:* DOI_Privacy@ios.doi.gov.

Include docket number [DOI-2022-0004] in the subject line of the message.

- *U.S. Mail or Hand-Delivery:* Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.

Instructions: All submissions received must include the agency name and docket number [DOI-2022-0004]. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

You should be aware that your entire comment including your personally identifiable information, such as your address, phone number, email address, or any other personal information in

your comment, may be made publicly available at any time. While you may request to withhold your personally identifiable information from public review, we cannot guarantee we will be able to do so.

FOR FURTHER INFORMATION CONTACT:

Danna Mingo, Associate Privacy Officer, Office of the Secretary, U.S. Department of the Interior, 7301 W Mansfield Avenue, Mailstop D2605, Lakewood, CO 80235, OS_Privacy@ios.doi.gov or (202) 441-5504.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, DOI is rescinding the INTERIOR/SOL-4, Workload Analysis, SORN from its inventory because it is no longer needed as the records are covered under INTERIOR/DOI-85, Payroll, Attendance, Retirement, and Leave Records, 83 FR 34156 (July 19, 2018). The Workload Analysis system was used to provide information concerning the time spent on assigned work and manage the workload of attorneys employed within the Office of the Solicitor. The Workload Analysis system has been retired and is no longer used to maintain data on attorney workload. Upon review, DOI determined that the INTERIOR/SOL-4, Workload Analysis, SORN is no longer necessary as it was superseded by the Department-wide INTERIOR/DOI-85, Payroll, Attendance, Retirement, and Leave Records, SORN which covers the attorney workload, and time and attendance records. This rescindment will eliminate an unnecessary duplicate notice and is in accordance with the Privacy Act of 1974 and the Office of Management and Budget Circular A-108, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act*.

Rescinding the INTERIOR/SOL-4, Workload Analysis, SORN will have no adverse impacts on individuals as the records are covered under the INTERIOR/DOI-85, Payroll, Attendance, Retirement, and Leave Records, SORN. This rescindment will also promote the overall streamlining and management of DOI Privacy Act systems of records.

SYSTEM NAME AND NUMBER:

Workload Analysis—Interior, Office of the Solicitor-4.

HISTORY:

46 FR 12146 (February 12, 1981); modification published at 86 FR 50156 (September 7, 2021).

Teri Barnett,

Departmental Privacy Officer, Department of the Interior.

[FR Doc. 2022-17621 Filed 8-15-22; 8:45 am]

BILLING CODE 4334-63-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Second Consent Decree Modification Under the Comprehensive Environmental Response, Compensation, and Liability Act

On August 9, 2022, the Department of Justice lodged a proposed second consent decree modification with the United States District Court for the District of New Jersey in the lawsuit entitled *United States v. The Sherwin-Williams Company*, Civil Action No. 1:19-cv-01907-JHR-EAP, an action brought under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. 9601 *et seq.* On April 16, 2019, the Court entered a consent decree (“Consent Decree” or “Decree”) in this action which resolved the United States’ claim against The Sherwin-Williams Company (“Sherwin-Williams”) for certain past costs incurred by the United States relating to the Sherwin-Williams/Hilliards Creek Site, Route 561 Dump Site, and United States Avenue Burn Site (the “Sites”). The Sites are located in Gibbsboro and Voorhees, New Jersey.

The Consent Decree entered in this action also provides for Sherwin-Williams’ performance of the soils and sediments operable unit remedy selected by the U.S. Environmental Protection Agency (“EPA”) for the United States Avenue Burn Site. In addition, the Consent Decree provides that, after EPA selects a remedy in a Record of Decision (“ROD”) for an additional operable unit at one or more of the Sites, the Decree may be modified to add Sherwin-Williams’ performance of the newly selected additional operable unit remedy to the work required under the Decree. In accordance with this provision, a first modification to the Decree was entered on April 5, 2021, which provides for Sherwin Williams’ performance of the soils and sediments operable unit remedy selected by EPA for the former manufacturing plant area and adjoining areas at the Sherwin-Williams/Hilliards Creek Site (“SW/HC OU2”).

Since then, EPA has issued a ROD selecting the remedy for the waterbodies operable unit at the Sherwin-Williams/Hilliards Creek Site (“SW/HC OU4”). The selected remedy for SW/HC OU4 provides for remediation of waterbodies at the Sherwin-Williams/Hilliards Creek Site, including contaminated soil and sediment removal in or adjacent to lakes and creeks at the site, installation of engineering controls in flood plain areas adjacent to Hilliards Creek, restoration and revegetation of Hilliards Creek flood plain, stream bank remediation, and institutional controls.

The proposed second consent decree modification that was lodged with the Court on August 9, 2022, provides for Sherwin-Williams’ performance of the remedy for waterbodies at the Sherwin-Williams/Hilliards Creek Site selected in the SW/HC OU4 ROD in accordance with the terms of the decree and the statement of work attached to the proposed second consent decree modification.

The publication of this notice opens a period for public comment on the second consent decree modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. The Sherwin-Williams Company*, D.J. Ref. No. 90-11-3-09023/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed second consent decree modification, with attached statement of work, may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the second consent decree modification, with attached statement of work, upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$19.75 (25 cents per page

reproduction cost), payable to the United States Treasury.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 2022-17616 Filed 8-15-22; 8:45 am]

BILLING CODE 4410-15-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (22-060)]

NASA Advisory Council; Aeronautics Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Aeronautics Committee of the NASA Advisory Council (NAC). This meeting will be held for the purpose of soliciting, from the aeronautics community and other persons, research, and technical information relevant to program planning.

DATES: Wednesday, August 31, 2022, 12:00 p.m.–5:30 p.m., PDT and Thursday, September 1, 2022, 8:00 a.m.–11:00 a.m., PDT.

ADDRESSES: NASA Ames Research Center, NASA Ames Conference Center, Building 3 Ballroom, 500 Severyns Road, Ballroom Room, Moffett Field, CA 94035.

FOR FURTHER INFORMATION CONTACT: Ms. Irma Rodriguez, Designated Federal Officer, Aeronautics Research Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-0984, or irma.c.rodriguez@nasa.gov.

SUPPLEMENTARY INFORMATION: This meeting will be available to the public online via MS Teams. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the USA conference number 256-715-9946, passcode: 508053427#, followed by the # sign to participate in this meeting by telephone on both days. The MS Teams link is <https://bit.ly/3bbHBz3> on both days. Enter as a guest and type your name. *Note:* If dialing in, please “mute” your telephone. The agenda for the meeting includes the following topics:

—Advanced Capabilities for Emergency Response Operations Formulation
—Advanced Air Mobility Mission Update

—Zero Emissions Strategy
—University Innovations

It is imperative that the meeting be held on these dates to the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2022-17521 Filed 8-15-22; 8:45 am]

BILLING CODE 7510-13-P

NUCLEAR REGULATORY COMMISSION

[NRC-2022-0044]

Information Collection: Collection of Research Code Non-Disclosure Agreement Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, “Collection of Research Code Non-Disclosure Agreement Information.”

DATES: Submit comments by September 15, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: David C. Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2022-0044 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-2022-0044.
- **NRC’s Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to PDR.Resource@nrc.gov. A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML15233A353. The supporting statement is available in ADAMS under Accession No. ML22208A112.

- **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.

- **NRC’s Clearance Officer:** A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, "Collection of Research Code Non-Disclosure Agreement Information." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on April 12, 2022 (87 FR 21672).

1. *The title of the information collection:* Collection of Research Code Non-Disclosure Agreement Information.
2. *OMB approval number:* 3150-0240.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* The collection is required every time an NRC developed code is requested by users.

6. *Who will be required or asked to respond:* Users of the code from domestic and foreign licensees, universities, corporations, and members of the public, as well as foreign technical support organizations.

7. *The estimated number of annual responses:* 962.

8. *The estimated number of annual respondents:* 962.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 962.

10. *Abstract:* This information collection request is a non-disclosure agreement (NDA) used for domestic and foreign entities to obtain and use the NRC's nuclear safety analytical computer codes. NRC develops and uses computer codes to independently model and evaluate safety issues associated with the licensed use of radioactive materials. As a global leader in nuclear regulatory research and safety

assessment, NRC is frequently approached by domestic and international organizations requesting copies of NRC computer codes. In general, to obtain an NRC code an individual or organization first agrees to not redistribute the code (*i.e.*, non-disclosure) through an NDA. The NDA also imposes terms and conditions for code use, and requires notification to NRC of code errors, code modifications, and updated user information. An officially signed and executed NDA of users agreeing to the terms and conditions is current NRC practice for access to NRC-developed computer codes. Once the NDA has been signed, received, reviewed, and accepted, the requesting individual or organization is given access to the requested code. The information collection enables the NRC to ensure that proper procedures and agreements are in place to guide the distribution and use of these codes according to NRC and U.S. Government policies and international agreements such as import-export restrictions and intellectual property rights. Further information collection on code errors and modifications by code users permits NRC to maintain control and quality of its codes in a timely and efficient manner.

Dated: August 11, 2022.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2022-17593 Filed 8-15-22; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket No. CP2022-99; Order No. 6248]

Competitive Price Adjustment

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recently filed Postal Service document with the Commission concerning temporary changes in rates of general applicability for competitive products. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 25, 2022.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by

telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction and Overview
- II. Initial Administrative Actions
- III. Ordering Paragraphs

I. Introduction and Overview

On August 10, 2022, the Postal Service filed notice with the Commission concerning time-limited changes in rates of general applicability for Competitive products.¹ The Postal Service represents that, as required by 39 CFR 3035.102(b), the Notice includes an explanation and justification for the changes, the effective date, a schedule of the changed rates, and a schedule showing current prices that shall be restored. *See* Notice at 1. The changes are scheduled to take effect on October 2, 2022, and will roll back to current levels on January 22, 2023. *Id.*

Attached to the Notice is Governors' Decision No. 22-3, which states the new prices are in accordance with 39 U.S.C. 3632 and 3633 and 39 CFR 3035.102.² The Governors' Decision provides an analysis of the Competitive products' price changes intended to demonstrate that the changes comply with 39 U.S.C. 3633 and 39 CFR part 3035. Governors' Decision No. 22-3 at 1. The attachment to the Governors' Decision sets forth the price changes and includes draft Mail Classification Schedule (MCS) language for Competitive products of general applicability, as well as the MCS sections with the prices that will be restored on January 22, 2023. No price changes are being made to Special Services or International Competitive products. *Id.* at 3.

The Notice also includes an application for non-public treatment of the attributable cost, contribution, and cost coverage data in the unredacted version of the annex to the Governors' Decision, as well as the supporting materials for the data.³

¹ USPS Notice of Time-Limited Changes in Rates of General Applicability for Competitive Products, August 10, 2022 (Notice). Pursuant to 39 U.S.C. 3632(b)(2), the Postal Service is obligated to publish the Governors' Decision and record of proceedings in the **Federal Register** at least 30 days before the effective date of the new rates.

² Notice, Decision of the Governors of the United States Postal Service on Changes in Rates of General Applicability for Competitive Products (Governors' Decision No. 22-3), at 1 (Governors' Decision No. 22-3).

³ Notice at 1-2; Notice, Application of the United States Postal Service for Non-Public Treatment of Materials, at 1.

Planned price adjustments. The Governors' Decision includes an overview of the Postal Service's planned

price changes, which is summarized in the table below.

TABLE I-1—PROPOSED PRICE CHANGES

Product name	Average price increase (percent)
Domestic Competitive Products	
Priority Mail Express	2.7
Retail	2.8
Commercial Base	2.1
Commercial Plus	2.1
Priority Mail	6.3
Retail	6.3
Commercial Base	6.1
Commercial Plus	6.1
Parcel Select	10.2
Destination Delivery Unit	5.9
Destination Sectional Center Facility	12.8
Destination Network Distribution Center	12.8
Lightweight	0.0
Ground	4.2
First-Class Package Service	8.3
Retail	8.2
Commercial	8.4
Retail Ground	5.8

Source: See Governors' Decision No. 22–3 at 2.

II. Initial Administrative Actions

The Commission establishes Docket No. CP2022–99 to consider the Postal Service's Notice. Interested persons may express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, and 3642, 39 CFR part 3035, and 39 CFR 3040 subparts B and E. Comments are due no later than August 25, 2022. For specific details of the planned price changes, interested persons are encouraged to review the Notice, which is available on the Commission's website at www.prc.gov.

Pursuant to 39 U.S.C. 505, Christopher C. Mohr is appointed to serve as Public Representative to represent the interests of the general public in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2022–99 to provide interested persons an opportunity to express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, and 3642, 39 CFR part 3035, and 39 CFR 3040 subparts B and E.

2. Comments are due no later than August 25, 2022.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Christopher C. Mohr to serve as an officer of the Commission (Public Representative) to

represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Jennie L. Jbara,

Alternate Certifying Officer.

[FR Doc. 2022–17628 Filed 8–15–22; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95465; File No. SR–FINRA–2022–011]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving Proposed Rule Change To Expand TRACE Reporting Requirements to Trades in U.S. Dollar-Denominated Foreign Sovereign Debt Securities

August 10, 2022.

I. Introduction

On May 6, 2022, the Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder, ² a

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

proposed rule change to amend certain rules in the Rule 6700 Series (Trade Reporting and Compliance Engine (TRACE)) to require members to report to TRACE transactions in U.S. dollar-denominated foreign sovereign debt securities for regulatory purposes. The proposed rule change was published for comment in the **Federal Register** on May 17, 2022.³ The Commission received four comment letters on the proposed rule change.⁴ On June 27, 2022, the Commission extended until August 15, 2022, the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ FINRA submitted a response to the comments

³ See Securities Exchange Act Release No. 94891 (May 11, 2022), 87 FR 29980 (May 17, 2022) (“Notice”).

⁴ See letters to Vanessa Countryman, Secretary, Commission, from Gerard O'Reilly, Co-CEO and Chief Investment Officer, Dimensional Fund Advisors LP (“Dimensional”), dated June 6, 2022 (“Dimensional Letter”); Scott J. Preiss, Senior Vice President, Global Head, CUSIP Global Services (“CGS”), dated June 6, 2022 (“CGS Letter”); Howard Meyerson, Managing Director, Financial Information Forum (“FIF”), dated June 7, 2022 (“FIF Letter”); and Christopher B. Killian, Managing Director, Securitization and Corporate Credit, Securities Industry and Financial Markets Association (“SIFMA”), dated June 7, 2022 (“SIFMA Letter”).

⁵ See Securities Exchange Act Release No. 95161 (June 27, 2022), 87 FR 39575 (July 1, 2022).

on August 1, 2022.⁶ This order approves the proposed rule change.

II. Description of the Proposal

FINRA Rule 6730(a) requires each FINRA member that is a Party to a Transaction⁷ in a TRACE-Eligible Security⁸ to report the transaction to TRACE. Currently, almost all U.S. dollar-denominated debt securities traded in the U.S., including U.S. dollar-denominated debt securities of foreign private issuers, are TRACE-Eligible Securities and therefore are subject to TRACE reporting requirements. However, the term TRACE-Eligible Security currently excludes any debt security that is issued by a foreign sovereign.

FINRA is now proposing to include U.S. dollar-denominated foreign sovereign debt securities within the definition of TRACE-Eligible Security, so that these securities would become subject to TRACE reporting. Specifically, FINRA proposes to amend paragraph (a) of Rule 6710 (Definitions) to include the term “Foreign Sovereign Debt Security” in the definition of TRACE-Eligible Security, and to define “Foreign Sovereign Debt Security” in paragraph (kk) of Rule 6710 as a debt security issued or guaranteed by the government of a foreign country, any political subdivision of a foreign country (e.g., state, provincial, or municipal governments), or a supranational entity.⁹ FINRA states that this proposed rule change would enhance FINRA’s regulatory audit trail and provide FINRA with important transaction information on a growing segment of the market.¹⁰ In addition,

FINRA states that it believes that the proposed rule change would advance FINRA’s oversight of the fixed income markets without imposing significant burdens and costs on members because, as FINRA understands, U.S. dollar-denominated foreign sovereign debt securities generally trade at firms that already have TRACE reporting workflows in place.¹¹

FINRA states it is not at this time proposing to publicly disseminate any reports of transactions in U.S. dollar-denominated foreign sovereign debt securities. To reflect this, FINRA proposes to amend Rule 6750 (Dissemination of Transaction Information) to specify that FINRA will not disseminate information on transactions in foreign sovereign debt securities.¹² FINRA states that, if the proposed rule change is adopted, FINRA will take a measured approach to potential dissemination, as it has taken historically with other TRACE-Eligible Securities and would first analyze the regulatory data to determine the appropriate contours of a potential dissemination framework.¹³

In addition, FINRA is also proposing to amend Rule 6730 (Transaction Reporting) to require transactions in U.S. dollar-denominated foreign sovereign debt securities to be reported on a same-day or next-day basis, depending on the time of execution.¹⁴ FINRA states that this reporting timeframe is appropriate because trades in U.S. dollar-denominated foreign sovereign debt securities would be reported for regulatory purposes only.¹⁵

FINRA states that, as proposed, FINRA members would be required to report specific items of transaction information in line with existing requirements for TRACE-Eligible

Securities.¹⁶ Among other things, trade reports would be required to include: the CUSIP or CINS number, or FINRA-assigned TRACE symbol; an identifier for the contra-party (either MPID, “A” for non-member affiliate, or “C” for customer); the side of the reporting party (buy or sell); the quantity of the transaction (i.e., face value amount of the transaction); the price of the transaction expressed as a percentage of face/par value; the time of execution; the date of execution (for “as/of” trades); the settlement date; any commission charged if the member is acting as agent; and any applicable trade modifiers.¹⁷ FINRA states that some foreign sovereign debt securities may not have a CUSIP or CINS number but may have been assigned another type of identifier (e.g., an ISIN). To facilitate trade reporting of U.S. dollar-denominated foreign sovereign debt, where a CUSIP or CINS is not available, FINRA states that it intends to permit members to report using a FINRA-assigned symbol that corresponds to the security’s other identifier(s) (e.g., the FINRA-assigned symbol would be associated with the ISIN on the Security Master List).¹⁸

FINRA further states that, if U.S. dollar-denominated foreign sovereign debt securities become subject to TRACE reporting requirements, as proposed, they would become subject to applicable transaction reporting fees.¹⁹ Specifically, U.S. dollar-denominated foreign sovereign debt securities would be subject to trade reporting fees pursuant to paragraph (b)(1) of FINRA Rule 7730 (Trade Reporting and Compliance Engine (TRACE)).²⁰ Similarly, U.S. dollar-denominated foreign sovereign debt securities would become subject to FINRA’s Trading Activity Fee at the rate applicable to

⁶ See letter to Vanessa Countryman, Secretary, Commission, from Raquel L. Russell, FINRA, dated August 1, 2022 (“FINRA Response”).

⁷ See FINRA Rule 6710(e) (defining “Party to a Transaction” as “an introducing broker-dealer, if any, an executing broker-dealer, or a customer. ‘Customer’ includes a broker-dealer that is not a FINRA member.”).

⁸ See FINRA Rule 6710(a) (defining “TRACE-Eligible Security” as “a debt security that is United States (‘U.S.’) dollar-denominated and is: (1) issued by a U.S. or foreign private issuer, and, if a ‘restricted security’ as defined in Securities Act Rule 144(a)(3), sold pursuant to Securities Act Rule 144A; (2) issued or guaranteed by an Agency as defined in paragraph (k) or a Government-Sponsored Enterprise as defined in paragraph (n); or (3) a U.S. Treasury Security as defined in paragraph (p). ‘TRACE-Eligible Security’ does not include a debt security that is issued by a foreign sovereign or a Money Market Instrument as defined in paragraph (o).”).

⁹ FINRA states that a “supranational entity” would include multi-national organizations such as the International Bank for Reconstruction & Development (World Bank), the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the International Finance Corporation, and the European Investment Bank. See Notice, 87 FR at 29981, n. 6.

¹⁰ See Notice, 87 FR at 29981.

¹¹ See *id.*

¹² See proposed FINRA Rule 6750(c)(5).

¹³ See Notice, 87 FR at 29981, n. 10.

¹⁴ See proposed FINRA Rule 6730(a)(5); see also Notice, 87 FR at 29981. Under the proposed amendments, reportable transactions in foreign sovereign debt executed on a business day at or after 12:00:00 a.m. Eastern Time (ET) through 5:00:00 p.m. ET would be required to be reported the same day during TRACE System Hours. Transactions executed on a business day after 5:00:00 p.m. ET but before the TRACE system closes would be required to be reported no later than the next business day (T+1) during TRACE System Hours, and, if reported on T+1, designated “as/of” and include the date of execution. Transactions executed on a business day at or after 6:30:00 p.m. ET through 11:59:59 p.m. ET—or on a Saturday, a Sunday, a federal or religious holiday or other day on which the TRACE system is not open at any time during that day—would be required to be reported the next business day (T+1) during TRACE System Hours, designated “as/of,” and include the date of execution. See also FINRA Rule 6710(t) (defining “TRACE System Hours”).

¹⁵ See Notice, 87 FR at 29981.

¹⁶ See *id.* FINRA Rule 6730(c). FINRA also states that members’ reporting obligations for transactions with a foreign component would continue to follow existing guidance. See Notice, 87 FR at 29981 (citing, as an example, TRACE Frequently Asked Questions #3.1.65).

¹⁷ See *id.*

¹⁸ See Notice, 87 FR at 29981, n. 12. In addition, FINRA states that FINRA Rule 6730(a)(7) will continue to apply. Therefore, members remain obligated to make a good faith determination as to whether they have engaged in a reportable transaction in a TRACE-Eligible Security and, if the TRACE-Eligible Security is not entered in the TRACE system, the member must promptly notify and provide FINRA Operations the information required under FINRA Rule 6760(b) prior to reporting the transaction. *Id.*

¹⁹ See Notice, 87 FR at 29981.

²⁰ See FINRA Rule 7730(b)(1) (providing that, except for certain securitized products, a member “shall be charged a trade reporting fee based upon a sliding scale ranging from \$0.475 to \$2.375 per transaction based on the size of the reported transaction.”).

bonds, as set out in Section 1 of Schedule A to the FINRA By-Laws.

FINRA represents that it will announce the effective date of the rule change in a *Regulatory Notice*, and the effective date will be no later than 365 days following publication of the *Regulatory Notice* announcing Commission approval of the proposed rule change.²¹

III. Summary of Comments and FINRA's Response

The Commission received four comment letters regarding the proposed rule change.²² The commenters generally support the proposed rule change;²³ as discussed below, however, some commenters also seek clarification and additional guidance on various aspects of the proposal or make suggestions for its modification. No commenter explicitly opposes the proposal.

Operational Concerns and Proposed Same Day Reporting Requirement

Two commenters raise operational concerns regarding reporting of transactions in U.S. dollar-denominated foreign sovereign debt securities to TRACE where a CUSIP or CINS number is not assigned or available, particularly given the proposed same-day reporting timeframe.²⁴ As described above, FINRA states that where a CUSIP or CINS is not available, FINRA intends to permit members to report using a FINRA-assigned symbol that corresponds to the security's other identifiers (e.g., the FINRA-assigned symbol would be associated with the ISIN on the Security Master List).²⁵ However, commenters express concern that firms may have difficulty reporting on a timely basis in these circumstances if they must first obtain an identifier from FINRA, which, according to commenters, is a manual and time consuming process.²⁶ To help alleviate this concern, one commenter requests that ISIN and FIGI identifiers be allowed for direct reporting, without the separate need to request a FINRA symbol, and that FINRA permit firms to request a

symbol for a security where only an ISIN is available through the website process, so as to avoid a manual request process that can result in delays in the assignment of the FINRA symbol.²⁷ Another commenter expresses concern regarding reporting to TRACE in accordance with a same day reporting requirement—particularly on the first day of trading for a security that has not yet been set up.²⁸ This commenter recommends that FINRA's new issue request process be expanded prior to the implementation of the proposal to accept ISINs in lieu of CUSIP/CINS identifiers.²⁹ This commenter also requests that, at a minimum, FINRA should allow T+1 reporting for securities that require manual set up in TRACE with a FINRA symbol.³⁰ Another commenter states that the feasibility of the same-day reporting requirement is dependent on FINRA accepting a website submission of a new issue with only an ISIN, as discussed above, and questions the feasibility of a same-day reporting requirement for trades occurring prior to 5:00 p.m., particularly for trades executed outside the U.S. or involving a foreign counterparty.³¹

In response, FINRA states that it will update the new issue form process to permit members to submit the new issue form and receive a FINRA symbol based solely on an ISIN or a FIGI (irrespective of whether a CUSIP and CINS also are available) using the web-based process, which will obviate the need for members to call or email FINRA for assistance with setting up a symbol for a new issue that does not have a CUSIP.³² FINRA also notes that, according to CGS, the operator of the CUSIP system, a CUSIP or CINS is available for virtually all U.S. dollar-denominated debt securities for foreign issuers, both private and sovereign, and that it is a rare event that a CGS identifier is not available at the time the security becomes TRACE-eligible.³³ Further, FINRA states that members may utilize machine-to-machine interaction to systematically upload required new issue information.³⁴ FINRA believes that these measures address commenters' operational concerns, as well as those regarding the feasibility of reporting on a same-day basis. Therefore, FINRA states it is not

recommending any amendments to the proposal and that it continues to believe that the same-day reporting requirement is appropriate.³⁵

Another commenter raises the possibility that assigning a FINRA symbol to multiple identifiers could create identifier mapping challenges or otherwise cause confusion, and states that, if there is a need to assign a FINRA symbol to a foreign debt security, it should be on a one-to-one basis with the corresponding and fungible CUSIP/CINS or ISIN.³⁶ In response, FINRA states that it does not agree that associating a FINRA symbol with multiple identifiers creates any unique challenges in the context of the proposal, as an individual security currently may be assigned CUSIP/CINS, FIGI and ISIN identifiers.³⁷ In addition, FINRA states that it seeks to avoid duplicative symbol assignments and confirms that FINRA-assigned symbols are intended to correspond, on a one-to-one basis, with a single security and any related identifiers.³⁸

Reporting Specifications

Two commenters request clarification regarding which TRACE system protocols would apply to the reporting of U.S. dollar-denominated foreign sovereign debt.³⁹ FINRA confirms that U.S. dollar denominated foreign sovereign will be reportable to the TRACE facility for corporate and agency debt and will be added as a new security subtype (in addition to corporates, agencies, equity linked notes, and church bonds).⁴⁰ FINRA also states that it will create a new report card for member reporting of U.S. dollar-denominated foreign sovereign debt securities.⁴¹

Implementation Timeframe

One commenter recommends a 15-month implementation timeframe for the proposal.⁴² Another commenter requests that FINRA ensure that industry members are provided with a sufficient implementation timeframe

²¹ See Notice, 87 FR at 29982.

²² See *supra* note 4.

²³ See Dimensional Letter at 1 ("We support the Proposed Rule Change as it is a positive step toward increased transparency. . ."); CGS Letter at 2 ("CGS supports FINRA's proposal to expand the TRACE reporting requirements as described above, as it will add to market transparency for a growing segment of the fixed income market."); FIF Letter at 1 ("FIF members support FINRA's decision to require reporting of foreign sovereign debt securities for regulatory purposes only.").

²⁴ See FIF Letter at 3; SIFMA Letter at 2.

²⁵ See also Notice, 87 FR at 29981, n. 12.

²⁶ See FIF Letter at 3; SIFMA Letter at 2.

²⁷ See FIF Letter at 3–4.

²⁸ See SIFMA Letter at 2.

²⁹ See *id.*

³⁰ See *id.*

³¹ See FIF Letter at 2.

³² See FINRA Response at 3.

³³ See FINRA Response at 3; *see also* CGS Letter at 2.

³⁴ See *id.*

³⁵ See *id.*

³⁶ See CGS Letter at 2.

³⁷ See FINRA Response at 3.

³⁸ See *id.*

³⁹ See SIFMA Letter at 4 (requesting that FINRA clarify which of the existing specifications would be used or if a new specification would be published); FIF Letter at 2 (requesting confirmation that FINRA intends to leverage the existing TRACE system for corporate and agency debt securities); *see also* FIF Letter at 6 (requesting guidance as to whether FINRA will issue separate report cards for reporting in foreign sovereign bonds or whether any of the current reports cards will be updated to include reporting for foreign sovereign bonds).

⁴⁰ See FINRA Response at 4.

⁴¹ See *id.*

⁴² See SIFMA Letter at 3.

and asks that the timeframe run from the date that technical specifications and interpretive FAQs are published.⁴³ In response, FINRA states that it would provide members with an adequate implementation period.⁴⁴

Scope of Defined Terms

Some commenters express concerns in connection with identifying U.S. dollar-denominated foreign sovereign debt for purposes of reporting to TRACE.⁴⁵ Two commenters state that it can be difficult to determine the Schedule B eligibility of an issuer and request that FINRA provide clarity on how foreign issuers should be classified.⁴⁶ One commenter also requests guidance on how a member should communicate with FINRA if it disagrees with the current classification of a bond.⁴⁷ Another commenter requests further guidance on terms used in the proposal related to the definition of “foreign sovereign debt security.”⁴⁸ This commenter also states that FINRA should provide guidance as to how previously issued foreign sovereign debt will be set up in TRACE/added to the master file.⁴⁹ In response, FINRA states that it regularly engages with members concerning operational and interpretive questions concerning TRACE reporting, including regarding whether and how a particular security is reportable to TRACE, if unclear.⁵⁰ FINRA states that the proposal seeks to define “foreign sovereign debt security” as “a debt security issued or guaranteed by the government of a foreign country, any political subdivision of a foreign country, or a supranational entity.”⁵¹ FINRA states that, as is the case in determining the TRACE-eligibility of any security, FINRA would expect members to analyze the facts and circumstances of a security in light of the relevant definitions and guidance to ensure appropriate reporting to TRACE. FINRA states that TRACE rules currently require members to distinguish U.S. dollar-denominated debt of foreign sovereign issuers from that of foreign private issuers for purposes of TRACE reporting, and, as discussed in the proposal, FINRA has since 2004 provided members with guidance specifically for this purpose.⁵²

FINRA further states that members who are unable to determine whether a security falls within scope based on the rule and guidance should contact FINRA’s Office of General Counsel for assistance.⁵³

In addition, FINRA states that it intends to proactively update the TRACE security master list to include the securities that FINRA has identified as U.S. dollar-denominated foreign sovereign debt securities, consistent with FINRA’s usual approach when a new product type becomes reportable to TRACE.⁵⁴ FINRA states that it will make the updated security master list available to members in advance of the effective date.⁵⁵ FINRA states, however, that, as FINRA has reminded members in the past with regard to other types of TRACE-eligible securities, members are obligated to have systems or processes in place to determine whether a transaction in a TRACE-eligible security has occurred and is, therefore, reportable, even if it was not included on the TRACE security master list at the time of the transaction.⁵⁶ FINRA states that members who disagree with the current classification of a bond on the master list should contact FINRA Market Operations.⁵⁷

Public Dissemination

Several commenters express support for, or raise concerns regarding, the public dissemination of information with respect to transactions in U.S. dollar-denominated foreign sovereign debt securities.⁵⁸ FINRA reiterates that it is not proposing to disseminate information with respect to transactions in U.S. dollar-denominated foreign sovereign debt securities at this time, and states that it would observe its historical measured approach to dissemination following appropriate analysis.⁵⁹ In addition, FINRA states that any determination to disseminate

such transaction information would be subject to filing with the Commission.⁶⁰

IV. Discussion and Commission Findings

After carefully considering the proposal, the comments submitted and FINRA’s response to the comments, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.⁶¹ In particular, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Act,⁶² which requires, among other things, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. In addition, and as discussed below, the Commission further finds that the proposal is consistent with Section 15A(b)(5) of the Act,⁶³ which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls.

Prior to TRACE’s implementation, the National Association of Securities Dealers (“NASD”) (FINRA’s predecessor) did not have routine access to comprehensive transaction information for the over-the-counter corporate bond market, even though the NASD bore responsibility for surveilling and regulating that market. In originally approving TRACE, the Commission stated that obtaining such information to better conduct market surveillance was a fundamental means of promoting fairness and confidence in U.S. capital markets.⁶⁴ Similarly, with respect to the over-the-counter market for U.S. dollar-denominated foreign sovereign debt securities, FINRA currently does not possess the comprehensive transaction information that would help it carry out its statutory duties to surveil and regulate this segment of the market.⁶⁵

⁶⁰ See *id.*

⁶¹ In approving this proposal, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁶² 15 U.S.C. 78o–3(b)(6).

⁶³ 15 U.S.C. 78o–3(b)(5).

⁶⁴ See Securities Exchange Act Release No. 43873 (January 23, 2001) 66 FR 8131, 8136 (January 29, 2001).

⁶⁵ According to FINRA, almost all U.S. dollar-denominated debt securities traded in the U.S. are TRACE-Eligible Securities and therefore are subject to TRACE reporting requirements. This includes the

Continued

⁴³ See FIF Letter at 7.

⁴⁴ See FINRA Response at 4.

⁴⁵ See FIF Letter at 4–5; SIFMA Letter at 3.

⁴⁶ See *id.*

⁴⁷ See FIF Letter at 5.

⁴⁸ See SIFMA Letter at 3.

⁴⁹ See *id.*

⁵⁰ See FINRA Response at 4.

⁵¹ See *id.*

⁵² See FINRA Response at 4–5 (citing Notice to Members 04–90 (December 2004)).

⁵³ See FINRA Response at 5.

⁵⁴ See *id.*

⁵⁵ See *id.*

⁵⁶ See *id.*

⁵⁷ See *id.*

⁵⁸ See Dimensional Letter at 1 (strongly urging FINRA to publicly disseminate the relevant data as soon as practicable, stating that, if disseminated, FINRA should adopt a trade reporting timeframe that is consistent with the reporting timeframe for corporate and agency bond); FIF Letter at 1 (supporting FINRA’s decision to require reporting for regulatory purposes only and taking a measured approach to potential dissemination in the future); SIFMA Letter at 4 (raising several concerns regarding any further real-time public dissemination, including that it could potentially impair liquidity and lead to information leakage, and stating that it does not believe that the benefits of dissemination outweigh the risks).

⁵⁹ See FINRA Response at 6.

The Commission believes, therefore, that it is reasonable and consistent with the Act for FINRA to designate U.S. dollar-denominated foreign sovereign debt securities as TRACE-Eligible Securities and to establish reporting requirements relating to such securities in the manner set forth in the proposal.⁶⁶ Expanding TRACE to include U.S. dollar-denominated foreign sovereign debt securities is reasonably designed to help FINRA fulfill its mandate in Section 15A(b)(6) of the Act⁶⁷ to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. In particular, the receipt of the transaction price, par value traded, and other transaction information in TRACE would create a better-informed surveillance program to help detect fraud, manipulation, unfair pricing, and other potential misconduct.

The Commission recognizes that firms covered by these new reporting requirements may incur certain compliance burdens. FINRA represents, however, that U.S. dollar-denominated sovereign debt securities generally trade at firms that already have TRACE reporting workflows in place, such that FINRA does not believe that the proposal would impose significant burdens and costs on FINRA members given the ability of these firms to leverage their existing reporting systems.⁶⁸ Moreover, to the extent that other firms become subject to TRACE reporting requirements for the first time (or firms that already carry out TRACE reporting from certain desks have other desks that do not currently trade TRACE-Eligible Securities and do not yet have TRACE capabilities), the

Commission notes that FINRA's proposal to allow transactions to be reported by end-of-day provides such firms with some flexibility to determine the most cost-effective way of meeting the new reporting requirements.

The Commission has considered the commenters' operational concerns regarding reporting of transactions in U.S. dollar-denominated foreign sovereign debt securities to TRACE where a CUSIP or CINS number is not assigned or available. The Commission believes that FINRA's plans to permit members to receive a FINRA symbol based solely on an ISIN or a FIGI (irrespective of whether a CUSIP and CINS also are available) as well as to avoid duplicative symbol assignments, are reasonably designed to address the commenters' concerns, minimize burdens, and facilitate compliance with the proposal. With respect to comments expressing concern that assigning a FINRA symbol to multiple identifiers could create identifier mapping challenges, the Commission agrees with FINRA that associating a FINRA symbol with multiple identifiers does not create any unique challenges in the context of the proposal, as an individual security currently may be assigned CUSIP/CINS, FIGI and ISIN identifiers.⁶⁹

With regards to commenters' concerns regarding the implementation timeframe, FINRA states that it would provide members with an adequate implementation period.⁷⁰ The Commission notes that FINRA's proposed process for setting an effective date provides FINRA with flexibility in determining an appropriate implementation period and setting the corresponding effective date.

The Commission agrees with FINRA that the proposal does not represent unique challenges with respect of the scope of the defined terms, including those with respect to the definition of "foreign sovereign debt security," and notes that TRACE rules currently require members to distinguish U.S. dollar-denominated debt of foreign sovereign issuers from that of foreign private issuers for purposes of TRACE reporting.

The Commission has considered comments regarding public dissemination of information regarding transactions in U.S. dollar-denominated foreign sovereign debt securities. The Commission agrees with FINRA that

that it is appropriate to study the information reported to regulators under this rule change before proceeding with a proposal to provide for the public dissemination of information concerning transactions in U.S. dollar-denominated foreign sovereign debt securities, which FINRA notes is consistent with past practice.⁷¹

The Commission also recognizes that members would become subject to trade reporting fees and FINRA's Trading Activity Fee in connection with transactions in U.S. dollar-denominated foreign sovereign debt securities. FINRA represents, however, that the proposed fees are consistent with FINRA's existing framework under FINRA Rule 7730 and FINRA's Trading Activity fee for similar types of transactions required to be reported to TRACE, and that these fees would apply at established rates equally to members reporting transactions in U.S. dollar-denominated foreign sovereign debt securities. Accordingly, the Commission further finds that the proposed application of trade reporting fees under FINRA Rule 7730 and FINRA's Trading Activity Fee to transactions in U.S. dollar-denominated foreign sovereign debt securities is consistent with Section 15A(b)(5) of the Act,⁷² which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls.

For the reasons noted above, the Commission finds that the proposed rule change is consistent with the Act.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁷³ that the proposed rule change (SR-FINRA-2022-011) is approved.⁷⁴

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-17532 Filed 8-15-22; 8:45 am]

BILLING CODE 8011-01-P

U.S. dollar-denominated debt of foreign private issuers. Trades in the U.S. dollar-denominated debt of foreign sovereign issuers, however, are not subject currently to TRACE reporting. See Notice, *supra* note 3, 87 FR at 29980-81.

⁶⁶ The Commission notes that FINRA previously has expanded TRACE to require the reporting to TRACE of transactions in U.S. Treasury securities, asset-backed securities and agency debt securities. See Securities Exchange Act Release Nos. 79116 (Oct. 18, 2016), 81 FR 73167 (Oct. 24, 2016) (order approving File No. SR-FINRA-2016-027) ("Treasury Securities Order"); 61566 (February 22, 2010), 75 FR 9262 (March 1, 2010) (order approving File No. SR-FINRA-2009-065); and 60726 (September 28, 2009), 74 FR 50991 (October 2, 2009) (order approving File No. SR-FINRA-2009-010).

⁶⁷ 15 U.S.C. 78o-3(b)(6).

⁶⁸ See Notice, 87 FR at 29981. The Commission notes that FINRA estimates that the benefit from improved surveillance of member trading activity in U.S. dollar-denominated foreign sovereign debt securities outweighs the costs to members associated with complying with the proposed reporting requirement. See *id.* at 29985.

⁶⁹ See FINRA Response at 3.

⁷⁰ See FINRA Response at 4. The Commission notes that FINRA published the proposed rule change for comment in *Regulatory Notice* 19-25 (July 2019). Four comments were received in response to the *Regulatory Notice*. See Notice, 87 FR at 29985.

⁷¹ See FINRA Response at 6; see also Notice, 87 FR at 29985.

⁷² 15 U.S.C. 78o-3(b)(5).

⁷³ 15 U.S.C. 78s(b)(2).

⁷⁴ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95461]

Order Granting Application by Nasdaq PHLX LLC for an Exemption Pursuant to Section 36(a) of the Exchange Act From the Rule Filing Requirements of Section 19(b) of the Exchange Act With Respect to Certain Rules Incorporated by Reference

AUGUST 10, 2022. Nasdaq PHLX LLC (“Phlx” or “Exchange”) has filed with the Securities and Exchange Commission (“Commission”) an application for an exemption under Section 36(a)(1) of the Securities Exchange Act of 1934 (“Exchange Act”)¹ from the rule filing requirements of Section 19(b) of the Exchange Act² with respect to certain rules of The Nasdaq Stock Exchange, LLC (“Nasdaq”) that the Exchange seeks to incorporate by reference.³ Section 36 of the Exchange Act, subject to certain limitations, authorizes the Commission to conditionally or unconditionally exempt any person, security, or transaction, or any class thereof, from any provision of the Exchange Act or rule thereunder, if necessary or appropriate in the public interest and consistent with the protection of investors.

The Exchange has requested, pursuant to Rule 0–12 under the Exchange Act,⁴ that the Commission grant the Exchange an exemption from the rule filing requirements of Section 19(b) of the Exchange Act for changes to the Exchange’s rules that are effected solely by virtue of a change to a cross-referenced Nasdaq rule. Specifically, the Exchange requests that it be permitted to incorporate by reference changes made to the General 3 Membership and Access Rule 1000 Series (“Rule 1000 Series”) of the Nasdaq rulebook into General 3 Membership and Access of the Exchange’s rulebook.⁵

The Exchange represents that the Nasdaq rules listed above are regulatory

rules and not trading rules.⁶ The Exchange represents that, as a condition to the requested exemption from Section 19(b) of the Exchange Act, the Exchange will provide written notice to its applicants, members, and member organizations whenever Nasdaq proposes a change to the Rule 1000 Series.⁷ The Exchange states that such notice will alert its applicants, members, and member organizations to the proposed Nasdaq rule change and give them an opportunity to comment on the proposal.⁸ The Exchange further represents that it will inform applicants, members, and member organizations in writing when the Commission approves any such proposed rule changes.⁹

According to the Exchange, this exemption is appropriate because it would result in the Exchange’s rules pertaining to membership being consistent with the relevant cross-referenced Nasdaq rules at all times.¹⁰ The Exchange further states that harmonization of these membership rules and processes will ease compliance burdens for those seeking membership on both exchanges and increase internal efficiencies associated with administering the membership rules and processes of each exchange.¹¹

The Commission has issued exemptions similar to the Exchange’s request.¹² In granting similar

exemptions, the Commission stated that it would consider similar future exemption requests, provided that:

- An SRO wishing to incorporate rules of another SRO by reference has submitted a written request for an order exempting it from the requirement in Section 19(b) of the Exchange Act to file proposed rule changes relating to the rules incorporated by reference, has identified the applicable originating SRO(s), together with the rules it wants to incorporate by reference, and otherwise has complied with the procedural requirements set forth in the Commission’s release governing procedures for requesting exemptive orders pursuant to Rule 0–12 under the Exchange Act;¹³

- The incorporating SRO has requested incorporation of categories of rules (rather than individual rules within a category) that are not trading rules (e.g., the SRO has requested incorporation of rules such as margin, suitability, or arbitration); and

- The incorporating SRO has reasonable procedures in place to provide written notice to its members each time a change is proposed to the incorporated rules of another SRO.¹⁴

The Commission believes that the Exchange has satisfied each of these conditions. The Commission also believes that granting the Exchange an exemption from the rule filing requirements under Section 19(b) of the Exchange Act will promote efficient use of the Commission’s and the Exchange’s resources by avoiding duplicative rule filings based on simultaneous changes to identical rule text sought by more than one SRO.¹⁵ The Commission therefore finds it appropriate in the public interest and consistent with the protection of investors to exempt the Exchange from the rule filing requirements under Section 19(b) of the Exchange Act with respect to the above-described Nasdaq rules it has incorporated by reference. This exemption is conditioned upon the Exchange promptly providing written notice to its applicants and members whenever Nasdaq changes a rule that

⁶ See *id.* at 2, n.7. The Exchange also states that it is not “cherry picking” because the Exchange would be incorporating categories of rules. See *id.*

⁷ See *id.* at 3. The Exchange represents that it will provide such notice via a posting on the same website location where the Exchange posts its own rule filings pursuant to Rule 19b–4(l) within the time frame required by such rule. See *id.* at 3, n.8. The website posting will include a link to the location on Nasdaq’s website where the applicable proposed rule change is posted. See *id.*

⁸ See *id.*

⁹ See *id.*

¹⁰ See *id.* at 2.

¹¹ See *id.*

¹² See, e.g., Securities Exchange Act Release Nos. 83296 (May 21, 2018), 83 FR 24362 (May 25, 2018) (order granting NYSE National, Inc.’s exemptive request relating to rules of Nasdaq incorporated by reference); 83040 (April 12, 2018), 83 FR 17198 (April 18, 2018) (order granting MIAX PEARL, LLC’s exemptive request relating to rules of the Miami International Securities Exchange, LLC incorporated by reference); 76998 (January 29, 2016), 81 FR 6066, 6083–84 (February 4, 2016) (order granting application for registration as a national securities exchange of ISE Mercury, LLC and exemptive request relating to rules of certain self-regulatory organizations (“SROs”) (including Nasdaq) incorporated by reference); 61534 (February 18, 2010), 75 FR 8760 (February 25, 2010) (order granting BATS Exchange, Inc.’s exemptive request relating to rules incorporated by reference by the BATS Exchange Options Market rules) (“BATS Options Market Order”); 61152 (December 10, 2009), 74 FR 66699, 66709–10 (December 16, 2009) (order granting application for registration as a national securities exchange of C2 Options Exchange, Incorporated and exemptive request relating to rules of the Chicago Board Options Exchange, Incorporated, incorporated by reference).

¹ 15 U.S.C. 78mm(a)(1).

² 15 U.S.C. 78s(b).

³ See Letter from Angela S. Dunn, Principal Associate General Counsel, Phlx, to J. Matthew DeLesDernier, Assistant Secretary, Commission, dated July 8, 2022 (“Exemptive Request”).

⁴ 17 CFR 240.0–12.

⁵ See Exemptive Request, *supra* note 3, at 2. The Exchange notes that it recently filed a proposed rule change under Section 19(b) of the Exchange Act to replace its existing membership rules, as set forth in General 3 of its rulebook, with the Rule 1000 Series of the Nasdaq rulebook, as such rules may be in effect from time to time. See *id.*, at 1, n. 4. See also Securities Exchange Act Release No. 95219 (July 7, 2022), 87 FR 41814 (July 13, 2022) (SR–Phlx–2022–28).

¹³ See 17 CFR 240.0–12 and Securities Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998) (Commission Procedures for Filing Applications for Orders for Exemptive Relief Pursuant to Section 36 of the Exchange Act; Final Rule).

¹⁴ See BATS Options Market Order, *supra* note 12 (citing Securities Exchange Act Release No. 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004) (order granting exemptive request relating to rules incorporated by reference by several SROs) (“2004 Order”)).

¹⁵ See BATS Options Market Order, *supra* note 12, 75 FR at 8761; see also 2004 Order, *supra* note 14, 69 FR at 8502.

the Exchange has incorporated by reference.

Accordingly, *it is ordered*, pursuant to Section 36 of the Exchange Act,¹⁶ that the Exchange is exempt from the rule filing requirements of Section 19(b) of the Exchange Act solely with respect to changes to the rules identified in the Exemptive Request, provided that the Exchange promptly provides written notice to its applicants and members whenever Nasdaq proposes to change a rule that the Exchange has incorporated by reference.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-17530 Filed 8-15-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34670; File No. 812-15341]

Owl Rock Capital Corporation, et al.

August 10, 2022.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).

ACTION: Notice.

Notice of application for an order (“Order”) under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the “Act”) and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to amend a previous order granted by the Commission that permits certain business development companies (“BDCs”) and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Owl Rock Capital Corporation, Owl Rock Capital Corporation II, Owl Rock Capital Corporation III, Owl Rock Core Income Corp., Owl Rock Technology Finance Corp., Owl Rock Technology Finance Corp. II, Owl Rock Technology Income Corp., Owl Rock Capital Advisors LLC, Owl Rock Technology Advisors LLC, Owl Rock Technology Advisors II LLC, Owl Rock Capital Private Fund Advisors LLC, Owl Rock Diversified Advisors LLC, Owl Rock First Lien Master Fund,

L.P., Owl Rock First Lien Sub-Master Fund 2, L.P., Owl Rock First Lien Sub-Master Fund Zero, L.P., Parliament Funding I LLC, Owl Rock First Lien Master Fund II, L.P., Owl Rock Diversified Lending 2020 Master Fund, L.P., Owl Rock Unlevered Diversified Lending 2020 Master Fund L.P., Owl Rock Unlevered Diversified Lending Sub-Master Fund 1, L.P., Owl Rock Unlevered Diversified Lending Sub-Master Fund 2, L.P., Parliament Funding III LLC, Owl Rock US Direct Lending SMA 2019 LP, OR Opportunistic DL (C), L.P., Owl Rock Opportunistic Master Fund I, L.P., Owl Rock Opportunistic Master Fund II, L.P., OR Opportunistic I (H), L.P., Owl Rock Access Fund, L.P., OR Opportunistic Co-Invest II (A), L.P., ORO II Master Fund I, L.P., ORO II Master Fund II, L.P., OR Lending LLC, ORCC Financing II LLC, ORCC Financing III LLC, ORCC Financing IV LLC, Owl Rock CLO I, LLC, Owl Rock CLO I, LTD, Owl Rock CLO II, LLC, Owl Rock CLO II, LTD, Owl Rock CLO III, LTD, Owl Rock CLO IV, LTD, Owl Rock CLO V, LTD, Owl Rock CLO VI, LTD, OR AH I LLC, OR DH I LLC, OR GH I LLC, OR MH I LLC, OR HH I LLC, OR HEH I LLC, OR PCF I LLC, ORCC BC 2 LLC, ORCC BC 3 LLC, ORCC BC 4 LLC, ORCC BC 5 LLC, ORCC BC 6 LLC, ORCC BC 7 LLC, ORCC BC 8 LLC, OR Atlanta MH LLC, OR Garden State MH LLC, OR Jemico MH LLC, OR Long Island MH LLC, OR Midwest MH LLC, OR Toronto MH LLC, OR Lending II LLC, ORCC II Financing LLC, ORCC II Financing II LLC, OR DH II LLC, OR MH II LLC, OR HH II LLC, OR HEH II LLC, OR Long Island MH II LLC, OR Garden State MH II LLC, OR Toronto MH II LLC, OR Midwest MH II LLC, OR Jemico MH II LLC, OR Atlanta MH II LLC, OR PCF II LLC, OR GH II LLC, OR AH II LLC, ORCC II BC 2 LLC, ORCC II BC 3 LLC, ORCC II BC 4 LLC, ORCC II BC 5 LLC, ORCC II BC 6 LLC, ORCC II BC 7 LLC, ORCC II BC 8 LLC, OR Lending III LLC, ORCC III Financing LLC, ORCC III Financing II LLC, OR PCF III LLC, OR AH III LLC, ORCC III BC 2 LLC, ORCC III BC 3 LLC, ORCC III BC 4 LLC, ORCC III BC 5 LLC, ORCC III BC 6 LLC, ORCC III BC 7 LLC, ORCC III BC 8 LLC, ORCIC AH LLC, ORCIC BC 2 LLC, ORCIC BC 3 LLC, ORCIC BC 4 LLC, ORCIC BC 5 LLC, ORCIC BC 6 LLC, OR Lending IC LLC, ORCIC PCF LLC, Core Income Funding I LLC, Core Income Funding II LLC, Core Income Funding III LLC, Core Income Funding IV LLC, OR Tech Lending LLC, OR Tech Financing I LLC, Owl Rock Technology Financing 2020-1, Owl Rock Technology Financing 2020-1 LLC, ORTF Funding I LLC, ORT KB LLC,

ORTF BC 1 LLC, ORTF BC 2 LLC, ORTF BC 3 LLC, ORTF BC 4 LLC, OR Tech Lending II LLC, ORTF II BC 1 LLC, ORTF II BC 2 LLC, OR Tech Lending IC LLC, ORTIC BC 1 LLC, ORTIC BC 2 LLC, Tech Income Funding I LLC, ORCIC BC 7 LLC, ORCIC BC 8 LLC, ORCIC BC 9 LLC, Owl Rock CLO VII LLC, ORCIC BC 10 LLC, ORCIC BC 11 LLC, ORCIC BC 12 LLC, ORCIC JV WH LLC, ORCIC JV WH II LLC, ORTF II BC 3 LLC, ORTF II BC 4 LLC, ORTF II BC 5 LLC, Athena Funding I LLC, Athena Funding II LLC, Athena Funding III LLC, ORCC BC 9 LLC, ORCC BC 10 LLC, ORCC BC 11 LLC, ORCC II BC 9 LLC, ORCC II BC 10 LLC, ORCC II BC 11 LLC, ORCC III BC 9 LLC, ORCC III BC 10 LLC, ORTF BC 5 LLC, ORTF BC 6 LLC, and OR Diversified Lending (CP), L.P.

FILING DATES: The application was filed on May 24, 2022, and amended on July 20, 2022.

HEARING OR NOTIFICATION OF HEARING:

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at Secretarys-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on, September 6, 2022, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission’s Secretary at Secretarys-Office@sec.gov.

ADDRESSES:

The Commission: Secretarys-Office@sec.gov. Applicants: Neena Reddy, Vice President and Secretary, Owl Rock Capital Corporation, at neena.reddy@blueowl.com, and Cynthia M. Krus, Esq., and Anne G. Oberndorf, Esq., Eversheds Sutherland (US) LLP, at anneoberndorf@eversheds-sutherland.us.

FOR FURTHER INFORMATION CONTACT:

Kieran G. Brown, Senior Counsel, or Terri Jordan, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: For Applicants’ representations, legal

¹⁶ 15 U.S.C. 78mm.

¹⁷ 17 CFR 200.30-3(a)(76).

analysis, and conditions, please refer to Applicants' first amended and restated application, dated July 20, 2022, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at, <http://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-17524 Filed 8-15-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-482, OMB Control No. 3235-0540]

Submission for OMB Review; Comment Request; Extension: Rule 17a-25

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) ("PRA"), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the existing collection of information provided for in Rule 17a-25 (17 CFR 204.17a-25) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Paragraph (a)(1) of Rule 17a-25 requires registered broker-dealers to electronically submit securities transaction information, including identifiers for prime brokerage arrangements, average price accounts, and depository institutions, in a standardized format when requested by the Commission staff. In addition, Paragraph (c) of Rule 17a-25 requires broker-dealers to submit, and keep current, contact person information for electronic blue sheets ("EBS") requests. The Commission uses the information for enforcement inquiries or investigations and trading reconstructions, as well as for inspections and examinations.

The Commission estimates that it sends approximately 13,558 electronic blue sheet requests per year to clearing broker-dealers that in turn submit an average 223,057 responses.¹ It is estimated that each broker-dealer that responds electronically will take 8 minutes, and each broker-dealer that responds manually will take 1½ hours to prepare and submit the securities trading data requested by the Commission. The annual aggregate hour burden for electronic and manual response firms is estimated to be 29,924 (223,057 × 8 ÷ 60 = 29,741 hours) + (122 × 1.5 = 183 hours), respectively.²

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent by September 15, 2022 to (i) MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: August 10, 2022.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-17527 Filed 8-15-22; 8:45 am]

BILLING CODE 8011-01-P

¹ A single EBS request has a unique number assigned to each request (e.g., "0900001"). However, the number of broker-dealer responses generated from one EBS request can range from one to several thousand. EBS requests are sent directly to clearing firms, as the clearing firm is the repository for trading data for securities transactions information provided by the clearing firm and the correspondent firms. Clearing brokers respond for themselves and other firms they clear for. There were 446,113 responses during the 24-month period, for an average of 223,057 annual responses.

² Few respondents submit manual EBS responses. The small percentage of respondents that submit manual responses do so by hand, via email, spreadsheet, disk, or other electronic media. Thus, the number of manual submissions (approximately 122 per year) has minimal effect on the total annual burden hours.

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-507, OMB Control No. 3235-0563]

Submission for OMB Review; Comment Request; Extension: Rule 17a-10

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) ("PRA") the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below.

Section 17(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) (the "Act"), generally prohibits affiliated persons of a registered investment company ("fund") from borrowing money or other property from, or selling or buying securities or other property to or from, the fund or any company that the fund controls.¹ Section 2(a)(3) of the Act defines "affiliated person" of a fund to include its investment advisers.² Rule 17a-10 (17 CFR 270.17a-10) permits (i) a subadviser³ of a fund to enter into transactions with funds the subadviser does not advise but that are affiliated persons of a fund that it does advise (e.g., other funds in the fund complex), and (ii) a subadviser (and its affiliated persons) to enter into transactions and arrangements with funds the subadviser does advise, but only with respect to discrete portions of the subadvised fund for which the subadviser does not provide investment advice.

To qualify for the exemptions in rule 17a-10, the subadvisory relationship must be the sole reason why section 17(a) prohibits the transaction. In addition, the advisory contracts of the subadviser entering into the transaction, and any subadviser that is advising the purchasing portion of the fund, must prohibit the subadvisers from consulting with each other concerning securities transactions of the fund, and limit their responsibility to providing advice with respect to discrete portions of the fund's portfolio.⁴ This requirement regarding

¹ 15 U.S.C. 80a-17(a).

² 15 U.S.C. 80a-2(a)(3)(E).

³ As defined in rule 17a-10(b)(2). 17 CFR 270.17a-10(b)(2).

⁴ 17 CFR 270.17a-10(a)(2).

the prohibitions and limitations in advisory contracts of subadvisors relying on the rule constitutes a collection of information under the PRA.⁵

The staff assumes that all existing funds with subadvisory contracts amended those contracts to comply with the adoption of rule 17a-10 in 2003, which conditioned certain exemptions upon these contractual alterations, and therefore there is no continuing burden for those funds.⁶ However, the staff assumes that all newly formed subadvised funds, and funds that enter into new contracts with subadvisors, will incur the one-time burden by amending their contracts to add the terms required by the rule.

Based on an analysis of fund filings, the staff estimates that approximately 314 funds enter into new subadvisory agreements each year.⁷ Based on discussions with industry representatives, the staff estimates that it will require approximately 3 attorney hours to draft and execute additional clauses in new subadvisory contracts in order for funds and subadvisors to be able to rely on the exemptions in rule 17a-10. Because these additional clauses are identical to the clauses that a fund would need to insert in their subadvisory contracts to rely on rules 10f-3 (17 CFR 270.10f-3), 12d3-1 (17 CFR 270.12d3-1), and 17e-1 (17 CFR 270.17e-1), and because we believe that funds that use one such rule generally use all of these rules, we apportion this 3 hour time burden equally among all four rules. Therefore, we estimate that the burden allocated to rule 17a-10 for this contract change would be 0.75 hours.⁸ Assuming that all 314 funds that enter into new subadvisory contracts each year make the modification to their contract required by the rule, we estimate that the rule's contract modification requirement will result in 166 burden hours annually, with an

associated cost of approximately \$107,380.⁹

The estimate of average burden hours is made solely for the purposes of the PRA. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. Complying with this collection of information requirement is necessary to obtain the benefit of relying on rule 17a-10. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by September 15, 2022 to (i) MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: August 10, 2022.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022-17528 Filed 8-15-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95463; File No. SR-IEX-2022-05]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Add a New Order Type That Pegs to the Contra-Side Primary Quote, With the Option of Using a Passive Offset Amount

August 10, 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 August 8, 2022, the Investors Exchange LLC ("IEX" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,³ and Rule 19b-4 thereunder,⁴ IEX is filing with the Commission a proposed rule change to add a new order type (a "Market Peg" order) that pegs to the contra-side primary quote, with the option of using a passive offset amount.⁵ The Exchange has designated this rule change as "non-controversial" under Section 19(b)(3)(A) of the Act⁶ and provided the Commission with the notice required by Rule 19b-4(f)(6) thereunder.⁷

The text of the proposed rule change is available at the Exchange's website at www.iextrading.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

⁵ 44 U.S.C. 3501.

⁶ Transactions of Investment Companies With Portfolio and Subadviser Affiliates, Investment Company Act Release No. 25888 (Jan. 14, 2003) [68 FR 3153, (Jan. 22, 2003)]. We assume that funds formed after 2003 that intended to rely on rule 17a-10 would have included the required provision as a standard element in their initial subadvisory contracts.

⁷ Based on data from form N-CEN filings, as of March 2022, there are 12,468 registered funds (open-end funds, closed-end funds, and exchange-traded funds), 4,870 funds of which have subadvisory relationships (approximately 39%). Based on Form N-1A and Form N-2 filings, there were 806 new registered funds in 2020. 806 new funds $\times$ 39% = 314 funds.

⁸ This estimate is based on the following calculation: 3 hours $\div$ 4 rules = 0.75 hours.

⁹ These estimates are based on the following calculations: (0.75 hours $\times$ 314 portfolios = 236 burden hours); (\$455 per hour $\times$ 236 hours = \$107,380 total cost). The Commission's estimates concerning the wage rates for attorney time are based on salary information for the securities industry compiled by the Securities Industry and Financial Markets Association. The estimated wage figure is based on published rates for in-house attorneys, modified to account for a 1,800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead, yielding an effective hourly rate of \$415. See Securities Industry and Financial Markets Association, Report on Management & Professional Earnings in the Securities Industry 2013.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(1).

⁴ 17 CFR 240.19b-4.

⁵ The contra-side primary quote is the national best offer for a buy order or the national best bid for a sell order, as set forth in Rule 600(b) of Regulation NMS under the Act, determined as set forth in IEX Rule 11.410(b). See IEX Rule 1.160(u).

⁶ 15 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 240.19b-4.

and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend IEX Rule 11.190 to add a new Market Peg order type that pegs to the contra-side primary quote,⁸ minus (plus) an optional passive⁹ offset amount for buy (sell) orders, as specified by the User.¹⁰ In addition, the Exchange proposes two conforming amendments to IEX Rules Rule 11.190(a)(3) and 11.190(h)(3).

Currently, the Exchange offers four types of pegged orders—primary peg, midpoint peg, Discretionary Peg, and Offset Peg¹¹—each of which are non-displayed orders that upon entry into the System¹² and while resting on the Order Book¹³, are pegged to a reference price based on the national best bid and offer (“NBBO”)¹⁴ and the price of the order is automatically adjusted by the System in response to changes in the NBBO.¹⁵

The Exchange now proposes to add a new type of pegged order—a Market Peg order—that is a non-displayed pegged order that upon entry and when posting to the Order Book, has its price automatically adjusted by the System to be equal to and ranked at the less aggressive of the contra-side primary quote (*i.e.*, the NBO¹⁶ for buy orders and NBB¹⁷ for sell orders), minus (plus) an offset amount for buy (sell) orders, if the User opts to submit the order with an offset amount, or the order's limit price, if the User opts to submit the order with a limit price. If a User submits a Market Peg buy order with a positive offset amount, or a Market Peg

sell order with a negative offset amount, the offset amount will be disregarded. While resting on the Order Book, (i) a buy order is automatically adjusted by the System in response to changes in the NBO minus the offset amount up to the order's limit price, if any; and (ii) a sell order is automatically adjusted by the System in response to changes in the NBB plus the offset amount down to the order's limit price, if any; and (iii) in locked and crossed markets, are priced to the less aggressive of the locking or crossing price (*i.e.*, the lowest Protected Offer¹⁸ for buy orders and the highest Protected Bid¹⁹ for sell orders).²⁰ Further, a Market Peg order would not be eligible to trade when the market is locked or crossed, either upon order entry or when resting on the Order Book.

Until recently, IEX imposed a “Midpoint Price Constraint” on all non-displayed orders, which prevented those orders from resting at prices between the Midpoint Price²¹ and the contra-side primary quote. The Midpoint Price Constraint meant IEX could not offer an order type that pegged to the contra-side primary quote.

IEX recently modified its non-displayed price sliding rules to allow non-displayed orders to book and rest at the contra-side primary quote based on its understanding that Members²² would like to be able to post non-displayed orders at prices more aggressive than the Midpoint Price.²³ With the removal of the Midpoint Price Constraint, IEX has received informal feedback from Members that they would like the option of pegging an order to the contra-side primary quote—the most aggressive price at which the order can execute—to enhance the order's execution opportunities. IEX understands that Members would also like to have the option of using a passive price offset for their Market Peg orders, which would allow the Member to obtain potential price improvement over the contra-side primary quote, while continuing to rest at an aggressive price with increased execution opportunities.

Accordingly, IEX proposes to add subparagraph (b)(18) to IEX Rule 11.190, to add the Market Peg order. IEX notes

that this Market Peg order is based upon its Offset Peg order type²⁴, with two major differences: the Offset Peg order pegs to the primary quote (*i.e.*, the NBB for buy orders and the NBO for sell orders), while the Market Peg order pegs to the contra-side primary quote (*i.e.*, the NBO for buy orders and the NBB for sell orders); and the Offset Peg can be submitted with an aggressive (positive for buy orders/negative for sell orders) or passive (negative for buy orders/positive for sell orders) offset amount, while the Market Peg order can only be submitted with a passive offset amount. Market Peg orders can only have a passive offset because by default they rest at the contra-side primary quote, which is the most aggressive price at which IEX will allow an order to be booked²⁵; therefore, IEX will disregard any aggressive offset amounts attached to a Market Peg order.²⁶

As proposed, a Market Peg order:

- (A) Must be a pegged order.
- (B) May have any TIF described in IEX Rule 11.190(a)(3).
- (C) Is not eligible for routing pursuant to IEX Rule 11.230(b) and (c)(2).
- (D) May not be an inter-market Sweep Order.²⁷
- (E) May be submitted with a limit price or without a limit price (an “unpriced pegged order”).
- (F) Is eligible to trade only during the Regular Market Session. As provided in IEX Rule 11.190(a)(3)(E)(iii), any pegged order marked with a TIF of DAY that is submitted to the System before the opening of the Regular Market Session will be queued by the System until the start of the Regular Market Session; any pegged order that is marked with a TIF other than DAY will be rejected when submitted to the System during the Pre-Market Session. Any pegged order submitted into the System after the closing of the Regular Market Session will be rejected.
- (G) May be a minimum quantity order.²⁸
- (H) Is not eligible to display. Pegged orders are always non-displayed.
- (I) May be an odd lot, round lot, or mixed lot.
- (J) Is eligible to be invited by the System to Recheck the Order Book to trade against eligible resting contra-side interest as described in IEX Rule 11.230(a)(4)(D).
- (K) Is not eligible to trade when the market is locked or crossed.
- (L) May be submitted with an offset amount that is passive compared to the contra-side primary quote. If the offset amount would result in the price of a Market

⁸ See *supra* note 6.

⁹ A passive offset is a negative number for buy orders and a positive number for sell orders, thereby making the order's price less aggressive than the contra-side primary quote.

¹⁰ See IEX Rule 1.160(qq).

¹¹ IEX has two other order types that are based on the discretionary peg order type: the Retail Liquidity Provider order and the Corporate Discretionary Peg order. See IEX Rule 11.190(b)(14) and (16).

¹² See IEX Rule 1.160(nn).

¹³ See IEX Rule 1.160(p).

¹⁴ See IEX Rule 1.160(u).

¹⁵ See IEX Rule 11.190(h)(2).

¹⁶ See IEX Rule 1.160(u).

¹⁷ See IEX Rule 1.160(u).

¹⁸ See IEX Rule 1.160(bb).

¹⁹ See IEX Rule 1.160(bb).

²⁰ As with all pegged orders, each time the price of a Market Peg order is adjusted by the System it receives a new timestamp, as described in IEX Rule 11.220(a)(4).

²¹ See IEX Rule 1.160(t).

²² See IEX Rule 1.160(s).

²³ See Securities Exchange Act Release No. 94884 (May 10, 2022), 87 FR 29768 (May 16, 2022) (SR-IEX-2022-04).

²⁴ See IEX Rule 11.190(b)(13).

²⁵ See IEX Rule 11.190(h)(2).

²⁶ For the same reason, if an Offset Peg order's offset amount would result in the price of the Offset Peg order being more aggressive than the contra-side primary quote, IEX will reduce the offset amount so that the Offset Peg order is booked and ranked at the contra-side protected quotation. See IEX Rule 11.190(b)(13)(L).

²⁷ See IEX Rule 11.190(b)(12).

²⁸ See IEX Rule 11.190(b)(11).

Peg order being more aggressive than the contra-side protected quotation, the offset amount will be disregarded, so that the order is booked and ranked on the Order Book non-displayed at the contra-side protected quotation. If no offset amount is specified, the System will consider the offset amount to be zero.

In addition, the Exchange proposes two conforming amendments to other IEX rules. First, IEX Rule 11.190(a)(3) would be amended to add Market Peg orders to the list of pegged order types offered by IEX, describing Market Peg orders as an order that pegs to “the NBO (NBB) for buy (sell) orders minus (plus) an offset amount.” Second, IEX Rule 11.190(h) would be amended to describe the manner in which Market Peg orders will operate in locked and crossed markets. Specifically, when the market becomes locked, Market Peg orders, whether resting on or posting to the Order Book, will be priced at the least aggressive of the locking price plus (for sell orders) or minus (for buy orders) an offset amount, or the order’s limit price, if any.²⁹ Further, as proposed, Market Peg orders resting on or posting to the Order Book while the market is crossed are priced at the least aggressive of (1) the crossing price (the lowest Protected Offer for buy orders and the highest Protected Bid for sell orders); (2) the crossing price plus (for sell orders) or minus (for buy orders) an offset amount, or (3) the order’s limit price, if any.³⁰

The methodology for pricing Market Peg orders during locked and crossed markets is designed to price such orders at the least aggressive price that is consistent with the terms of the order so as to avoid exacerbating the lock or cross.

In addition, Market Peg orders will not be eligible to trade when the market is locked or crossed, and a Market Peg order that would otherwise be eligible to trade against an active order will surrender its precedence on the Order Book for the duration of the System processing the current active order, pursuant to IEX Rule 11.220(a)(5).

The manner in which Market Peg orders will operate in locked and crossed markets (as proposed) is identical to the manner in which IEX’s Offset Peg orders operate when the market is locked or crossed.³¹ IEX’s other pegged order types are eligible to trade in locked or crossed markets, but they are repriced away from the locking and crossing price (except for Midpoint

Peg orders in a locked market which continue to be priced at the locking Midpoint Price), which is designed to prevent trading at the locking or crossing price. As with Offset Peg orders, Market Peg orders are designed to enable market participants to trade at or with reference to the contra-side NBB or NBO. When the NBBO is locked or crossed the market is generally considered to be in a transition state with the NBB and/or NBO likely subject to very near-term change. Consequently, the Exchange believes that Market Peg orders should not trade in such circumstances. Further, if a Market Peg order does not have an offset, it cannot be priced away from the locking or crossing price because the contra-side primary quote will be the locking or crossing price. Therefore, IEX proposes to not allow Market Peg orders to trade during locked or crossed markets. Additionally, IEX believes that the methodology for pricing Market Peg orders during locked and crossed markets is consistent with the Act because it is designed to price such orders at the least aggressive price that is consistent with the terms of the order so as to avoid exacerbating the lock or cross.

The Exchange notes that for many years other national securities exchanges have offered order types that peg to the NBO (for buys) and/or NBB (for sells) plus or minus an offset amount.³² In this regard, the Exchange notes that this proposed rule change is either identical or substantially similar to order types offered by NYSE Arca, Inc. (“Arca”), the Nasdaq Stock Market LLC (“Nasdaq”), and CBOE BZX Exchange, Inc. (“BZX”), each of which offer a non-displayed market pegged order type or attribute that pegs to the primary quotation on the opposite side of the market (*i.e.*, the NBO for a buy order and the NBB for a sell order) with an optional passive offset amount.³³ In particular, this proposed rule change is identical to Arca’s market peg order type, which will also will not trade when the market is locked or crossed.³⁴ The proposed rule change is substantially similar to Nasdaq’s market peg order attribute and BZX’s market peg order type, with the exception that Nasdaq and BZX allow a market peg order to trade when the market is locked or crossed.³⁵

²⁹ See, *e.g.*, Securities Exchange Act Release No. 52449 (September 15, 2005), 70 FR 55647 (September 22, 2005) (SR–NASD–2005–107).

³⁰ See Nasdaq Rule 4703(d), NYSE Arca Rule 7.31–E(h)(1), and Cboe BZX Rule 11.9(c)(8)(B).

³¹ See Arca Rule 7.31–E(h)(1).

³² See Nasdaq Rule 4703(d) and BZX Rule 11.9(c)(8)(B).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,³⁶ in general, and furthers the objectives of Section 6(b)(5),³⁷ in particular, 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, and 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. Specifically, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest because it is designed to increase competition among execution venues by providing an additional pegged order type that market participants can use to trade at the contra-side primary quote, with an optional passive offset, as described in the Purpose section and thereby enable the Exchange to better compete with order types on other national securities exchanges that offer similar features to market participants.

Further, IEX believes that the proposal is consistent with the protection of investors and the public interest in that the Market Peg order type would provide additional flexibility to market participants in their use of pegging orders. As described in the Purpose section, IEX already offers several different types of pegging orders that trade with reference to the primary quote (Offset Peg and Primary Peg), at the Midpoint Price (Midpoint Peg and Discretionary Peg), and in some cases with the ability to also exercise price discretion in specified circumstances (Discretionary Peg and Primary Peg). As proposed, the Market Peg order would function in a similar manner but provide flexibility to market participants to peg their orders to the most aggressive possible resting price, with an optional passive offset. Such functionality could be used to price the order aggressively to enhance its execution opportunities. IEX believes that implementing this functionality through an exchange order type will make it more widely available to market participants on a fair and non-discriminatory basis.

At the same time, the offset instruction would be offered on a purely voluntary basis, and with flexibility for

³⁶ 15 U.S.C. 78f(b).

³⁷ 15 U.S.C. 78f(b)(5).

²⁹ See proposed changes to IEX Rule 11.190(h)(3)(C)(iii).

³⁰ See proposed changes to IEX Rule 11.190(h)(3)(D)(iii).

³¹ See IEX Rules 11.190(b)(13), 11.190(h)(3)(C)(iii), and 11.190(h)(3)(D)(iii).

Users to choose the amount of any offset, thereby providing flexibility to continue using current pegged order types without a User specified offset and to choose different offsets based on a User's specific needs. The Exchange does not believe that providing flexibility to Users to select the amount of any offset raises any significant or novel concerns, since similar offset functionality is already available on other national securities exchanges, as discussed in the Purpose section.³⁸

Further, IEX believes that it is consistent with the Act to not permit a Market Peg order to trade when the market is locked or crossed. First, as noted in the Purpose section, this functionality is identical to that of IEX's Offset Peg orders.³⁹ While IEX's remaining pegged order types are eligible to trade in locked or crossed markets, they are repriced away from the locking and crossing price (except for Midpoint Peg orders in a locked market which continue to be priced at the locking Midpoint Price), which is designed to prevent trading at the locking or crossing price.

As noted in the Purpose section, a Market Peg order cannot be priced away from the locking or crossing price because the contra-side primary quote will be the locking or crossing price. Therefore, to prevent a Market Peg order from trading at the locking or crossing price, IEX proposes to not allow them to trade during locked or crossed markets. As noted in the Purpose section Arca applies the same limitations to their market peg orders.⁴⁰ Additionally, IEX believes that the methodology for pricing Market Peg orders during locked and crossed markets is consistent with the Act because it is designed to price such orders at the least aggressive price that is consistent with the terms of the order so as to avoid exacerbating the lock or cross.

Thus, IEX does not believe that the proposed changes raise any new or novel material issues that have not already been considered by the Commission in connection with existing order types offered by the IEX and other national securities exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is a competitive

response to similar order types available on other exchanges.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Competing exchanges have and can continue to adopt similar order types, subject to the SEC rule change process, as discussed in the Purpose and Statutory Basis sections.⁴¹

The Exchange also does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All Members would be eligible to use a Market Peg order type on the same terms.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) ⁴² of the Act and Rule 19b-4(f)(6) ⁴³ thereunder. Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative 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 and Rule 19b-4(f)(6) thereunder. In addition, the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing.⁴⁴

The Exchange believes that the proposed rule change meets the criteria of subparagraph (f)(6) of Rule 19b-4 ⁴⁵ because it is substantially similar to order types previously approved or considered by the Commission and as discussed in the Statutory Basis and Burden on Competition sections.⁴⁶ Thus, IEX does not believe that the

proposed changes raise any new or novel material issues that have not already been considered by the Commission.

Accordingly, the Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act ⁴⁷ and paragraph (f)(6) of Rule 19b-4 thereunder.⁴⁸

The Exchange will implement the proposed rule change within 90 days of filing, subject to the 30-day operative delay, and provide at least ten (10) days' notice to Members and market participants of the implementation timeline.

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 under Section 19(b)(2)(B) ⁴⁹ 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-IEX-2022-05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-IEX-2022-05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent

³⁸ See *supra* note 34.

³⁹ See *supra* note 32.

⁴⁰ See *supra* note 35.

⁴¹ See *supra* note 34.

⁴² 15 U.S.C. 78s(b)(3)(A).

⁴³ 17 CFR 240.19b-4(f)(6).

⁴⁴ 17 CFR 240.19b-4(f)(6)(iii).

⁴⁵ 17 CFR 240.19b-4(f)(6).

⁴⁶ See *supra* notes 34 and 39.

⁴⁷ 15 U.S.C. 78s(b)(3)(A).

⁴⁸ 17 CFR 240.19b-4.

⁴⁹ 15 U.S.C. 78s(b)(2)(B).

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-IEX-2022-05, and should be submitted on or before September 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁰

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-17531 Filed 8-15-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95466; File No. SR-NYSE-2022-34]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend and Update Rule 35

August 10, 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 July 28, 2022, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend and update Rule 35 (Floor Employees To Be Registered) to remove certain provisions that are obsolete and no longer necessary. 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 amend and update Rule 35, which governs the requirements for admittance to the Floor of the Exchange, to remove certain provisions that are obsolete and no longer necessary.⁴ In addition, the Exchange proposes to re-number the remaining paragraphs of Rule 35 to conform with the proposed deletions, which are described below.

Rule 35.10 and 35.30 govern the issuance of "Floor tickets" and "Employee Floor Tickets"—each of which may be "Regular" or "Special"—to Floor employees as a prerequisite to enter the trading Floor. A Regular ticket would "admit holders to the telephone booths around the perimeter of the stock trading Floor, and the area behind the stock trading posts" and "are issued only to employees of members or member organizations that are assigned

telephone or post spaces."⁵ Special tickets are issued "only for the purpose of assisting or relieving a Floor employee of the same member or member organization."⁶ The Exchange no longer issues Floor tickets but instead requires Trading Floor Badges for admittance to the Floor, which requirement was codified in Exchange rules earlier this year. Specifically, paragraph (d) to Rule 37 (Admission and Conduct on the Trading Floor), provides that:

Admission to the Floor will be by Exchange-issued badge only. Exchange-issued badges must be appropriately displayed, with the photo visible, at all times while on the Floor. Use of an Exchange-issued badge belonging to another member or Floor employee to enter or exit the Floor is prohibited. Authorized persons seeking admission to the Floor without a badge must show proper identification and obtain a temporary badge from the Security Office. Visitor's badges are not acceptable identification cards for Floor employees.⁷

Further, Rule 303(a) provides that members who execute orders on the Floor must be provided with an identification badge and must wear the same while on the Floor, and that every member's badge must contain his or her name and a number and the name of his or her member organization.⁸

Rule 35.10 and 35.30

In light of the Trading Floor badge requirements set forth in Rule 37(d) and Rule 303(a), and the fact that the Exchange no longer issues nor relies upon Floor tickets for admission to the Floor, the Exchange proposes to delete Rule 35.10 and 35.30 as obsolete.

Rule 35.20 sets forth "Regulations pertaining to Floor employees." The regulations set forth include requirements that:

- all Floor employees be at their booths or posts on the Floor one-half hour prior to the opening of business or such earlier time as directed by the Exchange;
- all members or member organizations with a telephone space on the Floor, have at least one Floor employee at such space for fifteen minutes (or as determined by the Exchange) following the later of the close of the market each day or until all reports due said member or member organization have been received;

⁵ See Rule 37(d). See also Securities Exchange Act Release No. 94217 (February 10, 2022), 87 FR 8901 (February 10, 2022) (SR-NYSE-2021-73) ("Rule 37 Approval Order"). The Exchange notes that Rule 37 is administered by the Exchange's regulatory staff.

⁶ See Rule 35.10.

⁷ See Rule 35.30.

⁸ See Rule 303(a).

⁵⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ Rule 35 provides, in relevant part that "[n]o employee of a member or member organization shall be admitted to the Floor unless he is registered with, qualified by and approved by the Exchange, and upon compliance of both the employer and employee with such requirements as the Exchange may determine."

- Floor employees may not be upon or to cross the trading area of the Floor ten minutes preceding the market opening and five minutes following the market, other than as specified in the Exchange's Floor Conduct and Safety Guidelines";

- Floor employees who, because of illness or injury, are relieved from duty by the medical clinic located in the Exchange building, must report to that clinic before returning to duty and that any such Floor employees that is absent for more than two days, without having previously reported to the Exchange's medical clinic, must likewise report to that clinic before returning to duty;

- Floor employees are to be instructed that they must keep a day's supply of stationery on hand, and that arrangements should be made for this stationery to be delivered to the Exchange either after the close by the employer's messengers or one-half hour prior to the opening of business by the Floor employees; and

- Floor employees may not make bids or offers nor may any employee interfere with any order during its transmission.⁹

Of the foregoing requirements, the Exchange proposes to delete as obsolete all but the last requirement (*i.e.*, that Floor employees not make bids or offers nor interfere with order transmission), which it proposes to re-number at Rule 35.10.¹⁰ During continuous trading, Floor Brokers must verbally announce crossing transactions at the point of sale prior to such transactions printing to the tape. To avoid interference with the announcement and consummation of such interest, the Exchange believes it is appropriate to retain the prohibition against Floor employees making bids/offers or otherwise interfering with order transmission.¹¹

As set forth below, advancements in technology related to trading on the Exchange and electronic communications have rendered nearly all of the remaining Rule 35.20 requirements as obsolete and no longer necessary.

First, because of technical enhancements that allow the Exchange to process, disseminate, and publish trading information in "real-time", the requirements that Floor employees (including those with telephones on the Floor) report to and remain at their booths/posts at specified times before the open and after the close of trading are no longer necessary.¹² These

technical advancements have alleviated the need for the physical presence of Floor employees by the times specified in the current provisions. As such, the Exchange proposes to delete such provisions.

The Exchange likewise proposes to delete the prohibition against Floor employees being in (upon) or crossing through the trading area of the Floor for specified times before and after the close of trading. The purpose of this prohibition was to restrict movement on the trading Floor at the opening or closing of trading to prevent anyone from blocking access to point of sale or interfering order executions. Because of advancements in technology that allow for fewer Floor personnel to be physically on the Floor during the open and close of trading, the Exchange proposes to delete this provision as no longer necessary. With respect to reference to the Floor Conduct and Safety Guidelines ("Guidelines"), which historically regulated the behavior and conduct of members and was administered by Floor Officials, the NYSE eliminated the role and function of Floor Officials and recently adopted a new Rule 37, setting forth standards of dress and conduct for the Floor. For the foregoing reason, the Exchange proposes to delete this provision as obsolete and no longer necessary.

In addition, due to communication enhancements, the Exchange proposes to delete as obsolete the requirement that Floor employees keep a certain amount of stationery on hand. Communication is no longer limited to written correspondence on physical stationery and Floor employees have the ability to communicate through other means (such as the cell phone, email and internet) at any time. Thus, the Exchange proposes to delete this provision as obsolete and no longer necessary.

Finally, the Exchange no longer operates an on-site medical clinic and therefore the requirement that Floor employees be cleared by the Exchange clinic before returning to the Floor after an illness-related absence is obsolete and no longer necessary.

Consistent with the foregoing, the Exchange proposes to re-number the balance of Rule 35 as Rule 35.20–Rule 35.60.¹³

(DMM-Facilitated Closing Auctions) and Rule 7.35C (Exchange-Facilitated Auctions) (providing, in relevant part, that certain Auction Imbalance Information would be disseminated and published by the Exchange).

¹³ See proposed Rule 35.20–Rule 35.60.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,¹⁴ in general, and furthers the objectives of Section 6(b)(5),¹⁵ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposal to delete certain provisions of Rule 35, which have been determined to be obsolete and unnecessary, would add clarity, transparency and internal consistency to Exchange rules making them easier to navigate and comprehend. Further, the Exchange believes that the proposed revisions are consistent with the Act as no regulatory purposes are currently served by the aforementioned obsolete (and in some cases anachronistic) requirements. The Exchange believes that market participants would benefit from the increased clarity, thereby reducing potential confusion and ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rules.

Finally, the proposed non-substantive conforming changes (to renumber the remaining provisions of Rule 35) would remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest because the proposed non-substantive changes would add clarity, transparency and consistency to the Exchange's rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but is rather concerned with deleting obsolete references that and making non-substantive conforming changes to the Exchange rules. Since the proposal does not substantively modify system functionality or processes on the

⁹ See Rule 35.20.

¹⁰ See proposed Rule 35.10.

¹¹ See proposed Rule 35.10.

¹² See, *e.g.*, Rule 7.35A (DMM-Facilitated Core Open and Trading Halt Auctions) and Rule 7.35B

¹⁴ 15 U.S.C. 78f(b).

¹⁵ 15 U.S.C. 78f(b)(5).

Exchange, the proposed changes will not impose any burden on competition.

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

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁶ and Rule 19b-4(f)(6)¹⁷ thereunder.

The Exchange has asked the Commission to waive the 30-day operative delay.¹⁸ The Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because waiver of the operative delay will reduce the potential for confusion related to how to comply with aspects of Rule 35 rules that are now obsolete or impracticable. The Exchange requested the operative delay in order to update the text of Rule 35 to be consistent with current requirements by removing provisions that, because of technical enhancements to trading and improvements to electronic communications, are obsolete and no longer necessary without delay. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.¹⁹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of

investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSE-2022-34 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSE-2022-34. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2022-34 and should

be submitted on or before September 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-17533 Filed 8-15-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-244, OMB Control No. 3235-0208]

Proposed Collection; Comment Request; Extension: Rule 17a-1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 17a-1 (17 CFR 240.17a-1) under the Securities Exchange Act of 1934, as amended (the "Act") (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 17a-1 requires that every national securities exchange, national securities association, registered clearing agency, and the Municipal Securities Rulemaking Board keep on file for a period of not less than five years, the first two years in an easily accessible place, at least one copy of all documents, including all correspondence, memoranda, papers, books, notices, accounts, and other such records made or received by it in the course of its business as such and in the conduct of its self-regulatory activity, and that such documents be available for examination by the Commission.

There are 35 entities required to comply with the rule: 24 national securities exchanges, 1 national securities association, 9 registered clearing agencies, and the Municipal Securities Rulemaking Board. The Commission staff estimates that the average number of hours necessary for compliance with the requirements of Rule 17a-1 is 52 hours per year. In addition, 4 national securities exchanges notice-registered pursuant to

¹⁶ 15 U.S.C. 78s(b)(3)(A).

¹⁷ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁸ 17 CFR 240.19b-4(f)(6)(iii).

¹⁹ 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. 15 U.S.C. 78c(f).

²⁰ 17 CFR 200.30-3(a)(12).

Section 6(g) of the Act (15 U.S.C. 78f(g)) are required to preserve records of determinations made under Rule 3a55–1 under the Act (17 CFR 240.3a55–1), which the Commission staff estimates will take 1 hour per exchange per year, for a total of 4 hours per year. Accordingly, the Commission staff estimates that the total number of hours necessary to comply with the requirements of Rule 17a–1 is 1,824 hours per year. The total internal cost of compliance for all respondents is \$142,272 per year, based on an average cost per hour of \$78.

Written comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing by October 17, 2022.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: August 10, 2022.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022–17526 Filed 8–15–22; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0611]

Agency Information Collection: Activity for OMB Review: Agency Request for Reinstatement of a Previously Approved Information Collection: 2120–0705, Hazardous Materials Training Requirements

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice and request for
comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the FAA invites the general public, industry and other governmental parties to comment about its intention to request the Office of Management and Budget (OMB) to reinstate the information collection request (ICR) OMB No. 2120–0705, Hazardous Materials Training Requirements. The ICR previously approved by OMB expired on July 31, 2022. The **Federal Register** Notice with a 60-day comment period soliciting comments that was published on June 10, 2022 received no public comments. This collection involves the FAA's certification process requirements for operators and repair stations that are required to submit documentation related to hazardous materials training programs.

DATES: Written comments should be submitted by September 15, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Victoria Lehman, Branch Manager, FAA Office of Hazardous Materials Safety (AXH–510), by email at: hazmatinfo@faa.gov; phone: (202) 267–7211.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the FAA's performance; (b) the accuracy of the estimated burden; (c) ways for the FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0705.

Title: Hazardous Materials Training Requirements.

Form Numbers: There are no FAA forms associated with this information collection.

Type of Review: Reinstatement with change of previously approved information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 10, 2022 (87 FR 35593). The

FAA, as prescribed in Title 14, Code of Federal Regulations (14 CFR) parts 121 and 135, requires certificate holders to submit manuals and hazardous materials (“hazmat”) training programs, or revisions to an approved hazmat training program to obtain initial and final approval as part of the FAA's certification process. Original certification is completed in accordance with 14 CFR part 119. Continuing certification is completed in accordance with 14 CFR parts 121 and 135. The FAA uses the approval process to determine compliance of the hazmat training programs with the applicable regulations, national policies, and safe operating practices. The FAA must ensure that the documents adequately establish safe operating procedures. Additionally, 14 CFR part 145 requires certain repair stations to provide documentation showing that persons handling hazmat for transportation have been trained following the Department of Transportation's (DOT, “Department”) guidelines.

Respondents: The FAA estimates 6,893 respondents that are 14 CFR parts 121, 135, and 145 active certificate holders. The FAA estimates 80 active firms under part 121, 1,915 active firms under part 135, and 4,898 active firms under part 145.

Frequency: There is a one-time cost to revise manuals. Information is collected on occasion. Part 121 and part 135 operators are required to submit documentation of their hazardous materials training to receive original certification. If an operator decides to make a change to its training program, it must provide the updated manual. A part 145 repair station is required to submit a statement to the FAA certifying that all of its hazmat employees are trained under the Hazardous Materials Regulations prior to receiving the initial part 145 certificate.

Estimated Average Burden per Response: 374.57 hours of manual revision, recordkeeping, and notification for each part 121 operator, and 6.53 hours for each part 135 operator. The FAA estimates 1.22 hours of certification submission and notification for part 145 operators. These are all annualized averages, which account for the wide variability in the type, complexity, and size of operation. Certificate holders are not anticipated to spend the same amount of time each year. Therefore, based on subject-matter expertise, the FAA expects that all part 121 operators will require 0.8 hours for minimum revisions to revise their manuals, and all part 135 operators will require 0.4 hours to accomplish this task. The estimated

hours needed for the additional, substantial revisions range from 4 hours for part 121 operators, to 2 hours for part 135 operators. The FAA expects 65 part 121 operators and 624 part 135 operators to provide substantial revisions. Time averages the same of 0.08 hours per employee for recordkeeping for part 121 and part 135 operators. It is estimated that part 145 operators will spend 1 hour for notification. The FAA continues to assume these time burdens are reasonable estimates. Additionally, the type of update can vary. Operators may make minor revisions to the manual, or they may choose to make more significant changes reflecting a larger change in their operations.

Estimated Total Annual Burden:

29,965.58 hours for part 121 operators, 12,505.22 hours for part 135 operators, and 5,974 hours for part 145 operators.

The amount of time per response is expected to vary. For example, new responses take significantly longer than revisions. Furthermore, operators with will-carry hazardous materials operations are anticipated to have longer responses than will-not carry hazardous materials operations. Part 145 repair stations will require less time to develop a certification statement than operators require to develop a manual. Due to the pandemic, the data collection during this time reflects new normal operations.

Issued in Washington, DC.

Daniel Benjamin Supko,

Executive Director, FAA, Office of Hazardous Materials Safety.

[FR Doc. 2022-17585 Filed 8-15-22; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2022-0171]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SANTOSHA (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this

action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requester's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2022-0171 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD-2022-0171 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2022-0171, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SANTOSHA is:

—*Intended Commercial Use of Vessel:*

“Pleasure day and multi day passenger sail charters.”

—*Geographic Region Including Base of Operations:* “Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York (excluding New York Harbor), New Jersey, Delaware, Maryland, Virginia, North

Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Puerto Rico.” (Base of Operations: Cortez, FL).

—*Vessel Length and Type:* 41.3' Sail

The complete application is available for review identified in the DOT docket as MARAD 2022-0171 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2022-0171 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial

information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.

[FR Doc. 2022-17607 Filed 8-15-22; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2022-0172]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: K N I (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the

requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2022-0172 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD-2022-0172 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2022-0172, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION:

As described in the application, the intended service of the vessel K N I is:

- Intended Commercial Use of Vessel:* "Sightseeing charter."
- Geographic Region Including Base of Operations:* "Alaska." (Base of Operations: Petersburg, AK).
- Vessel Length and Type:* 28' Motor (King Fisher)

The complete application is available for review identified in the DOT docket as MARAD 2022-0172 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag

vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2022-0172 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA)

request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator,
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.

[FR Doc. 2022-17603 Filed 8-15-22; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT-MARAD-2022-0183]

Request for Comments on the Renewal of a Previously Approved Information Collection: Regulations for Making Excess or Surplus Federal Property Available to the U.S. Merchant Marine Academy, State Maritime Academies and Non-Profit Maritime Training Facilities

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected will be used to determine compliance with applicable statutory requirements regarding surplus government property. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before October 17, 2022.

ADDRESSES: You may submit comments identified by Docket No. DOT-MARAD-2022-0183 through one of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Search using the

above DOT docket number and follow the online instructions for submitting comments.

- **Fax:** 1-202-493-2251.
- **Mail or Hand Delivery:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to www.regulations.gov including any personal information provided.

Comments are invited on: (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Electronic Access and Filing

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

FOR FURTHER INFORMATION CONTACT:

Katrina McRae, Vessel Transfer Specialist, Office of Sealift Support, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC, 20590, (202) 366-3198, katrina.mcrae@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Regulations for Making Excess or Surplus Federal Property Available to the U.S. Merchant Marine Academy, State Maritime Academies and Non-Profit Maritime Training Facilities.

OMB Control Number: 2133-0504.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: The Maritime Administration requires approved maritime training institutions seeking

excess or surplus government property to provide a statement of need/justification prior to acquiring the property.

Respondents: Maritime training institutions such as the U.S. Merchant Marine Academy, State Maritime Academies and non-profit maritime institutions.

Affected Public: State, Local, or Tribal Government.

Estimated Number of Respondents:

10.

Estimated Number of Responses: 40.

Estimated Hours per Response: 1.

Annual Estimated Total Annual

Burden Hours: 40.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022-17594 Filed 8-15-22; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2022-0181]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: MEANWHILE (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2022-0181 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Search MARAD-2022-0181 and follow the instructions for submitting comments.

• *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2022-0181, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel MEANWHILE is:

- Intended Commercial Use of Vessel:* “Yacht charters for pleasure cruises.”
- Geographic Region Including Base of Operations:* “Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas.” (Base of Operations: Virginia Beach, VA).
- Vessel Length and Type:* 51’ Sailing Catamaran

The complete application is available for review identified in the DOT docket as MARAD 2022-0181 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more

than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel’s coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter’s interest in the application, and address the eligibility criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2022-0181 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department’s FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential

under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT’s compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022-17604 Filed 8-15-22; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT-MARAD-2022-0182]

Request for Comments on the Renewal of a Previously Approved Information Collection: Requirements for Establishing U.S. Citizenship—46 CFR 355

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected are Affidavits of U.S. Citizenship filed with MARAD to determine if the applicants are eligible to participate in various benefit programs offered by the agency. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before October 17, 2022.

ADDRESSES: You may submit comments identified by Docket No. DOT-MARAD-2022-0182 through one of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Search using the above DOT docket number and follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.

- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey

Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to www.regulations.gov including any personal information provided.

Comments are invited on: (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Electronic Access and Filing

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

FOR FURTHER INFORMATION CONTACT:

Michael Pucci, 202-366-5167, Office of Maritime Program, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: Michael.Pucci@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Requirements for Establishing U.S. Citizenship—46 CFR 355.

OMB Control Number: 2133-0012.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract Maritime Administration implementing regulations at 46 CFR parts 355 and 356 set forth requirements for establishing U.S. citizenship in accordance with MARAD statutory authority. Those receiving benefits under 46 U.S.C. Chapters 531, 535, and 537 (formerly the Merchant Marine Act, 1936, as amended), or applicants seeking a fishery endorsement eligibility approval pursuant to the American Fisheries Act must be citizens of the United States within the meaning of 46 U.S.C. 50501, (formerly Section 2 of the Shipping Act, 1916, as amended). In

either case, whether seeking program benefits or fishery endorsement eligibility, Section 50501 sets forth the statutory requirements for determining whether an applicant, be it a corporation, partnership, or association is a U.S. citizen. 46 CFR part 356 is distinguished from 46 CFR part 355 in that Part 356 establishes requirements for U.S. citizenship exclusively in accordance with the AFA while Part 355 is applied for purposes of establishing citizenship across multiple MARAD programs arising under other statutory authority. Most program participants are required to submit to MARAD on an annual basis the form of affidavit prescribed by Part 355 or Part 356.

Respondents: Shipowners, charterers, equity owners, ship managers, etc.

Affected Public: Business or other-for-profit.

Estimated Number of Respondents: 550.

Estimated Number of Responses: 550.

Estimated Hours per Response: 5.

Annual Estimated Total Annual Burden Hours: 2,750.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022-17595 Filed 8-15-22; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2022-0178]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: BUCKYMAI (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2022-0178 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Search MARAD-2022-0178 and follow the instructions for submitting comments.

- **Mail or Hand Delivery:** Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2022-0178, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel BUCKYMAI is:

—**Intended Commercial Use of Vessel:** “Sightseeing tours along the Na Pali Coastline.”

—**Geographic Region Including Base of Operations:** “Hawaii.” (Base of Operations: Kekaha, Kauai, HA).

—**Vessel Length and Type:** 20’ Motor (Rigid Hull Inflatable Boat)

The complete application is available for review identified in the DOT docket as MARAD 2022-0178 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag

vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2022-0178 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA)

request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022-17597 Filed 8-15-22; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2022-0176]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: HURRICANE 733 (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2022-0176 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Search MARAD-2022-0176 and follow the instructions for submitting comments.

- **Mail or Hand Delivery:** Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2022-0176, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel HURRICANE 733 is:

—*Intended Commercial Use of Vessel:*

"Carry up to 6 passenger for commercial tour usage. We are not opening up a tour business. We would like to offer it as an option for existing local tour companies in case one of their boats has a break down. This model of zodiac is very rare and hard to find and used almost exclusively by tour companies."

—*Geographic Region Including Base of Operations:* "Hawaii." (Base of Operations: Lihue, Kauai, HA).

—*Vessel Length and Type:* 24' Motor (Rigid Hull Inflatable Boat).

The complete application is available for review identified in the DOT docket as MARAD 2022-0176 at <https://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more

than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD–2022–0176 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential

under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–17600 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0179]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: JIOIA (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0179 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD–2022–0179 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location

address is: U.S. Department of Transportation, MARAD–2022–0179, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel JIOIA is: —*Intended Commercial Use of Vessel:*

“Passenger charters with no more than 12 people.”

—*Geographic Region Including Base of Operations:* “New York, Connecticut, Massachusetts, Rhode Island, Florida.” (Base of Operations: City Island, NY).

—*Vessel Length and Type:* 46' Sailing Catamaran.

The complete application is available for review identified in the DOT docket as MARAD 2022–0179 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2022-0179 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's

compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022-17602 Filed 8-15-22; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2022-0170]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ENVOLEE (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2022-0170 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Search MARAD-2022-0170 and follow the instructions for submitting comments.

- **Mail or Hand Delivery:** Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2022-0170, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body

of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ENVOLEE is:

- Intended Commercial Use of Vessel:* "Commercial use limited to the carriage of not more than 12 passengers for hire within the California geographic limits."
- Geographic Region Including Base of Operations:* "California." (Base of Operations: Marina del Rey, CA).
- Vessel Length and Type:* 39.8' Sail.

The complete application is available for review identified in the DOT docket as MARAD 2022-0170 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your

comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD–2022–0170 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department’s FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT’s compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.
[FR Doc. 2022–17599 Filed 8–15–22; 8:45 am]
BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0177]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: DEBT (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor’s vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0177 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Search MARAD–2022–0177 and follow the instructions for submitting comments.

- **Mail or Hand Delivery:** Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0177, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel DEBT is:

—*Intended Commercial Use of Vessel:* “Recreational Charters.”

—*Geographic Region Including Base of Operations:* “Florida.” (Base of Operations: Fort Lauderdale, FL).

—*Vessel Length and Type:* 48.6’ Motor.

The complete application is available for review identified in the DOT docket as MARAD 2022–0177 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel’s coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter’s interest in the application, and address the eligibility criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD–2022–0177 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department’s FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT’s compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–17598 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0168]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: WIND DANCER (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor’s vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0168 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD–2022–0168 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0168, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in

nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel WIND DANCER is:

- Intended Commercial Use of Vessel:* “To be used as a charter boat (with myself as captain, already have license) to carry a maximum of 6 passengers for hire in US waters.”
- Geographic Region Including Base of Operations:* “New York, Connecticut, Rhode Island.” (Base of Operations: Sag Harbor, NY).
- Vessel Length and Type:* 46’ Sail.

The complete application is available for review identified in the DOT docket as MARAD 2022–0168 at <https://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel’s coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter’s interest in the application, and address the eligibility criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search

MARAD–2022–0168 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department’s FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT’s compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–17611 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0174]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: **AVANZAR (Sail)**; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor’s vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0174 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD–2022–0174 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0174, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in

nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel AVANZAR is:

—*Intended Commercial Use of Vessel:* “Sailing in and around the harbor of Charleston SC no further than 1 NM from shore. Our plan is to provide short term charters with a captain with twelve or less passengers.”

—*Geographic Region Including Base of Operations:* “South Carolina.” (Base of Operations: Charleston, SC).

—*Vessel Length and Type:* 42’ Sail (Catamaran).

The complete application is available for review identified in the DOT docket as MARAD 2022–0174 <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel’s coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter’s interest in the application, and address the eligibility criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD–2022–0174 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department’s FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT’s compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–17596 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0175]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: OLIVIA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor’s vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0175 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD–2022–0175 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0175, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in

nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel OLIVIA is:

- Intended Commercial Use of Vessel:* “Charter—short trip charters and cruises.”
- Geographic Region Including Base of Operations:* “California.” (Base of Operations: Marina del Rey, CA).
- Vessel Length and Type:* 41’ Motor.

The complete application is available for review identified in the DOT docket as MARAD 2022–0175 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel’s coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter’s interest in the application, and address the eligibility criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD–2022–0175 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that

you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022-17606 Filed 8-15-22; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2022-0180]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: JAQUELINE NOELLE (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2022-0180 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2022-0180 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2022-0180, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the

intended service of the vessel JAQUELINE NOELLE is:

—*Intended Commercial Use Of Vessel:* "Tour boat."

—*Geographic Region Including Base Of Operations:* "Florida." (Base of Operations: Anna Maria, FL).

—*Vessel Length And Type:* 7' Sail (Catamaran).

The complete application is available for review identified in the DOT docket as MARAD 2022-0180 at <https://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD-2022-0180 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department’s FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT’s compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–17601 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION**Maritime Administration**

[Docket No. MARAD–2022–0169]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: NORTHERN A’LURE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this

notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor’s vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0169 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Search MARAD–2022–0169 and follow the instructions for submitting comments.
- **Mail or Hand Delivery:** Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0169, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel NORTHERN A’LURE is:

—*Intended Commercial Use of Vessel:*

“Take passengers to private dock in Freeland Washington, Seattle Bell Harbor and other locations in Puget Sound WA. Round trip from Everett WA.”

—*Geographic Region Including Base of Operations:* “Washington.” (Base of Operations: Port of Everett, WA).

—*Vessel Length and Type:* 70’ Motor.

The complete application is available for review identified in the DOT docket as MARAD 2022–0169 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel’s coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter’s interest in the application, and address the eligibility criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Public Participation*How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD–2022–0169 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains

CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department’s FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT’s compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–17605 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0148]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: S&S OFFSHORE (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor’s vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0148 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD–2022–0148 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0148, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel S&S OFFSHORE is:

—*Intended Commercial Use of Vessel:* “Charters, touring.”

—*Geographic Region Including Base of Operations:* “California, Florida.” (Base of Operations: Marina del Rey, CA)

—*Vessel Length and Type:* 46.9’ Sail

The complete application is available for review identified in the DOT docket as MARAD 2022–0148 at <https://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and

MARAD’s regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel’s coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter’s interest in the application, and address the eligibility criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD–2022–0148 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department’s FOIA

regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.

[FR Doc. 2022-17608 Filed 8-15-22; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2022-0173]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: WILLOW (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 15, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2022-0173 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD-2022-0173 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West

Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2022-0173, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel WILLOW is:

- Intended Commercial Use of Vessel:* “Half days sails or romantic dinner sail onboard an antique sailboat. In the summer only. Weekends or sunset time of day.”
- Geographic Region Including Base of Operations:* “Florida.” (Base of Operations: Fort Lauderdale, FL).
- Vessel Length and Type:* 32' Sail.

The complete application is available for review identified in the DOT docket as MARAD 2022-0173 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application,

and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2022-0173 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or

signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–17609 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0075]

Notice of Intent To Prepare an Environmental Impact Statement for Model Years 2027 and Beyond Corporate Average Fuel Economy Standards and Model Years 2029 and Beyond Heavy-Duty Pickup Trucks and Vans Vehicle Fuel Efficiency Improvement Program Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of intent to prepare an environmental impact statement; request for scoping comments.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA), NHTSA intends to prepare an environmental impact statement (EIS) to analyze the potential environmental impacts of new Corporate Average Fuel Economy (CAFE) standards for model years (MYs) 2027 and beyond passenger automobiles (referred to herein as “passenger cars”) and non-passenger automobiles (referred to herein as “light trucks”) and new fuel efficiency (FE) standards for MYs 2029 and beyond heavy-duty pickup trucks and vans that NHTSA will be proposing pursuant to the Energy Policy and Conservation Act of 1975 (EPCA), as amended by the Energy Independence and Security Act of 2007 (EISA). This notice initiates the process for determining the scope of considerations to be addressed in the EIS and for identifying any significant environmental matters related to the proposed action. NHTSA invites comments from Federal, State, and local agencies, Indian tribes, stakeholders, and the public in this scoping process to help identify and focus any matters of environmental significance and reasonable alternatives to be examined in the EIS.

DATES: The scoping process will culminate in the preparation and issuance of a Draft EIS (DEIS), which will be made available for public comment concurrently with the issuance of a Notice of Proposed Rulemaking (NPRM). To ensure that NHTSA has an opportunity to fully consider scoping comments, scoping comments should be received on or before September 15, 2022. NHTSA will consider comments received after that date to the extent the rulemaking schedule allows.

ADDRESSES: You may submit comments electronically to the docket identified in the heading of this document by visiting the following website:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Alternatively, you can file comments using the following methods:

- **Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- **Hand Delivery or Courier:** West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9826 before coming.
- **Fax:** (202) 493–2251.

Regardless of how you submit your comments, you should mention the docket number identified in the heading of this document.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.transportation.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully

considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Docket: 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.

FOR FURTHER INFORMATION CONTACT: For technical issues, contact Vinay Nagabhushana, Fuel Economy Division, telephone: (202) 366–1452, email: vinay.nagabhushana@dot.gov; for legal issues, contact Hannah Fish, Vehicle Safety Standards & Harmonization, Office of the Chief Counsel, telephone: (202) 366–1099, email: hannah.fish@dot.gov or Stephanie Walters, Legislation & General Law Division, Office of the Chief Counsel, telephone: (202) 819–3642, email: stephanie.walters@dot.gov, at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: In a forthcoming notice of proposed rulemaking (NPRM), the United States Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA) intends to propose Corporate Average Fuel Economy (CAFE) standards for model years (MYs) 2027 and beyond passenger cars and light trucks (also referred to as light-duty (LD) vehicles), and fuel efficiency (FE) standards for MYs 2029 and beyond heavy-duty (HD) pickup trucks and vans¹ pursuant to the Energy Policy and Conservation Act of 1975 (EPCA)² as amended by the Energy Independence and Security Act of 2007 (EISA).^{3,4}

The National Environmental Policy Act (NEPA) instructs Federal agencies to consider the potential environmental impacts of their proposed actions and possible alternatives. In connection with the action described above, NHTSA will prepare an environmental impact statement (EIS) to analyze the potential environmental impacts of the proposed

¹ Heavy-duty pickup trucks and vans are defined in 49 CFR 523.7. The category of vehicles that fall into the compliance category under this EIS includes pickup trucks and vans with a gross vehicle weight rating (GVWR) between 8,501 pounds and 14,000 pounds (also known as Class 2b through 3 vehicles) and anything that manufacturers choose to certify under § 523.7(b). Incomplete heavy-duty vehicles at or below 14,000 pounds GVWR may ultimately be considered as part of the subsequent HD CAFE rulemaking.

² Public Law 94–163, 89 Stat. 871 (Dec. 22, 1975).

³ Public Law 110–140, 121 Stat. 1492 (Dec. 19, 2007).

⁴ NHTSA's fuel economy authorities are codified at 49 U.S.C. 32901 *et seq.*

reasonable alternatives for CAFE and FE standards pursuant to NEPA and implementing regulations issued by the Council on Environmental Quality (CEQ),⁵ DOT Order No. 5610.1C,⁶ and NHTSA regulations.⁷ To inform decisionmakers and the public, the EIS will analyze the potential environmental impacts of the agency's Preferred Alternative and a spectrum of reasonable alternatives, including a "no action" alternative.⁸ As required by NEPA, the EIS will consider direct, indirect, and cumulative effects of the proposed action and alternatives.⁹

I. Purpose and Need

NHTSA has administered the CAFE program since the mid-1970s when Congress enacted EPCA. EPCA requires that the Secretary of Transportation, and NHTSA by delegation,¹⁰ establish and implement a regulatory program for motor vehicle fuel economy as part of a comprehensive approach to Federal energy policy. In December 2007, Congress enacted the EISA, which significantly amended EPCA's program requirements, granting the DOT, and NHTSA by delegation, additional rulemaking authority and requirements. The following sections discuss EPCA and EISA's requirements for setting CAFE standards for passenger cars and light trucks, and FE standards for HD pickup trucks and vans.

a. CAFE Standards for Passenger Cars and Light Trucks

EPCA requires that the Secretary of Transportation establish and implement a regulatory program for motor vehicle fuel economy as part of a comprehensive approach to Federal energy policy. As codified in Chapter 329 of Title 49 of the U.S. Code, and as amended by EISA, EPCA sets forth specific requirements concerning the establishment of CAFE standards for passenger cars and light trucks. EPCA requires the Secretary of Transportation to establish average fuel economy standards at least 18 months before the beginning of each model year and to set them at "the maximum feasible average fuel economy level that . . . the manufacturers can achieve in that

model year."¹¹ The standards apply to each manufacturer's fleet average, not to the manufacturer's individual vehicles. The Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency (EPA), must establish average fuel economy standards separately for passenger cars and for light trucks manufactured in each model year.¹² In doing so, for the model years to be addressed, the Secretary of Transportation must set each passenger car and light truck standard at the "maximum feasible" average fuel economy standard for each model year.¹³ When setting "maximum feasible" average fuel economy standards, the Secretary must "consider technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy."¹⁴ NHTSA construes the aforementioned statutory factors as including environmental and safety considerations.¹⁵

The standards for passenger cars and light trucks must be "based on 1 or more vehicle attributes related to fuel economy" and expressed "in the form of a mathematical function," and they may be established for not more than five model years at a time.¹⁶ In addition, NHTSA must establish minimum standards for domestically manufactured passenger cars for each model year, which is 92 percent of the projected average fuel economy for the combined domestic and non-domestic passenger car fleet for each model year, calculated at the time the final rule establishing the passenger car standards for those model years is promulgated.¹⁷

NHTSA set the first fuel economy standards in 1977, applying to passenger cars beginning in MY 1978 and light trucks beginning in MY 1979. The stringency of the standards increased through MY 1985, and then changed little until MY 2005 for light

trucks, when NHTSA reformed the light truck fuel economy program by introducing attribute-based standards, and MY 2011 for passenger cars, when NHTSA introduced attribute-based standards for passenger cars using new authority provided by EISA. CAFE standards have increased progressively for light trucks since MY 2005 and for passenger cars since MY 2011.

More recently, NHTSA has conducted its fuel economy rulemaking in coordination with EPA rulemakings that establish greenhouse gas (GHG) emission standards. In April 2010, NHTSA and EPA issued a joint final rule establishing fuel economy standards and GHG emissions standards¹⁸ for MY 2012–2016 passenger cars and light trucks.¹⁹ The CAFE standards were estimated to require a combined average fleet-wide fuel economy of 34.1 miles per gallon (mpg) by MY 2016.²⁰ Subsequently, on August 28, 2012, NHTSA and EPA issued a final rule setting CAFE and GHG emissions standards for passenger cars and light trucks for model years 2017 and beyond.²¹ Consistent with its statutory authority, NHTSA developed two phases of passenger car and light truck standards. The first phase, covering MYs 2017–2021, included final standards that were projected to require, on an average industry fleet wide basis, a range from 40.3–41.0 mpg in MY 2021. The second phase of the CAFE program, covering MYs 2022–2025, included standards that were not final, due to the statutory requirement that NHTSA set average fuel economy standards not more than five model years at a time. Rather, NHTSA wrote that those standards were "augural," meaning that they represented its best estimate, based on the information available at that time, of what levels of stringency might be maximum feasible in those model years. NHTSA projected that those standards could require, on an average industry fleet wide basis, a range from 48.7–49.7 mpg in model year 2025. EPA confirmed the appropriateness of its final MY 2022–2025 standards in a Mid-

¹¹ 49 U.S.C. 32902(a).

¹² *Id.* 32902(b)(1)–(2).

¹³ *Id.* 32902(b)(2)(B), (f).

¹⁴ *Id.* 32902(f).

¹⁵ For environmental considerations, see *Center for Auto Safety v. NHTSA*, 793 F.2d 1322, 1325 n. 12 (D.C. Cir. 1986); *Public Citizen v. NHTSA*, 848 F.2d 256, 262–3 n. 27 (D.C. Cir. 1988) (noting that "NHTSA itself has interpreted the factors it must consider in setting CAFE standards as including environmental effects"); *Center for Biological Diversity v. NHTSA*, 538 F.3d 1172, 1196 (9th Cir. 2008); 40 CFR 1500.6. For safety considerations, see, e.g., *Competitive Enterprise Inst. v. NHTSA*, 956 F.2d 321, 322 (D.C. Cir. 1992) (citing *Competitive Enterprise Inst. v. NHTSA*, 901 F.2d 107, 120 n.11 (D.C. Cir. 1990)).

¹⁶ 49 U.S.C. 32902(b)(3)(A)–(B).

¹⁷ *Id.* 32902(b)(4).

¹⁸ EPA issued GHG emissions standards pursuant to the Clean Air Act. See 42 U.S.C. 7521(a).

¹⁹ *Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule*, 75 FR 25323 (May 7, 2010).

²⁰ The EPA GHG standards were estimated to require a combined average fleet-wide level of 250 grams/mile CO₂-equivalent for MY 2016, which is equivalent to 35.5 mpg if all of the technologies used to reduce GHG emissions were tailpipe CO₂ reducing technologies. The 250 g/mi CO₂ equivalent level assumed the use of credits for air conditioning improvements worth 15 g/mi in MY 2016.

²¹ *2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards*, 77 FR 62623 (Oct. 15, 2012).

⁵ 42 U.S.C. 4321–4347; 40 CFR parts 1500–1508.

⁶ *Procedures for Considering Environmental Impacts* (1979) (revised 1985), available at <https://www.transportation.gov/office-policy/transportation-policy/procedures-considering-environmental-impacts-dot-order-56101c>.

⁷ 49 CFR part 520.

⁸ 40 CFR 1502.1, 1502.14.

⁹ *Id.* § 1508.1(g).

¹⁰ The Secretary has delegated responsibility for implementing fuel economy and fuel efficiency requirements under EPCA and EISA to NHTSA. 49 CFR 1.95(a) and (j).

Term and Final Evaluation in 2016 and 2017.²²

Subsequently in 2017, EPA Administrator Scott Pruitt and Transportation Secretary Elaine L. Chao issued a joint notice announcing EPA's conclusion that it would reconsider its Final Determination in order to allow additional consultation and coordination with NHTSA in support of a national harmonized program.²³ In 2018, NHTSA and EPA issued a notice of proposed rulemaking (NPRM) (also referred to as the "SAFE Vehicles" NPRM) in which the agencies proposed revising the MY 2021 light-duty fuel economy and CO₂ standards and issuing new standards for MYs 2022–2026.²⁴ In the 2020 SAFE Vehicles Final Rule, the agencies amended MY 2021 standards and established standards for MYs 2022–2026 that would increase in stringency at 1.5 percent per year from 2020 levels.

On January 20, 2021, President Biden issued E.O. 13990, *Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis*,²⁵ which directed NHTSA and EPA to consider publishing for notice and comment a proposed rule suspending, revising, or rescinding the SAFE Vehicles Final Rule by July 2021. Though E.O. 13990 prompted NHTSA's review, NHTSA exercised its own authority, consistent with its statutory factors, to amend the CAFE standards for MY 2024–2026 passenger cars and light trucks in a final rule. This action reflects a conclusion significantly different from the conclusion that NHTSA reached in the 2020 SAFE Vehicles Final Rule. NHTSA concluded that significantly more stringent standards were maximum feasible. The amended CAFE standards increased in stringency for both passenger cars and light trucks, by 8 percent per year for MYs 2024–2026. While E.O. 13990 directed the review of CAFE standards

for MYs 2021–2026, NHTSA retained the existing CAFE standards for MYs 2021–2023 in light of EPCA's requirement that amendments that make an average fuel economy standard more stringent be prescribed at least 18 months before the beginning of the model year to which the amendment applies.²⁶

b. FE Standards for HD Pickup Trucks and Vans

EISA also provided the DOT and NHTSA authority to implement, via rulemaking and regulations, "a commercial medium- and heavy-duty on-highway vehicle"²⁷ and work truck²⁸ fuel efficiency improvement program designed to achieve the maximum feasible improvement."²⁹ This program includes on-highway vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or more and work trucks rated between 8,500 to 10,000 pounds GVWR. This provision also directs NHTSA to "adopt and implement appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles and work trucks."³⁰ This authority permits NHTSA to set "separate standards for different classes of vehicles."³¹

On May 21, 2010, President Obama issued a memorandum to the Secretary of Transportation, the Secretary of Energy, the Administrator of EPA, and the Administrator of NHTSA that called for coordinated regulation of the heavy-duty vehicle market segment under EISA and under the Clean Air Act.³²

²⁶ 49 U.S.C. 32902(g)(2).

²⁷ EISA added the following definition to the automobile fuel economy chapter of the U.S. Code: "commercial medium- and heavy-duty on-highway vehicle" means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more. 49 U.S.C. 32901(a)(7).

²⁸ EISA added the following definition to the automobile fuel economy chapter of the U.S. Code: "work truck" means a vehicle that—(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and (B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of [EISA]). 49 U.S.C. 32901(a)(19).

²⁹ 49 U.S.C. 32902(k)(2).

³⁰ *Id.*

³¹ *Id.*

³² See The White House, Office of the Press Secretary, *Presidential Memorandum Regarding Fuel Efficiency Standards* (May 21, 2010), available at <http://www.whitehouse.gov/the-press-office/presidential-memorandum-regarding-fuel-efficiency-standards> (last accessed April 25, 2014); see also The White House, Office of the Press Secretary, *President Obama Directs Administration to Create First-Ever National Efficiency and Emissions Standards for Medium- and Heavy-Duty Trucks* (May 21, 2010), available at <http://www.whitehouse.gov/the-press-office/2010/05/21/president-obama-directs-administration-to-create-first-ever-national-efficiency-and-emissions-standards-for-medium-and-heavy-duty-trucks> (last accessed April 25, 2014).

NHTSA and EPA met that directive in August 2011 by finalizing first-of-a-kind standards for new HD engines and vehicles, as part of a comprehensive HD National Program to reduce GHG emissions and fuel consumption for HD vehicles, in MYs 2014 through 2018 ("Phase 1").³³ The performance-based standards created a national program requiring manufacturers to meet targets for fuel efficiency and greenhouse gas emissions. The agencies estimated that the Phase 1 standards would save vehicle owners and operators an estimated \$50 billion in fuel costs over the lifetime of those vehicles while also reducing oil consumption by a projected 530 billion barrels and greenhouse gas pollution by approximately 270 million metric tons.³⁴

Building on the success of Phase 1 of the program, in a February 18, 2014, Presidential Announcement, President Obama directed NHTSA and EPA to finalize the next phase of HD vehicle fuel efficiency and greenhouse gas standards by March 31, 2016.³⁵ NHTSA and EPA met that directive in October 2016 by finalizing standards for new HD engines and vehicles in MYs 2018 and beyond ("Phase 2"). NHTSA conducted the Phase 2 rulemaking in consultation with EPA and DOE. The Phase 2 standards were expected to further reduce GHG and increase fuel efficiency for on-road heavy-duty vehicles. NHTSA's fuel consumption standards and EPA's carbon dioxide (CO₂)

www.whitehouse.gov/the-press-office/2014/02/18/president-obama-directs-administration-to-create-first-ever-national-efficiency-and-emissions-standards-for-medium-and-heavy-duty-trucks (last accessed April 25, 2014).

³³ See *Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles*, 76 FR 57106 (September 15, 2011).

³⁴ See *White House Announces First Ever Oil Savings Standards for Heavy Duty Trucks, Buses* (August 9, 2011), available at <http://www.nhtsa.gov/About+NHTSA/Press+Releases/2011/White+House+Announces+First+Ever+Oil+Savings+Standards+for+Heavy+Duty+Trucks,+Buses> (last accessed April 28, 2014). For more information on the rulemaking, see also EPA Regulatory Announcement, *EPA and NHTSA Adopt First-Ever Program to Reduce Greenhouse Gas Emissions and Improve Fuel Efficiency of Medium- and Heavy-Duty Vehicles* (August 2011), available at <http://www.epa.gov/otaq/climate/documents/420f11031.pdf> (last accessed April 28, 2014).

³⁵ See *FACT SHEET—Opportunity For All: Improving the Fuel Efficiency of American Trucks—Bolstering Energy Security, Cutting Carbon Pollution, Saving Money and Supporting Manufacturing Innovation* (February 18, 2014), available at <http://www.whitehouse.gov/the-press-office/2014/02/18/fact-sheet-opportunity-all-improving-fuel-efficiency-american-trucks-bolstering-energy-security-cutting-carbon-pollution-saving-money-and-supporting-manufacturing-innovation> (February 2014), available at <http://www.whitehouse.gov/sites/default/files/docs/finaltrucksreport.pdf> (last accessed April 28, 2014).

²² *Proposed Determination on the Appropriateness of the Model Year 2022–2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards Under the Midterm Evaluation*, 81 FR 87927 (Dec. 6, 2016); *Final Determination on the Appropriateness of the Model Year 2022–2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards Under the Midterm Evaluation*, 81 FR 87927 (Jan. 12, 2017).

²³ *Notice of Intention to Reconsider the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022–2025 Light Duty Vehicles*, 82 FR 14671 (Mar. 22, 2017).

²⁴ *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks; Notice of Proposed Rulemaking*, 83 FR 42986 (Aug. 24, 2018).

²⁵ Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis*, 86 FR 7037 (Jan. 25, 2021).

emissions standards were tailored to each of the three current regulatory categories of heavy-duty vehicles: (1) Combination Tractors; (2) Heavy-duty Pickup Trucks and Vans; and (3) Vocational Vehicles, as well as gasoline and diesel heavy-duty engines. In addition, the agencies added new standards for combination trailers. EPA's hydrofluorocarbon emissions standards that currently apply to air conditioning systems in tractors, pickup trucks, and vans, were also be applied to vocational vehicles.

c. Current Action

On August 5, 2021, President Biden issued Executive Order (E.O.) 14037, Strengthening American Leadership in Clean Cars and Trucks, which directed NHTSA and EPA to, as appropriate and consistent with applicable law, take actions under EPCA/EISA and the Clean Air Act (CAA) to set standards for light-, medium-, and heavy-duty vehicles.³⁶ Specifically, the E.O. directed NHTSA to consider beginning work on rulemakings to “establish new fuel economy standards for passenger cars and light-duty trucks beginning with model year 2027 and extending through and including at least model year 2030,”; “establish new fuel efficiency standards for heavy-duty pickup trucks and vans beginning with model year 2028 and extending through and including at least model year 2030,”; and “establish new fuel efficiency standards for medium- and heavy-duty engines and vehicles to begin as soon as model year 2030.”

In accordance with E.O. 14037, but pursuant to the agency's own exercise of authority consistent with EPCA/EISA, NHTSA intends to propose CAFE standards for MYs 2027 and beyond passenger cars and light trucks, and FE standards for MYs 2029 and beyond HD pickup trucks and vans in an upcoming NPRM. In accordance with EPCA/EISA's lead time requirements, NHTSA is statutorily required to issue a final rule for MY 2027 CAFE standards no later than April, 2025,³⁷ and a final rule for MY 2029 FE standards no later than July 2025.³⁸

As with the past CAFE and FE rules described above, NHTSA will use the

CAFE Model and other analytic tools to determine the impacts of different levels of CAFE and FE stringency. Many of the technologies that vehicle manufacturers use to improve fuel economy and fuel efficiency on LD and HD pickup trucks and vans are similar, and the CAFE Model is (and has also historically been) equipped to analyze the impacts of different levels of stringency for both types of vehicles.

Pursuant to NEPA, NHTSA will prepare an EIS to evaluate the potential environmental impacts of its proposed action. This Notice of Intent initiates the scoping process for the EIS under NEPA and its implementing regulations,³⁹ and under NHTSA's NEPA regulations.⁴⁰ Specifically, this Notice of Intent requests public input on the scope of NHTSA's NEPA analysis, including the alternatives considered and the significant environmental issues relating to more stringent CAFE standards for LD and HD pickup trucks and vans.

II. Considerations for the Range of Alternatives

In an upcoming NPRM, NHTSA intends to propose new CAFE and FE standards, as described above. This notice briefly describes a variety of possible alternatives that are currently under consideration by the agency and seeks input from the public about these alternatives and about whether other alternatives should be considered as NHTSA proceeds with the rulemaking and the EIS.

a. Framing the Range of Alternatives

The purpose of and need for an agency's action inform the reasonable range of alternatives to be considered in its NEPA analysis.⁴¹ In developing alternatives for analysis in the EIS, NHTSA must consider EPCA's requirements for setting CAFE standards and EISA's requirements for setting FE standards.

NHTSA sets CAFE standards as part of a comprehensive energy policy established by EPCA (and amended by EISA) with the purposes of conserving energy and of addressing energy independence and security by reducing U.S. reliance on foreign oil. EPCA requires NHTSA to determine what level of CAFE stringency would be the “maximum feasible” for each model year, a determination made based on the consideration of four statutory factors: technological feasibility, economic practicability, the effect of other standards of the Government on fuel

economy, and the need of the United States to conserve energy.⁴²

With regards to the FE standards for medium and heavy duty trucks, EISA requires that: (1) The program must be “designed to achieve the maximum feasible improvement”; (2) the various required aspects of the program must be appropriate, cost-effective, and technologically feasible for MD/HD vehicles; and (3) the standards adopted under the program must provide not less than four model years of lead time and three model years of regulatory stability.⁴³ In considering these various requirements, NHTSA will also account for relevant environmental and safety considerations.

The range of alternatives will reflect differences in the degree of technology adoption across the fleet, in costs to manufacturers and consumers, and in conservation of energy and related impacts to the environment. For example, the most stringent average annual fuel economy standard and the most stringent fuel efficiency standard NHTSA will evaluate would require greater adoption of fuel-saving technology across the fleet, including more advanced technology, than the least stringent standard NHTSA will evaluate. As a result, the most stringent alternative for both the CAFE standard and FE standard would impose greater costs and achieve greater energy conservation.

More specifically, for CAFE standards, NHTSA will analyze the lower bound and upper bound of a range of average annual fuel economy standards that would satisfy EPCA's requirement that the standards be “maximum feasible” for each model year, based on the different ways NHTSA could weigh EPCA's four statutory factors. Generally speaking, more stringent average annual fuel economy standards might weigh energy conservation and environmental considerations more heavily and economic practicability concerns less heavily. In contrast, less stringent standards might weigh economic practicability concerns more heavily and energy conservation and environmental considerations less heavily.

For setting FE standards, NHTSA will also analyze action alternatives calculated at the lower point and at the upper point of a range of FE standards that would satisfy EISA's requirements of increasing the fuel efficiency of HD pickup trucks and vans. The lower and upper bounds of the range of reasonable

³⁶ 86 FR 43583 (August 10, 2021).

³⁷ 49 U.S.C. 32902(a) requires standards to be prescribed at least 18 months before the beginning of each model year; for CAFE purposes, NHTSA and manufacturers have historically considered April of the prior calendar year to mark 18 months before the beginning of a model year.

³⁸ 49 U.S.C. 32902(k)(3)(A) requires the commercial medium- and heavy-duty on-highway vehicle and work truck fuel economy standard to provide not less than 4 full model years of regulatory lead-time.

³⁹ 42 U.S.C. 4321–4347; 40 CFR Pt. 1500–1508.

⁴⁰ See 40 CFR 1501.7, 1508.22; 49 CFR 520.21(g).

⁴¹ 40 CFR 1502.13.

⁴² 49 U.S.C. 32902(f).

⁴³ 49 U.S.C. 32902(k)(2) and (3).

alternatives would reflect different ways NHTSA could weigh the considerations before the agency in the rulemaking. The lower bound would reflect the least stringent of the range of alternatives to achieve the maximum feasible improvement in fuel efficiency. On the other hand, the upper bound represents the most stringent fuel efficiency improvement.

The range of alternatives would provide a broad range of information for NHTSA to use in evaluating and weighing the statutory factors in EPCA and EISA. The range would also assist the decision-maker in considering the differences and uncertainties in the way in which key economic inputs (*e.g.*, the price of fuel and the social cost of carbon) and technological inputs are estimated or valued.

b. Considerations on Levels of Standards for Regulatory Classes

Within the range of alternatives, NHTSA may consider setting more stringent standards for the earlier years of the rule than for the later years, or, alternatively, setting less stringent standards for the earlier years of the rule than for the later years, depending on our assessment of what would be “maximum feasible” for those time periods for each fleet. The changes in stringency considered in the lower and upper bounds may be defined as “average” changes in stringency; the preferred alternative and actual standards may either be constant throughout the period or may vary from year to year. However, analysis of the average yearly change over that period would provide sufficient environmental analysis to bracket the range of environmental impacts of reasonable alternatives and allow for a reasoned choice among the alternatives presented. NHTSA also may select “maximum feasible” fuel economy standards for some or all model years that decrease or remain the same as compared to the immediately prior model year(s).

NHTSA may also consider setting standards for passenger cars and light trucks at different rates, or that change over different rates during the timeframe of the rule. For HD pickup trucks and vans, NHTSA may consider setting pickup truck and van standards at different rates. NHTSA may also consider setting different levels of standards for HD pickup trucks and vans that are powered by different fuels (*e.g.*, in past MD/HD FE rules, NHTSA set separate standards for gasoline- and diesel-powered vehicles).

c. Considerations on Industry Lead Time

As noted above, NHTSA’s statutory authority allows the agency to take final action prescribing CAFE standards in increments of no more than five model years,⁴⁴ with no limitation on the number of model years of standards that NHTSA can set for HD pickup trucks and vans. Consistent with the aims of EPCA/EISA, which NHTSA interprets to be improving the efficiency of internal combustion engine vehicles, and with the aims outlined in E.O. 14037, NHTSA will consider a combination of proposed and potentially augural standards to accomplish these goals. As discussed above, NHTSA has used augural standards in the past to give the automotive industry as much lead time as possible to respond to a set of coordinated federal standards. As discussed below, NHTSA seeks comment on whether and how the agency could use a combination of proposed and augural standards to fulfill the goals stated herein.

d. Considerations on Standard Attributes and Form

In the previous CAFE rulemaking, for the LD program, NHTSA used vehicle footprint⁴⁵ as the attribute. The standards were defined as footprint “curves” for passenger cars and light trucks in each model year, where vehicles of different footprints have specific fuel economy “targets,” with larger vehicles (and light trucks) generally having lower fuel economy targets than smaller vehicles (and passenger cars), reflecting their fuel economy capabilities.⁴⁶ In the previous MD/HD rulemaking, for HD pickup trucks and vans, NHTSA used work factor⁴⁷ as the metric for setting HD pickup trucks and vans FE standards. NHTSA established separate curves for diesel and gasoline HD pickup trucks and vans. As discussed further below, NHTSA seeks comment on the attribute used to set CAFE and FE standards, possible other attributes that could be used to set CAFE and FE standards, the shape of the standards curves, and other programmatic aspects that could help fulfill the goals outlined herein.

⁴⁴ 49 U.S.C. 32902(b)(3).

⁴⁵ Footprint, which is a measure of vehicle size, is calculated by multiplying a vehicle’s wheelbase by its track width.

⁴⁶ Vehicle models of the same fleet but made by different manufacturers would have the same fuel economy target if they had the same vehicle footprint (*i.e.*, the quantity of the attribute upon which the standards would be based).

⁴⁷ Work factor is an attribute that combines a vehicle’s payload, towing capabilities, and the presence of 4-wheel drive.

e. Other Programmatic Considerations

As with any CAFE and FE rulemaking, NHTSA will also consider programmatic aspects other than stringency (*e.g.*, flexibilities and vehicle classification) that may affect model years including those for which NHTSA would set CAFE and FE standards.

III. Range of Alternatives

NHTSA is considering the following alternatives for analysis in the Draft EIS:

a. No Action Alternative

NEPA requires agencies to consider a “no action” alternative in their NEPA analyses and to compare the effects of not taking action with the effects of the reasonable action alternatives in order to demonstrate the different environmental effects of the action alternatives.⁴⁸ In this EIS, with regards to CAFE standards, NHTSA will consider a “no action” alternative, which assumes for purposes of NEPA analysis that NHTSA would issue a rule that would continue the current CAFE standards for MY 2026. Given that NHTSA must set new CAFE standards and may not strictly take no action on fuel economy,⁴⁹ the agency has determined that, for this rulemaking, the closest analogue to a true “no action” alternative would be to continue the already existing and enforceable standards indefinitely without further change. The no action alternative would also take into account the California Air Resources Board’s (CARB) Advanced Clean Cars (ACC) II program, set to begin in model year 2026. The ACC II program requires an increasing number of zero-emission vehicles sold in the state through 2035, at which point all new passenger cars, trucks, and

⁴⁸ See 40 CFR 1502.2(e), 1502.14. CEQ has explained that “[T]he regulations require the analysis of the no action alternative *even if the agency is under a court order or legislative command to act*. This analysis provides a benchmark, enabling decision makers to compare the magnitude of environmental effects of the action alternatives. . . . Inclusion of such an analysis in the EIS is necessary to inform Congress, the public, and the President as intended by NEPA. [See 40 CFR 1500.1(a).]” *Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations*, 46 FR 18026 (1981) (emphasis added).

⁴⁹ See 49 U.S.C. 32902(a). CEQ has explained that “[T]he regulations require the analysis of the no action alternative *even if the agency is under a court order or legislative command to act*. This analysis provides a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives. . . . Inclusion of such an analysis in the EIS is necessary to inform the Congress, the public, and the President as intended by NEPA. [See 40 CFR 1500.1(a).]” *Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations*, 46 FR 18026 (1981) (emphasis added).

SUVs sold in California will be zero emissions. Several other states have formally adopted California's vehicle emissions standards under section 177 of the Federal Clean Air Act, and are assumed to continue to do so with ACC II.

With regards to FE standards, NHTSA will consider a "no action" alternative, which assumes, for purposes of NEPA analysis, that NHTSA would not issue a new rule regarding HD pickup trucks and vans fuel efficiency standards. Under these circumstances, the existing fuel efficiency standards established for the end of Phase 2 would persist until NHTSA takes additional action. The no action alternative would also take into account CARB's Advanced Clean Trucks (ACT) program, set to begin in model year 2024. The ACT program stipulates that manufacturers must electrify specified percentages of their heavy-duty fleets in order to continue selling heavy-duty vehicles in California and other states that have formally adopted the program.

NHTSA will refer to this alternative that includes the conditions described for CAFE and FE standards as the "No Action Alternative" or as the "baseline."

b. Action Alternatives

The EIS will also analyze action alternatives calculated at the lower point and at the upper point of the range the agency believes encompasses reasonable alternatives meeting the purpose and need of the proposed action. These lower and upper "bounds" or "brackets" will account for various potential structures for the CAFE standards for passenger cars and light trucks and for the FE standards for the HD pickup trucks and vans and various levels of stringency for the regulatory categories (see more about the bounds discussed in this notice above). These alternatives would bracket the range of actions the agency may select. In sum, in its final rule, NHTSA would be able to select from any stringency level within that range. NHTSA seeks public comments on the stringency levels at which to define the lower and upper bounds of this range of reasonable alternatives.

c. Preferred Alternative

In the EIS, NHTSA intends to identify a Preferred Alternative, which may be within the level of stringency that falls within the range being considered or may be the lower or upper bound levels of stringency. The Preferred Alternative would reflect what the agency believes is the "maximum feasible" fuel economy standards for passenger cars

and light trucks and the "maximum feasible improvement" required under EISA for FE standards. The Preferred Alternative may include improvements that are constant throughout the regulatory period or that vary from year to year (and from segment to segment) in accordance with predetermined stringency increases that would be established by this rule. However, the overall stringency and impacts will fall at or between the lower and upper brackets discussed above. NHTSA has not yet identified its Preferred Alternative.

IV. Consideration of Expected Impacts

The scoping process initiated by this notice seeks to determine "the range of actions, alternatives, and impacts to be considered" in the EIS and to identify the most important issues for analysis involving the potential environmental impacts of NHTSA's CAFE and FE standards.⁵⁰ NHTSA's NEPA analysis will consider direct, indirect, and cumulative effects of the proposed action and those of reasonable alternatives.

While the main focus of NHTSA's prior CAFE EISs (*i.e.*, the CAFE EISs for MYs 2017–2025,⁵¹ MY 2021–2026,⁵² and MYs 2024–2026,⁵³ and the HD Phase 1⁵⁴ and Phase 2⁵⁵ EIS) was the quantification of impacts to energy, air quality, and climate, and qualitative analysis of life-cycle impacts and cumulative impacts, it also addressed other potentially affected resources. NHTSA conducted a qualitative review of impacts on resources such as water resources, biological resources, land use, hazardous materials, safety, noise, historic and cultural resources, and environmental justice.

Similar to past EIS practice, NHTSA plans to analyze environmental impacts related to fuel and energy use, emissions and their effects on climate change and

the environment,⁵⁶ air quality,⁵⁷ natural resources, and the human environment. NHTSA is considering examining life-cycle impacts consistent with its past EISs and looking at tools that may be available for quantitative analysis. NHTSA will consider the direct and indirect impacts of the proposed CAFE and FE standards, as well as the cumulative effects⁵⁸ of the proposed CAFE and FE standards together with any past, present, and reasonably foreseeable future actions.

Estimates of fuel used as a result of different levels of standards are used as inputs for the EIS's climate modeling. As with any model, uncertainties exist in modeling potential future climate change scenarios. Because all analysis of possible future outcomes necessarily involves uncertainty, including what NHTSA will consider for this rulemaking and EIS, NHTSA anticipates uncertainty in its estimates of the potential environmental impacts related to climate change. To account for this uncertainty, NHTSA plans to evaluate a range of potential global temperature changes that may result from changes in fuel and energy consumption and GHG emissions attributable to new CAFE and FE standards. It is difficult to quantify how the specific impacts due to the potential temperature changes attributable to new CAFE and FE standards may affect many aspects of the environment. NHTSA will endeavor to gather the key relevant and credible information using a transparent process that employs the best available peer-reviewed science and economics. NHTSA invites public comments on the scope of its analysis on climate change impacts, including citations to peer-

⁵⁰ See 40 CFR 1500.5(f), 1501.7, 1501.9.

⁵¹ *Final Environmental Impact Statement, Corporate Average Fuel Economy Standards, Passenger Cars and Light Trucks, Model Years 2017–2025*, Docket No. NHTSA–2011–0056–2089 (July 2012).

⁵² *Final Environmental Impact Statement, SAFER Affordable Fuel-Efficient Vehicles Rules, Passenger Cars and Light Trucks, Model Years 2021–2026*, Docket No. NHTSA–2011–0056–2089 (July 2012).

⁵³ *Final Supplemental Environmental Impact Statement, Corporate Average Fuel Economy Standards, Passenger Cars and Light Trucks, Model Years 2024–2026*, Docket No. NHTSA–2021–0054 (March 2022).

⁵⁴ *Final Environmental Impact Statement, Medium- and Heavy-Duty Fuel Efficiency Improvement Program, Model Years 2014–2018*, Docket No. NHTSA–2010–0079–0151 (June 2011).

⁵⁵ *Final Environmental Impact Statement, Medium- and Heavy-Duty Fuel Efficiency Improvement Program, Model Years 2018–2027*, Docket No. NHTSA–2014–0074 (August 2016).

⁵⁶ NHTSA is planning to include in this EIS a quantitative analysis to estimate the impact of the alternatives on ocean acidification based on changes in atmospheric CO₂ concentrations.

⁵⁷ Consistent with past practice, in addition to the air quality analysis presented in the Draft and Final EIS, NHTSA will conduct a national-scale photochemical air quality modeling and health risks assessment that will be included in the Final EIS, but not the Draft EIS, due to the substantial time required to complete the analysis. In addition, because of the lead time required for this analysis, it will be based on the alternatives presented in the Draft EIS, but not the alternatives as they may be revised for the Final EIS. Still, NHTSA believes the analysis will provide meaningful information for the decisionmaker and the public.

⁵⁸ In accordance with CEQ regulations, cumulative impacts are "the impacts on the environment that result from the incremental impacts of the action when added to the impacts of other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 CFR 1508.1.

reviewed scientific articles to frame and analyze the relevant issues.

In order to streamline its documentation and eliminate redundancy, NHTSA plans not to include analyses of either monetized health benefits in its air quality analysis or monetized climate change benefits in its climate change analysis in the EIS, as both of those analyses will be included in its RIA (consistent with past practice), which is subject to public notice and comment concurrently with the EIS. NHTSA will incorporate the analyses in the RIA by reference in the EIS consistent with the requirements of the CEQ implementing regulations.⁵⁹ The EIS will continue to present analyses on air quality emissions (including non-monetized health impacts), GHG emissions, and climate change impacts (including impacts on CO₂ concentrations, temperature, sea-level rise, and precipitation).

NHTSA expects to rely on previously published EISs, incorporating material by reference “when the effect will be to cut down on bulk without impeding agency and public review of the action.”⁶⁰ Therefore, the NHTSA NEPA analysis and documentation will incorporate by reference relevant materials, including portions of the agency’s prior NEPA documents, where appropriate.

V. The Scoping Process

NHTSA’s NEPA analysis will consider the direct, indirect, and cumulative environmental effects of proposed standards and those of reasonable alternatives. The scoping process initiated by this notice seeks public comment on the range of alternatives under consideration, on the impacts to be considered, and on the most important matters for in-depth analysis in the EIS. All comments relevant to the scoping process are welcome.

NHTSA invites the public to participate in the scoping process⁶¹ by submitting written comments

concerning the appropriate scope of the NEPA analysis for the proposed CAFE and FE standards to the docket number identified in the heading of this notice, using any of the methods described in the **ADDRESSES** section of this notice. NHTSA does not plan to hold a public scoping meeting because, based on prior experience, written comments will be effective in identifying and narrowing the considerations for analysis.

a. Comments on the Range of Alternatives

NHTSA invites comments to ensure that the agency considers a full range of reasonable alternatives in setting new CAFE standards for MYs 2027 and beyond passenger cars and light trucks and new FE standards for MYs 2029 and beyond HD pickup trucks and vans. Comments may go beyond the approaches and information that NHTSA described above for developing the alternatives. NHTSA understands that there are a variety of potential alternatives that could be considered that fit within the purpose and need for the proposed rulemaking, as set forth in both the EPCA and EISA. NHTSA is therefore interested in comments on how best to structure or describe proposed alternatives for purposes of evaluation under NEPA. Subject to the statutory restraints under the EPCA and EISA, a variety of potential alternatives could be considered within the purpose and need for the proposed rulemaking, each falling along a theoretically infinite continuum of potential standards. As described above, NHTSA plans to address this issue by identifying alternatives at the upper and lower bounds of a range within which we believe the statutory requirement for “maximum feasible improvement”⁶² would be satisfied, as well as identifying and analyzing the impacts of a preferred alternative. In this way, NHTSA expects to bracket the potential environmental impacts of the standards it may select.⁶³

The agency may modify the proposed alternatives that will be analyzed in depth based upon the comments received during the scoping process and upon further agency analysis. When suggesting an approach to developing alternatives that the agency should

analyze, please explain the recommended way to balance EPCA’s factors (technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy).⁶⁴ Similarly, when suggesting an approach to developing alternatives for HD pickup trucks and vans, please explain the recommended way to balance EISA’s factors ((1) The program must be “designed to achieve the maximum feasible improvement”; (2) the various required aspects of the program must be appropriate, cost-effective, and technologically feasible for MD/HD vehicles; and (3) the standards adopted under the program must provide not less than four model years of lead time and three model years of regulatory stability).

b. Comments on Environmental Effects

NHTSA invites comments to ensure that the agency identifies the environmental impacts and focuses its analyses on all the potentially significant impacts related to each alternative. Comments may go beyond the approaches and information that NHTSA described above for identifying the potentially significant environmental effects. The agency may modify the environmental effects that will be analyzed in depth based upon the comments received during the scoping process and upon further agency analysis. When suggesting additional resource areas to analyze, please explain how the recommendation will add value to the public and decisionmaker in looking at the environmental impacts of the range of identified alternatives.

Two important purposes of scoping are identifying the significant considerations that merit in-depth analysis in the EIS and identifying and eliminating from detailed analysis the matters that are not significant and therefore require only a brief discussion in the EIS.⁶⁵ In light of these purposes, written comments should include an internet citation (with a date last visited) to each study or report cited in the comments, if one is available. If a document cited is not available to the public online, the commenter should either provide sufficient bibliographical information to allow NHTSA to locate and obtain a copy of the study or attach

⁵⁹ 40 CFR 1501.12.

⁶⁰ *Id.*

⁶¹ Consistent with NEPA and implementing regulations, NHTSA is sending this notice directly to: (1) Federal agencies having jurisdiction by law or special expertise with respect to the environmental impacts involved or authorized to develop and enforce environmental standards; (2) the Governors of every State, to share with the appropriate agencies and offices within their administrations and with the local jurisdictions within their States; (3) organizations representing state and local governments and Indian tribes; and (4) other stakeholders that NHTSA reasonably expects to be interested in the NEPA analysis for the MY 2028–2032 CAFE standards. See 42 U.S.C. 4332(2)(C); 49 CFR 520.21(g); 40 CFR 1501.7, 1506.6.

⁶² See 49 U.S.C. 32902(k)(2).

⁶³ Should NHTSA ultimately choose to set standards at levels other than the Preferred Alternative, we believe that this bracketing will properly inform the decision-maker, so long as the standards are set within its bounds. This methodology permits the analysis of a range of reasonable alternatives the agency may pick, while providing the agency flexibility to select the alternative based on the most up-to-date information and analyses available at that time.

⁶⁴ Note that NHTSA is statutorily prohibited from considering statutorily-provided flexibility mechanisms in determining what standards would be maximum feasible. 49 U.S.C. 32902(h).

⁶⁵ 40 CFR 1500.4(g), 1502.2(b).

a copy to the comments.⁶⁶ Commenters should indicate how each document cited or attached to their comments is relevant to the NEPA analysis and indicate the specific pages and passages in the attachment that are most informative.

The more specific the comments are, and the more support they provide in identifying peer-reviewed scientific studies and reports, the more useful the comments will be to the NEPA process. For example, if a comment identifies an additional area of impact or environmental concern that NHTSA should analyze, or an analytical tool or model that NHTSA should use to evaluate these environmental impacts, the comment should clearly describe it and provide a reference to a specific peer-reviewed scientific study, report, tool, or model, if possible. Specific, well-supported comments will help the agency prepare an EIS that is focused and relevant and will serve NEPA's overarching aims of making high quality information available to decisionmakers and the public by "avoid[ing] useless bulk in statements and . . . concentrate[ing] effort and attention on important issues."⁶⁷ By contrast, mere assertions that the agency should evaluate broad lists or categories of concerns, without support, will not assist the scoping process for the proposed standards.

Please be sure to reference the docket number identified in the heading of this notice in any submitted comments. All comments and materials received, including the names and addresses of the commenters who submit them, will become part of the administrative record and will be posted on the web at <http://www.regulations.gov>.

c. Schedule for Decision-Making

Separate **Federal Register** notices published by EPA will announce the availability of the Draft EIS, which will be available for public comment, and the Final EIS. NHTSA will issue the Draft EIS concurrently with its NPRM. In addition, NHTSA will simultaneously issue a Final EIS and Record of Decision (Final Rule), pursuant to 49 U.S.C. 304a, unless it is determined that statutory criteria or practicability considerations preclude concurrent issuance. NHTSA also plans to continue to post information about the NEPA process and this CAFE rulemaking on its website (<http://www.nhtsa.gov>).

Issued in Washington, DC, under authority delegated in 49 CFR parts 1.95, 501.5 and 501.8.

Milton E. Cooper,

Director, Rulemaking Operations.

[FR Doc. 2022–17558 Filed 8–15–22; 8:45 am]

BILLING CODE 4910–51–P

DEPARTMENT OF THE TREASURY

United States Mint

Request for Citizens Coinage Advisory Committee Membership Applications

ACTION: Notice.

SUMMARY: The United States Mint is accepting applications for appointment to the Citizens Coinage Advisory Committee (CCAC) as the member specially qualified to serve on the CCAC by the virtue of his or her education, training, or experience in American history.

DATES: 5 p.m. (EDT), October 7, 2022.

ADDRESSES: Any member of the public wishing to be considered for appointment to the CCAC should submit a resume and cover letter describing his or her reasons for seeking and qualifications for membership, by email to info@ccac.gov, Attn: Jennifer Warren. The deadline to email submissions is no later than 5 p.m. (EDT) on Friday, October 7, 2022.

FOR FURTHER INFORMATION CONTACT:

Jennifer Warren, United States Mint Liaison to the CCAC; jennifer.warren@usmint.treas.gov or 202–354–7208.

SUPPLEMENTARY INFORMATION: The CCAC was established to:

- Advise the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals produced by the United States Mint.

- Advise the Secretary of the Treasury with regard to the events, persons, or places that the CCAC recommends to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.

- Make recommendations with respect to the mintage level for any commemorative coin recommended.

Total membership consists of 11 voting members appointed by the Secretary of the Treasury:

- One person specially qualified by virtue of his or her education, training, or experience as nationally or internationally recognized curator in the United States of a numismatic collection;

- One person specially qualified by virtue of his or her experience in the medallic arts or sculpture;

- One person specially qualified by virtue of his or her education, training, or experience in American history;

- One person specially qualified by virtue of his or her education, training, or experience in numismatics;

- Three persons who can represent the interests of the general public in the coinage of the United States; and

- Four persons appointed by the Secretary of the Treasury on the basis of the recommendations by the House and Senate leadership.

Members are appointed for a term of four years. No individual may be appointed to the CCAC while serving as an officer or employee of the Federal Government.

The CCAC is subject to the direction of the Secretary of the Treasury. Meetings of the CCAC are open to the public and are held approximately four to six times per year. The United States Mint is responsible for providing the necessary support, technical services, and advice to the CCAC. CCAC members are not paid for their time or services, but, consistent with Federal Travel Regulations, members are reimbursed for their travel and lodging expenses to attend meetings. Members are Special Government Employees and are subject to the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2653).

The United States Mint will review all submissions and will forward its recommendations to the Secretary of the Treasury for appointment consideration. Candidates should include specific skills, abilities, talents, and credentials to support their applications. The United States Mint is interested in candidates who, in addition to their experience in American history, have demonstrated interest and a commitment to actively participate in meetings and activities, and a demonstrated understanding of the role of the CCAC and the obligations of a Special Government Employee; possess demonstrated leadership skills in their fields of expertise or discipline; possess a demonstrated desire for public service and have a history of honorable professional and personal conduct, as well as successful standing in their communities; and who are free of professional, political, or financial interests that could negatively affect their ability to provide impartial advice.

⁶⁶ Please be mindful of copyright restrictions when attaching documents to any comments, as they will be made publicly available in the agency's docket.

⁶⁷ 40 CFR 1502.15.

Authority: 31 U.S.C. 5135(b).

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2022–17472 Filed 8–15–22; 8:45 am]

BILLING CODE 4810–37–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0055]

Agency Information Collection Activity Under OMB Review Request for Determination of Loan Guaranty Eligibility: Unmarried Surviving Spouses

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent

within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Refer to “OMB Control No. 2900–0055.”

FOR FURTHER INFORMATION CONTACT:

Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266–4688 or email maribel.aponte@va.gov. Please refer to “OMB Control No. 2900–0055” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Example: 44 U.S.C. 3501–21.

Title: Request for Determination of Loan Guaranty Eligibility—Unmarried Surviving Spouses.

OMB Control Number: 2900–0055.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 26–1817 is used by VA to determine an unmarried surviving spouse’s eligibility for Loan Guaranty benefits, and the amount of entitlement available. Each completed form is normally accompanied by proof of the deceased Veteran’s military service and is submitted by the applicant to the appropriate VA office. If eligible, VA will issue the applicant a Certificate of Eligibility (COE) to be used in applying for Loan Guaranty benefits.

This form is also used in restoration of entitlement cases. Generally, if an

applicant has used all or part of their entitlement, it may be restored if (1) the property has been sold and the loan has been paid in full or (2) a qualified Veteran-transferee agrees to assume the balance on the loan and agrees to substitute their entitlement for the same amount of entitlement originally used by the applicant to get the loan. The buyer must also meet the occupancy and income and credit requirements of the law. Restoration is not automatic; an applicant must apply for it by completing VA Form 26–1817.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 87 FR 34761 on June 7, 2022, pages 34761.

Affected Public: Individuals or Households.

Estimated Annual Burden: 4,250.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 8,500.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–17565 Filed 8–15–22; 8:45 am]

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Part II

Department of Energy

10 CFR Parts 429 and 430

Energy Conservation Program: Test Procedure for Ceiling Fans; Final Rule

DEPARTMENT OF ENERGY**10 CFR Parts 429 and 430****[EERE–2013–BT–TP–0050]****RIN 1904–AD88****Energy Conservation Program: Test Procedure for Ceiling Fans**

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

ACTION: Final rule.

SUMMARY: The U.S. Department of Energy (“DOE”) is amending the test procedures for ceiling fans to include a definition for “circulating air” for the purpose of the ceiling fan definition; include ceiling fans greater than 24 feet within the scope of the test procedure; include certain belt-driven ceiling fans within the scope of the test procedure; specify that certain very small-diameter ceiling fans are not required to be tested; maintain applicability of the standby power test procedure to large-diameter ceiling fans; specify instructions for testing ceiling fans with certain accessories or features; clarify test voltage for large-diameter ceiling fans; amend the low speed definition and increase low speed tolerance for stability criteria; permit an alternate set-up to collect air velocity test data and provide greater specificity regarding sensor orientation; amend the blade thickness measurement requirement; update instrument measurement resolution, represented values, rounding instructions, and enforcement provisions; and codify current guidance on calculating several values reported on the EnergyGuide label. DOE is also updating references to an industry test standard to reference the latest version.

DATES: The effective date of this rule is September 15, 2022. The final rule changes will be mandatory for product testing starting February 13, 2023. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of September 15, 2022. The incorporation by reference of certain other material listed in this rule was approved by the Director of the Federal Register as of August 24, 2016 and May 27, 2021.

ADDRESSES: The docket, which includes Federal Register notices, webinar attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index. However, some documents listed in the

index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket web page can be found at regulations.gov/docket/EERE-2013-BT-TP-0050. The docket web page contains instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: ApplianceStandardsQuestions@ee.doe.gov.

FOR FURTHER INFORMATION CONTACT:

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

Ms. Amelia Whiting, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–2588. Email: amelia.whiting@hq.doe.gov.

SUPPLEMENTARY INFORMATION: DOE incorporates by reference the following industry standards into part 430: ANSI/AMCA Standard 230–15 (“AMCA 230–15”), “Laboratory Methods of Testing Air Circulating Fans for Rating and Certification”, ANSI-approved October 16, 2015, including AMCA 230–15 Technical Errata 2021–05–05, “Technical Errata Sheet for ANSI/AMCA Standard 230–15: Density Corrections”, dated May 5, 2021. IEC 62301, Household electrical appliances—Measurement of standby power, (Edition 2.0, 2011–01).

DOE maintains previously approved incorporation by reference in part 430: ANSI/AMCA Standard 208–18 (“AMCA 208–18”), Calculation of the Fan Energy Index, ANSI approved January 24, 2018, IBR approved for appendix U to this subpart.

Copies of the AMCA standards are available from Air Movement and Control Association International, Inc. (AMCA), 30 West University Drive, Arlington Heights, IL 60004, (847) 394–0150, or by going to www.amca.org/store.

Copies of the IEC standard are available from International Electrotechnical Commission (IEC), 3 Rue de Varembe, Case Postale 131, 1211 Geneva 20, Switzerland, <https://webstore.iec.ch/> and from the American National Standards Institute (ANSI), 25

W 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4900, webstore.ansi.org. For a further discussion of this standard, see section IV.N of this document.

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I. Authority and Background

DOE is authorized to establish and amend energy conservation standards and test procedures for ceiling fans. (42 U.S.C. 6293(b)(16)(A)(i) and (B), and 42 U.S.C. 6295(ff)) DOE's energy conservation standards and test procedures for ceiling fans are currently prescribed at title 10 of the Code of Federal Regulations ("CFR"), part 430 section 32(s)(1) and (2), 10 CFR part 430 section 23(w), and 10 CFR part 430 subpart B appendix U ("appendix U"), respectively. The following sections discuss DOE's authority to establish test procedures for ceiling fans and relevant background information regarding DOE's consideration of test procedures for this product.

A. Authority

The Energy Policy and Conservation Act, as amended ("EPCA"),¹ authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B² of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. These products include ceiling fans, the subject of this document. (42 U.S.C. 6291(49), 42 U.S.C. 6293(b)(16)(A)(i) and (B), and 42 U.S.C. 6295(ff))

The energy conservation program under EPCA consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA (42 U.S.C. 6295(s)), and (2) making other representations about the efficiency of those products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with any relevant

standards promulgated under EPCA. (42 U.S.C. 6295(s))

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle (as determined by the Secretary) or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

With respect to ceiling fans, EPCA requires that test procedures be based on the "Energy Star Testing Facility Guidance Manual: Building a Testing Facility and Performing the Solid State Test Method for ENERGY STAR Qualified Ceiling Fans, Version 1.1" published by the Environmental Protection Agency, and that the Secretary may review and revise the test procedures established. (42 U.S.C. 6293(b)(16)(A)(i) and (B))

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered product, including ceiling fans, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A) and (b)(3))

If the Secretary determines, on her own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the **Federal Register** proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period on a proposed rule to amend a test procedure shall be at least 60 days and may not exceed 270 days. In prescribing or

amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved. (42 U.S.C. 6293(b)(2)). If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures. (42 U.S.C. 6293(b)(1)(A)(ii))

In addition, EPCA requires that DOE amend its test procedures for all covered products to integrate measures of standby mode and off mode energy consumption into the overall energy efficiency, energy consumption, or other energy descriptor, unless the current test procedure already incorporates the standby mode and off mode energy consumption, or if such integration is technically infeasible. (42 U.S.C. 6295(gg)(2)(A)) If an integrated test procedure is technically infeasible, DOE must prescribe separate standby mode and off mode energy use test procedures for the covered product, if a separate test is technically feasible. (*Id.*) Any such amendment must consider the most current versions of the IEC Standard 62301³ and IEC Standard 62087⁴ as applicable. (42 U.S.C. 6295(gg)(2)(A))

DOE is publishing this final rule in satisfaction of the 7-year review requirement specified in EPCA. (42 U.S.C. 6293(b)(1)(A))

B. Background

As stated, DOE's existing test procedures for ceiling fans appear at appendix U. On September 30, 2019, DOE published a notice of proposed rulemaking ("NOPR") proposing amendments to the test procedure addressing questions received from interested parties. 84 FR 51440. ("September 2019 NOPR") In the September 2019 NOPR, DOE proposed to interpret the term "suspended from a ceiling" in the EPCA definition of ceiling fan to mean offered for mounting only on a ceiling; specify that very small-diameter ("VSD") ceiling fans that do not also meet the definition of low-speed small-diameter ("LSSD") ceiling fan are not required to be tested pursuant to the DOE test method; for LSSD and VSD ceiling fans, increase the tolerance for the stability criteria for the average air velocity measurements

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

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

³ IEC 62301, *Household electrical appliances—Measurement of standby power* (Edition 2.0, 2011–01).

⁴ IEC 62087, *Audio, video and related equipment—Methods of measurement for power consumption* (Edition 1.0, Parts 1–6: 2015, Part 7: 2018).

during low speed tests; specify that large-diameter ceiling fans with blade spans greater than 24 feet do not need to be tested pursuant to the DOE test method; codify current guidance on calculating several values reported on the U.S. Federal Trade Commission's ("FTC") EnergyGuide label for LSSD and VSD ceiling fans; and amend certification requirements and product-specific enforcement provisions to reflect the current test procedures and recently amended energy conservation standards for ceiling fans. 84 FR 51440, 51442. Additionally, on October 17, 2019, DOE hosted a public meeting to present the September 2019 NOPR proposals.

DOE, with the support of the American Lighting Association ("ALA"), conducted a round robin test program for ceiling fans to observe laboratory setups and test practices, evaluate within-laboratory variation (*i.e.*, repeatability) and assess between-laboratory consistency (*i.e.*, reproducibility). Round robin testing was conducted from January 2019 to April 2020. Six test laboratories participated in the round robin, representing both manufacturer laboratories and third-party laboratories. Four laboratories were located in North America, and two were located in China. ALA and ceiling fan manufacturers supplied two samples each of five ceiling fan models (for a total of 10 test samples). The

laboratories were instructed to test according to appendix U. DOE representatives were present during all testing to observe test setups and practices used in a variety of labs. The round robin test report has been separately published in the docket.⁵

On May 27, 2021, DOE published a final rule to amend the current regulations for large-diameter ceiling fans to implement technical amendments corresponding with provisions enacted by Congress through the Energy Act of 2020. 86 FR 28469 ("May 2021 Technical Amendment"). Specifically, section 1008 of the Energy Act of 2020 amended section 325(ff)(6) of EPCA to specify that large-diameter ceiling fans manufactured on or after January 21, 2020, are not required to meet minimum ceiling fan efficiency requirements in terms of the ratio of the total airflow to the total power consumption as established in a final rule published January 19, 2017 (82 FR 6826; "January 2017 Final Rule"), and instead are required to meet specified minimum efficiency requirements based on the Ceiling Fan Energy Index ("CFEI") metric. 86 FR 28469, 28469–28470. The May 2021 Technical Amendment also implemented conforming amendments to the ceiling fan test procedure to ensure consistency with the Energy Act of 2020. 86 FR 28469, 28470.

On December 7, 2021, DOE published a supplemental NOPR ("SNOPR") to

present modifications to certain proposals presented in the September 2019 NOPR, and to propose additional amendments based on round robin testing. 86 FR 69544 ("December 2021 SNOPR") In the December 2021 SNOPR, DOE addressed a subset of comments received in response to the September 2019 NOPR that were relevant to the SNOPR. 86 FR 69544, 69546.

In the December 2021 SNOPR, DOE proposed to include a definition for "circulating air" for the purpose of the ceiling fan definition, include ceiling fans greater than 24 feet in the scope, include certain belt-driven ceiling fans within scope, include a standby metric for large-diameter ceiling fans, amend the low speed definition, permit an alternate set-up to collect air velocity test data, amend certain set-up and operation specifications, amend the blade thickness measurement requirement, and update product-specific rounding and enforcement provisions. 86 FR 69544, 69547. Additionally, on January 11, 2022, DOE hosted a public webinar to present the December 2021 SNOPR proposals.

DOE received comments in response to the September 2019 NOPR and December 2021 SNOPR from interested parties listed in Table II.1 of this document. Table II.1 reflects commenters that provided comments to the September 2019 NOPR that were not already fully addressed in the December 2021 SNOPR.

TABLE II.1—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE SEPTEMBER 2019 NOPR * AND DECEMBER 2021 SNOPR

Commenter(s)	Reference in this final rule	Document No. in docket	Commenter type
Air Movement and Control Association International	AMCA	33, 43	Trade Association.
American Lighting Association	ALA	34, 45	Trade Association.
Appliance Standards Awareness Project, American Council for an Energy-Efficient Economy, National Consumer Law Center, Energy Efficiency Advocate, New York State Energy Research and Development Authority, Northwest Energy Efficiency Alliance.	Efficiency Advocates	44	Efficiency Organizations.
Big Ass Fans	BAF	36	Manufacturer.
Hunter Fan Company	Hunter	29	Manufacturer.
Pacific Gas and Electric Company, San Diego Gas and Electric, and Southern California Edison; collectively, the California Investor-Owned Utilities.	CA IOUs	31, 46	Utilities.
VES Environmental Solution, Inc.	VES	25, 26	Manufacturer.

* The table includes only comments to the September 2019 NOPR that were not already fully addressed in the December 2021 SNOPR.

To the extent that DOE received comments relating to the energy conservation standards for ceiling fans, such comments are not discussed in this final rule as this rulemaking only

addresses the test procedure. These comments will be discussed in the separate energy conservation standards rulemaking docket (EERE–2021–BT–STD–0011).

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.⁶

⁵ The docketed round robin report can be found in the rulemaking Docket No. EERE–2013–BT–TP–0050. www.regulations.gov/docket/EERE-2013-BT-TP-0050.

⁶ The parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to develop test procedures for ceiling fans. (Docket No. EERE–2013–BT–TP–0050, which

is maintained at www.regulations.gov). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

ALA and AMCA commented that AMCA 230–15 is currently in the process of being updated and encouraged DOE to delay finalizing the ceiling fans test procedure until the updated version of AMCA 230 is published. (ALA, No. 45 at p. 4; AMCA, No. 43 at pp. 1, 5, 10–11) DOE notes that there is no scheduled date for the finalization of the update to AMCA 230. In light of the 7-year test procedure lookback requirement of EPCA (42 U.S.C. 6293(b)(1)(A)) and the requirement that amended test procedures that impact measured energy use or efficiency be finalized at least 180 days prior to the close of the comment period for a NOPR proposing new or amended energy conservation standards or a notice of proposed determination that standards do not need to be amended (appendix A to subpart C of part 430, section (8)(d)(1)), DOE is not delaying finalization of the ceiling fans test procedure. As discussed below, DOE is updating the reference to AMCA 230–15 to include the errata sheet published May 2021.

In response the September 2019 NOPR, Hunter noted that they were grateful that DOE initiated round robin testing to remedy any issues with the test procedure. However, they also noted that DOE must be mindful when exercising enforcement and compliance because the amendments are being implemented not only before the round robin is completed, but also before company and independent labs have thoroughly considered them. (Hunter No. 29 at pp. 1–2) DOE notes that the round robin has since been completed and the round robin test report has been separately published in the docket.⁷ Certain company and independent labs were involved during the round robin testing. Further, DOE also published the December 2021 SNOPR which provided additional proposals based on the round robin testing, and additional opportunities for industry to consider and comment on the proposals. As such, the amendments in this final rule are based on the proposals in the September 2019 NOPR and the December 2021 SNOPR. The effective date for the adopted test procedure amendment will be 30 days after publication of this final rule in the **Federal Register**. EPCA prescribes that all representations of energy efficiency and energy use, including those made on marketing materials and product labels, must be

made in accordance with an amended test procedure, beginning 180 days after publication of the final rule in the **Federal Register**. (42 U.S.C. 6293(c)(2))

In response to the December 2021 SNOPR, ALA also encouraged DOE to conduct future round robin testing within one year of the effective date of this test procedure rulemaking and future test procedure updates. ALA also encouraged DOE to take the necessary steps to ensure that all third-party labs are producing test results within an acceptable range. (ALA, No. 45 at p. 2) DOE appreciates these comments and will consider future round robin testing as needed to inform any future test procedure amendments.

Finally, Mr. Catania (representing himself) commented that state proceedings on the commercial and industrial fans are moving forward quickly and asked DOE whether it is considering updating energy conservation standards in a federal rulemaking following the finalization of the test procedure. (Catania, Public Meeting Transcript, No. 42 at p. 41) DOE notes that this rulemaking addresses the test procedure for ceiling fans only. On October 1, 2021, DOE issued a request for information (“RFI”) seeking comment and information regarding coverage as part of a separate rulemaking for fans and blowers.⁸ 86 FR 54412 (“October 2021 RFI”). Further, on February 8, 2022, DOE issued a request for information seeking comments and information regarding energy conservation standards for fans and blowers.⁹ 87 FR 7048. Any discussion on test procedures (and future rulemaking for energy conservation standards) for fans and blowers will be addressed through the separate rulemakings.

II. Synopsis of the Final Rule

In this final rule, DOE provides amendments as follows:

(1) Specifies that for the purpose of the ceiling fan definition, “circulating air” means the discharge of air in an upward or downward direction. A ceiling fan that has a ratio of fan blade span (in inches) to maximum rotation rate (in revolutions per minute (“RPM”)) greater than 0.06 provides circulating air;

(2) Extends the scope of the test procedure to include large diameter fans with a diameter greater than 24 feet;

(3) Includes certain belt-driven ceiling fans within the scope of the test procedure;

(4) Maintains that the standby power test procedure is applicable for large-diameter ceiling fans;

(5) Clarifies test voltage requirements for large-diameter ceiling fans;

(6) Specifies test procedures for ceiling fans with accessories or features that do not relate to the ceiling fan’s ability to create airflow by the rotation of the fan blades;

(7) Clarifies that VSD ceiling fans that do not also meet the definition of LSSD fan are not required to be tested pursuant to the DOE test method;

(8) Modifies the low-speed definition to ensure that LSSD ceiling fans (including VSD ceiling fans that also meet the definition of an LSSD fan) are tested at a more representative low speed rather than the “lowest available ceiling fan speed”;

(9) Increases the tolerance for the stability criteria for the average air velocity measurements at low speed for LSSD and VSD ceiling fans that also meet the definition of an LSSD fan;

(10) Allows use of an alternative procedure for air velocity data collection that relies on a two-arm sensor arm setup, and requires setups with arm rotation to stabilize the arm prior to data collection;

(11) Clarifies the alignment of air velocity sensor placement on the sensor arm(s);

(12) Specifies the instructions to measure blade thickness for LSSD and HSSD ceiling fan definitions;

(13) Specifies instrument measurement resolution;

(14) Amends represented values, rounding, and enforcement provisions; and

(15) Codifies in regulation existing guidance on the method for calculating several values reported on the FTC EnergyGuide label for LSSD and VSD ceiling fans using results from the ceiling fan test procedures in appendix U and represented values in 10 CFR part 429;

As discussed, DOE is also updating the reference to AMCA 230–15 to reference the version that includes the 2021 errata sheet. The adopted amendments are summarized in Table II.1 of this document compared to the test procedure provision prior to the amendment, as well as the reason for the adopted change.

⁷ The docketed round robin report can be found in the rulemaking Docket No. EERE–2013–BT–TP–0050. www.regulations.gov/docket/EERE-2013-BT-TP-0050.

⁸ See Docket No. EERE–2021–BT–TP–0021 at www.regulations.gov.

⁹ See Docket No. EERE–2022–BT–STD–0002 at www.regulations.gov.

TABLE II.1—SUMMARY OF CHANGES IN THE AMENDED TEST PROCEDURE

DOE test procedure prior to amendment	Amended test procedure	Attribution
Defines “ceiling fan” based on EPCA as “a nonportable device that is suspended from a ceiling for circulating air via the rotation of fan blades.”	Defines the term “circulating air” for the purpose of the ceiling fan definition to mean “the discharge of air in an upward or downward direction. A ceiling fan that has a ratio of fan blade span (in inches) to maximum rotation rate (in revolutions per minute) greater than 0.06 provides circulating air.”	Response to industry comments.
Excludes large diameter fans with a diameter of greater than 24 feet from the test procedure.	Includes large diameter fans with a diameter of greater than 24 feet in the scope of the test procedure.	Response to industry comments.
Excludes all belt-driven ceiling fans from the test procedure.	Includes definitions and test procedures for high-speed belt-driven ceiling fans.	Response to industry comments.
Provides a method of testing only those VSD ceiling fans that meet the LSSD ceiling fan definition.	Specifies that VSD ceiling fans that are not also LSSD ceiling fans are not required to be tested pursuant to the DOE test method.	Clarification of test procedure scope.
Includes a standby power test procedure, but no standby power metric, for the large-diameter ceiling fan CFEL metric. Prior to the Energy Act of 2020, the applicable metric for large-diameter ceiling fans included a measurement of standby power.	Amends appendix U to include a standby power metric for large-diameter ceiling fans.	42 U.S.C. 6295(gg)(2)(A) requires test procedures for all products to include standby mode and off mode energy consumption.
Does not include specific instructions on how ceiling fan accessories and/or features should be incorporated into the test procedure.	Specifies that accessories or features that do not relate to the ceiling fan’s ability to create airflow by the rotation of the fan blades must be installed, but turned off during testing. If such an accessory or feature cannot be turned off, it shall be set to the lowest energy-consuming mode during testing.	Improve representativeness and reproducibility of the test procedure.
Provides potentially ambiguous language for supply voltage specifications for testing large-diameter ceiling fans.	Provides clarification for supply voltage specification. The clarification does not change the original requirement.	Response to stakeholder comment.
Defines “low speed” as “the lowest available ceiling fan speed, <i>i.e.</i> , the fan speed corresponding to the minimum, non-zero, blade RPM.”	Defines “low speed” by representing the proposed definition as a table, indicating the number of sensors that must measure greater than 40 feet per minute.	Improve the repeatability, reproducibility, and representativeness of the test procedure.
The tolerance for the stability criteria for the average air velocity measurements for LSSD and VSD ceiling fans at low speed is less than 5 percent.	Increases the tolerance for the stability criteria for the average air velocity measurements for LSSD and VSD ceiling fans at low speed to less than ten 10 percent.	Response to waiver; improve repeatability of test results.
Prescribes either a four-arm or one-arm sensor setup, for certain fan types.	Adds an alternative two-arm setup to measure air velocity. Further, adds requirement for setups that require arm rotation to stabilize the arm to dissipate any residual turbulence prior to data collection.	Improve the repeatability and reproducibility of the test procedure.
Does not explicitly specify air velocity sensor alignment or acceptance angle.	Provides explicit instructions to align the air velocity sensors perpendicular to the airflow.	Improve the repeatability and reproducibility of the test procedure.
Does not specify how fan blade thickness should be measured.	Adds specification to measure fan blade thickness in a consistent manner for all fan blade types (including “rolled-edge” blade designs).	Improve the repeatability and reproducibility of the test procedure.
Does not include any measurement tolerances for certain parameters and represented values and associated rounding requirements.	Updates measurement tolerances for certain parameters. Also updates represented value calculations and rounding requirements.	Include represented value and rounding requirements for current standards.
Includes product-specific enforcement provisions.	Add provisions for verification of represented values to be used in the context of enforcement of the relevant efficiency standards.	Include enforcement requirements for current standards.
Instruction on calculating EnergyGuide label values based on measurements taken in accordance with appendix U is provided in a guidance document separate from the CFR.	Codifies the instructions for calculating EnergyGuide label values in the CFR.	Improve ease of use of the test procedure.
Incorporates by reference AMCA 230–15, ANSI approved October 16, 2015.	Updates reference to edition including the errata sheet published June 2021.	Update to industry test standard.

DOE has determined that the amendments described in section III and adopted in this document would not require re-testing for a majority of ceiling fans. The amendment redefining “low speed” may require retesting for a limited number of LSSD ceiling fans. However, DOE expects that the amendments would be more reasonably

designed to produce results that are representative of average use at low speed. Discussion of DOE’s actions are addressed in detail in section III of this document, including test procedure costs and cost savings.

The effective date for the amended test procedures adopted in this final rule is 30 days after publication of this

document in the **Federal Register**. Representations of energy use or energy efficiency must be based on testing in accordance with the amended test procedures beginning 180 days after the publication of this final rule.

III. Discussion

A. Scope of Applicability

EPCA defines “ceiling fan” as “a nonportable device that is suspended from a ceiling for circulating air via the rotation of fan blades.” (42 U.S.C. 6291(49)) DOE codified the statutory definition in 10 CFR 430.2. In a final rule published July 25, 2016 (“July 2016 Final Rule”), DOE stated that the test procedure applies to any product meeting this definition, including hugger fans, fans designed for applications where large airflow volume may be needed, and highly decorative fans. 81 FR 48619, 48622. DOE stated, however, that manufacturers were not required to test the following fans according to the test procedure: belt-driven ceiling fans, centrifugal ceiling fans, oscillating ceiling fans, and ceiling fans whose blades’ plane of rotation cannot be within 45 degrees of horizontal. *Id.*

1. Scope of Ceiling Fan Product Coverage

In the September 2019 NOPR, DOE proposed to clarify its interpretation of the statutory definition in response to an inquiry from AMCA regarding the application of the term “ceiling fan” to products known as “air circulating fan heads” (“ACFHs”).¹⁰ 84 FR 51440, 51443. In letters submitted to DOE in May and July of 2019, AMCA asserted that air circulating fan heads have distinct characteristics and functions compared to traditional ceiling fans, including that air circulating fan heads provide concentrated directional airflow as opposed to circulating air.¹¹ (AMCA, No. 23 in *both May and July 2019 letters*, at p. 1) AMCA recommended that DOE use the physical characteristics of fan diameter and rotational tip speed or outlet air speed as a means to distinguish fans that circulate air (as necessary to meet the statutory definition of “ceiling fan”) from ACFHs that provide directional air flow (*i.e.*, fans excluded from the statutory definition of “ceiling fan”).¹²

¹⁰ Section 5.1.1 of ANSI/AMCA Standard 230–15 (“AMCA 230–15”), “Laboratory Methods of Testing Air Circulating Fans for Rating and Certification,” defines *air circulating fan head* as “an assembly consisting of a motor, impeller and guard for mounting on a pedestal having a base and column, wall mount bracket, ceiling mount bracket, I-beam bracket or other commonly accepted mounting means.”

¹¹ The May and July 2019 letters are available at www.regulations.gov/document?D=EERE-2013-BT-TP-0050-0023.

¹² AMCA specifically recommended the use of tip speed, which is calculated as blade diameter $\times$ 3.14159 $\times$ rotational speed in RPM, and suggested that the maximum tip speed of a ceiling fan would

(AMCA, No. 23 in the *July 2019 letter* at p. 2) Accordingly, in the September 2019 NOPR, DOE proposed to clarify the definition of “ceiling fan” and proposed two alternate definitions of the term to distinguish a “ceiling fan” from other fans based on the “non-portable” element and “suspended from a ceiling” (*i.e.*, “mounting”) element of the statutory definition. 84 FR 51440, 51444. Specifically, DOE proposed to include within the definition that for purposes of the definition, the term “suspended from a ceiling” means offered for mounting on a ceiling, and the term “nonportable” means not offered for mounting on a surface other than a ceiling.” *Id.*

In response to the September 2019 NOPR, commenters were generally opposed to using a mounting element as a distinction stating it was too broad and could create loopholes. (ALA, No. 34 at p. 2; AMCA, No. 33 at pp. 2–3; Hunter No. 29 at p. 2) Multiple interested parties recommended that the definition of ceiling fan be based on, in part, a ratio of diameter to maximum operating speed in order to separate fans that circulate air from those that provide directional airflow. (Hunter Fans, BAFs, Public Meeting Transcript, No. 28 at pp. 33–35, AMCA, No. 33 at pp. 3–6; ALA, No. 34 at p. 2; and Hunter No. 29 at p. 2) Specifically, these commenters suggested that a diameter-to-maximum operating speed ratio less than 0.06 inches/RPM could be used to distinguish products that are not ceiling fans. *Id.*

In the December 2021 SNOPR, DOE proposed to define the term “circulating air” as it is used in the ceiling fan definition and to include a specification that a ceiling fan with a maximum operating speed ratio of greater than 0.06 in/RPM is considered to provide circulating air. 86 FR 69544, 69550. DOE stated that EPCA does not define “circulating air,” but that the term can generally be understood as the discharge of air in an upward or downward direction with the air returning to the intake side of the fan, *i.e.*, the air is circulated within a space. *Id.* In contrast, directional airflow targets the discharged air at a specific location and the discharged air does not return to the intake side of the fan, *i.e.*, directional airflow moves air, but does not circulate it within the space. *Id.* A fan that provides directional airflow, as opposed to “circulating air”, would not be a “ceiling fan” as that term is defined in EPCA. *Id.* DOE tentatively concluded that the diameter-to-maximum operating

speed ratio of 0.06 in/RPM is appropriate to distinguish fans with directional airflow from circulating airflow. *Id.*

DOE also noted in the December 2021 SNOPR that the ceiling fan design standards of EPCA would not be applicable to fans that do not meet the criteria of the proposed definition. 86 FR 69544, 69551. Specifically, EPCA requires all ceiling fans manufactured after January 1, 2007, to have: (i) fan speed controls separate from any lighting controls; (ii) adjustable speed controls (either more than 1 speed or variable speed); and (iii) the capability of reversible fan action, except for fans sold for industrial applications, fans sold for outdoor applications, and cases in which safety standards would be violated by the use of the reversible mode. (86 FR 69544, 69551; 42 U.S.C. 6295(ff)(1)(A)) The energy conservation standards established by DOE would also not be applicable to such products. 86 FR 69544, 69551.

In response to the December 2021 SNOPR, ALA and AMCA both commented that they support DOE’s definition of “circulating air”. (AMCA, No. 43 at p. 2; ALA, No. 45 at p. 2) ALA noted its hope that the inclusion of a definition of “circulating air” would effectively remove ACFHs from the scope of ceiling fans. (ALA, No. 45 at p. 2) AMCA also specifically indicated its support for the 0.06-in/RPM threshold ratio proposed in the December 2021 SNOPR and cited public data indicating that all products they identified as ACFHs were below the 0.06 ratio. (AMCA, No. 43 at p. 2–3) Based on these data, AMCA commented that a threshold of 0.06 in/RPM for the diameter-to-maximum-operating-speed ratio was appropriate to separate ACFH from ceiling fans. (*Id.*; see also AMCA, Public Meeting Transcript, No. 42 at p. 21)

Further, AMCA commented that it may be better to define “circulating air” separately in appendix U, so that it can be used in other fan definitions, such as the commercial and industrial fans and blowers rulemaking. (AMCA, No. 43 at p. 4) AMCA also commented that the definition will be examined during the update of AMCA 230. (AMCA, No. 43 at p. 2)

DOE notes that this rulemaking is focused on definitions and test procedures relevant to ceiling fans, and thus is determining a definition for “circulating air” specifically in the context of the ceiling fan definition. DOE also acknowledges that AMCA 230 is currently under review and were AMCA 230 to adopt a different approach to delineating ceiling fans

be 4,000 feet per minute. See May 2019 letter, page 2.

from other fan products, DOE may consider such an approach in a future rulemaking.

The CA IOUs suggested that DOE not attempt to define “circulating air” within its ceiling fans definition. (CA IOUs, No. 46 at p. 2) The CA IOUs commented that DOE’s proposed definition puts too much emphasis on fan setup and room configuration, rather than the attributes of the fan itself. (*Id.*) They stated that a ceiling fan in a large, open warehouse would not have air directly returning to the intake side of the fan, whereas an ACFH in a small room may have air directly returning to the intake side of the fan, such that the proposed definition of circulating air may not be able to provide the intended clarity. (*Id.*)

The CA IOUs also suggested a modified ceiling fan definition: Ceiling fan means a nonportable device that can be suspended from a ceiling or overhead support for the purpose of circulating air via the rotation of fan blades. A ceiling fan has a ratio of fan blade span (in inches) to maximum rotation rate (in revolutions per minute) greater than 0.06. (CA IOUs, No. 46 at p. 2) The CA IOUs expressed concern that in many commercial and industrial applications, ceiling fans are mounted from an overhead support rather than directly suspended from a ceiling, and that the manufacturer will most likely not know whether their products will be suspended from a ceiling or another type of overhead support during the product design phase. (*Id.*) Accordingly, the CA IOUs commented that including the phrase “or overhead support” would avoid an unintended interpretation that the type of structure from which the fan is suspended determines coverage. (*Id.*) They suggested that there is a strong precedent for DOE to address EPCA-derived uncertainty to provide a clearer and more comprehensive definition, as DOE did for the definition of showerheads in its October 22, 2013 test procedure final rule. (*Id.*)

The Efficiency Advocates commented that the phrase “suspended from a ceiling” may create a loophole for fans with alternative mounting hardware and recommend that DOE clarify that any fan “packaged with hardware for such an installation” and/or “marketed for such an installation” be covered. (Efficiency Advocates, No. 44 at p. 4)

DOE notes that manufacturers cannot always anticipate the fan setup, room configuration, or overhead support for a particular ceiling fan installation. DOE expects that any ceiling fan that could be installed from an overhead support would also be able to be installed from

a ceiling.¹³ As a general matter, DOE notes its authority generally applies to products as manufactured and not at point of installation. (See generally 42 U.S.C. 6302) Any fan that is distributed in commerce with components that enable it to be suspended from a ceiling, and that meets the ceiling fan definition in terms of being a non-portable device and for circulating air (as defined by this final rule) via the rotation of fan blades, is a ceiling fan.

Additionally, DOE recognizes that whether air flow is returned to the fan intake may be dependent on the installation environment. Accordingly, DOE has removed the phrase “with air returning to the intake side of the fan” from the adopted definition for “circulating air” for the purpose of the ceiling fans definition. However, the definition adopted in this final rule continues to specify a diameter-to-maximum operating speed ratio to distinguish between fans that generally are designed to circulate air from those fans generally designed to provide directional air flow. As stated, DOE has determined, as supported by commenters, that the threshold of 0.06 in/RPM provides the appropriate distinction.

For the reasons discussed previously and in consideration of comments received, in this final rule, DOE adopts the following definition for “circulating air” for the purpose of the ceiling fan definition:

(1) Circulating Air means the discharge of air in an upward or downward direction. A ceiling fan that has a ratio of fan blade span (in inches) to maximum rotation rate (in revolutions per minute) greater than 0.06 provides circulating air.

(2) For all other ceiling fan related definitions, see appendix U to this subpart.

AMCA (represented by Mr. Catania at the time) suggested during the September 2019 NOPR public meeting that DOE consider including in Appendix U visual images as examples (with disclaiming language) of the applicable fans in scope. (AMCA, Public Meeting Transcript, No. 28 at p. 14) Westinghouse (represented by Mr. Gatto) also agreed with AMCA’s comments and suggested that DOE could consider providing a separate guidance document that provides clear examples of in-scope ceiling fans.

¹³ DOE understands that a ceiling fan is installed from a junction box that is attached to a structural beam. Therefore, it is not the dry wall or plaster of a ceiling that supports the ceiling fan. Accordingly, DOE concludes that a ceiling fan could as easily be installed from a structural beam/support without the dry wall/plaster.

(Westinghouse, Public Meeting Transcript, No. 28 at p. 16) DOE appreciates the recommendations, but notes that examples and pictures could be interpreted differently by different stakeholders. DOE prefers to rely on physical features of the product when establishing definitions and scope. Accordingly, at this point DOE is not considering a separate guidance document that includes visual representations of in-scope ceiling fans. Any specific questions about scope and test can be sent to ApplianceStandardsQuestions@ee.doe.gov.

2. Scope of Ceiling Fan Test Procedure

Section 2 of appendix U specifies that the ceiling fan test procedure applies to ceiling fans except:

(1) Ceiling fans where the plane of rotation of a ceiling fan’s blades is not less than or equal to 45 degrees from horizontal, or cannot be adjusted based on the manufacturer’s specifications to be less than or equal to 45 degrees from horizontal;

(2) Centrifugal ceiling fans;

(3) Belt-driven ceiling fans; and

(4) Oscillating ceiling fans.

Section 1.6 of appendix U defines “centrifugal ceiling fan” as “a ceiling fan for which the primary airflow direction is in the same plane as the rotation of the fan blades.” Section 1.3 of appendix U defines “belt-driven ceiling fan” as “a ceiling fan with a series of one or more fan heads, each driven by a belt connected to one or more motors that are located outside of the fan head.” Section 1.16 of appendix U (renumbered as section 1.17 in this final rule) defines “oscillating ceiling fan” as “a ceiling fan containing one or more fan heads for which the axis of rotation of the fan blades cannot remain in a fixed position relative to the ceiling. Such fans have no inherent means by which to disable the oscillating function separate from the fan blade rotation.”

DOE received comments regarding the scope of the ceiling fan test procedure and exemptions. AMCA commented that there should continue to be an exception for ceiling fans whose plane of rotation exceeds 45 degrees. (AMCA, No. 33 at p. 8) The CA IOUs recommended that DOE monitor for excessive energy use groups of ceiling fans that are not regulated, such as belt-driven fans and ceiling fans whose blades’ plane of rotation cannot be within 45 degrees of the horizontal. (CA IOUs, No. 31 at p. 3)

In this final rule, DOE makes no changes to the exclusion of centrifugal ceiling fans; oscillating ceiling fans; and ceiling fans where the plane of rotation

of a ceiling fan's blades is not less than or equal to 45 degrees from horizontal, or cannot be adjusted based on the manufacturer's specifications to be less than or equal to 45 degrees from horizontal; as specified in section 2 of appendix U. As discussed further in section III.A.2.b of this document, DOE is amending the scope of the test procedure with regard to belt-driven ceiling fans.

VES stated that it is considering updating its belt-driven ceiling fans to direct drive fans (which are primarily shrouded), which would eliminate belt losses and boost motor efficiency. VES asserted that these ceiling fans would then be captured by the HSSD definition and therefore be subject to minimum efficiency standards that these ceiling fans would be unable to meet. VES recommended that ceiling fans with an orifice shroud surrounding the impeller or with adjustable discharge dampers be exempt from the rulemaking. (VES, No. 26 at pp. 1–2)

Regarding the scope of the ceiling fan test procedure, if a shrouded ceiling fan meets the definition of ceiling fan as amended by this final rule, it would be considered a ceiling fan and would be subject to the design standards, test procedure, and applicable energy conservation standards. DOE notes that this rulemaking is with regard only to the test procedure for ceiling fans and consideration of energy conservation standards of ceiling fans is covered by a separate rulemaking (Docket number EERE–2021–BT–STD–0011).

a. Scope of Test Procedure for Large-Diameter Ceiling Fans

In the July 2016 Final Rule, DOE limited the scope of the ceiling fans test procedure to ceiling fans up to 24 feet in diameter. 81 FR 48619, 48632. DOE explained that it was not aware of any commercially available LDCFs with blade spans greater than 24 feet and as such could not confirm the reliability of test procedure results for these LDCFs. Thus, section 3.4.1 of appendix U specifies that the test procedure for large-diameter ceiling fans (“LDCFs”) is applicable for ceiling fans up to 24 feet in diameter. As such, LDCFs with diameters greater than 24 feet have not been subject to energy conservation standards.

In the December 2021 SNOPR, DOE proposed to remove the 24-foot blade span limit in section 3.4.1 of appendix U. 86 FR 69544, 69551. This proposal was based on two primary factors. First, because DOE's test procedure for LDCFs is based on AMCA 230–15, nothing inherent to the test procedure would prevent testing of a ceiling fan greater

than 24 feet. AMCA 230–15 provides minimum clearances as a function of blade span and does not specify an upper limit on blade span. Second, AMCA confirmed that the test facilities AMCA uses are capable of accommodating ceiling fans with blade spans substantially larger than 24 feet. 86 FR 69544, 69551; see also AMCA, No. 43 at p. 4)

AMCA, the Efficiency Advocates, and the CA IOUs agreed with DOE's proposal to remove the 24-foot blade span limit. (AMCA, No. 43 at p. 4; Efficiency Advocates, No. 44 at p. 2; CA IOUs, No. 46 at p. 1; AMCA, Public Meeting Transcript, No. 42 at p. 23) AMCA commented that there is at least one LDCF on the market with a blade span greater than 24 feet, and that there is no additional test burden for testing a ceiling fan with a blade span greater than 24 feet relative to testing a ceiling fan with a blade span of 24 feet. (AMCA, No. 43 at pp. 4, 12–13)

DOE did not receive any comments objecting to its proposal to remove the 24-foot blade span limit. Further, while DOE is aware of two LDCF models with a diameter greater than 24 feet, DOE understands that these models are already tested using the DOE test procedure.¹⁴ Therefore, elimination of the 24-foot threshold from the test procedure update will not add any test burden.

For the reasons discussed, in this final rule DOE is removing the 24-foot blade span limit in section 3.4.1 of appendix U, which expands the scope of the test procedure for LDCFs to ceiling fans having a blade span larger than 24 feet. As such, representations of energy efficiency and energy use made with respect to LDCFs, including those with blade spans larger than 24 feet, must be made in accordance with this final rule beginning 180 days after publication of the final rule in the **Federal Register**. (42 U.S.C. 6293(c)(2)) DOE will address any potential changes to the scope of standards for LDCFs in a separate rulemaking.

b. Scope of Test Procedure for Belt-Driven Ceiling Fans

Section 1.3 of appendix U defines a “belt-driven ceiling fan” as “a ceiling

fan with a series of one or more fan heads, each driven by a belt connected to one or more motors that are located outside of the fan head.” In the December 2021 SNOPR, DOE proposed to amend the test procedure to include a type of high-speed, single-head, belt-driven ceiling fan, which stakeholders identified as having come onto the market since belt-driven ceiling fans had been excluded from energy conservation standards. 86 FR 69544, 69552. DOE stated that unlike other belt-driven ceiling fans, high-speed, single-head, belt-driven ceiling fans are not customizable, and the fan head can be isolated for testing. DOE noted that, in contrast to the low-speed multiple head belt-driven ceiling fans, these designs allow single-head belt-driven ceiling fans to be tested using the test procedures in appendix U. 86 FR 69544, 69552.

Accordingly, DOE proposed to define high-speed belt-driven (“HSBD”) ceiling fan as a small-diameter ceiling fan that is a belt-driven ceiling fan with one fan head, and has tip speeds greater than or equal to 5000 feet per minute. *Id.* DOE notes that in its proposal, “greater than or equal to 5000 feet per minute” was consistent with the tip speed identified by stakeholders as corresponding to a new type of belt-driven fan that had come to market with a larger motor and higher tip speeds. 86 FR 69544, 69551–69552. However, in the December 2021 SNOPR, DOE also suggested that it would consider other tip speed thresholds. *Id.*

DOE also stated that it had identified at least one belt-driven ceiling fan with a marketed blade span of greater than 7 feet. DOE proposed to define large-diameter belt-driven (“LDBD”) ceiling fan as a belt-driven ceiling fan with one fan head that has a represented value of blade span, as determined in 10 CFR 429.32(a)(3)(i), greater than seven feet. *Id.* Further, DOE also suggested that it may consider a combined term and definition for all belt-driven ceiling fans that meet the scope of HSBD and LDBD ceiling fans. DOE discussed that by removing “small-diameter” in the definition, the alternate HSBD definition should accommodate belt-driven ceiling fans with blade spans greater than seven feet. *Id.*

Generally, the CA IOUs, ALA, and the Efficiency Advocates commented that they supported expanding the scope of the test procedure to cover high-speed, single-head, belt-driven ceiling fans. (CA IOUs, No. 46 at pp. 2–3; ALA, No. 45 at p. 2; Efficiency Advocates, No. 44 at pp. 1–2) The Efficiency Advocates commented that they believe covering HSBD and LDBDs provides a level

¹⁴ DOE acknowledges that in the December 2021 SNOPR, in the context of the Paperwork Reduction Act analysis, DOE stated that it reviewed the market for ceiling fans with a diameter greater than 24 feet and identified 4 models currently being offered for sale by 2 manufacturers. 86 FR 69544, 69562. To clarify, the identified ceiling fans had the potential for a diameter greater than 24 feet. DOE assumed 4 models having a diameter greater than 24 feet. Upon further review, DOE has since concluded that only two models have a diameter greater than 24 feet.

playing field for manufacturers and permits purchasers to make informed decisions. (Efficiency Advocates, No. 44 at pp. 1–2) Regarding coverage of LDBDs, AMCA commented that they are only aware of one LDBD ceiling fan and stated that there is no reason for it to be excluded from other large-diameter ceiling fans based solely on drive type. (AMCA, No. 43 at p. 5) AMCA added that the large-diameter ceiling fan product class already includes both gear-driven and direct-drive ceiling fans, such that adding LDBD ceiling fans would be consistent with current requirements. (AMCA, No. 43 at p. 5) The CA IOUs commented that DOE should avoid creating a separate product class for LDBD fans and should instead include them with large-diameter ceiling fans because they will have the same metric and should be held to the same standard. (CA IOUs, No. 46 at p. 3) ALA agreed that LDBDs should be included with large-diameter ceiling fans. (ALA, No. 42 at p. 10)

ALA commented that they supported DOE not proposing a test procedure for low-speed belt-driven ceiling fans. (ALA, Public Meeting Transcript, No. 42 at p. 27)

Based on comment received and further review, DOE has not identified any unique applications for LDBDs as compared to HSBDS. Both DOE and commenters have only identified one ceiling fan that would meet the definition of LDBD. Further, the one LDBD identified is marketed for similar applications to all other HSBDS. Given that both types of fans serve the same application and can be tested according to the same procedures, in this final rule, DOE is adopting a definition for HSBDS that removes any distinction based on diameter.

DOE notes there are not currently energy conservation standards that would be applicable to HSBDS ceiling fans and that it is currently evaluating potential energy conservation standards for HSBDS ceiling fans in a separate energy conservation standards rulemaking (See docket EERE–2021–BT–STD–0011). As part of that rulemaking, DOE will consider whether it is technologically feasible and economically justified to establish energy conservation standards for HSBDS.

Regarding the proposed tip speed threshold for the HSBDS definition, AMCA and ALA both recommended that DOE align the tip speed threshold with the existing blade thickness and tip speed thresholds separating HSSD and

LSSD ceiling fans.¹⁵ (AMCA, No. 43 at p. 5; ALA No. 45 at p. 2) AMCA commented that it supports the definition because there is a lack of reliable performance data for HSBDS, the use of a consistent tip-speed threshold (*i.e.*, the tip-speed threshold used for the current HSSD and LSSD definitions) might be more appropriate. (AMCA, No. 43 at p. 5) ALA further commented that all low-speed, multiple head belt-driven ceiling fans should remain exempted from testing requirements. (ALA, No. 45 at p. 2)

The tip-speed thresholds used to separate LSSD and HSSD ceiling fans, as defined in section 1.13 of appendix U (renumbered as section 1.14 in this final rule) and section 1.8 of appendix U, respectively, generally align with the tip-speed thresholds defined by industry safety standard UL 507–2017, “Standard for Electric Fans,” which specifies that ceiling fans with tip speeds higher than the threshold cannot be installed below ten feet without a ceiling fan guard. Given this, and in lieu of any additional performance data beyond the initial stakeholder comment that formed the basis of DOE’s proposal in the December 2021 SNOPR, DOE agrees with AMCA and ALA that the tip speed used to differentiate HSSD from LSSD ceiling fans would provide a more justifiable and appropriate tip speed to distinguish belt-driven ceiling fans that are high speed from those that are low speed because it aligns with existing ceiling fan safety standards. In this final rule, DOE defines the tip-speed threshold for HSBDS ceiling fans consistent with the thresholds differentiating HSSD and LSSD ceiling fans.

In the December 2021 SNOPR, DOE noted that the airflow of HSBDS fans was much higher than other small-diameter ceiling fans and because of that, the small-diameter ceiling fan test procedure (*i.e.*, using sensor arm setup) could be problematic. 86 FR 69544, 69552. As such, DOE proposed to test all HSBDS fans according to section 3.4 of appendix U, which references AMCA 230–15. DOE requested comment on its proposed test method. *Id.* Related, DOE proposed requiring the use of the CFEI metric, rather than a cubic feet per minute (“CFM”) per Watt (“W”) metric (“CFM/W”), to characterize the energy efficiency of HSBDS ceiling fans. 86 FR 69544, 69553.

¹⁵ While there is no tip speed threshold for a ceiling fan with a blade thickness less than 3.2mm, at or above 3.2mm, the tip speed thresholds vary from 2,400 fpm to 3,200 fpm to 4,000 fpm, depending on direction of airflow and blade thickness. See HSSD and LSSD ceiling fan definitions in section 1 of appendix U.

AMCA commented that because of the relatively high airflow of HSBDS ceiling fans, AMCA 230 is the most appropriate test procedure and therefore supported using that standard to test HSBDS ceiling fans. (AMCA, No. 43 at p. 5) AMCA stated that they did not have estimated operating speeds and hours for HSBDS ceiling fans, which would be needed for a CFM/W metric, and supported use of the CFEI metric for HSBDS fans. (AMCA, No. 43 at pp. 5–6) The Efficiency Advocates supported the use of CFEI for all belt-driven ceiling fans, including high-speed and/or large diameter belt-driven ceiling fans given that the airflows are more similar to large-diameter ceiling fans. (Efficiency Advocates, No. 44 at pp. 1–2)

DOE did not receive any comments in opposition to testing HSBDS ceiling fans using AMCA 230–15 or calculating efficiency based on CFEI. In this final rule, DOE is amending appendix U to specify that HSBDS ceiling fans are to be tested using AMCA 230–15 and have efficiency calculated based on CFEI.

In the December 2021 SNOPR, DOE proposed to require HSBDS capable of only single-speed operation to be tested at only high speed and for HSBDS capable of variable speed operation to be tested at high speed and 40-percent speed. 86 FR 69544, 69553.

AMCA, CA IOUs and the Efficiency Advocates noted that all ceiling fans are required to meet the design conditions prescribed by EPCA, which require multi-speed operation. (AMCA, No. 43 at p. 7; CA IOUs, No. 46 at pp. 2–3; Efficiency Advocates, No. 44 at p. 2–3; ASAP, Public Meeting Transcript, No. 42 at p. 25) The CA IOUs asked that DOE clarify that all ceiling fans, including belt-driven ceiling fans, centrifugal ceiling fan, oscillating ceiling fans, or ceiling fans whose blades’ plane of rotation cannot be within 45 degrees of horizontal, still need to meet the ceiling fan design requirements. (CA IOUs, No. 46 at p. 3) The Efficiency Advocates stated that one of EPCA’s requirement is that all ceiling fans manufactured after January 1, 2007, are required to have adjustable speed controls and that DOE should clarify how testing of single-speed BDCFs interacts with the EPCA requirements. (Efficiency Advocates, No. 44 at pp. 2–3) These commenters are correct that all ceiling fans manufactured on or after January 1, 2007 are required to meet the design standards specified at 10 CFR 430.32(s)(1), including the requirement to have adjustable speed controls. As such, all HSBDS sold on the market must be capable of variable speed operation and the proposed provisions

pertaining to HSBDs capable of only single speed operation are superfluous). Accordingly, in this final rule, DOE is adopting language requiring HSBDs to be tested at both high speed and 40 percent speed or the nearest speed that is not less than 40 percent speed.

DOE notes there are not currently energy conservation standards that would be applicable to HSBD ceiling fans. As such, and as discussed further in section III.Q of this document, the coverage of HSBD ceiling fans under the test procedure does not require that these fans be subject to such testing. Were a manufacturer to voluntarily make representations of the energy efficiency of such fans, any such representation would be required to be based on testing in accordance with the DOE test procedure and such representation must fairly disclose the results of such testing. (42 U.S.C. 6293(c)(1))

c. Scope of Test Procedure for VSD Ceiling Fans

Appendix U prescribes a test method for LSSD and HSSD ceiling fans, but does not explicitly prescribe a test method for VSD ceiling fans. The HSSD ceiling fan definition excludes VSD ceiling fans. As such, appendix U provides a method of testing only those VSD ceiling fans that meet the LSSD ceiling fan definition. In the September 2019 NOPR, DOE proposed to specify explicitly that VSD ceiling fans that do not also meet the definition of LSSD fan are not required to be tested pursuant to the DOE test method for purposes of demonstrating compliance with DOE's energy conservation standards for ceiling fans or representations of efficiency. 84 FR 51440, 51445. DOE requested comments on this proposal. *Id.*

ALA, Hunter and AMCA supported DOE's proposal to exclude VSD ceiling fans that do not meet the definition of LSSD. (ALA, No. 45 at p. 1; Hunter, No. 29 at p. 3; ALA, No. 34 at p. 3; AMCA, No. 33 at p. 8)

For the reasons discussed, in this final rule, DOE is adopting the more explicit specification that VSD ceiling fans that do not meet the definition of LSSD ceiling fan are not required to be tested pursuant to appendix U. In other words, only VSD ceiling fans that meet the definition of LSSD fan are required to be tested using appendix U. DOE notes, however, that all VSD ceiling fans are still required to meet the design standards specified in 10 CFR 430.32(s).

The Efficiency Advocates, which includes ASAP, encouraged DOE to cover VSD fans that are not LSSD ceiling fans in the separate fans and

blowers rulemaking, especially the VSD fans that have a diameter-to-maximum operating speed ratio less than 0.06. (Efficiency Advocates, No. 44 at p. 4; ASAP, Public Meeting Transcript, No. 42 at p. 36) ASAP explained that the physical characteristics of these higher-speed VSD ceiling fans are more similar to air-circulating fan heads. (ASAP, Public Meeting Transcript, No. 42 at p. 36) On October 1, 2021, DOE issued a request for information ("RFI") seeking comment and information regarding coverage as part of a separate rulemaking for fans and blowers.¹⁶ 86 FR 54412 ("October 2021 RFI"). The October 2021 RFI included discussion of ACFHs, which as discussed in section III.A.1 of this document, generally have a ratio of fan blade span to maximum rotation rate less than 0.06 in/RPM and therefore are not considered to provide "circulating air" as defined by this final rule (and therefore do not meet the definition of ceiling fan). 86 FR 54412, 54414. DOE will consider any further comments regarding coverage of ACFHs as part of the fans and blowers rulemaking.

B. Standards Incorporated by Reference

Appendix U references certain provisions of the industry test standards AMCA 208–18 and AMCA 230–15, both of which are incorporated by reference. See 10 CFR 430.3(b)(2) and (4).

As discussed in the December 2021 SNOPR, DOE was made aware that AMCA 230–15 was inconsistent in its conversion of measurements to standard air density. 86 FR 69544, 69551. Whereas calculated thrust is converted to standard air density (Section 9.3 of AMCA 230–15), electric input power is not. Thrust (which is used to determine airflow in CFM) and electric input power are inputs to the CFEI metric described in AMCA 208–18. Therefore, without the correction, the same fan can have different values for CFEI depending on the density of the air where the fan is being tested.

On May 5, 2021, AMCA made a correction to address the inconsistency in the industry standard in the form of a technical errata sheet for AMCA 230–15.¹⁷ The technical errata sheet details that the corrections listed in the errata sheet apply to all copies of AMCA 230–15. In response to the December 2021 SNOPR, AMCA stated that it supports the technical errata sheet for AMCA

230–15 being treated as a part of AMCA 230–15. (AMCA, No. 43 at p. 11)

In this final rule, DOE is updating the incorporation by reference of AMCA 230–15 to include the 2021 technical errata sheet. In addition, DOE is implementing organizational changes whereby DOE is incorporating the entirety of AMCA 230–15 at 10 CFR 430.3 and providing a new index within appendix U to provide the specific provisions of AMCA 230–15, AMCA 208–18, and IEC 62301–U that apply to the DOE test procedure. This amendment is strictly organizational and has no substantive impact on the test procedure.

C. Efficiency Metric for Small-Diameter Ceiling Fans

Ceiling fan efficiency is currently expressed in terms of CFM/W for small-diameter ceiling fans (See section 4 of appendix U) and CFEI for large-diameter ceiling fans (section 5 of Appendix U).

VES commented that, while they accept CFM as a unit for the metric, consumers care about the speed of the air they encounter, which is more clearly conveyed by feet per minute ("FPM"). (VES, No. 25 at p. 2) DOE notes that the CFM/W metric is an industry-accepted efficiency metric for ceiling fans. DOE is not aware of any existing test procedures for ceiling fans for which the "useful output of services" is measured in FPM rather than CFM. Accordingly, DOE is not considering a metric based on FPM in this final rule.

The Efficiency Advocates, which includes ASAP, recommended that DOE consider a metric other than CFM/W for small-diameter ceiling fans, such as CFEI, to account for the differences in airflow. (Efficiency Advocates, No. 44 at p. 3; ASAP, Public Meeting Transcript, No. 42 at p. 17) The Efficiency Advocates explained that the minimum DOE efficiency levels for small-diameter ceiling fans are a function of diameter only and do not reflect the cubic relationship between airflow and power. As such, higher airflow fans generally have more difficulty meeting CFM/W standards compared to fans of the same diameter that provide lower airflow. The Efficiency Advocates discussed ENERGY STAR®-certified fans, which generally use similar motors, but are certified for a range of CFM/W values at a given blade span. (Efficiency Advocates, No. 44 at p. 3; ASAP, Public Meeting Transcript, No. 42 at p. 17) The Efficiency Advocates suggested DOE investigate the extent to which the large range in CFM/W rating are a product of airflow differences rather than use of technologies aimed at reducing power

¹⁶ See Docket No. EERE–2021–BT–TP–0021 at www.regulations.gov.

¹⁷ The publication date of the errata sheet is listed as June 2021. See www.techstreet.com/amca/standards/amca-230-15?product_id=1904250#amendments.

consumption. *Id.* The Efficiency Advocates stated that differences in airflow were problematic for LDCFs, which led to the establishment of the CFEI metric, and commented that an alternative metric like CFEI would provide similar benefits to small-diameter ceiling fans. (Efficiency Advocates, No. 44 at pp. 3–4; ASAP, Public Meeting Transcript, No. 42 at p. 18)

ALA commented that the CFEI metric is not workable for small-diameter ceiling fans in its current form and supported the continued use of the CFM/W metric for small-diameter ceiling fans. (ALA, No. 45 at p. 1)

DOE notes that the CFEI metric uses airflow constants, pressure constants, and fan efficiency constants, that were developed specifically for large-diameter ceiling fans and may not hold for small-diameter ceiling fans.¹⁸ No similar constants exist for small-diameter ceiling fans. In the technical support document supporting the February 2022 energy conservation standards preliminary analysis,¹⁹ DOE highlighted several additional reasons regarding why a CFEI metric would potentially not have the same advantages for small-diameter ceiling fans as it does for large-diameter ceiling fans. Specifically, DOE noted that the CFM/W metric originated in the ENERGY STAR® program in 2002.²⁰ As such, changing to a CFEI metric for small-diameter ceiling fans could lead to confusion in the industry. Large-diameter ceiling fans were never included in the ENERGY STAR® program and as such did not have the consumer association with the CFM/W metric. Further, DOE noted that the reduced speed controls of small-diameter ceiling fans made small-diameter ceiling fans less susceptible to gaming operating speeds to improve efficiency. Lastly, DOE noted that the reduced variability in maximum flow made it more likely that improvements in efficiency for small-diameter ceiling fans would be reflected in either a CFEI and CFM/W metric.

Regarding the Efficiency Advocates' observation that there are products certified in the ENERGY STAR® database with similar diameters and large CFM/W ranges, DOE notes that the ENERGY STAR® efficiency levels align with the max-tech efficiency levels from the energy conservation standards final rule published on January 19, 2017.²¹ 82 FR 6826. In establishing those max-tech efficiency levels, DOE did not consider blade shape, as blade shape is a driver of consumer aesthetics. Further, the CFM/W metric incorporates standby power. *Id.* at 82 FR 6838. Therefore, there is expected to be a range of certified CFM/W values for small-diameter ceiling fans, even if all ceiling fans used the same motor, because manufacturers use different blade shapes and incorporate different features that consume power in standby mode. For these reasons, DOE is uncertain that an alternative metric would add value to consumers of small-diameter ceiling fans. As such, DOE has maintained use of the CFM/W metric for small-diameter ceiling fans and the CFEI metric for large-diameter ceiling fans in this final rule.

D. Standby Power Test Procedure for Large-Diameter and High-Speed Belt-Driven Ceiling Fans

As discussed, EPCA requires that amended test procedures and energy conservation standards incorporate standby mode and off mode energy use.²² (42 U.S.C. 6295(gg)(2) and (3)) Amended test procedures must integrate standby mode and off mode energy consumption into the overall energy efficiency, energy consumption, or other energy descriptor, unless the current test procedures for a covered product already incorporate standby mode and off mode energy consumption, or such an integrated test procedure is technically infeasible, in which case the Secretary shall prescribe a separate standby mode and off mode energy use test procedure for the covered product,

if technically feasible. (42 U.S.C. 6295(gg)(2)(A))

In the December 2021 SNOPIR, DOE tentatively determined that it would be technically infeasible to integrate standby power with the statutory CFEI requirements, such that the integrated metric would be representative of an average period of use as required by EPCA. 86 FR 69544, 69553. DOE noted that the Energy Act of 2020 established two CFEI requirements (*i.e.*, high-speed requirement and 40-percent requirement), and each of these required metrics does not fully account for active mode energy use or efficiency. Therefore, neither metric would be appropriately representative if integrated with standby mode operation because the resulting metric would capture a portion of active mode energy and the total standby energy use, and such an integrated metric would not be representative of an average period of use. *Id.*

Considering the tentative determination that integrating standby power into the CFEI metric was technically infeasible, DOE proposed a separate metric for standby mode energy use. 86 FR 69544, 69553. Specifically, DOE proposed that the test method for power consumption in standby mode already established in section 3.6 of appendix U remain applicable to LDCFs. 86 FR 69544, 69554. DOE further proposed that while the standby power test method would remain applicable, manufacturers would not be required to test to that provision until such time as compliance is required with an energy conservation standard for standby mode. *Id.*

DOE also stated that if a CFEI metric were adopted for HSD ceiling fans, as DOE has done in this final rule, a separate standby mode energy use metric would need to be established for HSDs as well. *Id.* DOE proposed to measure HSD standby power according to section 3.6 of appendix U, consistent with other types of ceiling fans. *Id.*

AMCA commented that it agrees that it is technically infeasible to incorporate standby power into the CFEI metric. (AMCA, No. 43 at p. 6; AMCA, Public Meeting Transcript, No. 42 at pp. 9, 29) AMCA stated that they will work with other stakeholders to develop one or more approaches that would be easier to measure, report and comply with and explained that they are striving to tie the standby power requirement to CFEI levels, essentially giving credit to the higher efficiency fans where their use of standby power in many cases is directly related to delivering greater overall operating efficiency and where an

¹⁸ Air Movement and Control Associate (AMCA), *Introducing Ceiling Fan Energy Index (CFEI) and Changes to the U.S. Regulation for Large-Diameter Ceiling Fans* [White Paper], 2021. Available at: www.amca.org/assets/resources/public/assets/uploads/Introducing_Ceiling_Fan_Energy_Index_2.pdf.

¹⁹ Available at Docket No. EERE–2021–BT–STD–0011–0015.

²⁰ U.S. Environmental Protection Agency. ENERGY STAR® Testing Facility Guidance Manual: Building a Testing Facility and Performing the Solid State Test Method for ENERGY STAR Qualified Ceiling Fans: Version 1.1. 2002. www.energystar.gov/ia/partners/manuf_res/downloads/ceilstestfinal.pdf.

²¹ Discussion of how ENERGY STAR Version 4.0 was developed, which references DOE January 2017 Final Rule, is available at: www.energystar.gov/products/spec/ceiling_fans_specification_version_4_0_pd.

²² EPCA defines “standby mode” as the condition in which an energy-using product is connected to a main power source, and offers one or more of the following user-oriented or protective functions: (1) the ability to facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer; and (2) continuous functions, including information or status displays (including clocks), or sensor-based functions. (42 U.S.C. 6295(gg)(1)(A)(iii)) “Off mode” is the condition in which the ceiling fan is connected to a main power source and is not providing any standby or active mode function. (42 U.S.C. 6295(gg)(1)(A)(ii))

incorrectly designed standby power requirement might as a disincentive to improving products' operating efficiency. (AMCA, Public Meeting Transcript, No. 42 at pp. 9–10) AMCA commented that higher standby power is typically associated with smart technologies that reduce operating power consumption, operating hours, or differing drive systems that improve operating performance or reduce energy consumption. (AMCA, No. 43 at pp. 6–7) AMCA added that too strict of a maximum standby power limit would hinder implementation of innovative "smart" technologies that could increase overall operating energy efficiency in exchange for using modestly higher levels of standby power. AMCA proposed that a standby-power allowance be tied to CFEI levels rated at full speed, such that the higher the CFEI rating, the greater the allowance for standby power. Based on the example table provided by AMCA, an LDCF ceiling fan with CFEI rating of 1.00 would have a standby power allowance of 15 W; each 0.02 CFEI increment above 1.00 would be allowed 1 additional W of standby power (such that a CFEI rating of 1.20 would correspond with a standby power allowance of 25 W, for example). (AMCA, No. 43 at pp. 6–9) ALA urged DOE to use caution when considering a standby power metric for LDCFs. (ALA, Public Meeting Transcript, No. 42 at p. 7)

Regarding HSBs, AMCA recommended a separate standby power requirement, but stated that data for these products is limited. (AMCA, No. 43 at p. 10; AMCA, Public Meeting Transcript, No. 42 at p. 10) AMCA also commented that adequate time will be needed before the effective date of a maximum standby power consumption, so that the most cost-effective and robust solutions can be developed. (AMCA, Public Meeting Transcript, No. 42 at p. 10)

The CA IOUs and Efficiency Advocates commented that they support DOE's proposal to add a separate standby metric for LDCFs. (CA IOUs, No. 46 at p. 1; Efficiency Advocates, No. 44 at p. 2)

DOE did not receive any comment recommending an alternative test procedure for standby power for LDCFs or HSBs. For the reasons discussed, DOE is maintaining that standby power for LDCFs be measured according to section 3.6 of appendix U and also requiring standby power for HSBs to be measured according to section 3.6 of appendix U. Manufacturers of LDCFs and HSBs are not required to test to that provision until such time as

compliance is required with an energy conservation standard for standby mode, as specified in the amended Note at the beginning of appendix U. Were a manufacturer to voluntarily make representations of standby power of such fans, any such representation would be required to be based on testing in accordance with the DOE test procedure and such representation must fairly disclose the results of such testing. (42 U.S.C. 6293(c)(1))

Regarding AMCA's comments suggesting standby power levels be associated with CFEI levels, energy conservation standards have not been established for standby power for LDCFs and HSB ceiling fans. DOE will consider AMCA's comments and recommendations in its evaluation of amended energy conservation standards rulemaking, available at docket number EERE-2021-BT-STD-0011.

E. Specifications for Ceiling Fans With Accessories

Sections 3.3.1 and 3.5.1 of appendix U require that a ceiling fan's heater and light kit be installed, but not energized during the power consumption measurement. In the December 2021 SNOPR, DOE proposed to expand this language to apply more broadly to any additional accessories or features that do not relate to the ceiling fan's ability to create airflow by the rotation of the fan blades. 86 FR 69544, 69557. DOE noted that these provisions are in place to include any impact these accessories might have on airflow, but prevent any reduction of the measured airflow efficiency that would result from including power consumption that does not relate to the ceiling fan's ability to circulate air. *Id.* DOE added that this proposal would be a clarification, consistent with how manufacturers are currently testing additional accessories and requested comment on its proposal. *Id.*

The Efficiency Advocates recommended DOE require testing ceiling fan accessories and non-airflow related features in their "as-shipped" configuration to ensure that these features only use power when turned on by the user. The Efficiency Advocates explained that while they understand the intention of the proposal to include ceiling fan energy consumption only as it relates to air circulation, they are concerned that it could obscure the potentially significant energy consumption of these accessories. (Efficiency Advocates, No. 44 at p. 5) The Efficiency Advocates recommended that DOE consider exploring methods for provisions to take into account the energy-saving potential of accessory

smart technologies, such as occupancy sensors, that reduce operating hours and saved energy overall. (Efficiency Advocates, No. 44 at pp. 4–5)

AMCA and ALA both supported testing products with additional features powered off. (AMCA, No. 43 at p. 9; ALA, No. 45 at p. 3) Regarding installation of accessories during testing of standby power, AMCA commented that there is no definition of minimum testable configuration, which complicates testing given the evolving options for controllers, occupancy sensors, line conditioners, etc. (AMCA, No. 43 at p. 8) AMCA added that large-diameter ceiling fans can be sold with multiple fans tied to a single controller and that these controllers would use more standby power than a controller designed for a single fan. (AMCA No. 43 at p. 8) AMCA proposed that DOE test with only standard accessories. (AMCA, No. 43 at p. 8) AMCA stated that optional product features should not be energized because they facilitate energy savings that are orders of magnitude greater than the associated standby losses. AMCA specifically commented that advanced human-machine interfaces, transmitters/transducers for wireless communication, connection to external automation systems, HVAC control circuitry, and occupancy sensors should be excluded from the standby power measurement. (AMCA, No. 43 at pp. 9) AMCA also stated that optional devices that serve tertiary functions beyond air circulation also should be powered off including light kits, heaters, and germicidal devices. (AMCA, No. 43 at p. 10)

DOE notes that ceiling fans typically have to be wired by the user or an installer and as such are shipped in a configuration intended to provide user friendly and safe installs. Ceiling fans and their accessories, like light kits and heaters, are typically turned on and off repeatedly in their lifetime and consumers are familiar with the process of turning them and their accessories on and off, regardless of how it is shipped. Given the installation and consumer use of ceiling fans, it is unlikely that accessories would remain in the on-position unless intended by the consumer. As such, requiring testing in their "as-shipped" configuration would not provide a more representative measure of energy use of the ceiling fan.

In this final rule, DOE is adopting its proposed clarification that additional features (not just heaters and light kits) are either powered off or set at the lowest energy-consuming mode during testing.

Section 3.6 of appendix U provides that when testing standby power, the

ceiling fan must remain connected to the main power supply and be in the same configuration as in active mode. As such, the clarification that additional accessories are to be installed, but powered off would apply to the standby power measurement as well. As DOE noted, the intention of this provision is to capture the impact that these additional accessories have on airflow, while preventing any reduction in efficiency associated with power consumption that does not relate to a ceiling fan's ability to circulate air. The additional accessories cited by AMCA associated with the ceiling fan controller do not impact the airflow of a ceiling fan and as such are intended to be either powered off or set to the lowest energy-consuming mode for testing. To the extent that additional accessories are a part of an upgraded controller that is not part of the default ceiling fan model, those are to be left uninstalled as they are separate add-on purchases by a consumer. This is consistent with how large-diameter ceiling fan standby power was considered in the January 2017 Final Rule (which cites 7 W of power as the average standby power for large-diameter ceiling fans, consistent with the average power measurement for default controllers, not the standby power of an upgraded controller) and is consistent with manufacturer published literature for large-diameter ceiling fan standby power consumption. 82 FR 6826, 6847.

To avoid confusion as to which controller is used for testing, in the case where multiple advanced controllers are offered, DOE is adding an additional clarification to its specifications for ceiling fan accessories. Specifically, DOE is clarifying that if the ceiling fan is offered with a default controller, test using the default controller. If multiple controllers are offered, test using the minimally functional controller. Testing using the minimally functional controller is consistent with the direction to test with accessories not energized during the power consumption measurement. Controller functions other than the minimal functions (*i.e.*, the functions necessary to operate the ceiling fan blades) are akin to accessories that do not relate to the ceiling fan's ability to create airflow by the rotation of the fan blades. This addition clarifies the existing test procedure and does not impact the test burden or measured standby power values.

Regarding "smart" technologies, DOE's existing test procedure for small-diameter ceiling fans incorporates estimated operating hours of a ceiling

fan and uses those operating hours to derive a representative CFM/W metric by including low-speed operation, high-speed operation, and standby hours. While additional sensors may influence operating hours, DOE does not have any data indicating the degree to which these technologies would impact operating hours and no data has been provided to indicate that the current test procedure is not representative of ceiling fans with "smart" technologies.

To the extent that smart features are able to be turned off, DOE notes that the adopted language clarifies that any additional feature not related to airflow is to be turned off or set to set at the lowest energy-consuming mode. Therefore, smart technologies that can be disabled would not impact the efficiency as measured by DOE's test procedure.

F. Ceiling Fan Test Voltage

Sections 3.3.1(5) and 3.4.3 of appendix U provide direction for determining the supply voltage when testing a LSSD and HSSD ceiling fan, and LDCFs, respectively, based on the rated voltage of the fan. Further, sections 3.3.1(6) and 3.4.4 of appendix U provide direction for determining the supply voltage phase (either single- or multi-phase) when testing a LSSD and HSSD ceiling fan, and large-diameter ceiling fan, respectively, based on the rated supply power of the fan.

In response to the December 2021 SNOPR, AMCA commented that the current language regarding voltage and phase requirements is ambiguous in certain cases, and provided an example for a ceiling fan that can operate in single phase or three phase and is rated for operation at 100–300V. AMCA asserted that the current provisions could be interpreted to require testing with 120 V, three-phase power in the example provided, which would not seem appropriate because 120V, three-phase power does not exist in the United States. (AMCA, No. 43 at pp. 13–14)

AMCA's comments demonstrate that the language as written could be misinterpreted by test laboratories. As noted by AMCA, 120V is generally associated only with single-phase power in the United States. As such, in following the supply voltage and supply phase provisions of the test procedure, the rated supply voltage and rated supply phase should be considered together, not independently. Accordingly, for a ceiling fan that must be tested with multi-phase power, the ceiling fan's minimum rated voltage would be considered the minimum rated voltage for use with multi-phase

power, not the minimum rated voltage for use with single-phase power. Any contrary interpretation would result in a combination of phase and voltage that is not representative of an average use cycle.

To prevent such misinterpretation, DOE is reordering the test procedure to present the power supply phase requirements prior to the power supply voltage requirements (renumbered as sections 3.3.1(5) and 3.4.2 in this final rule), which provides a more logical indication that the supply phase must be considered before the supply voltage. Further, DOE is adding clarification to the supply voltage provisions to explicitly state how supply voltage is considered for single-phase and multi-phase electricity (renumbered as sections 3.3.1(6) and 3.4.3 in this final rule). DOE is also explicitly stating that the test power supply should be at a frequency of 60 Hz. DOE notes that these changes are consistent with the current testing requirements and are only intended to provide further clarity to the original requirements. DOE does not expect any ceiling fans to have to be re-tested because of this clarification given that it aligns with the common industry method for rating power supply to a ceiling fan (*i.e.*, including a rated supply voltage range at each rated supply phase, not the two independently).

G. Low Speed Definition

Section 1.12 of appendix U defines "low speed" to mean "the lowest available ceiling fan speed, *i.e.*, the fan speed corresponding to the minimum, non-zero, blade RPM."

In the September 2019 NOPR, DOE noted that through round robin testing and industry inquiry, DOE is aware that the lowest available fan speed on some ceiling fans provides an extremely low rotation rate, leading to atypically low airflow. 84 FR 51440, 51446. Because of the extremely low rotation rate and atypically low airflow, consumers are unlikely to use such a setting to circulate air. *Id.* at 51447. For such products, the lowest speed available on the ceiling fan is not representative of the lowest speed for that product that can provide "circulation of air". Accordingly, DOE stated that it is considering modifying the definition of low speed and presented a modified definition and requested comments on the definition. *Id.*

In the December 2021 SNOPR, DOE noted that the low speed as defined for the purpose of the current DOE test procedure is not representative of the low speed required for "circulation of air". 86 FR 69544, 69554. Further, as

observed through round robin testing, requiring testing at the “lowest available speed” would be overly burdensome to test because laboratories have trouble meeting the stability criteria. *Id.* at 86 FR 695454–69555. Therefore, having considered comments, DOE proposed a definition for low speed as follows: *Low speed* means the lowest available ceiling fan speed for which fewer than half or three, whichever is fewer, sensors per individual axis are measuring less than 40 feet per minute. Alternatively, DOE considered representing the same proposed definition as a table indicating the number of sensors that must measure greater than 40 feet per minute. *Id.* at 86 FR 69555.

In response to the proposal, ALA agreed with DOE’s assessment concerning the measurement of the lowest fan speed and supported the proposal to amend the definition for low speed. ALA stated that the proposed table is acceptable as well, but encouraged DOE to merge the table with the table in section 1.13 of appendix U. (ALA, No. 45 at p. 3) In the public meeting, ALA recommended that similar to the definition in section 1.13 in appendix U, they support a low-speed definition that has both written text and a table. (ALA, Public Meeting Transcript, No. 42 at p. 33) Westinghouse commented that charts are much easier for the labs and non-technical people to understand. (Westinghouse, Public Meeting Transcript, No. 42 at p. 32).

Section 1.13 of appendix U (renumbered as section 1.14 in this final rule) specifies the definition for low-speed small-diameter ceiling fan. The definition DOE proposed to update, however, is for low speed. ALA did not clarify further in their written comments how the proposed table for low speed should be incorporated into the LSSD ceiling fan definition. However, based on their comment in the public meeting, DOE understands ALA’s written comments to mean that the low speed definition should combine both the proposed text and table.

As suggested by ALA, DOE considered merging the December 2021 SNOPR proposed definition with the table. DOE notes that the proposed definition and the table were different presentations of the same criteria to meet the proposed low-speed definition. The proposed definition was based on the number of sensors measuring less than 40 fpm, whereas the table was based on the number of sensors measuring at 40 fpm or greater. As suggested by Westinghouse, DOE agrees that the table presents the definition in a manner that is likely to be more

clearly understood generally. As such, in this final rule, DOE is amending the definition for low speed consistent with the alternate consideration in the December 2021 SNOPR, as follows:

Low speed means the lowest available speed that meets the following criteria:

Number of sensors per individual axis as determined in section 3.2.2(6) of this appendix	Number of sensors per individual axis measuring 40 feet per minute or greater
3	2
4	3
5	3
6	4
7	4
8	5
9	6
10	7
11	8
12	9

Note that in this final rule, low speed definition is renumbered from section 1.12 to section 1.13 in appendix U. Furthermore, DOE is including explicit instructions in the test procedure to start at the lowest speed and move to the next highest speed until the low speed definition (as amended) is met. This will ensure the identification of the lowest speed of the fan that meets the low speed definition. Note that in this final rule, DOE has included these explicit instructions in steps 4a through 7 in section 3.3.2 of appendix U.

DOE expects that this amendment will reduce the total test time per unit for low speed tests for a subset of LSSD ceiling fans. As had been defined, low speed likely required laboratories to run tests for a long period before achieving the necessary stability criteria requirements. The amended test method could mitigate the occurrence of these long test runs. DOE estimates that manufacturers of LSSD ceiling fans that conduct testing in-house could save approximately 60 minutes in per-unit testing time due to the revised low speed criteria.

DOE does not expect this amendment to require retesting or to change measured efficiency for the majority of LSSD ceiling fans. However, for the small subset of LSSD ceiling fans for which the lowest speed is at an extremely low rotation rate and provides a low airflow, retesting may be required if the lowest speed does not meet the amended definition of low speed. In the instances under the amended test method for which testing at the next highest speed were to be required, testing at the next highest speed would likely result in increased power consumption, but it would also result in increased airflow. The resulting ceiling fan efficiency would be calculated by weighting the airflow and

power consumption results from the high speed test (which remains unchanged) and standby/off-mode with the low speed test, resulting in a weighted average CFM/W (Equation 1, appendix U). Because the measured efficiency is a ratio of airflow and power consumption at high speed, low speed and standby/off-mode, and testing at the next highest speed would result in an increase in airflow as well as power consumption only for low speed (which has the lowest operating hours, as presented in Table 3 of appendix U), DOE expects the amended low speed definition to have an insignificant effect on ceiling fan efficiency for the applicable subset of LSSD ceiling fans.

The cost and cost saving impacts of this update are discussed in section III.P of this document.

H. Alternate Stability Criteria for Average Air Velocity Measurements

Section 3.3.2(1) of appendix U requires that the average air velocity for each sensor must vary by less than 5 percent compared to the average air velocity measured for that same sensor in a successive set of air velocity measurements. Stable measurements are required to be achieved at only high speed for HSSD ceiling fans, and at both low and high speed for LSSD ceiling fans. In the September 2019 NOPR, DOE discussed receiving several inquiries from manufacturers citing difficulties with meeting the stability criteria at low speed for certain basic models of ceiling fans. 84 FR 51440, 51446. Accordingly, DOE evaluated available test data to investigate these difficulties and to determine whether increased tolerances for air velocity stability criteria for low-speed tests could be used to reduce test burden without materially affecting the results of the test procedure. *Id.* DOE used the test data from ceiling fans tested at a third-party testing facility to compare the airflow and efficiency results of the test procedure with the 5 percent and 10 percent air velocity stability criteria applied to low speed. *Id.* DOE found that increasing the stability criteria to 10 percent for low speed would allow more fans to meet the stability criteria and reduce the number of successive measurements needed to do so without materially changing the efficiency results of the test procedure. *Id.* Therefore, in the September 2019 NOPR, DOE proposed to increase the air velocity stability criteria for testing at low speed from 5 percent to 10 percent. *Id.*

AMCA generally stated that this proposal should be able to facilitate getting viable ratings for the fans in the labs. They noted that this proposal was

a step in the right direction. (AMCA, Public Meeting Transcript, No. 28 at pp. 50–52) Hunter, BAF and ALA supported the proposal. (Hunter, No. 29 at p. 3; BAF, No. 36 at p. 2); (ALA, No. 34 at p. 3) BAF stated that it believes the proposed increase in tolerance will significantly reduce the time require to test LSSD ceiling fans. (BAF, No. 36 at p. 2) The CA IOUs commented that increasing stability criteria for air velocity measurements could change the test results. They suggested performing an analysis to determine that impact before changing the criteria. (CA IOUs, No. 31 at p. 2) The Efficiency Advocates suggested it is unclear whether the stability criteria still needs to be increased in light of the proposed change in the low-speed definition, which would make stability issues less likely. (Efficiency Advocates, No. 44 at p. 4)

In addition to the evaluation of data discussed in the September 2019 NOPR, DOE previously evaluated an increase in the low-speed stability criteria in response to a petition for a waiver from the test procedure. 83 FR 52213 (October 16, 2018). DOE granted BAF a waiver that specified an increase in low-speed stability criteria from 5 to 10 percent. *Id.* at 85 FR 52216. (Case Number 2017–011.) In the notice of petition prior to the decision and order, based on available test data, DOE found that increasing the stability criteria would allow the subject fans to meet the stability criteria and reduce the number of successive measurements needed to do so without materially changing the efficiency results. 83 FR 12726, 12729. DOE observed similar minimal impacts in the data evaluated for the September 2019 NOPR as well. 84 FR 51440, 51446. Further, the round robin report also concluded that there was minimal impact on efficiency when unstable data (*i.e.*, data that could not meet the airflow stability requirements of 5 percent of successive runs) was removed from the data set and compared to results from stable data (*i.e.*, data that met the airflow stability requirements of 5 percent of successive runs) only.²³ While the conclusion of the round robin testing is not specific to increasing stability criteria from 5 to 10 percent, it supports that calculating efficiency from unstable data does not significantly impact efficiency results. Accordingly, DOE continues to conclude that increasing the stability criteria will not materially impact efficiency results.

For these reasons, in this final rule DOE increases the air velocity stability criteria for testing at low speed from 5 percent to 10 percent, consistent with the proposal from the September 2019 NOPR. This amendment is consistent with the methodology of the alternative test method granted to BAS in the waiver decision and order. 83 FR 52213 Note in this final rule, DOE has included the updated air velocity stability criteria for testing at low speed in a new section 3.3.2(a)(1) in appendix U.

Regarding the comment from the Efficiency Advocates, DOE notes that the amended low speed definition requires only a subset of sensors per each axis to measure air velocity at 40 feet per minute or greater. Whereas, the amended stability criteria requires the average air velocity for all sensors on all axes to meet the 5 percent stability criteria. Therefore, even with the amended low speed definition, a single sensor not meeting the 5 percent stability criteria at low speed could still occur. As such, the amendment of the low-speed definition does not obviate the need for the amended stability criteria.

Finally, this final rule fulfills the regulatory requirement for DOE to publish in the **Federal Register** a notice of proposed rulemaking and subsequent final rule to amend its regulations so as to eliminate any need for the continuation of such waiver as soon as practicable. 10 CFR 430.27(l).

I. Sensor Arm Setup

To record air velocity readings, section 3.3.2 of appendix U prescribes two setups for taking airflow measurements along four perpendicular axes (designated A, B, C, and D): a single rotating sensor arm or four fixed sensor arms. If using a single rotating sensor arm, airflow readings are first measured on Axis A, followed by successive measurements on Axes B, C, and D. If using four fixed sensor arms, the readings for all four axes are measured simultaneously. See Steps 4 and 5 of section 3.3.2 of appendix U.

Comparing the single-arm and four-arm setup, DOE noted in the December 2021 SNOPR that while valid results are generally attained more quickly using the four-arm setup, the setup is more expensive because it requires at least 4 times as many sensors. 86 FR 69544, 69556. On the other hand, the single-arm setup is less expensive, but requires the rotation of the arm every 100 seconds, which disrupts the air, often increasing the time to achieve stability. *Id.*

During round robin testing, DOE personnel noted that laboratories using the single-arm setup waited approximately 30 seconds for arm vibration to dissipate before starting data collection at the new position. Accordingly, in the December 2021 SNOPR, to address stability issues in a single-arm setup, DOE proposed, based on observations from the round robin testing, to provide explicit instruction for setups that require arm rotation to stabilize the arm and allow 30 seconds between test runs for any residual turbulence to dissipate prior to data collection after each rotation. 86 FR 69544, 69556. Further, as an alternative to single- and four-arm setups, DOE also proposed to allow laboratories to rely on test setups with two arms, so that the system would need to be rotated only once to collect data for all four axes. *Id.* ALA supported this proposal, stating that it would make testing more accurate and stable, while also allowing for the flexibility of a two-arm option. (ALA, No. 45 at p. 3) DOE did not receive any other comments regarding this proposal.

For the reasons discussed, in this final rule, DOE is adopting the December 2021 SNOPR proposal, which includes explicit arm stabilization instructions and allows use a test setup with two arms. Note that in this final rule, DOE has included these explicit instructions in steps 4a through 7 in section 3.3.2 of appendix U.

J. Air Velocity Sensor Mounting Angle

Section 3.2.2 of appendix U does not specify the applicable mounting angle of the sensors on the sensor arm. In the December 2021 SNOPR, DOE noted that air velocity is most accurately measured by aligning the velocity sensor perpendicular to the airflow path, as this is the orientation for which the airflow through the openings of the sensor is smooth and free of turbulence. 86 FR 69544, 69556. DOE discussed that during recent round robin testing, some air velocity sensors were not aligned perpendicular to the path of airflow, and that a misaligned velocity sensor could produce inaccurate air velocity measurements. *Id.* Accordingly, DOE proposed to include explicit instructions in section 3.2.2(6) of appendix U to align the air velocity sensors perpendicular to the direction of airflow. Further, DOE also stated that it would consider either updating or adding a figure to depict more clearly the alignment of the velocity sensors perpendicular to the direction of airflow. *Id.*

ALA supported the proposal to align the air velocity sensors perpendicular to

²³ See pages 13–14 of the round robin report available here: www.regulations.gov/document/EERE-2013-BT-TP-0050-0038.

the direction of airflow and to make necessary changes to Figure 2 of appendix U or create a new figure to clearly depict the proper alignment. (ALA, No. 45 at p. 3) DOE did not receive any other comments on this proposal.

For the reasons discussed, DOE is adopting the December 2021 SNOPIR proposal that specifies alignment of the air velocity sensors perpendicular to the direction of airflow in section 3.2.2(6) of appendix U. Further, DOE is updating Figure 2 of appendix U (renumbered as Figure 3 by this final rule) to depict the proper alignment of sensors.

K. Instructions To Measure Blade Thickness

Sections 1.8 in appendix U and section 1.13 in appendix U (renumbered as section 1.14 in appendix U) incorporate a fan blade thickness threshold of 3.2 mm within the definitions of HSSD ceiling fan and LSSD ceiling fan, respectively. Blade edge thickness is used to distinguish product classes because it relates to safety considerations that, in turn, relate to where a ceiling fan is likely to be installed. Ceiling fans installed in commercial and industrial settings are typically installed in locations with higher ceilings, and therefore thin leading edges on the blades do not present the safety hazard that thin leading edges would present on ceiling fans that are installed at lower heights, *i.e.*, ceiling fans installed in residential settings.

Appendix U currently does not provide instruction for how to measure fan blade thickness. In the September 2019 NOPR, DOE proposed that blade edge thickness for small diameter fans be measured at the leading edge of the fan blade (*i.e.*, the edge in the forward direction) with an instrument having a measurement resolution of at least a tenth of an inch. 84 FR 51440, 51450. DOE also proposed the following instructions for measuring blade edge thickness to ensure test procedure reproducibility, given potential variations in blade characteristics: (1) Measure at the point at which the blade is thinnest along the radial length of the fan blade and is greater than or equal to one inch from the tip of the fan blade, and (2) Measure one inch from the leading edge of the fan blade. *Id.*

In response to the September 2019 NOPR, ALA expressed support for measuring blade thickness one inch from the tip of the fan blade. (ALA, No. 34 at p. 4) Westinghouse also noted their support for this proposal. (Westinghouse, Public Meeting Transcript, No. 28 at p. 77)

Following publication of the September 2019 NOPR, DOE subsequently became aware of a “rolled-edge” blade design on a residential ceiling fan for which the thickness of the body of the blade is less than 3.2 mm, but that has a curled shape along the leading edge, with the curl having an outer thickness greater than 3.2 mm. For such a rolled-edge blade, the blade thickness measurement procedure proposed in the September 2019 NOPR (*i.e.*, one inch from the leading edge) would indicate a “thin blade” despite the thicker leading edge, resulting in the fan being classified as an HSSD, which as discussed are generally non-residential fans. Conversely, measuring the thickness at the rolled edge (*i.e.*, less than one inch from the leading edge) would result in the fan being classified as an LSSD, which are generally fans installed in residential settings and would be the more appropriate designation for the model under consideration.

In order to measure blade thickness for “rolled-edge,” flat, tapered, and other ceiling fan blade types in a manner that would consistently classify ceiling fans with these blade types into the appropriate product class, DOE proposed in the December 2021 SNOPIR to update the proposal for measuring blade thickness as follows: (1) locate the cross-section perpendicular to the fan blade’s radial length, that is at least one inch from the tip of the fan blade and for which the blade is thinnest, and (2) measure the thickest point of that cross-section within one inch from the leading edge of the fan blade. 86 FR 69544, 69556–69557. DOE expected that this proposal would result in ceiling fans with “rolled-edge” blade designs being assigned to the appropriate product class, while having minimal effect on the blade thickness measurement of other blade types relative to the proposal in the September 2019 NOPR. 86 FR 69544, 69557.

In response to the December 2021 SNOPIR proposal, ALA expressed support for the modified proposal, but noted that they do not think the update will have much of an impact on the classification of current product models. (ALA, No. 45 at p. 3)

For the reasons discussed in the December 2021 SNOPIR, in this final rule DOE adds instructions to appendix U to measure the blade thickness consistent with the proposal set forth in the December 2021 SNOPIR.

L. Instrument Measurement Resolution

In the September 2019 NOPR, DOE proposed amendments to appendix U to

specify minimum instrument resolution for measuring blade span, blade edge thickness, and the distance between the ceiling and the lowest point of the fan blade. The proposed instrument resolutions were at least 0.25 inches, at least one tenth of an inch, and at least 0.25 inches, respectively. 84 FR 51440, 51450. Further, DOE proposed that to determine the blade span, measure the lateral distance at the resolution of the measurement instrument, using an instrument with a measurement resolution of least 0.25 inches, and then multiply this distance by two. *Id.*

In response to the September 2019 NOPR, Hunter agreed with DOE’s proposal for measuring blade span as well as the proposed tolerance for measuring ceiling to blade distance. (Hunter No. 29 at pp. 4–5) ALA also agreed with DOE’s proposed distance from the blade to the ceiling, and recommended that DOE require ceiling fans to be leveled prior to testing. (ALA, No. 34 at p. 4)

DOE notes that section 3.2.2 of appendix U requires the ceiling fan to be installed according to the manufacturer’s installation instructions. DOE understands that ceiling fan installation manuals commonly include instructions for leveling or balancing the ceiling fan.

In the December 2021 SNOPIR, DOE updated the proposal for blade edge thickness to require a measurement resolution of at least 0.001 in., based on comments received in response to the September 2019 NOPR and the understanding that most, if not all, test laboratories use calipers to measure blade edge thickness. 86 FR 69544, 69557–69558.

For the reasons discussed, in this final rule, DOE is adopting the September 2019 NOPR proposals regarding the instrument resolution for measuring blade span and the distance between the ceiling and the lowest point of the fan blade in this final rule. Further, for the reasons discussed in the prior paragraphs and the December 2021 SNOPIR, DOE is adopting the December 2021 SNOPIR proposal regarding the instrument resolution for blade edge thickness.

M. Certification, Represented Value, and Rounding Requirements

The procedures required for determination, certification, and enforcement of compliance of covered products with the applicable conservation standards are set forth in 10 CFR part 429.

In the September 2019 NOPR, DOE proposed to amend certain certification requirements for ceiling fans to include

product-specific information that would be required to certify compliance with the amended energy conservation standards established in January 2017 Final Rule. 84 FR 51440, 51450.

In response to the September 2019 NOPR, ALA commented that the certification template should be updated such that manufacturers can continue to submit data to a single location, DOE's Compliance Certification Management System. (ALA, No. 34 at p. 4) Hunter agreed that certification reports should include product-specific information for the public, and stated that proper tolerances must be considered due to instrument resolution and production line tolerances. (Hunter, No. 29 at p. 4) Westinghouse Lighting appreciated that DOE proposed to clarify specific methods of measurement. (Westinghouse, Public Meeting Transcript, No. 28 at p. 75) BAF agreed with the proposals for certification requirements, and requested that air flow and power at high speed for large-diameter ceiling fans be added to DOE's certification database for public (preferred) or private access. (BAF, Public Meeting Transcript, No. 28 at p. 75–76; BAF, No. 36 at p. 2) AMCA commented that certification reports for LDCFs also include airflow and power at high speed as these are the most commonly used by manufacturers in marketing and the performance data requested by consumers. (AMCA, No. 33 at p. 9)

In response to the December 2021 SNOPR, the Efficiency Advocates expressed support for DOE's proposal to require certification reports to include all relevant information required to certify that products meet standards. (Efficiency Advocates, No. 44 at p. 2) The Efficiency Advocates encouraged DOE to also publish additional information publicly such as airflow (CFM) and tip speed (ft/min) to assist stakeholders and consumers in understanding the relative energy efficiency of ceiling fans across a broad range of product characteristics. (Efficiency Advocates, No. 44 at p. 2)

Since the September 2019 NOPR, DOE has finalized amended certification provisions for various covered product and equipment, including ceiling fans, in a separate final rule published on July 22, 2022 ("July 2022 Certification Final Rule").²⁴ 87 FR 43952, 43964–43966. Further, since the September 2019 NOPR, DOE also notes that the May 2021 Technical Amendment finalized technical amendments corresponding with provisions enacted by Congress through the Energy Act of

2020 which now requires large-diameter ceiling fans to meet specified minimum efficiency requirements based on CFEI, which is different than what was originally considered in the September 2019 NOPR. 86 FR 28469, 28469–28470. The CFEI metric has since been included as part of the July 2022 Certification Final Rule. 87 FR 43952, 43965. As such, DOE is not considering the September 2019 NOPR amended certification proposals in this final rule.

In the September 2019 NOPR, DOE also proposed amendments to 10 CFR 429.32 to specify that represented values required are to be determined consistent with the test procedures in appendix U and to specify rounding requirements for represented values. 84 FR 51440, 51450. DOE proposed the following: Any represented value of blade span shall be the mean of the blade spans measured for the sample selected as described in 10 CFR 429.32(a)(1), rounded to the nearest inch; any represented value of blade RPM shall be the mean of the blade RPMs measured for the sample selected as described in 10 CFR 429.32(a)(1), rounded to the nearest RPM; any represented value of blade edge thickness shall be the mean of the blade edge thicknesses measured for the sample selected as described in 10 CFR 429.32(a)(1), rounded to the nearest tenth of an inch; and any represented value of the distance between the ceiling and the lowest point on the fan blades shall be the mean of the distances measured for the sample selected as described in 10 CFR 429.32(a)(1), rounded to the nearest quarter of an inch. *Id.* Blade span, blade edge thickness, the distance between the ceiling and the lowest point on the fan blades are used to determine the product class to which a basic model belongs. Further, DOE proposed that any represented value of tip speed is calculated as pi multiplied by the represented value of blade span divided by twelve, multiplied by the represented value of RPM, and rounded to the nearest foot per minute. 84 FR 51440, 51459.

DOE also proposed updates to the product class definitions included in appendix U to reference the proposed represented value provisions to specify that the product class for each basic model is determined using the represented values of blade span, blade RPM, blade edge thickness, the distance between the ceiling and the lowest point on the fan blades and tip speed. 84 FR 51440, 51450.

In response to comments received in response to the September 2019 NOPR, in the December 2021 SNOPR, DOE

further proposed to replace the blade-edge thickness rounding proposal from nearest tenth of an inch to the nearest 0.01 inch. 86 FR 69544, 69557. Further, in the December 2021 SNOPR, DOE noted that airflow (CFM) at high speed is also product-specific information required to determine product category, and that neither 10 CFR 429.32(a)(2)(i) nor appendix U provides any rounding requirements for airflow at high speed as it relates to determining whether a ceiling fan is a highly-decorative ceiling fan. Accordingly, DOE proposed to specify that any represented value of airflow (CFM) at high speed, including the value used to determine whether a ceiling fan is a highly-decorative ceiling fan, is determined pursuant to 10 CFR 429.32(a)(2)(i) and rounded to the nearest CFM. *Id.* Finally, in the December 2021 SNOPR, DOE noted that the product class definitions proposed in the September 2019 NOPR referenced the incorrect regulatory text sections for the represented values proposed in 10 CFR 429.32. Accordingly, DOE proposed corrective updates. 86 FR 69544, 69558.

In the public meeting following the September 2019 NOPR, Westinghouse expressed a generalized concern that previously-compliant ceiling fans may become non-compliant under the representations and rounding requirements depending on how a manufacturer had been rounding. (Westinghouse, Public Meeting Transcript, No. 28 at pp. 84–86) In response to the September 2019 NOPR, Hunter agreed with the blade span rounding and with the proposed tolerances for ceiling to blade distance. (Hunter No. 29 at p. 4) ALA recommended that DOE always use the standard rounding method, meaning all numbers are rounded to the nearest whole number or whatever decimal place is required. ALA stated that defining a set rounding process would hopefully eliminate inconsistencies with the required measurements. (ALA, No. 34 at p. 4)

In response to the December 2021 SNOPR, ALA supported the airflow at high speed rounding proposal, and encouraged DOE to harmonize the test report data with data required for the EnergyGuide label and to require rounding to no more than two digits. (ALA, No. 45 at p. 3) AMCA supported DOE's proposed requirements for representations of airflow at high speed as well as the rounding specifically for large-diameter and LDBD ceiling fans. (AMCA, No. 43 at p. 10)

DOE appreciates the concern set forth by Westinghouse. The represented value and rounding requirements adopted in

²⁴ Rulemaking docket EERE–2012–BT–STD–0045.

this final rule are consistent with current industry and laboratory practice. In addition, comments received in response to the September 2019 NOPR and December 2021 SNOPIR indicate that industry is generally in agreement with the proposed updates. Therefore, DOE does not expect the represented value and rounding requirements adopted in this final rule to impact represented values.

With regards to airflow rounding, DOE notes that the proposed amendments were consistent with the FTC EnergyGuide label and the DOE guidance document to determine the measurements needed for the FTC label.²⁵ The key components of the guidance document are codified in this final rule, as discussed in section III.O of this final rule.

Accordingly, in this final rule, DOE is establishing the represented value and rounding requirements proposed in the September 2019 NOPR and December 2021 SNOPIR, as presented in Table III.1 of this document. Further, DOE is updating the definitions in section 1 of appendix U to reference the updated represented values.

TABLE III.1—REPRESENTED VALUE AND ROUNDING

Represented value	Represented value and rounding requirement
Blade span	Is the mean of the blade spans measured for the sample selected as described in 10 CFR 429.32(a)(1), rounded to the nearest inch.
Blade RPM	Is the mean of the blade RPMs measured for the sample selected as described in 10 CFR 429.32(a)(1), rounded to the nearest RPM.
Blade edge thickness	Is the mean of the blade edge thickness measured for the sample selected as described in 10 CFR 429.32(a)(1), rounded to the 0.01 inch.
Distance between the ceiling and the lowest point on the fan blades.	Is the mean of the distances measured for the sample selected as described in 10 CFR 429.32(a)(1), rounded to the nearest quarter of an inch.
Tip speed	Shall be pi multiplied by represented value of blade span divided by twelve multiplied by the represented value of blade RPM, rounded to the nearest foot per minute.
Airflow (CFM) at high speed	Is determined pursuant to 10 CFR 429.32(a)(2)(i) and rounded to the nearest CFM.

Hunter commented that the method for the “determination of represented value” as defined in 10 CFR 429.32 presents an inherent problem when calculating the represented value using the lower 90 percent confidence limit outlined in § 429.32. In their comment submission, Hunter provided an example on situations where the represented CFM, because of the LCL calculation in 10 CFR 429.32(a)(2)(i)(B), resulted in an unrealistic CFM, in some cases, the calculated CFM was negative. Accordingly, they urged DOE to consider alternate solutions to this which does not create undue burden on manufacturers. (Hunter, No. 29 at p. 6; Hunter, Public Meeting Transcript, No. 28 at p. 100–102)

The statistical calculations that resulted in the negative CFM values for the example cited by Hunter were largely the result of significant deviation in the low-speed airflow measurement between tested units. As noted previously, in response to round robin testing, DOE is adopting several provisions designed to improve the repeatability of the small-diameter ceiling fan airflow measurements, particularly at low-speeds. Specifically, DOE is adopting an alternative definition for low speed and alternative stability criteria for average air velocity measurements at low speed; including explicit sensor arm stabilization instructions; allowing the use of a test

setup with two arms; and specifying mounting alignment of air velocity sensors. Taken together, these amendments will improve the repeatability of the DOE test procedure, ensuring the rated airflow is closer to the true mean airflow of the population without additional test burden.

DOE further notes that despite these provisions, it is still possible one tested sample is an outlier unit that does not represent the basic model airflow well. In this case, the statistical equations in 10 CFR 429.32 may impact the rated airflow of the product. However, DOE notes that 10 CFR 429.11(b) states that the “minimum number of units tested shall be no less than two” and therefore more than two units can be used to reduce the statistical variance of the measured airflow.

N. Product-Specific Enforcement Provisions

In the September 2019 NOPR, DOE proposed to add provisions to 10 CFR 429.134 for verification of the represented values in 10 CFR 429.134, to be used in the context of enforcement of the relevant efficiency standards. 84 FR 51440, 51451. The following paragraphs describe the proposed DOE verification provisions for each parameter.

DOE proposed that the represented blade span would be valid if the rounded measurement(s) (either the

measured value for a single unit, or the mean of the measured values for a multiple unit sample, rounded to the nearest inch) are the same as the represented blade span. *Id.* This effectively would provide a range of approximately 1 inch that would require the same minimum ceiling fan efficiency. DOE proposed that if the represented blade span is found to be valid, that blade span would be used as the basis for calculating minimum allowable ceiling fan efficiency. *Id.* If the represented blade span were found to be invalid, the rounded measured blade span would serve as the basis for calculating the minimum allowable ceiling fan efficiency. *Id.*

DOE proposed that the represented blade RPM at high speed would be valid if the measurement(s) (either the measured value for a single unit, or the mean of the measured values for a multiple unit sample, rounded to the nearest RPM) are within the greater of 1% or 1 RPM of the represented blade RPM at high speed. *Id.* DOE proposed that, if the represented RPM were found to be valid, that RPM would be used as the basis for determining the product class. *Id.* If the certified RPM were found to be invalid, the measured RPM would serve as the basis for determining the product class. *Id.*

DOE proposed that the represented blade edge thickness would be valid if the measurement(s) (either the

²⁵ DOE guidance document available at www1.eere.energy.gov/buildings/appliance_

standards/pdfs/ftc_label_calc_method_2016-10-21.pdf.

measured value for a single unit, or the mean of the measured values for a multiple unit sample, rounded to the nearest tenth of an inch) are the same as the represented blade edge thickness. *Id.* DOE proposed that, if the represented blade edge thickness were found to be valid, that blade edge thickness would be used as the basis for determining the product class. If the represented blade edge thickness were found to be invalid, the rounded measured blade edge thickness would serve as the basis for determining the product class. *Id.*

DOE proposed that the represented distance between the lowest point of the fan blades and the ceiling for each LSSD would be valid if the measurement(s) (either the measured value for a single unit, or the mean of the measured values for a multiple unit sample, rounded to the nearest quarter inch) were the same as the represented distance. *Id.* Furthermore, DOE proposed that, if the represented distance were found to be valid, that distance would be used as the basis for determining the product class. *Id.* If the represented distance were found to be invalid, the rounded measured distance would serve as the basis for determining the product class. *Id.*

In response to comments received from the September 2019 NOPR, DOE further proposed to increase the tolerance for blade RPM measurements

at high speed from ± 1 percent to ± 2 percent to account for voltage variation and equipment resolution. 86 FR 69544, 69558.

In response to the September 2019 NOPR proposal on blade RPM tolerance, Westinghouse encouraged DOE to clarify that the RPM tolerance is only for large-diameter ceiling fans. (Westinghouse, Public Meeting Transcript, No. 28 at pp. 89–90) In response to the December 2021 SNOPR proposal, ALA supported the blade RPM tolerance proposal, and requested that DOE clarify that the blade RPM proposal only applied to large-diameter ceiling fans. (ALA, No. 45 at p. 3) AMCA also supported DOE's proposed requirements for tolerance requirements for measuring blade RPM for large-diameter ceiling fans and LDBD ceiling fans. (AMCA, No. 43 at p. 10)

DOE discussed both in the September 2019 NOPR and December 2021 SNOPR that the proposed blade RPM tolerance for product-specific enforcement purposes extends to high speed for all ceiling fans. 84 FR 51440, 51451; 86 FR 69544, 69558. Blade RPM at high speed is used to determine whether a ceiling fan may be a highly-decorative ceiling fan (section 1.9 of appendix U, renumbered as section 1.10 of appendix U in this final rule) and is used to calculate tip speed (see section III.M). The proposed tolerance was applicable

to product-specific enforcement purposes only, and was not applicable to the large-diameter ceiling fan active mode RPM test requirements specified in section 3.5(2) of appendix U. Both the September 2019 NOPR and December 2021 SNOPR did not propose any changes regarding RPM tolerance as it relates to active mode testing for large-diameter ceiling fans.

In the public meeting following the September 2019 NOPR, Hunter commented that the effect of gravity can result in different blade-to-ceiling measurements depending on where along the ceiling fan blade the measurement is taken, and that DOE needs to consider this effect. (Hunter, Public Meeting Transcript, No. 28 at p. 71) In comments submitted in response to the September 2019 NOPR, Hunter stated that they agreed with the proposed tolerances for ceiling to blade distance. (Hunter No. 29 at p. 5)

As discussed in section III.M, blade to ceiling measurements are based on the distance between the lowest point of the fan blades and the ceiling. As such, any effects of gravity must be considered when measuring from the lowest point of fan blades.

In this final rule, DOE is adopting the product-specific enforcement verification provisions proposed in the September 2019 NOPR and December 2021 SNOPR, as presented in Table III.2.

TABLE III.2—PRODUCT-SPECIFIC ENFORCEMENT VERIFICATION

Represented value	Enforcement verification
Blade span	Measurement(s) (either the measured value for a single unit, or the mean of the measured values for a multiple unit sample, rounded to the nearest inch) are the same as the represented blade span.
Blade RPM	Measurement(s) (either the measured value for a single unit, or the mean of the measured values for a multiple unit sample, rounded to the nearest RPM) are within 2% of the represented blade RPM at high speed.
Blade edge thickness	If the measurement(s) (either the measured value for a single unit, or the mean of the measured values for a multiple unit sample, rounded to the 0.01 inch) are the same as the represented blade edge thickness.
Distance between the ceiling and the lowest point on the fan blades.	Measurement(s) (either the measured value for a single unit, or the mean of the measured values for a multiple unit sample, rounded to the nearest 0.25 inch) are the same as the represented distance.

O. Calculation Methodology for Values Reported on the EnergyGuide Label

FTC requires an EnergyGuide label for any covered product that is a ceiling fan, except for large diameter and HSSD ceiling fans. See 16 CFR 305.3(g); 16 CFR 305.21(a)(1).

The EnergyGuide label for ceiling fans reports values for four key metrics: (1) Airflow Efficiency, in CFM/W; (2) Airflow, in CFM; (3) Energy Use, in W; and (4) Estimated Yearly Energy Cost, in dollars. See 16 CFR 305.21(a)(1). On October 21, 2016, DOE published a guidance document explaining how to calculate these values, based on

measurements taken in accordance with appendix U.²⁶

In the September 2019 NOPR, DOE proposed to codify at 10 CFR 429.32(a)(3) the calculations required to determine the values presented on the EnergyGuide label for ceiling fans. 84 FR 51440, 51447.

In response to the September 2019 NOPR, Westinghouse, ALA, and BAF requested that DOE clarify that the FTC EnergyGuide Label only applies to LSSD

and VSD ceiling fans, but not HSSD and large-diameter ceiling fans.

(Westinghouse, Public Meeting Transcript, No. 28 at pp. 64–65; ALA, No. 34 at p. 4; BAF, No. 36 at p. 2) BAF further commented that some HSSD ceiling fans on the market have the FTC label, but that it is modified for the purposes of the HSSD fan. (BAF, Public Meeting Transcript, No. 28 at pp. 63–64) AMCA also stated that clarifying how to perform the testing and calculations for the EnergyGuide label would decrease the likelihood of error in testing. (AMCA, No. 33 at p. 8) Hunter supported the proposal to codify

²⁶ DOE guidance document available at www1.eere.energy.gov/buildings/appliance_standards/pdfs/ftc_label_calc_method_2016-10-21.pdf.

guidance for the FTC label. (Hunter, No. 29 at p. 4)

DOE notes that in the context of the FTC Energy Label Rule, “ceiling fan” is defined to exclude “large-diameter and high-speed small diameter fans as defined in appendix U of subpart B of 10 CFR part 430.” 16 CFR 305.3(g).

The CA IOUs requested that DOE work with the FTC to provide airflow and power at high and low speeds on the FTC label. The CA IOUs stated that high-speed airflow and power values are required on design documents to comply with ASHRAE standard 90.1. (CA IOUs, No. 46 at p. 4)

DOE did not receive comments on the substance of the calculations in the DOE guidance document and proposed to be codified in regulation.

DOE notes that it has no authority to make changes the FTC EnergyGuide label. DOE notes that under the FTC’s Energy Label Rule, representations for ceiling fans must be derived from applicable DOE test procedures in 10 CFR parts 429 and 430. 16 CFR 305.8(c). The following sections discuss the calculation methods codified in regulation in this final rule for each of the four values presented on the EnergyGuide label.

1. Airflow Efficiency

The EnergyGuide label’s Airflow Efficiency value corresponds to the ceiling fan’s represented value of efficiency (*see* 10 CFR 429.32(a)), in CFM/W, which is calculated in section 4 of appendix U.

2. Airflow

For LSSD and VSD ceiling fans, the airflow value reported on the EnergyGuide label represents the weighted-average airflow of a ceiling fan, in which the weighted average is based on an average of airflow at low and high fan speeds. The weight given to each speed represents the average operating hours at that speed normalized by the total average operating hours in active mode. The average operating hours are consistent with those defined in Table 3 in appendix U. DOE is including in 10 CFR part 429 the following equation, as specified in the current guidance, to calculate this value:

$$CFM_{ave} = \frac{CFM_{Low} \times 3.0 + CFM_{High} \times 3.4}{6.4}$$

Where:

CFM_{ave} = represented value of ceiling fan airflow, rounded to the nearest CFM.

CFM_{Low} = represented value of measured airflow, in cubic feet per minute, at low fan speed, pursuant to paragraph (a)(2)(i) of this section.

CFM_{High} = represented value of measured airflow, in cubic feet per minute, at high fan speed, pursuant to paragraph (a)(2)(i) of this section.

3.0 = average daily operating hours at low fan speed, pursuant to Table 3 in appendix U.

3.4 = average daily operating hours at high fan speed, pursuant to Table 3 in appendix U.

6.4 = total average daily operating hours.

Section 3.3 of appendix U specifies the procedures for measuring the airflow at the high and low speed settings. The measurements of airflow for each setting specified by the equation above must be based on the represented value of measured airflow from a sample of at least two ceiling fans, in accordance with the requirements of 10 CFR 429.32(a)(2)(i). The represented value for airflow is then calculated using the represented value of measured airflow for each setting specified by the equation.

3. Energy Use

For LSSD and VSD ceiling fans, the energy use²⁷ value reported on the

EnergyGuide label represents the weighted-average power consumption of the ceiling fan, in which the weighted average is based on an average of the power consumption at low and high fan speeds and in standby mode. The weight given to each speed and to standby mode corresponds to the average operating hours at that setting normalized by the total average operating hours in active mode. As with the airflow calculation, the average operating hours are consistent with those defined in Table 3 in appendix U. DOE is including in 10 CFR part 429 the following equation, as specified in the current guidance, to calculate this value:

$$W_{ave} = \frac{W_{Low} \times 3.0 + W_{High} \times 3.4 + W_{sb} \times 17.6}{6.4}$$

Where:

W_{ave} = represented value power consumption, rounded to the nearest watt,

W_{Low} = represented value of measured power consumption, in watts, at low fan speed, pursuant to paragraph (a)(2)(ii) of this section.

W_{High} = represented value of measured power consumption, in watts, at high fan speed, pursuant to paragraph (a)(2)(ii) of this section.

W_{sb} = represented value of measured power consumption, in watts, in standby mode, pursuant to paragraph (a)(2)(ii) of this section.

3.0 = average daily operating hours at low fan speed, pursuant to Table 3 in appendix U.

3.4 = average daily operating hours at high fan speed, pursuant to Table 3 in appendix U.

17.6 = average daily standby mode hours, pursuant to Table 3 in appendix U.

6.4 = total average daily operating hours.

Section 3.3 of appendix U outlines the procedures for measuring the power consumption at the high and low speed settings, as well as in standby mode (if applicable). The measurements of power consumption for each setting specified by the equation above must be based on

the represented value of power consumption measured from a sample of at least two ceiling fans, in accordance with the requirements of 10 CFR 429.32(a)(2)(ii). The represented value of power consumption use is then calculated using the represented value of measured power consumption for each setting specified by the equation.

4. Estimated Yearly Energy Cost

For LSSD and VSD ceiling fans, estimated yearly energy cost represents the estimated cost to a consumer of the energy consumed in operating a ceiling

²⁷ DOE recognizes that the term “energy use” on the EnergyGuide label would be more accurately

described as power consumption, or a *rate* of energy use.

fan for a year. Time spent at low speed, high speed, and in standby mode is based on the average operating hours

listed in Table 3 in appendix U. DOE is including in 10 CFR part 429 the

following equation, as specified in the current guidance, to calculate this value:

$$EYEC = \frac{W_{Low} \times 3.0 + W_{High} \times 3.4 + W_{Sb} \times 17.6}{1000} \times 365 \times C_{KWH}$$

Where:

$EYEC$ = represented value for estimated yearly energy cost, rounded to the nearest dollar,

W_{Low} = represented value of measured power consumption, in watts, at low fan speed, pursuant to paragraph (a)(2)(ii) of this section.

W_{High} = represented value of measured power consumption, in watts, at high fan speed, pursuant to paragraph (a)(2)(ii) of this section.

W_{Sb} = represented value of measured power consumption, in watts, in standby mode, pursuant to paragraph (a)(2)(ii) of this section.

C_{KWH} = representative average unit cost of electrical energy in dollars per kilowatt-hour pursuant to 16 CFR part 305.

3.0 = average daily operating hours at low fan speed, pursuant to Table 3 in appendix U.

3.4 = average daily operating hours at high fan speed, pursuant to Table 3 in appendix U.

17.6 = average daily standby mode hours, pursuant to Table 3 in appendix U.

365 = number of days per year.

1000 = conversion factor from watts to kilowatts.

In calculating this value, the daily operating hours in active mode are assumed to be 6.4 hours per day. Section 3.3 of appendix U outlines the procedures for measuring the power consumption at the high and low speed settings, as well as in standby mode (if applicable). The measurements of power consumption for each setting specified by the equation above must be based on the represented value of power consumption measured from a sample of at least two ceiling fans, in accordance with the requirements of 10 CFR 429.32(a)(2)(ii). The represented value for estimated yearly energy cost is then calculated using the represented value of measured power consumption for each setting specified by the equation.

P. Test Procedure Costs and Impacts

In this final rule, DOE is amending the existing test procedure for ceiling fans by (1) including a definition for “circulating air” for the purpose of the ceiling fan definition; (2) extending the scope of the test procedure to include large diameter fans with a diameter greater than 24 feet; (3) expanding the test procedure to high-speed belt-driven ceiling fans; (4) maintaining

applicability of standby power for large-diameter ceiling fans; (5) clarifying test voltage requirements for large-diameter ceiling fans; (6) specifying test procedures for ceiling fans with accessories or features that do not relate to the ceiling fan’s ability to create airflow by the rotation of the fan blades; (7) clarifying that VSD ceiling fans that do not also meet the definition of LSSD fan are not required to be tested pursuant to the DOE test method; (8) amending the definition for low-speed; (9) increasing the tolerance for the stability criteria for the average air velocity measurements for LSSD and VSD ceiling fans; (10) allowing two-arm sensor setup and requiring sensor arm(s) to stabilize for 30 seconds prior to rotating sensor axes; (11) clarifying air velocity sensor mounting position; (12) providing instructions to measure blade thickness; (13) amending instrument measurement resolution; (14) amending represented values, and rounding and enforcement provisions for ceiling fans; (15) codifying in regulation existing guidance on the method for calculating several values reported on the Federal Trade Commission (FTC) EnergyGuide label using results from the ceiling fan test procedures in appendix U to subpart B of 10 CFR part 430 and represented values in 10 CFR part 429; and (16) updating the reference to AMCA 230–15 to reference the version that includes the 2021 errata sheet. DOE has determined that the amended test procedure will not be unduly burdensome for manufacturers to conduct.

ALA commented that no matter how minimal the changes are to the test procedures, in most manufacturers’ experience, third-party testing costs never go down. As such, they noted that any changes that requires additional testing will be a burden to manufacturers, increase costs to American consumers, and hinder research and development. (ALA, No. 45 at p. 4) Separately, ALA also generally noted in the January 11th public meeting that the costs associated with testing never goes down. (ALA, Public Meeting Transcript, No. 42 at p. 7) Further discussion of the cost impacts of the test procedure amendments are presented in the following paragraphs.

1. Cost Impacts for the Scope Related Amendments

As discussed in section III.A of this document, DOE is defining “circulating air” to differentiate fans for “circulating air” (*i.e.*, ceiling fans) from other products that are not considered to be a ceiling fan for the purposes of the EPCA definition for ceiling fans; and to include large-diameter ceiling fans greater than 24 feet in diameter and certain belt-driven ceiling fans within the scope of the test procedure.

Regarding DOE’s determination to include a definition for “circulating air,” DOE identified that certain high-speed VSD ceiling fans with a diameter-to-maximum operating speed ratio less than 0.06 will be excluded from the ceiling fan scope. As discussed, VSD ceiling fans represent less than one percent of the total ceiling fan market. Furthermore, the segment of VSD ceiling fans that would be excluded from the ceiling fan scope would represent a portion of the less than one percent of the market. While the definition as established would likely result in a small cost savings for VSD ceiling fan manufacturers, DOE conservatively did not include these cost savings as part of the cost impact calculations.

Regarding including within the scope of the test procedure large-diameter ceiling fans greater than 24 feet in diameter, while DOE is aware of two LDCF models with a diameter greater than 24 feet (see discussion in section III.A.2.a), DOE understands that these models are already tested using the DOE test procedure. As such, DOE does not expect any test procedure cost impacts resulting from the expansion of the test procedure scope to include large-diameter ceiling fans with a diameter greater than 24 feet.

Additionally, DOE is amending the test procedure to cover certain belt-driven ceiling fans. There are no energy conservation standards applicable these certain belt-driven ceiling fans. As such, manufacturers would not be required to test such belt-driven ceiling fans according to the DOE test procedure unless a manufacturer voluntarily chooses to make representations as to the energy efficiency or energy use of such ceiling fans. Based on third-party

laboratory test cost quotes to test these belt-driven ceiling fans in accordance with AMCA 230–15, DOE estimates that it would cost manufacturers approximately \$3,165 to test one HSBD unit at both high speed and 40 percent speed. DOE requires at least two units be tested. Therefore, DOE estimates it would cost manufacturers approximately \$6,330 per HSBD basic model. DOE notes that the test procedure applicable under appendix U is substantively the relevant industry standard, *i.e.*, AMCA 230–15. To the extent that a manufacturer is already making representations as to the energy efficiency or energy use of such fans, DOE expects that the testing is based on AMCA 230–15, and therefore this final rule would not require additional testing.

2. Cost Impacts for Stability Criteria

This final rule includes amendments analyzed in the September 2019 NOPR increasing the tolerance for the stability criteria for the average air velocity measurements of LSSD and VSD ceiling fans that meet the definition of LSSD ceiling fans at low speed. 84 FR 51440, 51446. DOE had identified cost savings that manufacturers would likely experience from avoiding the need to purchase additional and more-costly air velocity sensors to meet the stability criteria required by the prior test procedure.

To test ceiling fans up to 84 inches in diameter with an air velocity sensor every 4 inches and in all four axes could require a manufacturer to purchase, calibrate, and install as many as 45 upgraded sensors. In this final rule, DOE estimates that this investment would be approximately \$50,000 per manufacturer for these upgraded sensors. DOE estimated that at least two ceiling fan manufacturers have in-house testing facilities that would have had to invest in upgraded sensors to meet the stability criteria to comply with the current test procedure—each of which would avoid approximately \$50,000 in one-time costs.

3. Cost Impacts for Low Speed Definition

As discussed in section III.F of this document, DOE is amending the low speed definition, which is required to test LSSD ceiling fans. This amendment may require retesting a subset of LSSD ceiling fans. DOE conservatively estimates that approximately 10 percent of LSSD ceiling fans with more than three speed settings will be affected by the low speed definition change and will have to be retested in active mode using the new low speed definition.

Further, DOE estimates that the test procedure for LSSD ceiling fans will cost \$1,500 on average per basic model active mode test.

4. Cost Impacts for Other Test Procedure Amendments

DOE does not anticipate that the remainder of the amendments in this final rule will increase test costs.

The amendment to measure standby power using the test method in section 3.6 of appendix U for LDCFs is not required until such time as compliance is required with an energy conservation standard for standby mode, unless a manufacturer voluntarily chooses to make representations as to the standby power. To the extent that a manufacturer is already making representations as to standby power of such fans, DOE expects that the testing is based on section 3.6 of appendix U, and therefore this final rule would not require additional testing. The amendment to allow a two-arm sensor setup is in addition to the single-arm and four-arm setup already allowed in appendix U. The amendment to require that the sensor arm stabilize for an extra 30 seconds before moving axes should allow for more accurate air velocity measurements, resulting in fewer repetitions to meet the stability requirement. The amendments to specify air velocity sensor mounting position, measure blade thickness, testing for ceiling fans with accessories, test voltage requirements for large diameter ceiling fans, and not requiring testing VSD ceiling fans that do not also meet the definition of LSSD fan are clarifications. The amendments for instrument measurement resolution, represented values, rounding and enforcement provisions for ceiling fans are consistent with current industry and laboratory practice. Finally, the amendments to codify the calculations required to determine the values presented on the EnergyGuide label for ceiling fans is consistent with current FTC requirements.

Q. Effective and Compliance Dates

The effective date for the adopted test procedure amendment will be 30 days after publication of this final rule in the **Federal Register**. EPCA prescribes that all representations of energy efficiency and energy use, including those made on marketing materials and product labels, must be made in accordance with an amended test procedure, beginning 180 days after publication of the final rule in the **Federal Register**. (42 U.S.C. 6293(c)(2)) EPCA provides an allowance for individual manufacturers to petition DOE for an extension of the 180-day

period if the manufacturer may experience undue hardship in meeting the deadline. (42 U.S.C. 6293(c)(3)) To receive such an extension, petitions must be filed with DOE no later than 60 days before the end of the 180-day period and must detail how the manufacturer will experience undue hardship. (*Id.*) To the extent the modified test procedure adopted in this final rule is required only for the evaluation and issuance of updated efficiency standards, compliance with the amended test procedure does not require use of such modified test procedure provisions until the compliance date of updated standards.

ALA urged DOE to allow for a 180-day delay after the effective date of the test procedure for an issuance of a proposed energy conservation standard. ALA stated that while the Process Rule at 10 CFR part 430, subpart C, appendix A does not require a 180-day delay, ALA strongly believes that the waiting period is warranted should DOE decide to amend the test procedure as proposed. (ALA, No. 45 at p. 2)

This final rule is with regards to the test procedures only. DOE notes that it has published a notification of a webinar and availability of preliminary technical support document to evaluate potential energy conservation standards for ceiling fans. 87 FR 7758 (February 10, 2022). DOE has not proposed amended energy conservation standards for ceiling fans.

Upon the compliance date of test procedure provisions in this final rule any waivers or interim waivers had been previously issued and are in effect that pertain to issues addressed by such provisions are terminated. 10 CFR 430.27(h)(3). Recipients of any such waivers are required to test the products subject to the waiver according to the amended test procedure as of the compliance date of the amended test procedure. The amendments adopted in this document in section III.I pertain to issues addressed by waivers granted to BAF, Case No. 2017–011. On October 16, 2018, DOE published a notice of a Decision and Order (Case Number 2017–011) that granted BAF a waiver from specified portions of appendix U and required BAF to test and rate specified basic models of its ceiling fans in accordance with the alternate test procedure specified in the Decision and Order. 83 FR 52213. The amendments adopted in section III.H of this final rule incorporate the same alternate stability criteria for low speed (from 5 percent to 10 percent) as provided in the Decision and Order. *Id.* at 83 FR 52216. That Decision and Order terminates on the

effective date of this final rule specified in the **DATES** heading.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866 and 13563

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

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this final regulatory action does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this action was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a final regulatory flexibility analysis (FRFA) for any final rule where the agency was first required by law to publish a proposed rule for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003 to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel’s website: www.energy.gov/gc/office-general-counsel.

DOE has recently conducted a focused inquiry into small business manufacturers of the ceiling fans covered by this rulemaking. DOE used available public information to identify potential small manufacturers. DOE accessed the Compliance Certification Database²⁸ to create a list of companies that import or otherwise manufacture the ceiling fans covered by this final rule.

The following sections detail DOE’s FRFA for this test procedure final rule.

1. Description of Reasons Why Action Is Being Considered

DOE is amending the existing DOE test procedures for ceiling fans. DOE shall amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A))

2. Objective of, and Legal Basis for, Rule

DOE is required to review existing DOE test procedures for all covered products every 7 years. (42 U.S.C. 6293(b)(1)(A))

3. Description and Estimate of Small Entities Regulated

For manufacturers of ceiling fans, the Small Business Administration (“SBA”) has set a size threshold, which defines those entities classified as “small businesses” for the purposes of the statute. DOE used the SBA’s small business size standards to determine whether any small entities would be subject to the requirements of the rule. See 13 CFR part 121. The size standards are listed by North American Industry Classification System (“NAICS”) code and industry description available at: www.sba.gov/document/support—table-size-standards. Ceiling fan manufacturing is classified under NAICS code 335210, “Small Electrical Appliance Manufacturing.” The SBA sets a threshold of 1,500 employees or less for an entity to be considered as a small business for this category.

To estimate the number of companies that manufacture ceiling fans covered by this rulemaking, DOE used data from DOE’s publicly available Compliance Certification Database (“CCD”). DOE’s small business search focused on companies that sell at least one LSSD ceiling fan model with more than three speed settings as well as small businesses that sell HSBD or LDBD ceiling fans, since those are the only manufacturers, large or small, that are estimated to potentially incur any costs due to the test procedure amendments.

DOE identified 10 potential domestic small businesses that manufacture at least one LSSD ceiling fan with more than three speed settings. These 10 potential domestic small businesses sell approximately 325 unique LSSD ceiling fans with more than three speed settings. Additionally, DOE identified four potential domestic small businesses that manufacture HSBD ceiling fans. These four potential domestic small businesses sell 16 known HSBD ceiling fan models. Further, while DOE is aware of two LDCF models with a diameter greater than 24 feet, DOE understands that these models are already tested using the DOE test procedure. Therefore, elimination of the 24-foot threshold from the test procedure update will not add test burden.

DOE identified 10 potential domestic small businesses that manufacture at least one LSSD ceiling fan with more than three speed settings. These 10 potential domestic small businesses sell approximately 325 unique LSSD ceiling fans with more than three speed settings. Additionally, DOE identified four potential domestic small businesses that manufacture HSBD ceiling fans. These four potential domestic small businesses sell 16 known HSBD ceiling fan models. Further, while DOE is aware of two LDCF models with a diameter greater than 24 feet, DOE understands that these models are already tested using the DOE test procedure. Therefore, elimination of the 24-foot threshold from the test procedure update will not add test burden.

4. Description and Estimate of Compliance Requirements

In this final rule, DOE is amending the existing test procedure for ceiling fans by (1) including a definition for “circulating air” for the purpose of the ceiling fan definition; (2) extending the scope of the test procedure to include large diameter fans with a diameter greater than 24 feet; (3) expanding the test procedure to high-speed belt-driven ceiling fans; (4) maintaining applicability of standby power for large-diameter ceiling fans; (5) clarifying test voltage requirements for large-diameter

²⁸ U.S. Department of Energy Compliance Certification Database, available at: www.regulations.doe.gov/certification-data/products.html#q=Product_Group_s%3A*.

ceiling fans; (6) specifying test procedures for ceiling fans with accessories or features that do not relate to the ceiling fan's ability to create airflow by the rotation of the fan blades; (7) clarifying that VSD ceiling fans that do not also meet the definition of LSSD fan are not required to be tested pursuant to the DOE test method; (8) amending the definition for low-speed; (9) increasing the tolerance for the stability criteria for the average air velocity measurements for LSSD and VSD ceiling fans; (10) allowing two-arm sensor setup and requiring sensor arm to stabilize for 30 seconds prior to rotating sensor axes; (11) clarifying air velocity sensor mounting position; (12) providing instructions to measure blade thickness; (13) amending instrument measurement resolution; (14) amending represented values, rounding and enforcement provisions for ceiling fans; (15) codifying in regulation existing guidance on the method for calculating several values reported on the Federal Trade Commission (FTC) EnergyGuide label using results from the ceiling fan test procedures in appendix U to subpart B of 10 CFR part 430 and represented values in 10 CFR part 429; and (16) updating the reference to AMCA 230–15 to reference the version that includes the 2021 errata sheet. DOE

has determined that the amended test procedure will not be unduly burdensome for manufacturers to conduct.

DOE estimates that some ceiling fan manufacturers would experience a cost from the test procedure amendments, due to retesting specific LSSD ceiling fans at low speed. Additionally, DOE estimates that some ceiling fan manufacturers would experience a cost savings from the test procedure amendment regarding the stability criteria for average air velocity measurements by not having to purchase sensors.

As stated previously, DOE identified 10 potential domestic small businesses selling approximately 325 unique LSSD ceiling fans with more than three speed settings. DOE previously estimated that approximately 10 percent of LSSD ceiling fan models with more than three speed settings would be required to re-test their models using the amended definition for low-speed. Therefore, DOE estimates that approximately 33 ceiling fan models sold by domestic small businesses would need to be re-tested due to this test procedure amendment. DOE previously estimated that it costs manufacturers approximately \$1,500 for a third-party lab to conduct this test. Therefore, DOE estimates that all domestic small

businesses would incur approximately \$49,500 to re-test certain LSSD ceiling fans to the new low-speed definition. DOE estimates that the annual revenue of these 10 potential domestic small businesses that sell at least one LSSD ceiling fan with more than three speed settings range from approximately \$1.7 million to over \$250 million, with a median value of approximately \$36 million.

Additionally, as stated in the previous section, DOE identified four potential domestic small businesses selling 16 HSBD ceiling fan models.

DOE estimates that the test procedure for belt-driven ceiling fans would cost manufacturers approximately \$6,330 per basic model to test in accordance with this test procedure. Therefore, DOE estimates that domestic small businesses would incur a one-time cost of approximately \$101,280 to conduct testing for the expanded scope of belt-driven ceiling fan. DOE estimates that the annual revenue of these four potential domestic small businesses that sell at least one HSBD ceiling fan range from approximately \$79,000 to \$16 million.

DOE presents the estimated testing costs and annual revenue for each potential small business manufacturer of belt-driven fans in Table IV.1.

TABLE IV.1—TESTING COSTS FOR SMALL BUSINESSES MANUFACTURING BELT-DRIVEN FANS

Company	Number of belt-driven ceiling fan models	Estimated testing cost	Estimated annual revenue	Testing costs as a percent of annual revenue
Small Business 1	9	\$56,970	\$16,000,000	0.3
Small Business 2	5	31,650	79,000	36.3
Small Business 3	1	6,330	1,500,000	0.4
Small Business 4	1	6,330	97,000	6.5

5. Duplication, Overlap, and Conflict With Other Rules and Regulations

DOE is not aware of any rules or regulations that duplicate, overlap, or conflict with this final rule.

6. Significant Alternatives to the Rule

As previously stated in this section, DOE is required to review existing DOE test procedures for all covered products every 7 years. Additionally, DOE shall amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use. (42

U.S.C. 6293(b)(1)(A)) DOE has determined that the test procedure amendments for ceiling fans would more accurately produce test results to measure the energy efficiency of ceiling fans.

While DOE recognizes that requiring ceiling fan manufacturers to retest specific LSSD ceiling fans at low speed, and expanding the scope to HSBD ceiling fans would cause manufacturers to re-test or test some ceiling fan models, the costs to re-test and test these models are inexpensive for most ceiling fan manufacturers. DOE has tentatively determined that there are no better alternatives than the amended test procedures, in terms of both meeting the agency's objectives to accurately measure energy efficiency and reduce burden on manufacturers. Therefore,

DOE is amending the existing DOE test procedure for ceiling fans, as established in this final rule.

Additional compliance flexibilities may be available through other means. EPCA provides that a manufacturer whose annual gross revenue from all of its operations does not exceed \$8 million for the 12-month period preceding the date of the application may apply for an exemption from all or part of an energy conservation standard for a period not longer than 24 months after the effective date of a final rule establishing the standard. (42 U.S.C. 6295(t)) Additionally, manufacturers subject to DOE's energy efficiency standards may apply to DOE's Office of Hearings and Appeals for exception relief under certain circumstances. Manufacturers should refer to 10 CFR

part 430, subpart E, and 10 CFR part 1003 for additional details on these additional compliance flexibilities.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of ceiling fans must certify to DOE that their products comply with any applicable energy conservation standards. To certify compliance, manufacturers must first obtain test data for their products according to the DOE test procedures, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including ceiling fans. (*See generally* 10 CFR part 429.) The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (“PRA”). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 35 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, certifying compliance, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE establishes test procedure amendments that it expects will be used to develop and implement future energy conservation standards for ceiling fans. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE’s implementing regulations at 10 CFR part 1021. Specifically, DOE has determined that adopting test procedures for measuring energy efficiency of consumer products and industrial equipment is consistent with activities identified in 10 CFR part 1021, appendix A to subpart D, A5 and A6. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, “Federalism,” 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, “Civil Justice Reform,” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that executive agencies make every reasonable effort to ensure that the regulation (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses

other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (“UMRA”) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at www.energy.gov/gc/office-general-counsel. DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of \$100 million or more in any year, so these requirements do not apply.

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

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule

that may affect family well-being. This final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights" 53 FR 8859 (March 18, 1988), that this regulation will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M-19-15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf. DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any significant energy action. A "significant energy action" is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of

reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95-91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; "FEAA") Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission ("FTC") concerning the impact of the commercial or industry standards on competition.

The modifications to the test procedure for ceiling fans adopted in this final rule incorporate testing methods contained in certain sections of the following commercial standards: ANSI/AMCA Standard 230-15 ("AMCA 230-15"), "Laboratory Methods of Testing Air Circulating Fans for Rating and Certification, Includes Errata (2021)." DOE has evaluated this standard and is unable to conclude whether it fully complies with the requirements of section 32(b) of the FEAA (*i.e.*, whether it was developed in a manner that fully provides for public participation, comment, and review.) DOE has consulted with both the Attorney General and the Chairman of the FTC about the impact on competition of using the methods contained in these standards and has received no comments objecting to their use.

M. Congressional Notification

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

N. Description of Materials Incorporated by Reference

The Director of the Federal Register previously approved AMCA 208-18 for incorporation by reference into appendix U to subpart B: The procedure defines the fan energy index ("FEI"), outlines the calculations necessary to obtain it, and discusses the test conditions and configurations it applies to.

In this final rule, DOE incorporates by reference the following standards:

AMCA 230-15, "Laboratory Methods of Testing Air Circulating Fans for Rating and Certification", including AMCA 230-15 Technical Errata 2021-05-05, "Technical Errata Sheet for ANSI/AMCA Standard 230-15: Density Corrections", dated May 5, 2021. AMCA 230-15 is an industry-accepted test procedure for measuring the airflow efficiency of commercial and industrial ceiling fans.

IEC 62301, Household electrical appliances—Measurement of standby power, (Edition 2.0, 2011-01). The procedure provides a basis for standby-mode testing.

The AMCA standards are available from Air Movement and Control Association International, Inc. (AMCA), 30 West University Drive, Arlington Heights, IL 60004, (847) 394-0150, or by going to www.amca.org/store.

The IEC standard is available from International Electrotechnical Commission (IEC), 3 Rue de Varembe, Case Postale 131, 1211 Geneva 20, Switzerland, <https://webstore.iec.ch/> and from the American National Standards Institute (ANSI), 25 W. 43rd Street, 4th Floor, New York, NY 10036, (212) 642-4900, <https://webstore.ansi.org>.

V. Approval of the Office of the Secretary

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

List of Subjects

10 CFR Part 429

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

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference,

Intergovernmental relations, Small businesses.

Signing Authority

This document of the Department of Energy was signed on August 2, 2022, by Kelly J. Speakes-Backman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This

administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 3, 2022.

Treena V. Garrett,

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

For the reasons stated in the preamble, DOE amends parts 429 and 430 of chapter II of title 10, Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

$$UCL = \bar{x} + t_{0.95} \left(\frac{s}{\sqrt{n}} \right)$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95% one-tailed confidence interval with $n-1$ degrees of freedom (from appendix A to this subpart); and

(3) For each basic model of ceiling fan,

(i) Any represented value of blade span, as defined in section 1.4 of appendix U to subpart B of part 430, is the mean of the blade spans measured for the sample selected as described in paragraph (a)(1) of this section, rounded to the nearest inch;

(ii) Any represented value of blade revolutions per minute (RPM) is the mean of the blade RPM measurements measured for the sample selected as described in paragraph (a)(1) of this section, rounded to the nearest RPM;

(iii) Any represented value of blade edge thickness is the mean of the blade edge thicknesses measured for the sample selected as described in paragraph (a)(1) of this section, rounded to the nearest 0.01 inch;

(iv) Any represented value of the distance between the ceiling and the lowest point on the fan blades is the mean of the distances measured for the sample selected as described in paragraph (a)(1) of this section, rounded to the nearest quarter of an inch;

(v) Any represented value of tip speed is π multiplied by represented value of blade span divided by twelve multiplied by the represented value of RPM, rounded to the nearest foot per minute; and

(vi) Any represented value of airflow (CFM) at high speed, including the

Authority: 42 U.S.C. 6291–6317; 28 U.S.C. 2461 note.

■ 2. Section 429.32 is amended by:

■ a. Revising the paragraph (a)(2) introductory text and paragraph (a)(2)(ii)(B); and

■ b. Adding paragraphs (a)(3) and (4);
The revisions and additions read as follows:

§ 429.32 Ceiling fans.

(a) * * *

(2) For each basic model of ceiling fan, a sample of sufficient size must be randomly selected and tested to ensure that—

* * * * *

(ii) * * *

(B) The upper 95 percent confidence limit (UCL) of the true mean divided by 1.1, where:

value used to determine whether a ceiling fan is a highly-decorative ceiling fan as defined in section 1.10 of appendix U to subpart B of part 430, is determined pursuant to paragraph (a)(2)(i) and rounded to the nearest CFM.

(4) To determine representative values of airflow, energy use, and estimated yearly energy cost of an LSSD or VSD ceiling fan basic model, use the following provisions.

(i) Airflow. Determine the represented value for airflow by calculating the weighted-average airflow of an LSSD or VSD ceiling fan basic model at low and high fan speed as follows:

$$CFM_{ave} = \frac{CFM_{Low} \times 3.0 + CFM_{High} \times 3.4}{6.4}$$

Where:

CFM_{ave} = represented value of ceiling fan airflow, rounded to the nearest CFM.

CFM_{Low} = represented value of measured airflow, in cubic feet per minute, at low fan speed, pursuant to paragraph (a)(2)(i) of this section.

CFM_{High} = represented value of measured airflow, in cubic feet per minute, at high

fan speed, pursuant to paragraph (a)(2)(i) of this section.

3.0 = average daily operating hours at low fan speed, pursuant to Table 3 in appendix U to subpart B of part 430.

3.4 = average daily operating hours at high fan speed, pursuant to Table 3 in appendix U to subpart B of part 430.

6.4 = total average daily operating hours.

(ii) Energy Use. Determine represented value for energy use by calculating the weighted-average power consumption of an LSSD or VSD ceiling fan basic model at low and high fan speed as follows:

$$W_{ave} = \frac{W_{Low} \times 3.0 + W_{High} \times 3.4 + W_{sb} \times 17.6}{6.4}$$

Where:

W_{ave} = represented value power consumption, rounded to the nearest watt,
 W_{Low} = represented value of measured power consumption, in watts, at low fan speed, pursuant to paragraph (a)(2)(ii) of this section.
 W_{High} = represented value of measured power consumption, in watts, at high fan speed,

pursuant to paragraph (a)(2)(ii) of this section.

W_{sb} = represented value of measured power consumption, in watts, in standby mode, pursuant to paragraph (a)(2)(ii) of this section.

3.0 = average daily operating hours at low fan speed, pursuant to Table 3 in appendix U to subpart B of part 430.

3.4 = average daily operating hours at high fan speed, pursuant to Table 3 in appendix U to subpart B of part 430.

17.6 = average daily standby mode hours, pursuant to Table 3 in appendix U to subpart B of part 430.
 6.4 = total average daily operating hours.

(iii) **Estimated Yearly Energy Cost.** Determine the represented value for estimated yearly energy cost of an LSSD or VSD ceiling fan basic model at low and high fan speed as follows:

$$EYEC = \frac{W_{Low} \times 3.0 + W_{High} \times 3.4 + W_{sb} \times 17.6}{1000} \times 365 \times C_{KWH}$$

Where:

EYEC = represented value for estimated yearly energy cost, rounded to the nearest dollar,

W_{Low} = represented value of measured power consumption, in watts, at low fan speed, pursuant to paragraph (a)(2)(ii) of this section.

W_{High} = represented value of measured power consumption, in watts, at high fan speed, pursuant to paragraph (a)(2)(ii) of this section.

W_{sb} = represented value of measured power consumption, in watts, in standby mode, pursuant to paragraph (a)(2)(ii) of this section.

C_{KWH} = representative average unit cost of electrical energy in dollars per kilowatt-hour pursuant to 16 CFR part 305.

3.0 = average daily operating hours at low fan speed, pursuant to Table 3 in appendix U to subpart B of part 430

3.4 = average daily operating hours at high fan speed, pursuant to Table 3 in appendix U to subpart B of part 430.

17.6 = average daily standby mode hours, pursuant to Table 3 in appendix U to subpart B of part 430.

365 = number of days per year.

1000 = conversion factor from watts to kilowatts.

* * * * *

■ 3. Section 429.134 is amended by adding paragraph (t) to read as follows:

§ 429.134 Product-specific enforcement provisions.

* * * * *

(t) **Ceiling Fans**—(1) **Verification of blade span.** DOE will measure the blade span and round the measurement pursuant to the test requirements of 10 CFR part 430 of this chapter for each unit tested. DOE will consider the represented blade span valid only if the rounded measurement(s) (either the rounded measured value for a single unit, or the mean of the rounded measured values for a multiple unit sample, rounded to the nearest inch) is the same as the represented blade span.

(i) If DOE determines that the represented blade span is valid, that blade span will be used as the basis for

determining the product class and calculating the minimum allowable ceiling fan efficiency.

(ii) If DOE determines that the represented blade span is invalid, DOE will use the rounded measured blade span(s) as the basis for determining the product class, and calculating the minimum allowable ceiling fan efficiency.

(2) **Verification of the distance between the ceiling and lowest point of fan blades.** DOE will measure the distance between the ceiling and lowest point of the fan blades and round the measurement pursuant to the test requirements of 10 CFR part 430 of this chapter for each unit tested. DOE will consider the represented distance valid only if the rounded measurement(s) (either the measured value for a single unit, or the mean of the measured values for a multiple unit sample, rounded to the nearest quarter inch) are the same as the represented distance.

(i) If DOE determines that the represented distance is valid, that distance will be used as the basis for determining the product class.

(ii) If DOE determines that the represented distance is invalid, DOE will use the rounded measured distance(s) as the basis for determining the product class.

(3) **Verification of blade revolutions per minute (RPM) measured at high speed.** DOE will measure the blade RPM at high speed pursuant to the test requirements of 10 CFR part 430 of this chapter for each unit tested. DOE will consider the represented blade RPM measured at high speed valid only if the measurement(s) (either the measured value for a single unit, or the mean of the measured values for a multiple unit sample, rounded to the nearest RPM) are within 2 percent of the represented blade RPM at high speed.

(i) If DOE determines that the represented RPM is valid, that RPM will be used as the basis for determining the product class.

(ii) If DOE determines that the represented RPM is invalid, DOE will use the rounded measured RPM(s) as the basis for determining the product class.

(4) **Verification of blade edge thickness.** DOE will measure the blade edge thickness and round the measurement pursuant to the test requirements of 10 CFR part 430 for each unit tested. DOE will consider the represented blade edge thickness valid only if the measurement(s) (either the measured value for a single unit, or the mean of the measured values for a multiple unit sample, rounded to the nearest 0.01 inch) are the same as the represented blade edge thickness.

(i) If DOE determines that the represented blade edge thickness is valid, that blade edge thickness will be used for determining product class.

(ii) If DOE determines that the represented blade edge thickness is invalid, DOE will use the rounded measured blade edge thickness(es) as the basis for determining the product class.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

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

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

■ 5. Section 430.2 is amended by revising the definition of “Ceiling fan” to read as follows:

§ 430.2 Definitions.

* * * * *

Ceiling fan means a nonportable device that is suspended from a ceiling for circulating air via the rotation of fan blades. For the purpose of this definition:

(1) Circulating air means the discharge of air in an upward or downward direction. A ceiling fan that has a ratio of fan blade span (in inches)

to maximum rotation rate (in revolutions per minute) greater than 0.06 provides circulating air.

(2) For all other ceiling fan related definitions, see appendix U to this subpart.

* * * * *

■ 6. Section 430.3 is amended by:

■ a. Revising paragraph (b)(4);

■ b. Adding paragraph (b)(5);

■ c. Revising the introductory text to paragraph (p);

■ d. In paragraph (p)(6), adding the text “U,” immediately before the text “X,”;

■ e. Removing and reserving paragraph (p)(8); and

■ f. Adding note 1 to paragraph (p).

The revisions and additions read as follows:

§ 430.3 Materials incorporated by reference.

(b) * * *

(4) ANSI/AMCA Standard 230–15 (“AMCA 230–15”), *Laboratory Methods of Testing Air Circulating Fans for Rating and Certification*, ANSI-approved October 16, 2015; IBR approved for appendix U of subpart B.

(5) AMCA 230–15 Technical Errata 2021–05–05 (“AMCA 260–15 TE”), *Technical Errata Sheet for ANSI/AMCA Standard 230–15: Density Corrections*, dated May 5, 2021; IBR approved for appendix U of subpart B.

* * * * *

(p) IEC. International Electrotechnical Commission, 3 Rue de Varembe, Case Postale 131, 1211 Geneva 20, Switzerland; <https://webstore.iec.ch/>.

* * * * *

Note 2 to paragraph (p). The standards referenced in paragraphs (p)(1) through (9) are also available from ANSI. See paragraph (e) of this section.

■ 7. Section 430.23 is amended by revising paragraph (w) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(w) *Ceiling fans*. Measure the following attributes of a single ceiling fan in accordance with appendix U to this subpart: airflow; power consumption; ceiling fan efficiency, as applicable; ceiling fan energy index

(CFEI), as applicable; standby power, as applicable; distance between the ceiling and lowest point of fan blades; blade span; blade edge thickness; and blade revolutions per minute (RPM).

* * * * *

■ 8. Appendix U to subpart B of part 430 is amended by:

■ a. Removing the introductory text and adding, in its place, a note to the appendix;

■ b. Adding section 0;

■ c. Revising sections 1.4, and 1.8 through 1.20;

■ d. Adding sections 1.21;

■ e. Revising section 2;

■ f. Revising the introductory text to section 3, and sections 3.2.2(1), 3.2.2(4), 3.2.2(6), 3.2.3, 3.3.1(3), 3.3.1(4), 3.3.1(5), 3.3.1(6), 3.3.1(8), and 3.3.2;

■ g. Adding section 3.3.3;

■ h. Revising sections 3.4, 3.5, 3.5.1, and 3.6.;

■ i. Revising sections 4 and 5; and

■ j. Removing the text “IEC 62301–U” and adding, in its place, the text “IEC 62301”, wherever it appears.

The revisions and additions read as follows:

Appendix U to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Ceiling Fans

Note: Prior to February 13, 2023, manufacturers must make any representations with respect to the energy use or efficiency of ceiling fans as specified in section 2 of this appendix as it appeared on January 23, 2017. On or after February 13, 2023, manufacturers of ceiling fans, as specified in section 2 of this appendix, must make any representations with respect to energy use or efficiency in accordance with the results of testing pursuant to this appendix. Representations of standby power consumption for large-diameter ceiling fans including for the purpose of certification, are not required until such time as compliance is required with an energy conservation standard for standby power consumption. Upon the compliance date(s) of any energy conservation standards for large-diameter ceiling fans with a blade span greater than 24 feet, use of the applicable provisions of this test procedure to demonstrate compliance with the energy conservation standard will also be required.

0. Incorporation by Reference

In § 430.3, DOE incorporated by reference the entire standard for AMCA 208–18, AMCA 230–15, AMCA 230–15 TE, and IEC 62301;

however, only enumerated provisions of AMCA 230–15, AMCA 230–15 TE, and IEC 62301 are applicable as follows:

0.1 AMCA 230–15 (including corresponding sections in AMCA 230–15 TE):

(a) Section 3—Units of Measurement, as specified in section 3.4 of this appendix;

(b) Section 4—Symbols and Subscripts; (including Table 1—Symbols and Subscripts), as specified in section 3.4 of this appendix;

(c) Section 5—Definitions (except 5.1), as specified in section 3.4 of this appendix;

(d) Section 6—Instruments and Section Methods of Measurement, as specified in section 3.4 of this appendix;

(e) Section 7—Equipment and Setups (except the last 2 bulleted items in 7.1—Allowable test setups), as specified in section 3.4 of this appendix;

(f) Section 8—Observations and Conduct of Test, as specified in section 3.5 of this appendix;

(g) Section 9—Calculations (except 9.5 and 9.6), as specified in section 3.5 of this appendix; and

(h) Test Figure 1—Vertical Airflow Setup with Load Cell (Ceiling Fans), as specified in section 3.4 of this appendix.

0.2 IEC 62301:

(a) Section 4.3.1—Supply voltage and frequency (first paragraph only), as specified in section 3.6 of this appendix;

(b) Section 4.3.2—Supply voltage waveform, as specified in section 3.6 of this appendix;

(c) Section 4.4—General conditions for measurements: Power measuring instruments, as specified in section 3.6 of this appendix;

(d) Section 5.3.1—General (except the last bulleted item), as specified in section 3.6 of this appendix and

(e) Section 5.3.2—Sampling method (first two paragraphs and Note 1), as specified in sections 3.6 and 3.6.3 of this appendix.

* * * * *

1.4. *Blade span* means the diameter of the largest circle swept by any part of the fan blade assembly, including attachments. The represented value of blade span (D) is as determined in 10 CFR 429.32.

* * * * *

1.8. *High-speed small-diameter (HSSD) ceiling fan* means a small-diameter ceiling fan that is not a very-small-diameter ceiling fan, highly-decorative ceiling fan or belt-driven ceiling fan and that has a represented value of blade edge thickness, as determined in 10 CFR 429.32(a)(3)(iii), of less than 3.2 mm or a maximum represented value of tip speed, as determined in 10 CFR 429.32(a)(3)(v), greater than the applicable limit specified in the table in this definition.

HIGH-SPEED SMALL-DIAMETER CEILING FAN BLADE AND TIP SPEED CRITERIA

Airflow direction	Thickness (t) of edges of blades		Tip speed threshold	
	Mm	Inch	m/s	feet per minute
Downward-only	4.8 > t ≥ 3.2	3/16 > t ≥ 1/8	16.3	3,200
Downward-only	t ≥ 4.8	t ≥ 3/16	20.3	4,000
Reversible	4.8 > t ≥ 3.2	3/16 > t ≥ 1/8	12.2	2,400

HIGH-SPEED SMALL-DIAMETER CEILING FAN BLADE AND TIP SPEED CRITERIA—Continued

Airflow direction	Thickness (t) of edges of blades		Tip speed threshold	
	Mm	Inch	m/s	feet per minute
Reversible	$t \geq 4.8$	$t \geq \frac{3}{16}$	16.3	3,200

1.9. *High-speed belt-driven (HSBD) ceiling fan* means a ceiling fan that is a belt-driven ceiling fan with one fan head, and that has

a represented value of blade edge thickness, as determined in 10 CFR 429.32(a)(3)(iii), of less than 3.2 mm or a maximum represented

value of tip speed, as determined in 10 CFR 429.32(a)(3)(v), greater than the applicable limit specified in the table in this definition.

HIGH-SPEED BELT-DRIVEN CEILING FAN BLADE AND TIP SPEED CRITERIA

Airflow direction	Thickness (t) of edges of blades		Tip speed threshold	
	Mm	Inch	m/s	feet per minute
Downward-only	$4.8 > t \geq 3.2$	$\frac{3}{16} > t \geq \frac{1}{8}$	16.3	3,200
Downward-only	$t \geq 4.8$	$t \geq \frac{3}{16}$	20.3	4,000
Reversible	$4.8 > t \geq 3.2$	$\frac{3}{16} > t \geq \frac{1}{8}$	12.2	2,400
Reversible	$t \geq 4.8$	$t \geq \frac{3}{16}$	16.3	3,200

1.10. *Highly-decorative ceiling fan* means a ceiling fan with a maximum represented value of blade revolutions per minute (RPM), as determined in 10 CFR 429.32(a)(3)(ii), of 90 RPM, and a represented value of airflow at high speed, as determined in 10 CFR 429.32(a)(3)(vi), of less than 1,840 CFM.

1.11. *Hugger ceiling fan* means a low-speed small-diameter ceiling fan that is not a very-small-diameter ceiling fan, highly-decorative ceiling fan, or belt-driven ceiling fan, and for which the represented value of the distance between the ceiling and the lowest point on the fan blades, as determined in 10 CFR 429.32(a)(3)(iv), is less than or equal to 10 inches.

1.12. *Large-diameter ceiling fan* means a ceiling fan that is not a highly-decorative

ceiling fan or belt-driven ceiling fan and has a represented value of blade span, as determined in 10 CFR 429.32(a)(3)(i), greater than seven feet.

1.13. *Low speed* means the lowest available speed that meets the following criteria:

Number of sensors per individual axis as determined in section 3.2.2(6) of this appendix	Number of sensors per individual axis measuring 40 feet per minute or greater
3	2
4	3
5	3
6	4
7	4
8	5
9	6
10	7

Number of sensors per individual axis as determined in section 3.2.2(6) of this appendix	Number of sensors per individual axis measuring 40 feet per minute or greater
11	8
12	9

1.14. *Low-speed small-diameter (LSSD) ceiling fan* means a small-diameter ceiling fan that has a represented value of blade edge thickness, as determined in 10 CFR 429.32(a)(3)(iii), greater than or equal to 3.2 mm and a maximum represented value of tip speed, as determined in 10 CFR 429.32(a)(3)(v), less than or equal to the applicable limit specified in the table in this definition.

LOW-SPEED SMALL-DIAMETER CEILING FAN BLADE AND TIP SPEED CRITERIA

Airflow direction	Thickness (t) of edges of blades		Tip speed threshold	
	Mm	Inch	m/s	feet per minute
Reversible	$4.8 > t \geq 3.2$	$\frac{3}{16} > t \geq \frac{1}{8}$	12.2	2,400
Reversible	$t \geq 4.8$	$t \geq \frac{3}{16}$	16.3	3,200

1.15. *Multi-head ceiling fan* means a ceiling fan with more than one fan head, *i.e.*, more than one set of rotating fan blades.

1.16. *Multi-mount ceiling fan* means a low-speed small-diameter ceiling fan that can be mounted in the configurations associated with both the standard and hugger ceiling fans.

1.17. *Oscillating ceiling fan* means a ceiling fan containing one or more fan heads for which the axis of rotation of the fan blades cannot remain in a fixed position relative to the ceiling. Such fans have no inherent means by which to disable the oscillating function separate from the fan blade rotation.

1.18. *Small-diameter ceiling fan* means a ceiling fan that has a represented value of blade span, as determined in 10 CFR 429.32(a)(3)(i), less than or equal to seven feet.

1.19. *Standard ceiling fan* means a low-speed small-diameter ceiling fan that is not a very-small-diameter ceiling fan, highly-decorative ceiling fan or belt-driven ceiling fan, and for which the represented value of the distance between the ceiling and the lowest point on the fan blades, as determined in 10 CFR 429.32(a)(3)(iv), is greater than 10 inches.

1.20. *Total airflow* means the sum of the product of airflow and hours of operation at all tested speeds. For multi-head fans, this includes the airflow from all fan heads.

1.21. *Very-small-diameter (VSD) ceiling fan* means a small-diameter ceiling fan that is not a highly-decorative ceiling fan or belt-driven ceiling fan; and has one or more fan heads, each of which has a represented value of blade span, as determined in 10 CFR 429.32(a)(3)(i), of 18 inches or less. Only VSD fans that also meet the definition of an LSSD

fan are required to be tested for purposes of determining compliance with energy efficiency standards established by DOE and for other representations of energy efficiency.

2. Scope:

The provisions in this appendix apply to ceiling fans except:

- (1) Ceiling fans where the plane of rotation of a ceiling fan's blades is not less than or equal to 45 degrees from horizontal, or cannot be adjusted based on the manufacturer's specifications to be less than or equal to 45 degrees from horizontal;
- (2) Centrifugal ceiling fans;
- (3) Belt-driven ceiling fans that are not high-speed belt-driven ceiling fans; and
- (4) Oscillating ceiling fans.

3. General Instructions, Test Apparatus, and Test Measurement:

The test apparatus and test measurement used to determine energy performance

depend on the ceiling fan's blade span, and in some cases the ceiling fan's blade edge thickness. For each tested ceiling fan, measure the lateral distance from the center of the axis of rotation of the fan blades to the furthest fan blade edge from the center of the axis of rotation. Measure this lateral distance at the resolution of the measurement instrument, using an instrument with a measurement resolution of least 0.25 inches. Multiply the lateral distance by two and then round to the nearest whole inch to determine

the blade span. For ceiling fans having a blade span greater than 18 inches and less than or equal to 84 inches, measure the ceiling fan's blade edge thickness. To measure the fan blade edge thickness, use an instrument with a measurement resolution of at least 0.001 inch and measure the thickness of one fan blade's leading edge (in the forward direction) according to the following:

(1) Locate the cross-section perpendicular to the fan blade's radial length that is at least

one inch from the tip of the fan blade and for which the blade is thinnest, and

(2) Measure at the thickest point of that cross-section within one inch from the leading edge of the fan blade.

See Figure 1 of this appendix for an instructional schematic on the fan blade edge thickness measurement. Figure 1 depicts a ceiling fan from above. Round the measured blade edge thickness to the nearest 0.01 inch.

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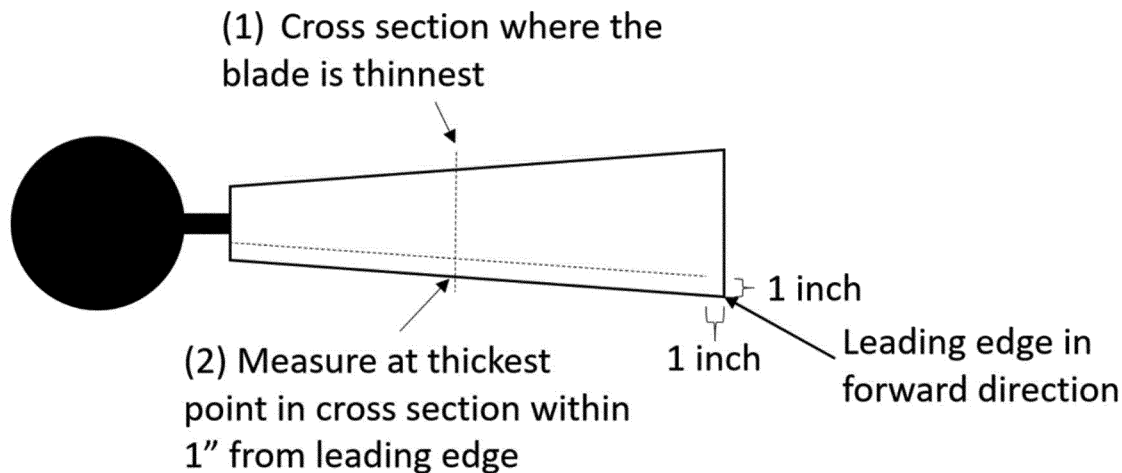


Figure 1 to Appendix U to Subpart B of Part 430: Measurement Criteria for Fan Blade Edge Thickness

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3.2.2. Equipment Set-up.

(1) Make sure the transformer power is off. Hang the ceiling fan to be tested directly from the ceiling, according to the manufacturer's installation instructions. Hang all non-multi-mount ceiling fans in the fan configuration that minimizes the distance between the ceiling and the lowest point of the fan blades. Hang and test multi-mount fans in two configurations: The configuration associated

the definition of a standard fan that minimizes the distance between the ceiling and the lowest point of the fan blades and the configuration associated with the definition of a hugger fan that minimizes the distance between the ceiling and the lowest point of the fan blades. For all tested configurations, measure the distance between the ceiling and the lowest point of the fan blade using an instrument with a measurement resolution of at least 0.25 inches. Round the measured

distance from the ceiling to the lowest point of the fan blade to the nearest quarter inch.

* * * * *

(4) A single rotating sensor arm, two rotating sensor arms, or four fixed sensor arms can be used to take air velocity measurements along four axes, labeled A–D. Axes A, B, C, and D are at 0, 90, 180, and 270 degree positions. Axes A–D must be perpendicular to the four walls of the room. See Figure 2 of this appendix.

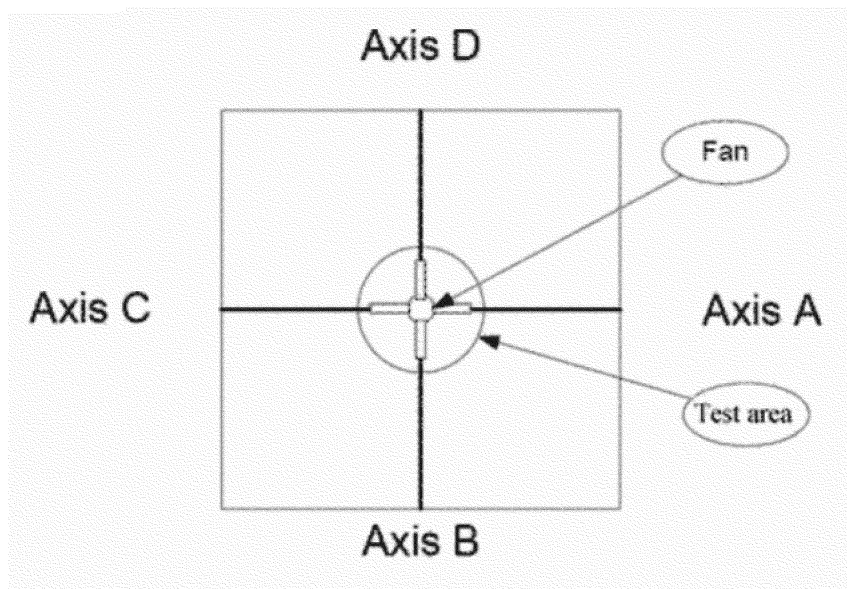


Figure 2 to Appendix U to Subpart B of Part 430: Testing Room and Sensor Arm Axes

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(6) Place the sensors at intervals of 4 ± 0.0625 inches along a sensor arm, starting with the first sensor at the point where the

four axes intersect, aligning the sensors perpendicular to the direction of airflow. Do not touch the actual sensor prior to testing. Use enough sensors to record air delivery

within a circle 8 inches larger in diameter than the blade span of the ceiling fan being tested. The experimental set-up is shown in Figure 3 of this appendix.

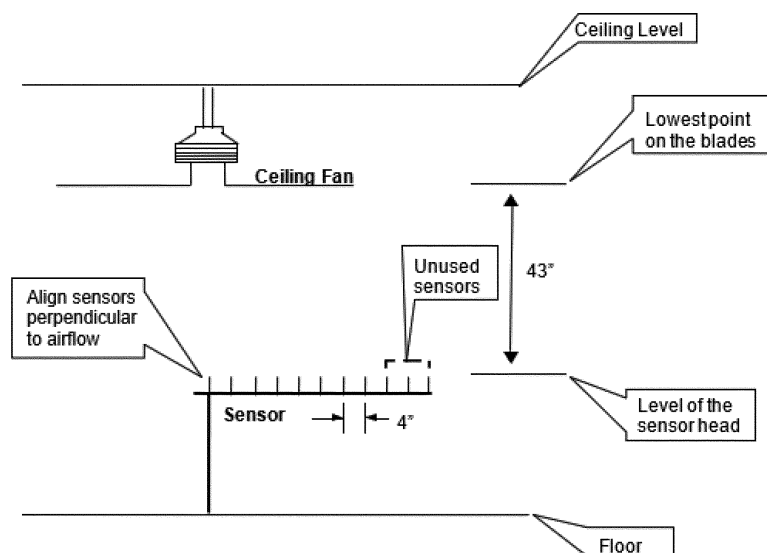


Figure 3 to Appendix U to Subpart B of Part 430: Air Delivery Room Set-Up for Small-Diameter Ceiling Fans other than High-Speed Belt-Driven Ceiling Fans

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3.2.3. Multi-Head Ceiling Fan Test Set-Up.

Hang a multi-headed ceiling fan from the ceiling such that one of the ceiling fan heads is centered directly over sensor 1 (*i.e.*, at the intersection of axes A, B, C, and D). The

distance between the lowest point any of the fan blades of the centered fan head can reach and the air velocity sensors is to be such that it is the same as for all other small-diameter ceiling fans (*see* Figure 3 of this appendix). If the multi-head ceiling fan has an oscillating function (*i.e.*, the fan heads change their axis of rotation relative to the

ceiling) that can be switched off, switch it off prior to taking air velocity measurements. If any multi-head fan does not come with the blades preinstalled, install fan blades only on the fan head that will be directly centered over the intersection of the sensor axes. (Even if the fan heads in a multi-head ceiling fan would typically oscillate when the blades are

installed on all fan heads, the ceiling fan is subject to this test procedure if the centered fan head does not oscillate when it is the only fan head with the blades installed.) If the fan blades are preinstalled on all fan heads, measure air velocity in accordance with section 3.3 of this appendix except turn on only the centered fan head. Take the power consumption measurements separately, with the fan blades installed on all fan heads and with any oscillating function, if present, switched on.

* * * * *

3.3.1 Test conditions to be followed when testing:

* * * * *

(3) If present, any additional accessories or features sold with the ceiling fan that do not relate to the ceiling fan's ability to create airflow by rotation of the fan blades (for example light kit, heater, air ionization, ultraviolet technology) is to be installed but turned off during testing. If such an accessory or feature cannot be turned off, it shall be set to the lowest energy-consuming mode during testing. If the ceiling fan is offered with a default controller, test using the default controller. If multiple controllers are offered, test using the minimally functional controller.

(4) If present, turn off any oscillating function causing the axis of rotation of the fan head(s) to change relative to the ceiling during operation prior to taking air velocity measurements. Turn on any oscillating function prior to taking power measurements.

(5) Test ceiling fans rated for operation with only a single- or multi-phase power supply with single- or multi-phase electricity, respectively. Test ceiling fans capable of operating with single- and multi-phase electricity with single-phase electricity. DOE will allow manufacturers of ceiling fans capable of operating with single- and multi-phase electricity to test such fans with single-phase power and make representations of efficiency associated with both single and multi-phase electricity if a manufacturer desires to do so, but the test results in the multi-phase configuration will not be valid to assess compliance with any amended energy conservation standard. All tested power supply should be at 60 Hz.

(6) The supply voltage shall be:

(i) for ceiling fans tested with single-phase electricity, the supply voltage shall be:

(a) 120 V if the ceiling fan's minimum rated voltage is 120 V or the lowest rated voltage range contains 120 V,

(b) 240 V if the ceiling fan's minimum rated voltage is 240 V or the lowest rated voltage range contains 240 V, or

(c) The ceiling fan's minimum rated voltage (if a voltage range is not given) or the mean of the lowest rated voltage range, in all other cases.

(ii) for ceiling fans tested with multi-phase electricity, the supply voltage shall be:

(a) 240 V if the ceiling fan's minimum rated voltage is 240 V or the lowest rated voltage range contains 240 V, or

(b) The ceiling fan's minimum rated voltage (if a voltage range is not given) or the mean of the lowest rated voltage range, in all other cases.

(iii) The test voltage shall not vary by more than $\pm 1\%$ during the tests.

* * * * *

(8) Measure power input at a point that includes all power-consuming components of the ceiling fan (but without any attached light kit energized; or without any additional accessory or feature energized, if possible; and if not, with the additional accessory or feature set at the lowest energy-consuming mode). If the ceiling fan is offered with a default controller, test using the default controller. If multiple controllers are offered, test using the minimally functional controller.

* * * * *

3.3.2 Air Velocity and Power Consumption Testing Procedure:

Measure the air velocity (FPM) and power consumption (W) for HSSD ceiling fans until stable measurements are achieved, measuring at high speed only. Measure the air velocity and power consumption for LSSD and VSD ceiling fans that also meet the definition of an LSSD fan until stable measurements are achieved, measuring first at low speed and then at high speed. To determine low speed, start measurements at the lowest available speed and move to the next highest speed until the low speed definition in section 1.13 of this appendix is met. Air velocity and power consumption measurements are considered stable for high speed if:

(1) The average air velocity for each sensor varies by less than 5 percent or 2 FPM, whichever is greater, compared to the average air velocity measured for that same sensor in a successive set of air velocity measurements, and

(2) Average power consumption varies by less than 1 percent in a successive set of power consumption measurements.

(a) Air velocity and power consumption measurements are considered stable for low speed if:

(1) The average air velocity for each sensor varies by less than 10 percent or 2 FPM, whichever is greater, compared to the average air velocity measured for that same sensor in a successive set of air velocity measurements, and

(2) Average power consumption varies by less than 1 percent in a successive set of power consumption measurements.

(b) These stability criteria are applied differently to ceiling fans with airflow not directly downward. See section 3.3.3 of this appendix.

Step 1: Set the first sensor arm (if using four fixed arms), two sensor arm (if using a two-arm rotating setup), or single sensor arm (if using a single-arm rotating setup) to the 0 degree Position (Axis A). If necessary, use a marking as reference. If using a single-arm rotating setup or two-arm rotating setup, adjust the sensor arm alignment until it is at the 0 degree position by remotely controlling the antenna rotator.

Step 2: Set software up to read and record air velocity, expressed in feet per minute (FPM) in 1 second intervals. (Temperature does not need to be recorded in 1 second intervals.) Record current barometric pressure.

Step 3: Allow test fan to run 15 minutes at rated voltage and at high speed if the

ceiling fan is an HSSD ceiling fan. If the ceiling fan is an LSSD or VSD ceiling fan that also meets the definition of an LSSD fan, allow the test fan to run 15 minutes at the rated voltage and at the lowest available ceiling fan speed. Turn off all forced-air environmental conditioning equipment entering the chamber (e.g., air conditioning), close all doors and vents, and wait an additional 3 minutes prior to starting test session.

Step 4a: For a rotating sensor arm: Begin recording readings. Starting with Axis A, take 100 air velocity readings (100 seconds run-time) and record these data. For all fans except multi-head fans and fans capable of oscillating, also measure power during the interval that air velocity measurements are taken. Record the average value of the air velocity readings for each sensor in feet per minute (FPM). Determine if the readings meet the low speed definition as defined in section 1.13 of this appendix. If not, restart Step 4a at the next highest speed until the low-speed definition is met. Once the low speed definition is met, rotate the arm, stabilize the arm, and allow 30 seconds to allow the arm to stop oscillating. Repeat data recording and rotation process for Axes B, C, and D. Step 4a is complete when the readings for all axes meet the low speed definition at the same speed. Save the data for all axes only for those measurements that meet the low speed definition. Using the measurements applicable to low speed, record the average value of the power measurement in watts (W) (400 readings). Record the average value of the air velocity readings for each sensor in feet per minute (FPM) (400 readings).

Step 4b: For a two-arm rotating setup: Begin recording readings. Starting with Axes A and C, take 100 air velocity readings (100 seconds run-time) for both axes and record these data. For all fans except multi-head fans and fans capable of oscillating, also measure power during the interval that air velocity measurements are taken. Record the average value of the air velocity readings for each sensor in feet per minute (FPM). Determine if the readings meet the low speed definition as defined in section 1.13 of this appendix. If not, restart Step 4b at the next highest speed until the low speed definition is met. Once the low speed definition is met, rotate the two-arm, stabilize the arm, and allow 30 seconds to allow the arm to stop oscillating. Repeat data recording for Axes B and D. Step 4b is complete when the readings for all axes meet the low speed definition at the same speed. Save the data for all axes only for those measurements that meet the low speed definition. Using the measurements applicable to low speed, record the average value of the power measurement in watts (W) (200 readings). Record the average value of the air velocity readings for each sensor in feet per minute (FPM) (200 readings).

Step 4c: For four fixed sensor arms: Begin recording readings. Take 100 air velocity readings (100 seconds run-time) and record this data. Take the readings for all sensor arms (Axes A, B, C, and D) simultaneously. For all fans except multi-head fans and fans capable of oscillating, also measure power

during the interval that air velocity measurements are taken. Record the average value of the air velocity readings for each sensor in feet per minute (FPM). Determine if the readings meet the low speed definition as defined in section 1.13 of this appendix. If not, restart Step 4c at the next highest speed until the low speed definition is met. Step 4c is complete when the readings for all axes meet the low speed definition at the same speed. Save the data for all axes only for those measurements that meet the low speed definition. Using the measurements applicable to low speed, record the average value of the power measurement in watts (W) (100 readings). Record the average value of the air velocity readings for each sensor in feet per minute (FPM) (100 readings).

Step 5: Repeat step 4a, 4b or 4c until stable measurements are achieved.

Step 6: Repeat steps 1 through 5 above on high speed for LSSD and VSD ceiling fans that also meet the definition of an LSSD fan. Note: Ensure that temperature and humidity readings are maintained within the required tolerances for the duration of the test (all tested speeds). Forced-air environmental conditioning equipment may be used and doors and vents may be opened between test sessions to maintain environmental conditions.

Step 7: If testing a multi-mount ceiling fan, repeat steps 1 through 6 with the ceiling fan in the ceiling fan configuration (associated

with either hugger or standard ceiling fans) not already tested.

If a multi-head ceiling fan includes more than one category of ceiling fan head, then test at least one of each unique category. A fan head with different construction that could affect air movement or power consumption, such as housing, blade pitch, or motor, would constitute a different category of fan head.

Step 8: For multi-head ceiling fans, measure active (real) power consumption in all phases simultaneously at each speed continuously for 100 seconds with all fan heads turned on, and record the average value at each speed in watts (W).

For ceiling fans with an oscillating function, measure active (real) power consumption in all phases simultaneously at each speed continuously for 100 seconds with the oscillating function turned on. Record the average value of the power measurement in watts (W).

For both multi-head ceiling fans and fans with an oscillating function, repeat power consumption measurement until stable power measurements are achieved.

3.3.3 Air Velocity Measurements for Ceiling Fans with Airflow Not Directly Downward:

Using the number of sensors that cover the same diameter as if the airflow were directly downward, record air velocity at each speed from the same number of continuous sensors

with the largest air velocity measurements. This continuous set of sensors must be along the axis that the ceiling fan tilt is directed in (and along the axis that is 180 degrees from the first axis). For example, a 42-inch fan tilted toward axis A may create the pattern of air velocity shown in Figure 4 of this appendix. As shown in Table 1 of this appendix, a 42-inch fan would normally require 7 active sensors per axis. However, because the fan is not directed downward, all sensors must record data. In this case, because the set of sensors corresponding to maximum air velocity are centered 3 sensor positions away from the sensor 1 along the A axis, substitute the air velocity at A axis sensor 4 for the average air velocity at sensor 1. Take the average of the air velocity at A axis sensors 3 and 5 as a substitute for the average air velocity at sensor 2, take the average of the air velocity at A axis sensors 2 and 6 as a substitute for the average air velocity at sensor 3, etc. Lastly, take the average of the air velocities at A axis sensor 10 and C axis sensor 4 as a substitute for the average air velocity at sensor 7. Stability criteria apply after these substitutions. For example, air velocity stability at sensor 7 are determined based on the average of average air velocity at A axis sensor 10 and C axis sensor 4 in successive measurements. Any air velocity measurements made along the B–D axis are not included in the calculation of average air velocity.

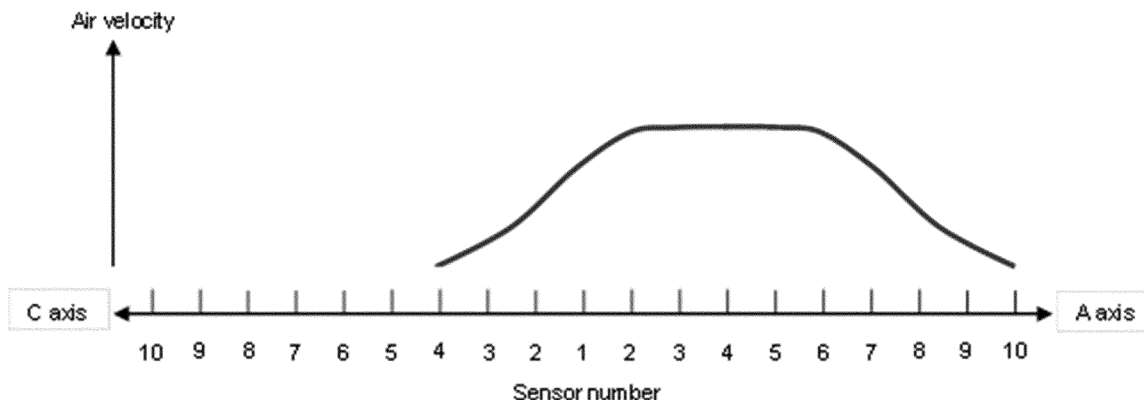


Figure 4 to Appendix U to Subpart B of Part 430: Example Air Velocity Pattern for Airflow Not Directly Downward

3.4 Test apparatus for large-diameter ceiling fans and high-speed belt-driven ceiling fans:

The test apparatus and instructions for testing large-diameter ceiling fans and HSBF ceiling fans must conform to the requirements specified in Sections 3 through 7 (including Test Figure 1) of AMCA 230–15, with the following modifications:

3.4.1. A “ceiling fan” is defined as in 10 CFR 430.2.

3.4.2. Test ceiling fans rated for operation with only a single- or multi-phase power supply with single- or multi-phase electricity, respectively. Test ceiling fans capable of operating with single- and multi-phase electricity with multi-phase electricity. DOE will allow manufacturers of ceiling fans

capable of operating with single- and multi-phase electricity to test such fans with single-phase power and make representations of efficiency associated with both single and multi-phase electricity if a manufacturer desires to do so, but the test results in the single-phase configuration will not be valid to assess compliance with any amended energy conservation standard. All tested power supply should be at 60 Hz.

3.4.3. Supply Voltage:

(1) For ceiling fans tested with single-phase electricity, the supply voltage shall be:

(a) 120 V if the ceiling fan’s minimum rated voltage is 120 V or the lowest rated voltage range contains 120 V,

(b) 240 V if the ceiling fan’s minimum rated voltage is 240 V or the lowest rated voltage range contains 240 V, or

(c) The ceiling fan’s minimum rated voltage (if a voltage range is not given) or the mean of the lowest rated voltage range, in all other cases.

(2) For ceiling fans tested with multi-phase electricity, the supply voltage shall be:

(a) 240 V if the ceiling fan’s minimum rated voltage is 240 V or the lowest rated voltage range contains 240 V, or

(b) The ceiling fan’s minimum rated voltage (if a voltage range is not given) or the mean of the lowest rated voltage range, in all other cases.

3.5 Active mode test measurement for large-diameter ceiling fans and high-speed belt-driven ceiling fans:

(1) Test large-diameter ceiling fans and high-speed belt-driven ceiling fans in accordance with AMCA 208–18, in all phases simultaneously at:

(a) High speed, and

(b) 40 percent or the nearest speed that is not less than 40 percent speed.

(2) When testing at 40 percent speed for large-diameter ceiling fans that can operate over an infinite number of speeds (*e.g.*, ceiling fans with VFDs), ensure the average measured RPM is within the greater of 1 percent of the average RPM at high speed or 1 RPM. For example, if the average measured RPM at high speed is 50 RPM, for testing at 40 percent speed, the average measured RPM should be between 19 RPM and 21 RPM. If the average measured RPM falls outside of this tolerance, adjust the ceiling fan speed and repeat the test. Calculate the airflow and measure the active (real) power consumption in all phases simultaneously in accordance with the test requirements specified in Sections 8 and 9, AMCA 230–15, with the following modifications:

3.5.1 Measure active (real) power consumption in all phases simultaneously at

a point that includes all power-consuming components of the ceiling fan. If present, any additional accessories or features sold with the ceiling fan that do not relate to the ceiling fan's ability to create airflow by rotation of the fan blades (for example light kit, heater, air ionization, ultraviolet technology) are to be installed but turned off during testing. If the accessory/feature cannot be turned off, it shall be set to the lowest energy-consuming mode during testing. If the ceiling fan is offered with a default controller, test using the default controller. If multiple controllers are offered, test using the minimally functional controller.

* * * * *

3.6 Test measurement for standby power consumption.

(1) Measure standby power consumption if the ceiling fan offers one or more of the following user-oriented or protective functions:

(a) The ability to facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.

(b) Continuous functions, including information or status displays (including clocks), or sensor-based functions.

(2) Measure standby power consumption after completion of active mode testing and after the active mode functionality has been switched off (*i.e.*, the rotation of the ceiling fan blades is no longer energized). The ceiling fan must remain connected to the main power supply and be in the same configuration as in active mode (*i.e.*, any ceiling fan light fixture should still be attached). Measure standby power consumption according to Sections 4.3.1, 4.3.2, 4.4, and 5.3.1 through 5.3.2, of IEC 62301 with the following modifications:

* * * * *

4. Calculation of Ceiling Fan Efficiency From the Test Results:

4.1 Calculation of effective area for small-diameter ceiling fans other than high-speed belt-driven ceiling fans:

Calculate the effective area corresponding to each sensor used in the test method for small-diameter ceiling fans other than high-speed belt-driven ceiling fans (section 3.3 of this appendix) with the following equations:

(1) For sensor 1, the sensor located directly underneath the center of the ceiling fan, the effective width of the circle is 2 inches, and the effective area is:

$$\text{Effective Area (sq. ft.)} = \pi \left(\frac{2}{12} \right)^2 = 0.0873 \quad \text{Eq. 1}$$

(2) For the sensors between sensor 1 and the last sensor used in the measurement, the effective area has a width of 4 inches. If a

sensor is a distance d , in inches, from sensor 1, then the effective area is:

$$\text{Effective Area (sq. ft.)} = \pi \left(\frac{d+1}{12} \right)^2 - \pi \left(\frac{d-2}{12} \right)^2 = \pi \left(\frac{24+1}{12} \right)^2 - \pi \left(\frac{24-2}{12} \right)^2 = 3.076 \quad \text{Eq. 2}$$

(3) For the last sensor, the width of the effective area depends on the horizontal displacement between the last sensor and the point on the ceiling fan blades furthest radially from the center of the fan. The total area included in an airflow calculation is the area of a circle 8 inches larger in diameter

than the ceiling fan blade span (as specified in section 3 of this appendix).

Therefore, for example, for a 42-inch ceiling fan, the last sensor is 3 inches beyond the end of the ceiling fan blades. Because only the area within 4 inches of the end of the ceiling fan blades is included in the

airflow calculation, the effective width of the circle corresponding to the last sensor would be 3 inches. The calculation for the effective area corresponding to the last sensor would then be:

$$\text{Effective Area (sq. ft.)} = \pi \left(\frac{d+1}{12} \right)^2 - \pi \left(\frac{d-2}{12} \right)^2 = \pi \left(\frac{24+1}{12} \right)^2 - \pi \left(\frac{24-2}{12} \right)^2 = 3.076 \quad \text{Eq. 3}$$

For a 46-inch ceiling fan, the effective area of the last sensor would have a width of 5 inches, and the effective area would be:

$$\text{Effective Area (sq. ft.)} = \pi \left(\frac{d+3}{12} \right)^2 - \pi \left(\frac{d-2}{12} \right)^2 = \pi \left(\frac{24+3}{12} \right)^2 - \pi \left(\frac{24-2}{12} \right)^2 = 5.345 \quad \text{Eq. 4}$$

4.2 Calculation of airflow and efficiency for small-diameter ceiling fans other than high-speed belt-driven ceiling fans:

Calculate fan airflow using the overall average of both sets of air velocity measurements at each sensor position from the successive sets of measurements that meet the stability criteria from section 3.3 of this appendix. To calculate airflow for HSSD,

LSSD, and VSD ceiling fans, multiply the overall average air velocity at each sensor position from section 3.3 (for high speed for HSSD, LSSD, and VSD ceiling fans that also meet the definition of an LSSD ceiling fan; and repeated for low speed only for LSSD and VSD ceiling fans that also meet the definition of an LSSD ceiling fan) by that sensor's effective area (see section 4.1 of this

appendix), and then sum the products to obtain the overall calculated airflow at the tested speed.

For each speed, using the overall calculated airflow and the overall average power consumption measurements from the successive sets of measurements as follows:

$$\text{Ceiling Fan Efficiency (CFM/W)} = \frac{\sum_i (\text{CFM}_i \times \text{OH}_i)}{W_{\text{sb}} \times \text{OH}_{\text{sb}} + \sum_i (W_i \times \text{OH}_i)} \quad \text{Eq. 5}$$

Where:

CFM_i = airflow at speed *i*,

OH_i = operating hours at speed *i*, as specified in Table 2 of this appendix,

W_i = power consumption at speed *i*,

OH_{sb} = operating hours in standby mode, as specified in Table 2 of this appendix, and

W_{sb} = power consumption in standby mode.

Calculate two ceiling fan efficiencies for multi-mount ceiling fans: One efficiency

corresponds to the ceiling fan mounted in the configuration associated with the definition of a hugger ceiling fan, and the other efficiency corresponds to the ceiling fan mounted in the configuration associated with the definition of a standard ceiling fan.

TABLE 2 TO APPENDIX U TO SUBPART B OF PART 430: DAILY OPERATING HOURS FOR CALCULATING CEILING FAN EFFICIENCY

	No standby	With standby
Daily Operating Hours for LSSD and VSD* Ceiling Fans		
High Speed	3.4	3.4
Low Speed	3.0	3.0
Standby Mode	0.0	17.6
Off Mode	17.6	0.0
Daily Operating Hours for HSSD Ceiling Fans		
High Speed	12.0	12.0
Standby Mode	0.0	12.0
Off Mode	12.0	0.0

* These values apply only to VSD fans that also meet the definition of an LSSD fan.

4.3 Calculation of airflow and efficiency for multi-head ceiling fans:

Calculate airflow for each fan head using the method described in section 4.2 of this appendix. To calculate overall airflow at a given speed for a multi-head ceiling fan, sum

the airflow for each fan head included in the ceiling fan (a single airflow can be applied to each of the identical fan heads, but at least one of each unique fan head must be tested). The power consumption is the measured power consumption with all fan heads on.

Using the airflow as described in this section, and power consumption measurements from section 3.3 of this appendix, calculate ceiling fan efficiency for a multi-head ceiling fan as follows:

$$\text{Ceiling Fan Efficiency (CFM/W)} = \frac{\sum_i (\text{CFM}_i \times \text{OH}_i)}{W_{\text{sb}} \times \text{OH}_{\text{sb}} + \sum_i (W_i \times \text{OH}_i)} \quad \text{Eq. 6}$$

Where:

CFM_i = sum of airflows for each head at speed *i*,

OH_i = operating hours at speed *i* as specified in Table 2 of this appendix,

W_i = power consumption at speed *i*,

OH_{sb} = operating hours in standby mode as specified in Table 2 of this appendix, and

W_{sb} = power consumption in standby mode.

5. Calculation of Ceiling Fan Energy Index (CFEI) From the Test Results for Large Diameter Ceiling Fan and High-Speed Belt-Driven Ceiling Fans:

Calculate CFEI, which is the FEI for large-diameter ceiling fans and high-speed belt-driven ceiling fans, at the speeds specified in section 3.5 of this appendix according to AMCA 208–18, with the following modifications:

- (1) Using an Airflow Constant (Q₀) of 26,500 cubic feet per minute;
- (2) Using a Pressure Constant (P₀) of 0.0027 inches water gauge; and
- (3) Using a Fan Efficiency Constant (η₀) of 42 percent.

[FR Doc. 2022–16951 Filed 8–15–22; 8:45 am]

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Part III

Postal Service

Change in Rates of General Applicability for Competitive Products; Notice

POSTAL SERVICE

**Change in Rates of General
Applicability for Competitive Products**

AGENCY: Postal Service™.

ACTION: Notice of a change in rates of
general applicability for competitive
products.

SUMMARY: This notice sets forth time-
limited changes in rates of general
applicability for competitive products.

DATES: *Effective date:* October 2, 2022.

FOR FURTHER INFORMATION CONTACT:
Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: On August
9, 2022, pursuant to their authority
under 39 U.S.C. 3632, the Governors of

the Postal Service established time-
limited price changes for competitive
products. The Governors’ Decision and
the record of proceedings in connection
with such decision are reprinted below
in accordance with section 3632(b)(2).

Sarah Sullivan,
Attorney, Ethics and Legal Compliance.

BILLING CODE 7710–12–P

DECISION OF THE GOVERNORS OF THE UNITED STATES POSTAL SERVICE ON CHANGES IN RATES OF GENERAL APPLICABILITY FOR COMPETITIVE PRODUCTS (GOVERNORS' DECISION No. 22-3)

August 9, 2022

STATEMENT OF EXPLANATION AND JUSTIFICATION

Pursuant to authority under section 3632 of title 39, as amended by the Postal Accountability and Enhancement Act of 2006 ("PAEA"), we establish new prices of general applicability for certain domestic shipping services (competitive products), and concurrent classification changes to effectuate the new prices. These prices shall be in effect at 12:00am CDT on October 2, 2022 until 12:00am CST on January 22, 2023, at which time prices will be restored to the levels that were in effect prior to these increases. The changes are described generally below, with a detailed description of the changes in the attachment. The attachment includes the draft Mail Classification Schedule sections with the new prices that will take effect on October 2 displayed in the price charts, as well as the Mail Classification Schedule sections with the prices that will be restored on January 22.

As shown in the nonpublic annex being filed under seal herewith, the changes we establish should enable each competitive product to cover its attributable costs (39 U.S.C. § 3633(a)(2)) and should result in competitive products as a whole complying with 39 U.S.C. § 3633(a)(3), which, as implemented by 39 C.F.R. § 3035.107(c), requires competitive products collectively to contribute a minimum of 10.4 percent to the Postal Service's institutional costs. Accordingly, no issue of subsidization of competitive products by market dominant products should arise (39 U.S.C. § 3633(a)(1)). We therefore find that the new prices are in accordance with 39 U.S.C. §§ 3632-3633 and 39 C.F.R. § 3035.102.

I. Domestic Products

A. Priority Mail Express

Overall, the Priority Mail Express price change represents a 2.7 percent increase. The existing structure of zoned Retail, Commercial Base, and Commercial Plus price categories is maintained, with Commercial Base and Commercial Plus prices continuing to be set equal to each other. Retail prices will increase 2.8 percent on average. The Commercial Base and Commercial Plus price categories will increase 2.1 percent on average.

B. Priority Mail

On average, the Priority Mail prices will be increased by 6.3 percent. The existing structure of Priority Mail Retail, Commercial Base, and Commercial Plus price categories is maintained. Retail prices will increase 6.3 percent on average. The Commercial Base and Commercial Plus price categories will increase 6.1 percent on average.

C. Parcel Select

On average, prices for destination-entered non-Lightweight Parcel Select, the Postal Service's bulk ground shipping product, will increase 10.2 percent. The prices for destination delivery unit (DDU) entered parcels will increase 5.9 percent. For destination sectional center facility (DSCF) destination entered parcels, the average price increase is 12.8 percent. For destination network distribution center (DNDC) parcels, the average price increase is 12.8 percent. Parcel Select Ground will see a 4.2 percent price increase, while prices for Parcel Select Lightweight will not change.

D. First-Class Package Service

First-Class Package Service (FCPS) prices will increase 8.3 percent overall, which reflects a 8.4 increase for FCPS-Commercial, and a 8.2 increase for FCPS-Retail prices.

E. USPS Retail Ground

USPS Retail Ground prices will increase 5.8 percent, and the Limited Overland Routes category will increase 10.2 percent.

No price changes are being made to Special Services or International competitive products.

ORDER

The changes in prices set forth herein shall be effective at 12:00 A.M. on October 2, 2022, and will be rolled back to current levels at 12:00 A.M. on January 22, 2023. We direct the Secretary of the Board of Governors to have this decision published in the *Federal Register* in accordance with 39 U.S.C. § 3632(b)(2), and direct management to file with the Postal Regulatory Commission appropriate notice of these changes.

By The Governors:

/s/

Roman Martinez IV
Chairman, Board of Governors

**UNITED STATES POSTAL SERVICE
OFFICE OF THE BOARD OF GOVERNORS**

**CERTIFICATION OF GOVERNORS' VOTE ON
GOVERNORS' DECISION NO. 22-3**

Consistent with 39 USC 3632(a), I hereby certify that, on August 9, 2022, the Governors voted on adopting Governors' Decision No. 22-3, and that a majority of the Governors then holding office voted in favor of that Decision.

/s/

Elda Merho
Assistant Secretary of the Board of Governors

Date: August 9, 2022

PART B

COMPETITIVE PRODUCTS

2000 COMPETITIVE PRODUCT LIST

2100 Domestic Products

* * *

* * *

2105 Priority Mail Express

* * *

2105.6 Prices*Retail Priority Mail Express Zone/Weight*

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.5	27.25	27.50	29.50	34.25	36.70	39.10	41.90	57.00
1	27.70	29.90	33.85	40.75	44.05	46.70	49.45	67.30
2	28.15	32.30	38.20	47.30	51.35	54.30	57.00	77.60
3	28.65	34.65	42.60	53.80	58.70	61.95	64.50	87.95
4	29.10	37.05	46.95	60.35	66.00	69.55	72.05	98.25
5	29.55	39.45	51.30	66.85	73.35	77.15	79.60	108.55
6	32.50	43.30	56.90	73.35	80.05	84.40	87.05	118.75
7	35.50	47.15	62.55	79.80	86.75	91.65	94.50	128.95
8	38.45	50.95	68.15	86.30	93.45	98.85	101.95	139.15
9	41.45	54.80	73.80	92.75	100.15	106.10	109.40	149.35
10	44.40	58.65	79.40	99.25	106.85	113.35	116.85	159.55
11	47.20	63.65	84.50	105.85	113.25	119.95	123.70	168.10
12	49.30	68.00	89.00	110.25	117.45	124.35	128.30	174.45
13	51.45	72.40	93.45	114.60	121.60	128.75	132.95	180.75
14	53.60	76.75	97.90	119.00	125.80	133.15	137.55	187.10
15	55.70	81.10	102.40	123.40	130.00	137.60	142.20	193.45
16	57.85	85.45	106.85	127.80	134.20	142.00	146.85	199.80
17	60.00	89.80	111.30	132.20	138.40	146.40	151.45	206.15
18	62.15	94.20	115.75	136.55	142.55	150.80	156.10	212.45
19	64.25	98.55	120.25	140.95	146.75	155.20	160.70	218.80
20	66.40	102.90	124.70	145.35	150.95	159.60	165.35	225.15
21	68.90	107.80	129.95	151.15	156.80	165.70	171.70	233.75
22	71.40	112.65	135.15	157.00	162.70	171.75	178.00	242.40
23	73.95	117.55	140.40	162.80	168.55	177.85	184.35	251.00
24	76.45	122.45	145.65	168.65	174.45	183.95	190.65	259.65
25	78.95	127.30	150.90	174.45	180.30	190.00	197.00	268.25

Retail Priority Mail Express Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	83.75	134.50	158.40	183.55	189.45	199.35	206.60	280.10
27	86.25	139.40	163.65	189.35	195.30	205.45	212.90	288.75
28	88.80	144.25	168.90	195.20	201.20	211.50	219.25	297.35
29	91.30	149.15	174.15	201.00	207.05	217.60	225.55	306.00
30	93.80	154.05	179.35	206.85	212.95	223.70	231.90	314.60
31	96.30	158.90	184.60	212.65	218.80	229.75	238.25	323.20
32	98.80	163.80	189.85	218.50	224.70	235.85	244.55	331.85
33	101.35	168.70	195.10	224.30	230.55	241.95	250.90	340.45
34	103.85	173.55	200.30	230.15	236.45	248.00	257.20	349.10
35	106.35	178.45	205.55	235.95	242.30	254.10	263.55	357.70
36	109.05	183.15	210.90	242.10	248.75	260.75	270.45	367.20
37	111.35	187.55	216.35	248.05	255.20	267.45	277.50	376.55
38	113.85	192.30	221.70	254.15	261.40	273.85	284.15	385.85
39	116.60	196.85	227.20	260.10	267.25	280.00	291.00	395.20
40	119.00	201.25	232.65	266.25	273.65	286.50	298.00	404.70
41	121.60	206.50	239.80	274.20	282.30	295.55	307.10	415.90
42	123.75	211.15	245.25	280.10	288.80	302.15	313.95	425.30
43	126.55	215.65	250.50	286.15	295.05	308.60	320.85	434.80
44	128.80	220.30	256.05	292.20	301.20	315.10	327.80	444.00
45	131.20	224.90	261.30	298.05	307.50	321.60	334.80	453.65
46	133.65	229.35	267.05	304.20	313.80	327.95	341.60	462.95
47	136.45	233.95	272.35	310.20	320.20	334.60	348.55	472.35
48	138.65	238.75	277.65	316.05	326.50	341.05	355.45	481.80
49	141.15	243.10	283.20	322.05	333.05	347.75	362.30	491.30
50	144.05	247.85	288.65	328.15	339.15	354.05	369.20	500.60

Retail Priority Mail Express Zone/Weight (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	146.50	252.50	294.05	334.10	345.35	360.45	375.25	508.75
52	148.95	256.75	299.40	339.95	351.90	367.10	383.30	519.55
53	151.35	261.55	304.95	345.90	358.25	373.65	390.10	529.00
54	154.00	266.15	310.25	351.70	364.70	380.20	396.90	538.30
55	157.00	272.20	315.85	357.80	370.85	386.50	403.80	547.65
56	160.80	277.95	323.85	366.75	380.30	396.45	414.20	561.95
57	163.55	282.55	329.35	372.85	386.65	402.85	421.15	571.25
58	166.25	287.00	334.80	378.75	393.10	409.45	428.10	580.75
59	168.50	291.60	340.15	384.60	399.65	416.00	435.10	590.20
60	170.75	296.30	345.75	390.65	405.95	422.50	442.00	599.75
61	173.10	300.90	351.50	396.95	412.30	428.95	448.95	609.25
62	175.75	305.45	356.85	402.60	418.60	435.45	456.10	618.85
63	178.55	310.00	362.30	408.65	425.15	442.05	463.05	628.40
64	181.00	314.55	367.70	414.45	431.60	448.70	470.05	638.00
65	184.00	319.15	373.15	420.35	437.95	454.90	476.95	647.25
66	187.40	323.90	378.75	426.45	444.35	461.40	483.90	656.50
67	189.55	328.40	384.35	432.45	450.45	467.70	490.85	666.25
68	191.95	332.95	389.75	438.20	457.10	474.50	498.05	676.00
69	194.95	337.65	395.15	444.20	463.35	480.80	504.70	685.05
70	198.40	342.30	400.70	450.10	469.75	487.25	511.70	694.65

Retail Flat Rate Envelope

	(\$)
Retail Regular Flat Rate Envelope, per piece	27.90
Retail Legal Flat Rate Envelope, per piece	28.05
Retail Padded Flat Rate Envelope, per piece	28.45

Retail Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Loyalty Program

Upon the initiation of the Loyalty Program, all USPS business customers who use Click-N-Ship will be automatically enrolled in the Basic tier of the Loyalty Program, thereby earning a \$40 credit for every \$500 combined spent at Priority Mail Express Retail and Priority Mail Retail rates.

Beginning on January 1, 2021, and on every January 1 thereafter, all USPS business customers who use Click-N-Ship will be enrolled in one of the following three tiers of the Loyalty Program, based on their combined shipping spend at Priority Mail Express Retail and Priority Mail Retail rates in the previous calendar year, as follows:

- Basic (no minimum spend):
Earn \$40 credit for every \$500 spent
- Silver (at least \$10,000 spend):
Earn \$50 credit for every \$500 spent
- Gold (at least \$20,000 spend):
Qualify for Commercial Base Pricing

In the first year of the Loyalty Program, any new USPS business customer who uses Click-N-Ship will receive a one-time \$40 “Welcome Bonus” credit upon shipping at least \$500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All participants in the Loyalty Program will be eligible to receive an additional one-time \$20 credit for shipping during the first two months of the program, which will be applied once participants ship at least \$500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All credits must be redeemed within one year from the date of issuance.

Commercial Base Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.5	23.75	24.30	26.05	29.60	31.75	33.95	36.75	49.70
1	24.00	26.25	29.75	34.85	37.65	40.10	42.95	58.10
2	24.30	28.25	33.45	40.10	43.55	46.25	49.15	66.50
3	24.55	30.20	37.15	45.40	49.45	52.40	55.30	74.90
4	24.85	32.20	40.85	50.65	55.35	58.55	61.50	83.30
5	25.10	34.15	44.55	55.90	61.25	64.70	67.70	91.70
6	27.65	37.50	49.45	61.40	66.95	70.85	74.15	100.45
7	30.20	40.90	54.40	66.90	72.65	77.05	80.60	109.15
8	32.75	44.25	59.30	72.45	78.30	83.20	87.00	117.90
9	35.30	47.65	64.25	77.95	84.00	89.40	93.45	126.60
10	37.85	51.00	69.15	83.45	89.70	95.55	99.90	135.35
11	40.35	55.55	73.85	89.75	95.80	101.90	106.55	143.65
12	42.30	59.60	78.05	94.00	99.95	106.25	111.15	149.95
13	44.30	63.65	82.20	98.30	104.05	110.60	115.80	156.25
14	46.30	67.70	86.40	102.55	108.20	114.95	120.40	162.55
15	48.25	71.75	90.60	106.85	112.30	119.30	125.05	168.90
16	50.25	75.75	94.80	111.15	116.40	123.65	129.65	175.20
17	52.25	79.80	99.00	115.40	120.55	128.00	134.25	181.50
18	54.25	83.85	103.15	119.70	124.65	132.35	138.90	187.80
19	56.20	87.90	107.35	123.95	128.80	136.70	143.50	194.10
20	58.20	91.95	111.55	128.25	132.90	141.05	148.15	200.40
21	60.45	96.45	116.20	133.25	138.00	146.35	153.70	207.90
22	62.75	100.95	120.85	138.30	143.05	151.60	159.25	215.40
23	65.00	105.45	125.50	143.30	148.15	156.90	164.85	222.95
24	67.30	109.95	130.15	148.35	153.25	162.20	170.40	230.45
25	69.55	114.45	134.80	153.35	158.30	167.45	175.95	237.95

Commercial Base Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	74.10	121.20	141.70	162.10	167.10	176.45	185.20	249.15
27	76.35	125.70	146.35	167.10	172.20	181.75	190.75	256.65
28	78.65	130.15	151.00	172.15	177.25	187.00	196.35	264.20
29	80.90	134.65	155.65	177.15	182.35	192.30	201.90	271.70
30	83.20	139.15	160.30	182.20	187.45	197.60	207.45	279.20
31	85.45	143.65	164.95	187.20	192.50	202.85	213.00	286.70
32	87.75	148.15	169.60	192.25	197.60	208.15	218.55	294.20
33	90.00	152.65	174.25	197.25	202.70	213.45	224.15	301.75
34	92.30	157.15	178.90	202.30	207.75	218.70	229.70	309.25
35	94.55	161.65	183.55	207.30	212.85	224.00	235.25	316.75
36	96.95	165.85	188.50	212.70	218.55	229.90	241.35	325.10
37	98.95	169.90	193.20	217.85	224.15	235.75	247.50	333.45
38	101.20	174.15	198.05	223.20	229.50	241.35	253.50	341.55
39	103.60	178.35	202.95	228.40	234.70	246.80	259.70	349.95
40	105.80	182.25	207.85	233.75	240.30	252.55	265.80	358.30
41	108.65	187.95	214.25	240.70	247.85	260.40	273.90	369.25
42	110.50	192.20	219.05	245.95	253.45	266.25	279.95	377.50
43	113.00	196.25	223.85	251.20	258.95	271.90	286.20	385.85
44	114.95	200.50	228.75	256.45	264.40	277.55	292.25	394.15
45	117.10	204.65	233.40	261.55	269.95	283.30	298.50	402.65
46	119.35	208.75	238.50	267.05	275.40	288.95	304.60	410.90
47	121.80	212.90	243.30	272.25	280.95	294.70	310.75	419.25
48	123.90	217.20	248.05	277.30	286.50	300.40	316.90	427.55
49	125.95	221.20	252.95	282.60	292.20	306.30	323.10	436.00
50	128.60	225.55	257.85	288.00	297.55	311.75	329.20	444.20

Commercial Base Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	130.80	229.80	262.65	293.10	303.00	317.45	334.45	451.40
52	133.05	233.75	267.40	298.25	308.80	323.30	341.55	461.05
53	135.10	238.05	272.35	303.55	314.30	329.00	347.65	469.30
54	137.50	242.25	277.10	308.60	319.80	334.75	353.80	477.65
55	140.15	247.75	282.15	313.95	325.30	340.30	359.85	485.90
56	144.20	254.15	289.35	321.80	333.55	348.90	369.20	498.50
57	146.65	258.40	294.25	327.05	339.10	354.60	375.35	506.80
58	149.15	262.40	299.05	332.15	344.85	360.45	381.55	515.20
59	151.15	266.60	303.90	337.40	350.50	366.20	387.70	523.60
60	153.15	270.85	308.85	342.60	356.05	371.90	393.90	532.00
61	155.25	275.15	313.95	348.05	361.60	377.60	400.10	540.40
62	157.65	279.25	318.70	353.05	367.15	383.15	406.40	548.95
63	160.20	283.45	323.60	358.30	372.75	389.05	412.65	557.40
64	162.30	287.60	328.40	363.40	378.40	394.75	418.85	565.80
65	165.00	291.85	333.25	368.60	383.95	400.30	424.95	574.10
66	168.00	296.15	338.30	373.95	389.50	406.15	431.10	582.35
67	169.90	300.30	343.20	379.20	394.90	411.60	437.35	590.90
68	172.10	304.50	348.05	384.25	400.75	417.60	443.65	599.55
69	174.80	308.80	352.90	389.40	406.20	423.15	449.60	607.60
70	177.95	312.95	357.85	394.60	411.80	428.80	455.85	616.05

Commercial Base Flat Rate Envelope

	(\$)
Commercial Base Regular Flat Rate Envelope, per piece	24.25
Commercial Base Legal Flat Rate Envelope, per piece	24.50
Commercial Base Padded Flat Rate Envelope, per piece	24.70

Commercial Base Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Commercial Plus Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.5	23.75	24.30	26.05	29.60	31.75	33.95	36.75	49.70
1	24.00	26.25	29.75	34.85	37.65	40.10	42.95	58.10
2	24.30	28.25	33.45	40.10	43.55	46.25	49.15	66.50
3	24.55	30.20	37.15	45.40	49.45	52.40	55.30	74.90
4	24.85	32.20	40.85	50.65	55.35	58.55	61.50	83.30
5	25.10	34.15	44.55	55.90	61.25	64.70	67.70	91.70
6	27.65	37.50	49.45	61.40	66.95	70.85	74.15	100.45
7	30.20	40.90	54.40	66.90	72.65	77.05	80.60	109.15
8	32.75	44.25	59.30	72.45	78.30	83.20	87.00	117.90
9	35.30	47.65	64.25	77.95	84.00	89.40	93.45	126.60
10	37.85	51.00	69.15	83.45	89.70	95.55	99.90	135.35
11	40.35	55.55	73.85	89.75	95.80	101.90	106.55	143.65
12	42.30	59.60	78.05	94.00	99.95	106.25	111.15	149.95
13	44.30	63.65	82.20	98.30	104.05	110.60	115.80	156.25
14	46.30	67.70	86.40	102.55	108.20	114.95	120.40	162.55
15	48.25	71.75	90.60	106.85	112.30	119.30	125.05	168.90
16	50.25	75.75	94.80	111.15	116.40	123.65	129.65	175.20
17	52.25	79.80	99.00	115.40	120.55	128.00	134.25	181.50
18	54.25	83.85	103.15	119.70	124.65	132.35	138.90	187.80
19	56.20	87.90	107.35	123.95	128.80	136.70	143.50	194.10
20	58.20	91.95	111.55	128.25	132.90	141.05	148.15	200.40
21	60.45	96.45	116.20	133.25	138.00	146.35	153.70	207.90
22	62.75	100.95	120.85	138.30	143.05	151.60	159.25	215.40
23	65.00	105.45	125.50	143.30	148.15	156.90	164.85	222.95
24	67.30	109.95	130.15	148.35	153.25	162.20	170.40	230.45
25	69.55	114.45	134.80	153.35	158.30	167.45	175.95	237.95

Commercial Plus Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	74.10	121.20	141.70	162.10	167.10	176.45	185.20	249.15
27	76.35	125.70	146.35	167.10	172.20	181.75	190.75	256.65
28	78.65	130.15	151.00	172.15	177.25	187.00	196.35	264.20
29	80.90	134.65	155.65	177.15	182.35	192.30	201.90	271.70
30	83.20	139.15	160.30	182.20	187.45	197.60	207.45	279.20
31	85.45	143.65	164.95	187.20	192.50	202.85	213.00	286.70
32	87.75	148.15	169.60	192.25	197.60	208.15	218.55	294.20
33	90.00	152.65	174.25	197.25	202.70	213.45	224.15	301.75
34	92.30	157.15	178.90	202.30	207.75	218.70	229.70	309.25
35	94.55	161.65	183.55	207.30	212.85	224.00	235.25	316.75
36	96.95	165.85	188.50	212.70	218.55	229.90	241.35	325.10
37	98.95	169.90	193.20	217.85	224.15	235.75	247.50	333.45
38	101.20	174.15	198.05	223.20	229.50	241.35	253.50	341.55
39	103.60	178.35	202.95	228.40	234.70	246.80	259.70	349.95
40	105.80	182.25	207.85	233.75	240.30	252.55	265.80	358.30
41	108.65	187.95	214.25	240.70	247.85	260.40	273.90	369.25
42	110.50	192.20	219.05	245.95	253.45	266.25	279.95	377.50
43	113.00	196.25	223.85	251.20	258.95	271.90	286.20	385.85
44	114.95	200.50	228.75	256.45	264.40	277.55	292.25	394.15
45	117.10	204.65	233.40	261.55	269.95	283.30	298.50	402.65
46	119.35	208.75	238.50	267.05	275.40	288.95	304.60	410.90
47	121.80	212.90	243.30	272.25	280.95	294.70	310.75	419.25
48	123.90	217.20	248.05	277.30	286.50	300.40	316.90	427.55
49	125.95	221.20	252.95	282.60	292.20	306.30	323.10	436.00
50	128.60	225.55	257.85	288.00	297.55	311.75	329.20	444.20

Commercial Plus Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	130.80	229.80	262.65	293.10	303.00	317.45	334.45	451.40
52	133.05	233.75	267.40	298.25	308.80	323.30	341.55	461.05
53	135.10	238.05	272.35	303.55	314.30	329.00	347.65	469.30
54	137.50	242.25	277.10	308.60	319.80	334.75	353.80	477.65
55	140.15	247.75	282.15	313.95	325.30	340.30	359.85	485.90
56	144.20	254.15	289.35	321.80	333.55	348.90	369.20	498.50
57	146.65	258.40	294.25	327.05	339.10	354.60	375.35	506.80
58	149.15	262.40	299.05	332.15	344.85	360.45	381.55	515.20
59	151.15	266.60	303.90	337.40	350.50	366.20	387.70	523.60
60	153.15	270.85	308.85	342.60	356.05	371.90	393.90	532.00
61	155.25	275.15	313.95	348.05	361.60	377.60	400.10	540.40
62	157.65	279.25	318.70	353.05	367.15	383.15	406.40	548.95
63	160.20	283.45	323.60	358.30	372.75	389.05	412.65	557.40
64	162.30	287.60	328.40	363.40	378.40	394.75	418.85	565.80
65	165.00	291.85	333.25	368.60	383.95	400.30	424.95	574.10
66	168.00	296.15	338.30	373.95	389.50	406.15	431.10	582.35
67	169.90	300.30	343.20	379.20	394.90	411.60	437.35	590.90
68	172.10	304.50	348.05	384.25	400.75	417.60	443.65	599.55
69	174.80	308.80	352.90	389.40	406.20	423.15	449.60	607.60
70	177.95	312.95	357.85	394.60	411.80	428.80	455.85	616.05

Commercial Plus Flat Rate Envelope

	(\$)
Commercial Plus Regular Flat Rate Envelope, per piece	24.25
Commercial Plus Legal Flat Rate Envelope, per piece	24.50
Commercial Plus Padded Flat Rate Envelope, per piece	24.70

Commercial Plus Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Pickup On Demand Service

Add \$25.00 for each Pickup On Demand stop.

Sunday/Holiday Delivery

Add \$12.50 for requesting Sunday or holiday delivery.

IMpb Noncompliance Fee

Add \$0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add \$0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

2110 Priority Mail

* * *

2110.6 Prices*Retail Priority Mail Zone/Weight*

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
1	9.00	9.40	9.75	10.85	11.15	11.90	12.60	20.40
2	9.55	10.20	11.00	12.75	13.65	15.75	17.10	31.75
3	10.20	10.95	12.05	14.70	16.40	18.90	22.20	42.15
4	10.85	11.70	12.75	15.95	19.30	22.60	25.05	48.65
5	11.55	12.50	13.45	16.75	21.35	25.80	28.75	56.15
6	11.95	12.90	14.20	17.85	23.75	28.70	32.25	63.25
7	12.45	13.35	15.05	19.50	25.45	31.95	36.15	71.00
8	12.95	14.00	15.40	20.45	27.00	35.45	40.30	79.30
9	13.20	14.40	15.80	21.95	29.25	38.35	43.65	88.15
10	14.40	15.35	17.05	23.20	31.50	41.50	47.30	96.00
11	16.05	16.80	18.75	26.30	36.10	47.15	53.45	108.30
12	16.70	17.50	19.35	27.60	38.10	50.85	57.70	116.00
13	17.30	18.20	20.00	29.00	39.95	54.90	62.35	120.05
14	18.00	18.95	20.70	30.40	42.40	59.30	67.35	125.90
15	18.70	19.70	21.35	31.95	43.60	60.65	69.00	129.40
16	19.45	20.70	22.40	33.80	45.55	63.75	72.65	136.30
17	20.25	21.75	23.50	35.80	47.90	66.95	76.30	143.40
18	21.10	22.80	24.65	37.90	49.85	70.05	80.05	150.50
19	22.00	23.95	25.80	40.15	51.20	71.55	81.65	157.45
20	22.90	25.15	27.10	42.55	53.30	73.95	85.30	164.60
21	23.70	26.40	29.15	44.75	56.20	75.70	87.65	169.60
22	24.50	27.70	31.35	47.10	59.30	77.55	90.05	173.75
23	25.30	29.05	33.75	49.55	62.50	79.45	92.50	176.70
24	26.15	30.45	36.30	52.15	65.95	81.35	95.05	181.00
25	27.05	31.95	39.10	54.90	69.55	83.35	97.65	183.90

Retail Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	30.25	35.85	44.40	61.05	76.65	89.25	102.90	192.90
27	31.90	37.35	45.80	62.85	77.60	91.35	106.45	199.90
28	32.80	37.80	46.95	64.70	78.60	93.40	110.45	207.20
29	33.70	38.15	48.00	66.10	79.85	95.45	113.40	212.60
30	34.60	38.70	49.25	67.90	81.95	97.45	115.70	217.15
31	35.55	39.05	51.65	69.60	83.10	99.50	118.25	223.05
32	35.90	39.80	52.80	72.95	84.10	101.60	120.25	227.50
33	36.45	40.75	54.05	73.80	85.60	103.50	122.35	231.70
34	36.75	41.75	55.30	75.30	87.45	105.55	124.60	235.80
35	37.10	42.70	55.95	76.75	89.60	107.50	126.50	239.65
36	37.45	43.85	56.70	78.20	91.80	108.90	128.65	243.70
37	37.75	44.50	57.50	79.55	94.00	110.20	130.60	247.60
38	38.15	45.60	58.15	80.95	96.45	111.45	132.60	251.50
39	38.55	46.55	58.85	82.50	98.60	114.20	134.50	255.20
40	38.95	47.45	59.60	84.20	100.05	116.60	136.35	258.65
41	39.25	48.30	60.25	84.90	101.60	118.95	138.25	264.30
42	39.50	49.10	60.85	86.55	103.25	120.40	139.95	267.90
43	40.00	49.85	61.35	88.40	105.60	121.90	141.65	271.10
44	40.25	50.65	62.10	90.05	107.20	123.20	143.25	274.35
45	40.50	51.15	62.50	91.95	108.30	124.50	145.00	277.70
46	40.75	51.45	63.15	93.50	109.40	125.80	146.65	280.95
47	41.10	51.90	63.70	95.50	110.55	127.10	148.20	283.90
48	41.45	52.35	64.30	97.20	111.90	128.25	149.70	286.95
49	41.65	52.65	64.75	98.90	113.30	129.55	151.20	289.75
50	41.80	52.95	65.20	100.70	114.70	131.15	152.60	292.70

Retail Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	42.00	53.45	65.75	101.85	116.25	133.00	154.00	297.55
52	42.50	53.75	66.20	103.05	117.40	134.80	155.70	301.20
53	43.15	54.10	66.55	103.85	118.35	136.85	157.70	305.00
54	43.65	54.30	67.00	104.65	119.10	138.85	159.80	309.15
55	44.35	54.65	67.35	105.35	119.95	140.90	161.85	313.15
56	44.90	55.00	67.75	106.00	120.80	142.80	163.30	316.05
57	45.55	55.15	68.10	106.55	121.60	144.90	164.50	318.25
58	46.20	55.40	68.55	107.25	122.25	146.80	165.70	320.55
59	46.85	55.65	68.85	107.90	122.95	147.60	166.95	323.10
60	47.45	55.85	69.50	108.35	123.55	148.40	167.95	325.15
61	48.10	56.15	70.65	108.90	124.20	149.25	170.15	329.60
62	48.55	56.25	71.50	109.45	124.80	149.95	172.80	334.65
63	49.45	56.50	72.65	109.90	125.40	150.55	175.45	340.00
64	49.90	58.15	73.65	110.35	125.90	151.30	177.95	345.00
65	50.55	58.30	74.60	110.75	126.35	151.95	180.75	350.40
66	51.15	58.50	75.75	111.25	126.90	152.45	183.15	355.30
67	51.90	58.60	77.00	111.55	127.20	153.05	185.55	359.85
68	52.50	58.70	77.85	111.80	128.80	153.60	187.45	363.70
69	53.10	58.75	78.80	112.15	130.25	154.00	189.40	367.45
70	53.70	58.95	80.05	112.50	131.80	154.50	190.65	371.30

Retail Flat Rate Envelopes¹

	(\$)
Retail Regular Flat Rate Envelope, per piece	9.90
Retail Legal Flat Rate Envelope, per piece	10.20
Retail Padded Flat Rate Envelope, per piece	10.60

Notes

1. The price for Regular, Legal, or Padded Flat Rate Envelopes also applies to sales of Regular, Legal, or Padded Flat Rate Envelopes, respectively, marked with Forever postage, at the time the envelopes are purchased.

Retail Flat Rate Boxes¹

Size	Delivery to Domestic Address (\$)	Delivery to APO/FPO/DPO Address (\$)
Small Flat Rate Box	10.40	10.40
Medium Flat Rate Boxes	17.05	17.05
Large Flat Rate Boxes	22.45	20.95

Notes

1. The price for Small, Medium, or Large Flat Rate Boxes also applies to sales of Small, Medium, or Large Flat Rate Boxes, respectively, marked with Forever postage, at the time the boxes are purchased.

Regional Rate Boxes

Size	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
A	10.98	11.18	11.48	12.85	14.85	15.62	16.84	29.67
B	11.48	11.97	12.72	15.77	19.91	22.89	25.81	47.32

Retail Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Loyalty Program

Upon the initiation of the Loyalty Program, all USPS business customers who use Click-N-Ship will be automatically enrolled in the Basic tier of the Loyalty Program, thereby earning a \$40 credit for every \$500 combined spent at Priority Mail Express Retail and Priority Mail Retail rates.

Beginning on January 1, 2021, and on every January 1 thereafter, all USPS business customers who use Click-N-Ship will be enrolled in one of the following three tiers of the Loyalty Program, based on their combined shipping spend at Priority Mail Express Retail and Priority Mail Retail rates in the previous calendar year, as follows:

- Basic (no minimum spend):
Earn \$40 credit for every \$500 spent
- Silver (at least \$10,000 spend):
Earn \$50 credit for every \$500 spent
- Gold (at least \$20,000 spend):
Qualify for Commercial Base Pricing

In the first year of the Loyalty Program, any new USPS business customer who uses Click-N-Ship will receive a one-time \$40 "Welcome Bonus" credit upon shipping at least \$500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All participants in the Loyalty Program will be eligible to receive an additional one-time \$20 credit for shipping during the first two months of the program, which will be applied once participants ship at least \$500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All credits must be redeemed within one year from the date of issuance.

Commercial Base Priority Mail Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
1	7.62	7.93	8.15	8.92	9.39	9.96	10.48	17.19
2	8.27	8.45	8.74	9.92	11.76	12.42	13.46	25.88
3	8.49	8.85	9.23	10.73	14.14	15.83	18.54	34.83
4	8.59	9.09	9.74	12.34	16.34	18.83	21.57	41.77
5	8.70	9.14	10.07	13.51	17.83	21.61	24.81	48.48
6	8.81	9.50	10.50	14.43	19.33	24.58	28.23	55.44
7	9.29	10.46	11.07	15.30	20.82	26.60	30.62	62.15
8	9.43	10.96	12.32	16.18	22.33	28.61	33.01	69.67
9	10.04	11.33	12.82	17.44	23.83	30.63	35.39	77.39
10	10.54	11.80	13.17	18.54	25.32	32.64	37.57	84.09
11	12.50	13.21	14.39	21.64	28.82	36.60	41.73	93.80
12	12.96	13.74	15.07	22.72	30.31	38.43	43.90	100.35
13	13.21	14.11	15.77	23.80	31.79	40.26	46.07	103.84
14	13.52	14.70	16.46	24.87	33.16	42.09	48.24	108.84
15	13.64	15.30	17.15	25.94	34.51	43.93	50.42	111.65
16	14.15	15.89	17.84	27.01	35.88	45.76	52.58	117.63
17	14.66	16.48	18.53	28.07	37.23	47.60	54.75	123.68
18	15.18	17.07	19.22	29.14	38.59	49.42	56.92	129.77
19	15.69	17.67	19.90	30.20	39.96	51.26	59.08	135.80
20	16.20	18.26	20.59	31.26	41.31	53.09	61.26	141.93
21	17.14	19.51	22.19	32.84	43.38	54.94	63.11	144.89
22	18.14	20.86	23.91	34.51	45.56	56.86	65.01	146.55
23	19.19	22.31	25.78	36.28	47.86	58.84	66.97	147.40
24	20.31	23.85	27.79	38.14	50.28	60.90	68.99	150.93
25	21.50	25.51	29.97	40.10	52.83	63.04	71.08	153.48

Commercial Base Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	26.72	32.46	40.96	55.92	69.44	81.11	92.40	161.90
27	28.16	33.81	43.31	60.42	70.31	83.01	95.60	167.78
28	28.95	34.23	44.47	61.85	71.20	84.84	99.16	173.83
29	29.75	34.56	45.61	62.60	72.31	86.69	101.78	178.30
30	30.56	35.02	46.61	63.37	74.20	88.51	103.82	182.02
31	31.36	35.34	47.31	64.11	75.20	90.36	106.09	187.05
32	31.69	36.04	48.06	64.79	76.12	92.22	107.90	190.73
33	32.14	36.97	49.19	65.57	77.50	94.04	110.00	194.13
34	32.41	37.87	50.38	66.86	79.24	95.89	112.04	197.69
35	32.75	38.70	51.06	68.16	81.22	97.72	113.67	200.94
36	33.12	39.76	51.71	69.51	83.15	98.99	115.59	204.25
37	33.44	40.45	52.41	70.64	85.20	100.21	117.46	207.52
38	33.74	41.37	53.04	71.94	87.43	101.30	119.32	210.73
39	34.05	42.29	53.62	73.31	89.38	103.87	121.07	213.89
40	34.37	43.12	54.29	74.71	90.74	106.09	122.71	216.70
41	34.72	43.80	54.84	75.32	92.18	108.27	124.57	221.42
42	34.96	44.12	55.30	76.49	93.72	109.69	126.08	224.36
43	35.34	44.42	55.77	77.66	95.85	111.00	127.37	227.14
44	35.57	44.72	56.23	78.82	97.30	112.28	129.11	229.69
45	35.78	45.03	56.71	79.99	98.32	113.44	130.63	232.51
46	36.08	45.34	57.18	81.16	99.37	114.62	132.09	235.19
47	36.32	45.64	57.64	82.33	100.35	115.88	133.60	237.75
48	36.60	45.95	58.12	83.48	101.57	116.95	134.88	240.27
49	36.87	46.24	58.59	84.66	102.90	118.13	136.16	242.55
50	37.01	46.54	59.07	85.84	104.27	119.58	137.56	245.08

Commercial Base Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	37.52	46.85	59.50	87.20	105.64	121.23	138.85	249.22
52	38.04	47.16	59.98	87.77	106.61	122.99	140.35	252.06
53	38.70	47.46	60.45	88.44	107.47	124.94	142.11	255.20
54	39.23	47.77	60.91	89.15	108.20	126.66	144.08	258.68
55	39.80	48.06	61.38	89.68	109.06	128.61	145.89	262.08
56	40.32	48.38	61.85	90.32	109.74	130.32	147.35	264.72
57	40.92	48.68	62.32	90.82	110.55	131.13	148.35	267.03
58	41.50	48.98	62.78	91.36	111.17	132.29	149.57	269.14
59	42.06	49.29	63.24	91.87	111.77	133.09	150.61	271.10
60	42.55	49.59	63.70	92.36	112.31	133.90	151.54	272.96
61	43.20	49.88	64.17	92.78	112.91	135.40	153.59	276.58
62	43.71	50.19	64.63	93.17	113.41	136.97	156.04	280.83
63	44.45	50.50	65.11	93.63	114.03	137.61	158.48	285.24
64	44.82	50.80	65.58	94.02	114.52	138.21	160.87	289.53
65	45.43	51.10	66.07	94.29	114.84	138.89	163.20	293.95
66	46.00	51.42	66.52	94.69	115.39	139.29	165.71	298.13
67	46.65	51.72	67.61	95.01	115.74	139.83	167.75	301.97
68	47.16	52.01	68.42	95.25	117.14	140.54	169.49	305.10
69	47.77	52.33	69.27	95.52	118.49	141.17	171.25	308.29
70	48.24	52.63	70.32	95.81	119.86	141.67	173.11	311.53

Commercial Base Flat Rate Envelope

	(\$)
Commercial Base Regular Flat Rate Envelope, per piece	8.50
Commercial Base Legal Flat Rate Envelope, per piece	8.80
Commercial Base Padded Flat Rate Envelope, per piece	9.20

Commercial Base Flat Rate Box

Size	Delivery to Domestic Address (\$)	Delivery to APO/FPO/DPO Address (\$)
Small Flat Rate Box	9.00	9.00
Regular Flat Rate Boxes	15.00	15.00
Large Flat Rate Boxes	19.95	18.45

Commercial Base Regional Rate Boxes

Size	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
A	8.63	8.83	9.13	10.35	12.35	13.12	14.34	27.17
B	9.13	9.62	10.37	13.27	17.41	20.39	23.31	44.82

Commercial Base Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Commercial Plus Priority Mail Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.5	7.62	7.93	8.15	8.92	9.39	9.96	10.48	17.19
1	7.62	7.93	8.15	8.92	9.39	9.96	10.48	17.19
2	8.27	8.45	8.74	9.92	11.76	12.42	13.46	25.88
3	8.49	8.85	9.23	10.73	14.14	15.83	18.54	34.83
4	8.59	9.09	9.74	12.34	16.34	18.83	21.57	41.77
5	8.70	9.14	10.07	13.51	17.83	21.61	24.81	48.48
6	8.81	9.50	10.50	14.43	19.33	24.58	28.23	55.44
7	9.29	10.46	11.07	15.30	20.82	26.60	30.62	62.15
8	9.43	10.96	12.32	16.18	22.33	28.61	33.01	69.67
9	10.04	11.33	12.82	17.44	23.83	30.63	35.39	77.39
10	10.54	11.80	13.17	18.54	25.32	32.64	37.57	84.09
11	12.50	13.21	14.39	21.64	28.82	36.60	41.73	93.80
12	12.96	13.74	15.07	22.72	30.31	38.43	43.90	100.35
13	13.21	14.11	15.77	23.80	31.79	40.26	46.07	103.84
14	13.52	14.70	16.46	24.87	33.16	42.09	48.24	108.84
15	13.64	15.30	17.15	25.94	34.51	43.93	50.42	111.65
16	14.15	15.89	17.84	27.01	35.88	45.76	52.58	117.63
17	14.66	16.48	18.53	28.07	37.23	47.60	54.75	123.68
18	15.18	17.07	19.22	29.14	38.59	49.42	56.92	129.77
19	15.69	17.67	19.90	30.20	39.96	51.26	59.08	135.80
20	16.20	18.26	20.59	31.26	41.31	53.09	61.26	141.93
21	17.14	19.51	22.19	32.84	43.38	54.94	63.11	144.89
22	18.14	20.86	23.91	34.51	45.56	56.86	65.01	146.55
23	19.19	22.31	25.78	36.28	47.86	58.84	66.97	147.40
24	20.31	23.85	27.79	38.14	50.28	60.90	68.99	150.93
25	21.50	25.51	29.97	40.10	52.83	63.04	71.08	153.48

Commercial Plus Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	26.72	32.46	40.96	55.92	69.44	81.11	92.40	161.90
27	28.16	33.81	43.31	60.42	70.31	83.01	95.60	167.78
28	28.95	34.23	44.47	61.85	71.20	84.84	99.16	173.83
29	29.75	34.56	45.61	62.60	72.31	86.69	101.78	178.30
30	30.56	35.02	46.61	63.37	74.20	88.51	103.82	182.02
31	31.36	35.34	47.31	64.11	75.20	90.36	106.09	187.05
32	31.69	36.04	48.06	64.79	76.12	92.22	107.90	190.73
33	32.14	36.97	49.19	65.57	77.50	94.04	110.00	194.13
34	32.41	37.87	50.38	66.86	79.24	95.89	112.04	197.69
35	32.75	38.70	51.06	68.16	81.22	97.72	113.67	200.94
36	33.12	39.76	51.71	69.51	83.15	98.99	115.59	204.25
37	33.44	40.45	52.41	70.64	85.20	100.21	117.46	207.52
38	33.74	41.37	53.04	71.94	87.43	101.30	119.32	210.73
39	34.05	42.29	53.62	73.31	89.38	103.87	121.07	213.89
40	34.37	43.12	54.29	74.71	90.74	106.09	122.71	216.70
41	34.72	43.80	54.84	75.32	92.18	108.27	124.57	221.42
42	34.96	44.12	55.30	76.49	93.72	109.69	126.08	224.36
43	35.34	44.42	55.77	77.66	95.85	111.00	127.37	227.14
44	35.57	44.72	56.23	78.82	97.30	112.28	129.11	229.69
45	35.78	45.03	56.71	79.99	98.32	113.44	130.63	232.51
46	36.08	45.34	57.18	81.16	99.37	114.62	132.09	235.19
47	36.32	45.64	57.64	82.33	100.35	115.88	133.60	237.75
48	36.60	45.95	58.12	83.48	101.57	116.95	134.88	240.27
49	36.87	46.24	58.59	84.66	102.90	118.13	136.16	242.55
50	37.01	46.54	59.07	85.84	104.27	119.58	137.56	245.08

Commercial Plus Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	37.52	46.85	59.50	87.20	105.64	121.23	138.85	249.22
52	38.04	47.16	59.98	87.77	106.61	122.99	140.35	252.06
53	38.70	47.46	60.45	88.44	107.47	124.94	142.11	255.20
54	39.23	47.77	60.91	89.15	108.20	126.66	144.08	258.68
55	39.80	48.06	61.38	89.68	109.06	128.61	145.89	262.08
56	40.32	48.38	61.85	90.32	109.74	130.32	147.35	264.72
57	40.92	48.68	62.32	90.82	110.55	131.13	148.35	267.03
58	41.50	48.98	62.78	91.36	111.17	132.29	149.57	269.14
59	42.06	49.29	63.24	91.87	111.77	133.09	150.61	271.10
60	42.55	49.59	63.70	92.36	112.31	133.90	151.54	272.96
61	43.20	49.88	64.17	92.78	112.91	135.40	153.59	276.58
62	43.71	50.19	64.63	93.17	113.41	136.97	156.04	280.83
63	44.45	50.50	65.11	93.63	114.03	137.61	158.48	285.24
64	44.82	50.80	65.58	94.02	114.52	138.21	160.87	289.53
65	45.43	51.10	66.07	94.29	114.84	138.89	163.20	293.95
66	46.00	51.42	66.52	94.69	115.39	139.29	165.71	298.13
67	46.65	51.72	67.61	95.01	115.74	139.83	167.75	301.97
68	47.16	52.01	68.42	95.25	117.14	140.54	169.49	305.10
69	47.77	52.33	69.27	95.52	118.49	141.17	171.25	308.29
70	48.24	52.63	70.32	95.81	119.86	141.67	173.11	311.53

Commercial Plus Flat Rate Envelope

	(\$)
Commercial Plus Regular Flat Rate Envelope, per piece	8.50
Commercial Plus Legal Flat Rate Envelope, per piece	8.80
Commercial Plus Padded Flat Rate Envelope, per piece	9.20

Commercial Plus Flat Rate Box

Size	Delivery to Domestic Address (\$)	Delivery to APO/FPO/DPO Address (\$)
Small Flat Rate Box	9.00	9.00
Medium Flat Rate Boxes	15.00	15.00
Large Flat Rate Boxes	19.95	18.45

Commercial Plus Regional Rate Boxes

Maximum Cubic Feet	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
A	8.63	8.83	9.13	10.35	12.35	13.12	14.34	27.17
B	9.13	9.62	10.37	13.27	17.41	20.39	23.31	44.82

Commercial Plus Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Cubic

Maximum Cubic Feet	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.10	7.79	8.06	8.30	9.17	9.98	10.57	11.23	19.36
0.20	8.27	8.45	8.74	9.92	11.76	12.42	13.47	25.89
0.30	8.50	8.87	9.26	10.83	14.28	16.02	18.73	35.26
0.40	8.62	9.10	9.82	12.63	16.72	19.53	22.39	43.47
0.50	8.75	9.32	10.29	13.98	18.59	23.11	26.54	52.01

Open and Distribute (PMOD)

a. DDU

Container	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
Half Tray	9.20	11.20	13.49	22.10	22.38	24.26	26.84	33.36
Full Tray	12.42	15.46	17.96	31.80	36.43	38.67	43.05	53.61
EMM Tray	14.20	16.87	20.78	35.09	38.45	42.14	46.77	58.26
Flat Tub	20.18	25.23	31.13	53.03	63.85	68.96	76.67	95.63

b. Processing Facilities

Container	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
Half Tray	7.62	9.23	11.28	20.03	20.46	22.30	23.88	29.66
Full Tray	9.42	12.08	14.98	27.66	32.55	34.79	38.79	48.29
EMM Tray	11.19	12.93	17.53	30.46	34.49	37.89	43.66	54.38
Flat Tub	15.91	20.95	26.48	48.69	59.29	64.47	70.83	88.35

Pickup On Demand Service

Add \$25.00 for each Pickup On Demand stop.

IMpb Noncompliance Fee

Add \$0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add \$0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

2115 Parcel Select

* * *

2115.6 Prices

* * *

Destination Entered — DDU

a. DDU

Maximum Weight (pounds)	DDU (\$)
1	3.75
2	3.88
3	4.01
4	4.13
5	4.20
6	4.39
7	4.52
8	4.64
9	4.78
10	4.92
11	5.06
12	5.19
13	5.33
14	5.47
15	5.61
16	5.75
17	5.88
18	6.02
19	6.16
20	6.30
21	6.84
22	6.93
23	7.00
24	7.04
25	7.08

a. DDU (Continued)

Maximum Weight (pounds)	DDU (\$)
26	7.12
27	7.17
28	7.21
29	7.25
30	7.29
31	7.34
32	7.38
33	7.42
34	7.46
35	7.51
36	7.72
37	7.76
38	7.80
39	7.84
40	7.89
41	7.93
42	7.97
43	8.01
44	8.06
45	8.10
46	8.14
47	8.19
48	8.25
49	8.31
50	8.37

a. DDU (Continued)

Maximum Weight (pounds)	DDU (\$)
51	8.45
52	8.52
53	8.61
54	8.69
55	8.78
56	8.86
57	8.95
58	9.03
59	9.12
60	9.20
61	9.29
62	9.37
63	9.46
64	9.54
65	9.63
66	9.71
67	9.79
68	9.88
69	9.96
70	10.05
Oversized	15.06

b. Dimensional Weight

Parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the \$100.00 overweight item charge.

d. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Ground price, plus \$3.00, when forwarded or returned. For customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, the additional fee will be \$2.50.

Destination Entered — DSCF

a. DSCF — 5-Digit Machinable

Maximum Weight (pounds)	DSCF 5-Digit (\$)	DSCF SCF (\$)
1	4.52	5.52
2	4.85	5.85
3	5.15	6.15
4	5.42	6.42
5	5.63	6.63
6	5.96	6.96
7	6.22	7.22
8	6.46	7.46
9	6.72	7.72
10	6.97	7.97
11	7.22	8.22
12	7.46	8.46
13	7.71	8.71
14	7.95	8.95
15	8.19	9.19
16	8.43	9.43
17	8.65	9.65
18	8.89	9.89
19	9.12	10.12
20	9.35	10.35
21	9.98	10.98
22	10.16	11.16
23	10.32	11.32
24	10.44	11.44
25	10.57	11.57

a. DSCF — 5-Digit Machinable (Continued)

Maximum Weight (pounds)	DSCF 5-Digit (\$)	DSCF SCF (\$)
26	10.69	11.69
27	10.83	11.83
28	10.95	11.95
29	11.07	12.07
30	11.19	12.19
31	11.32	12.32
32	11.43	12.43
33	11.55	12.55
34	11.67	12.67
35	11.79	12.79

b. DSCF — 3-Digit, 5-Digit Non-Machinable

Maximum Weight (pounds)	DSCF 3-Digit (\$)	DSCF 5-Digit (\$)
1	7.17	4.52
2	7.50	4.85
3	7.80	5.15
4	8.07	5.42
5	8.28	5.63
6	8.61	5.96
7	8.87	6.22
8	9.11	6.46
9	9.37	6.72
10	9.62	6.97
11	9.87	7.22
12	10.11	7.46
13	10.36	7.71
14	10.60	7.95
15	10.84	8.19
16	11.08	8.43
17	11.30	8.65
18	11.54	8.89
19	11.77	9.12
20	12.00	9.35
21	12.63	9.98
22	12.81	10.16
23	12.97	10.32
24	13.09	10.44
25	13.22	10.57

b. DSCF — 3-Digit, 5-Digit Non-Machinable (Continued)

Maximum Weight (pounds)	DSCF 3-Digit (\$)	DSCF 5-Digit (\$)
26	13.34	10.69
27	13.48	10.83
28	13.60	10.95
29	13.72	11.07
30	13.84	11.19
31	13.97	11.32
32	14.08	11.43
33	14.20	11.55
34	14.32	11.67
35	14.44	11.79
36	14.73	12.08
37	14.84	12.19
38	14.96	12.31
39	15.07	12.42
40	15.19	12.54
41	15.30	12.65
42	15.41	12.76
43	15.52	12.87
44	15.64	12.99
45	15.75	13.10
46	15.86	13.21
47	15.98	13.33
48	16.11	13.46
49	16.23	13.58
50	16.36	13.71

b. DSCF — 3-Digit, 5-Digit Non-Machinable (Continued)

Maximum Weight (pounds)	DSCF 3-Digit (\$)	DSCF 5-Digit (\$)
51	16.51	13.86
52	16.64	13.99
53	16.80	14.15
54	16.94	14.29
55	17.10	14.45
56	17.24	14.59
57	17.40	14.75
58	17.54	14.89
59	17.69	15.04
60	17.84	15.19
61	17.99	15.34
62	18.13	15.48
63	18.28	15.63
64	18.42	15.77
65	18.57	15.92
66	18.71	16.06
67	18.85	16.20
68	19.00	16.35
69	19.14	16.49
70	19.29	16.64
Oversized	25.45	24.45

c. Dimensional Weight

Parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the \$100.00 overweight item charge.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Ground price, plus \$3.00, when forwarded or returned. For customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, the additional fee will be \$2.50.

Destination Entered — DNDC

a. DNDC — Machinable

Maximum Weight (pounds)	DNDC Zones 1 & 2 (\$)	DNDC Zone 3 (\$)	DNDC Zone 4 (\$)	DNDC Zones 5 (\$)
1	5.59	5.66	5.74	5.90
2	6.06	6.17	6.31	6.57
3	6.48	6.63	6.82	7.18
4	6.87	7.05	7.29	7.73
5	7.18	7.41	7.68	8.21
6	7.61	7.86	8.18	8.78
7	7.96	8.24	8.60	9.27
8	8.29	8.60	8.99	9.74
9	8.64	8.98	9.40	10.21
10	8.97	9.34	9.80	10.67
11	9.31	9.70	10.19	11.13
12	9.62	10.04	10.57	11.56
13	9.94	10.39	10.94	12.00
14	10.26	10.73	11.32	12.43
15	10.58	11.07	11.68	12.85
16	10.89	11.40	12.04	13.27
17	11.18	11.72	12.39	13.67
18	11.49	12.05	12.75	14.08
19	11.79	12.37	13.10	14.48
20	12.08	12.69	13.44	14.88
21	12.78	13.40	14.18	15.67
22	13.02	13.67	14.47	16.01
23	13.24	13.91	14.74	16.33
24	13.43	14.12	14.98	16.61
25	13.62	14.32	15.21	16.89

a. DNDC — Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 (\$)	DNDC Zone 3 (\$)	DNDC Zone 4 (\$)	DNDC Zones 5 (\$)
26	13.80	14.53	15.44	17.16
27	13.99	14.74	15.67	17.45
28	14.17	14.94	15.90	17.72
29	14.35	15.14	16.12	17.98
30	14.53	15.34	16.34	18.25
31	14.72	15.54	16.57	18.52
32	14.89	15.73	16.78	18.78
33	15.07	15.92	17.00	19.04
34	15.24	16.11	17.21	19.29
35	15.42	16.31	17.43	19.56

b. DNDC — Non-Machinable

Maximum Weight (pounds)	DNDC Zones 1 & 2 (\$)	DNDC Zone 3 (\$)	DNDC Zone 4 (\$)	DNDC Zones 5 (\$)
1	8.59	8.66	8.74	8.90
2	9.06	9.17	9.31	9.57
3	9.48	9.63	9.82	10.18
4	9.87	10.05	10.29	10.73
5	10.18	10.41	10.68	11.21
6	10.61	10.86	11.18	11.78
7	10.96	11.24	11.60	12.27
8	11.29	11.60	11.99	12.74
9	11.64	11.98	12.40	13.21
10	11.97	12.34	12.80	13.67
11	12.31	12.70	13.19	14.13
12	12.62	13.04	13.57	14.56
13	12.94	13.39	13.94	15.00
14	13.26	13.73	14.32	15.43
15	13.58	14.07	14.68	15.85
16	13.89	14.40	15.04	16.27
17	14.18	14.72	15.39	16.67
18	14.49	15.05	15.75	17.08
19	14.79	15.37	16.10	17.48
20	15.08	15.69	16.44	17.88
21	15.78	16.40	17.18	18.67
22	16.02	16.67	17.47	19.01
23	16.24	16.91	17.74	19.33
24	16.43	17.12	17.98	19.61
25	16.62	17.32	18.21	19.89

b. DNDC — Non-Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 (\$)	DNDC Zone 3 (\$)	DNDC Zone 4 (\$)	DNDC Zones 5 (\$)
26	16.80	17.53	18.44	20.16
27	16.99	17.74	18.67	20.45
28	17.17	17.94	18.90	20.72
29	17.35	18.14	19.12	20.98
30	17.53	18.34	19.34	21.25
31	17.72	18.54	19.57	21.52
32	17.89	18.73	19.78	21.78
33	18.07	18.92	20.00	22.04
34	18.24	19.11	20.21	22.29
35	18.42	19.31	20.43	22.56
36	18.76	19.67	20.81	22.98
37	18.93	19.86	21.02	23.23
38	19.09	20.04	21.22	23.48
39	19.26	20.22	21.43	23.72
40	19.43	20.42	21.64	23.98
41	19.60	20.60	21.84	24.22
42	19.76	20.78	22.04	24.46
43	19.92	20.95	22.24	24.70
44	20.09	21.14	22.45	24.94
45	20.25	21.32	22.65	25.18
46	20.41	21.49	22.84	25.41
47	20.58	21.68	23.05	25.66
48	20.76	21.87	23.26	25.91
49	20.93	22.06	23.47	26.16
50	21.11	22.25	23.68	26.41

b. DNDC — Non-Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 (\$)	DNDC Zone 3 (\$)	DNDC Zone 4 (\$)	DNDC Zones 5 (\$)
51	21.30	22.46	23.91	26.67
52	21.49	22.66	24.13	26.93
53	21.69	22.88	24.37	27.20
54	21.88	23.09	24.60	27.47
55	22.08	23.31	24.83	27.74
56	22.28	23.51	25.06	28.00
57	22.48	23.73	25.29	28.27
58	22.67	23.93	25.52	28.53
59	22.86	24.15	25.75	28.80
60	23.05	24.35	25.97	29.05
61	23.25	24.56	26.20	29.32
62	23.44	24.76	26.42	29.58
63	23.63	24.97	26.65	29.84
64	23.82	25.17	26.87	30.09
65	24.01	25.38	27.10	30.35
66	24.20	25.58	27.31	30.61
67	24.38	25.78	27.53	30.86
68	24.58	25.99	27.75	31.11
69	24.76	26.19	27.97	31.36
70	24.95	26.39	28.19	31.62
Oversized	31.62	33.72	36.35	41.34

c. Dimensional Weight

Parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the \$100.00 overweight item charge.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Ground price, plus \$3.00, when forwarded or returned. For customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, the additional fee will be \$2.50.

Non-Destination Entered — Parcel Select Ground

a. Parcel Select Ground

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
1	7.47	7.78	8.00	8.27	8.49	9.01	9.43
2	7.53	7.89	8.20	8.62	9.98	10.61	11.25
3	7.59	7.99	8.39	9.20	11.59	12.03	12.65
4	7.69	8.23	8.90	10.51	12.10	12.94	13.57
5	7.80	8.39	9.16	10.71	12.86	13.59	14.38
6	7.91	8.75	9.65	12.67	13.17	13.95	14.62
7	8.35	9.52	10.09	13.05	13.49	14.42	15.43
8	8.49	10.09	11.45	13.37	13.98	14.90	16.02
9	9.24	10.53	12.02	13.57	14.36	15.60	16.97
10	9.69	11.05	12.19	13.99	14.78	16.62	18.23
11	11.83	12.54	13.72	15.65	16.66	19.46	20.87
12	12.36	13.14	13.96	15.93	17.30	20.26	21.86
13	12.67	13.56	14.30	16.42	17.86	21.65	23.29
14	13.05	13.85	14.37	16.68	18.89	23.01	24.81
15	13.24	14.33	14.81	17.45	19.93	23.79	26.35
16	13.55	14.66	14.95	17.63	20.61	24.79	27.10
17	13.86	15.16	15.39	18.34	21.51	26.28	27.94
18	13.93	15.27	15.55	19.06	22.44	26.85	29.57
19	14.28	15.97	16.20	20.25	23.12	27.79	30.77
20	14.51	16.29	16.60	20.76	23.93	28.83	32.18
21	15.55	17.61	18.42	23.16	27.39	32.91	36.77
22	16.65	19.04	20.45	25.86	31.39	37.61	42.04
23	17.85	20.60	22.72	28.89	36.01	43.01	48.11
24	19.13	22.28	25.24	32.30	41.34	49.22	55.08
25	20.51	24.11	28.06	36.14	47.50	56.36	63.11

a. Parcel Select Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
26	25.59	30.79	38.48	51.26	63.24	73.33	82.89
27	26.96	32.07	40.67	55.43	64.04	75.05	85.77
28	27.71	32.46	41.76	56.75	64.86	76.72	88.98
29	28.48	32.77	42.82	57.44	65.88	78.40	91.34
30	29.25	33.21	43.76	58.16	67.61	80.05	93.18
31	30.01	33.51	44.41	58.84	68.53	81.74	95.22
32	30.32	34.17	45.11	59.47	69.37	83.43	96.85
33	30.75	35.05	46.17	60.19	70.64	85.08	98.74
34	31.01	35.90	47.28	61.39	72.23	86.76	100.58
35	31.33	36.68	47.92	62.59	74.05	88.43	102.05
36	31.69	37.68	48.52	63.84	75.82	89.58	103.78
37	31.99	38.33	49.18	64.89	77.70	90.69	105.46
38	32.28	39.20	49.77	66.09	79.75	91.68	107.14
39	32.57	40.07	50.31	67.36	81.54	94.02	108.72
40	32.88	40.85	50.93	68.66	82.78	96.04	110.19
41	33.21	41.49	51.45	69.22	84.11	98.02	111.87
42	33.44	41.79	51.88	70.31	85.52	99.31	113.23
43	33.80	42.08	52.32	71.39	87.47	100.50	114.39
44	34.02	42.36	52.75	72.46	88.80	101.66	115.96
45	34.22	42.65	53.20	73.55	89.74	102.72	117.33
46	34.50	42.94	53.64	74.63	90.70	103.79	118.64
47	34.73	43.23	54.07	75.71	91.60	104.94	120.00
48	35.00	43.52	54.51	76.78	92.72	105.91	121.16
49	35.26	43.79	54.95	77.87	93.94	106.98	122.31
50	35.39	44.08	55.40	78.96	95.20	108.30	123.57

a. Parcel Select Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
51	35.88	44.37	55.80	80.22	96.45	109.80	124.73
52	36.37	44.66	56.25	80.75	97.34	111.40	126.09
53	37.00	44.94	56.69	81.37	98.13	113.17	127.67
54	37.50	45.24	57.12	82.03	98.80	114.74	129.45
55	38.05	45.51	57.56	82.52	99.59	116.51	131.08
56	38.54	45.81	58.00	83.11	100.22	118.06	132.39
57	39.11	46.09	58.44	83.57	100.96	118.80	133.29
58	39.67	46.38	58.87	84.07	101.53	119.85	134.39
59	40.20	46.67	59.30	84.55	102.08	120.58	135.33
60	40.67	46.95	59.73	85.00	102.57	121.32	136.17
61	41.29	47.23	60.17	85.39	103.12	122.68	138.01
62	41.77	47.52	60.60	85.75	103.58	124.11	140.22
63	42.48	47.81	61.05	86.18	104.15	124.69	142.42
64	42.83	48.09	61.49	86.54	104.60	125.24	144.57
65	43.41	48.38	61.94	86.79	104.89	125.85	146.67
66	43.95	48.68	62.36	87.16	105.40	126.22	148.93
67	44.57	48.96	63.38	87.45	105.72	126.71	150.77
68	45.06	49.24	64.14	87.68	107.00	127.35	152.34
69	45.64	49.54	64.93	87.93	108.24	127.93	153.92
70	46.09	49.82	65.92	88.19	109.50	128.38	155.60
Oversized	87.00	109.79	132.62	157.65	180.43	203.16	226.00

b. Cubic

Maximum Cubic Feet	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.10	7.11	7.36	7.54	7.82	8.04	8.49	8.85	8.85
0.20	7.51	7.85	8.12	8.48	9.38	9.97	10.52	10.52
0.30	7.56	7.95	8.31	8.95	10.88	11.41	12.04	12.04
0.40	7.65	8.12	8.67	9.93	11.87	12.54	13.16	13.16
0.50	7.76	8.33	9.06	10.63	12.56	13.33	14.06	14.06
0.60	7.88	8.65	9.51	12.12	13.08	13.85	14.55	14.55
0.70	8.24	9.34	9.98	12.96	13.41	14.31	15.24	15.24
0.80	8.46	9.98	11.18	13.31	13.88	14.80	15.90	15.90
0.90	9.12	10.46	11.93	13.54	14.30	15.49	16.82	16.82
1.00	9.64	10.99	12.17	13.94	14.73	16.50	18.08	18.08

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2125 First-Class Package Service

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2125.6 Prices

Commercial

Maximum Weight (ounces)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
1	3.62	3.64	3.67	3.88	3.98	4.12	4.26
2	3.62	3.64	3.67	3.88	3.98	4.12	4.26
3	3.62	3.64	3.67	3.88	3.98	4.12	4.26
4	3.62	3.64	3.67	3.88	3.98	4.12	4.26
5	4.01	4.04	4.06	4.27	4.28	4.39	4.55
6	4.01	4.04	4.06	4.27	4.28	4.39	4.55
7	4.01	4.04	4.06	4.27	4.28	4.39	4.55
8	4.01	4.04	4.06	4.27	4.28	4.39	4.55
9	4.59	4.64	4.67	4.90	5.08	5.23	5.38
10	4.59	4.64	4.67	4.90	5.08	5.23	5.38
11	4.59	4.64	4.67	4.90	5.08	5.23	5.38
12	4.59	4.64	4.67	4.90	5.08	5.23	5.38
13	5.74	5.78	5.82	6.12	6.36	6.51	6.68
14	5.74	5.78	5.82	6.12	6.36	6.51	6.68
15	5.74	5.78	5.82	6.12	6.36	6.51	6.68
15.999	5.74	5.78	5.82	6.12	6.36	6.51	6.68

Retail¹

Maximum Weight (ounces)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
1	4.80	4.90	4.95	5.30	5.35	5.40	5.60
2	4.80	4.90	4.95	5.30	5.35	5.40	5.60
3	4.80	4.90	4.95	5.30	5.35	5.40	5.60
4	4.80	4.90	4.95	5.30	5.35	5.40	5.60
5	5.40	5.45	5.50	5.85	5.90	6.00	6.10
6	5.40	5.45	5.50	5.85	5.90	6.00	6.10
7	5.40	5.45	5.50	5.85	5.90	6.00	6.10
8	5.40	5.45	5.50	5.85	5.90	6.00	6.10
9	6.10	6.15	6.20	6.55	6.60	6.75	6.85
10	6.10	6.15	6.20	6.55	6.60	6.75	6.85
11	6.10	6.15	6.20	6.55	6.60	6.75	6.85
12	6.10	6.15	6.20	6.55	6.60	6.75	6.85
13	7.35	7.40	7.55	7.90	8.00	8.15	8.25

Notes

1. A handling charge of \$0.01 per piece applies to foreign-origin, inbound direct entry mail tendered by foreign postal operators, subject to the terms of an authorization arrangement.

Irregular Parcel Surcharge

Add \$0.25 for each irregularly shaped parcel (such as rolls, tubes, and triangles).

IMpb Noncompliance Fee

Add \$0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add \$0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

Pickup On Demand Service

Add \$25.00 for each Pickup On Demand stop.

2135 USPS Retail Ground

* * *

2135.6 Prices*USPS Retail Ground*

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
1	8.80	9.20	9.55	10.40	10.60	10.75	10.85
2	9.35	10.00	10.80	11.45	11.55	12.60	14.55
3	10.00	10.75	11.85	12.50	12.60	14.45	18.50
4	10.65	11.50	12.55	13.15	15.55	17.00	20.35
5	11.35	12.30	13.25	13.85	17.25	19.35	23.40
6	11.75	12.70	14.00	14.40	19.15	21.50	26.30
7	12.25	13.15	14.85	15.50	20.20	23.70	29.25
8	12.75	13.80	15.20	16.30	21.60	26.85	33.25
9	13.00	14.20	15.60	17.40	23.15	28.60	35.55
10	14.20	15.15	16.85	19.60	24.95	31.00	39.55
11	15.85	16.60	18.55	22.20	29.00	35.80	44.00
12	16.50	17.30	19.15	23.20	30.55	38.75	47.65
13	17.10	18.00	19.80	23.70	31.95	42.07	51.67
14	17.80	18.75	20.50	24.85	33.95	45.75	56.05
15	18.50	19.50	21.15	26.95	34.70	46.35	57.10
16	19.25	20.50	22.20	27.95	36.25	48.75	60.15
17	20.05	21.55	23.30	28.95	38.15	51.25	63.20
18	20.90	22.60	24.45	29.30	39.65	53.65	66.35
19	21.80	23.75	25.60	30.35	40.55	54.45	67.30
20	22.70	24.95	26.90	31.25	42.20	56.10	67.70
21	23.50	26.20	28.95	33.70	44.65	57.15	68.20
22	24.30	27.50	31.15	36.35	47.30	58.30	73.45
23	25.10	28.85	33.55	39.35	50.05	59.50	74.20
24	25.95	30.25	36.10	42.65	53.05	60.70	75.45
25	26.85	31.75	38.90	46.20	56.20	62.00	79.70

USPS Retail Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
26	30.05	35.65	44.20	56.00	65.85	75.80	85.75
27	31.70	37.15	45.60	58.55	68.55	78.60	88.65
28	32.60	37.60	46.75	59.95	70.55	81.20	91.85
29	33.50	37.95	47.80	60.75	71.85	83.10	94.21
30	34.40	38.50	49.05	61.50	73.00	84.55	96.05
31	35.35	38.85	51.45	62.35	74.25	86.20	98.10
32	35.70	39.60	52.60	62.85	75.15	87.45	99.70
33	36.25	40.55	53.85	63.65	76.30	88.90	101.60
34	36.55	41.55	55.10	64.80	77.70	90.60	103.45
35	36.90	42.50	55.75	66.05	79.05	92.00	104.90
36	37.25	43.65	56.50	67.50	80.60	93.65	106.65
37	37.55	44.30	57.30	68.55	81.85	95.10	108.35
38	37.95	45.40	57.95	69.75	83.20	96.55	110.00
39	38.35	46.35	58.65	71.10	84.60	98.10	111.60
40	38.75	47.25	59.40	72.50	85.95	99.50	113.05
41	39.05	48.10	60.05	73.15	87.00	100.90	114.75
42	39.30	48.90	60.65	74.50	88.35	102.20	116.10
43	39.80	49.65	61.15	76.00	89.75	103.50	117.25
44	40.05	50.45	61.90	77.45	91.20	104.95	118.85
45	40.30	50.95	62.30	79.15	92.80	106.50	120.20
46	40.55	51.25	62.95	80.45	94.10	107.85	121.50
47	40.90	51.70	63.50	82.25	95.75	109.35	122.85
48	41.25	52.15	64.10	83.65	97.10	110.55	124.05
49	41.45	52.45	64.55	85.05	98.45	111.80	125.20
50	41.60	52.75	65.00	86.65	99.90	113.15	126.45

USPS Retail Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
51	41.80	53.25	65.55	87.95	101.25	114.35	127.60
52	42.30	53.55	66.00	88.60	102.10	115.50	128.95
53	42.95	53.90	66.35	89.25	103.00	116.75	130.55
54	43.45	54.10	66.80	89.90	104.10	118.15	132.30
55	44.15	54.45	67.15	90.55	105.00	119.45	133.95
56	44.70	54.80	67.55	91.10	105.85	120.50	135.25
57	45.35	54.95	67.90	91.55	106.45	121.25	136.15
58	46.00	55.20	68.35	92.20	107.30	122.30	137.25
59	46.65	55.45	68.65	92.70	107.85	123.05	138.20
60	47.25	55.65	69.30	93.10	108.45	123.75	139.05
61	47.90	55.95	70.45	93.60	109.40	125.15	140.90
62	48.35	56.05	71.30	94.10	110.45	126.75	143.10
63	49.25	56.30	72.45	94.50	111.45	128.35	145.30
64	49.70	57.95	73.45	94.95	112.50	129.90	147.45
65	50.35	58.10	74.40	95.15	113.30	131.45	149.55
66	50.95	58.30	75.55	95.65	114.45	133.05	151.80
67	51.70	58.40	76.80	96.00	115.25	134.50	153.65
68	52.30	58.50	77.65	96.15	115.90	135.55	155.20
69	52.90	58.55	78.60	96.40	116.50	136.70	156.80
70	53.50	58.75	79.85	96.70	117.25	137.90	158.45
Oversized	87.25	110.05	132.85	158.00	180.80	203.50	226.35

Limited Overland Routes

Pieces delivered to or from designated intra-Alaska ZIP Codes not connected by overland routes are eligible for the following prices.

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)
1	8.10	8.40	9.00	10.00
2	8.30	9.30	9.40	10.10
3	8.60	10.00	10.55	11.35
4	9.05	10.50	11.60	12.55
5	9.70	10.55	11.85	12.90
6	9.80	10.75	12.15	13.05
7	9.85	10.85	12.20	13.10
8	9.90	10.95	12.25	13.15
9	10.00	11.00	12.35	13.20
10	10.60	11.10	12.45	14.10
11	11.30	11.80	13.20	16.45
12	11.35	11.85	13.45	16.60
13	11.40	11.90	13.70	16.80
14	11.45	11.95	13.75	17.40
15	11.75	12.10	13.85	18.15
16	11.85	12.30	13.95	18.70
17	12.10	12.85	14.05	19.40
18	13.05	13.45	14.45	19.60
19	13.55	14.15	15.25	20.20
20	13.95	15.05	16.15	20.90
21	14.25	15.95	17.55	22.80
22	14.75	16.75	18.95	24.60
23	15.25	17.75	20.55	26.20
24	15.75	18.10	22.15	29.20
25	16.45	19.65	23.55	31.50

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)
26	18.95	23.05	27.45	37.45
27	19.75	24.05	27.85	37.75
28	20.15	24.55	28.55	38.10
29	20.65	25.05	29.35	39.55
30	21.05	25.55	30.05	39.95
31	21.65	25.95	31.65	40.95
32	21.95	26.35	32.45	43.65
33	22.35	26.85	33.15	44.65
34	22.85	27.35	33.75	45.45
35	23.35	27.85	34.45	46.15
36	23.65	28.35	34.95	46.50
37	24.05	28.85	35.55	47.45
38	24.55	29.25	36.15	48.15
39	25.05	29.75	36.75	48.95
40	25.45	30.25	37.25	49.65
41	25.95	30.75	38.05	50.15
42	26.25	31.25	38.75	50.95
43	26.65	31.75	39.25	51.85
44	27.05	32.25	39.85	52.10
45	27.35	32.65	40.45	52.45
46	27.75	33.05	41.05	52.75
47	28.05	33.55	41.65	52.85
48	28.35	34.05	42.25	52.95
49	28.85	34.45	42.85	53.05
50	29.15	34.85	43.35	53.45

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)
51	29.55	35.35	43.95	53.85
52	29.85	35.85	44.55	54.65
53	30.25	36.25	45.15	55.15
54	30.55	36.75	45.75	55.75
55	30.95	37.15	46.25	56.15
56	31.35	37.65	46.95	56.65
57	31.75	38.05	47.45	57.15
58	32.05	38.45	48.05	57.45
59	32.45	38.95	48.55	57.95
60	32.75	39.45	49.25	58.45
61	33.15	39.85	49.85	58.75
62	33.45	40.25	50.45	59.15
63	33.85	40.75	51.05	59.55
64	34.25	41.15	51.75	60.05
65	34.55	41.65	52.35	60.45
66	34.95	42.05	53.05	60.85
67	35.35	42.45	53.65	61.25
68	35.75	42.95	54.25	61.85
69	36.05	43.35	54.65	63.15
70	36.45	44.45	55.95	66.85
Oversized	52.35	70.55	77.45	95.95

Balloon Price

Limited Overland Routes pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the \$100.00 overweight item charge.

Pickup On Demand Service

Add \$25.00 for each Pickup On Demand stop.

Dimensional Weight

In Zones 1-8, parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

These dimensional weight rules do not apply to the Limited Overland Routes price category.

IMpb Noncompliance Fee

Add \$0.25 for each IMpb-noncompliant parcel paying commercial prices.

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PART B

COMPETITIVE PRODUCTS

2000 COMPETITIVE PRODUCT LIST

2100 Domestic Products

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2105 Priority Mail Express

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2105.6 Prices*Retail Priority Mail Express Zone/Weight*

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.5	26.95	27.20	29.20	33.25	35.70	38.10	40.90	56.00
1	27.40	29.60	33.55	39.75	43.05	45.70	48.45	66.30
2	27.85	32.00	37.90	46.30	50.35	53.30	56.00	76.60
3	28.35	34.35	42.30	52.80	57.70	60.95	63.50	86.95
4	28.80	36.75	46.65	59.35	65.00	68.55	71.05	97.25
5	29.25	39.15	51.00	65.85	72.35	76.15	78.60	107.55
6	32.20	43.00	56.60	72.35	79.05	83.40	86.05	117.75
7	35.20	46.85	62.25	78.80	85.75	90.65	93.50	127.95
8	38.15	50.65	67.85	85.30	92.45	97.85	100.95	138.15
9	41.15	54.50	73.50	91.75	99.15	105.10	108.40	148.35
10	44.10	58.35	79.10	98.25	105.85	112.35	115.85	158.55
11	46.25	62.70	83.55	102.65	110.05	116.75	120.50	164.90
12	48.35	67.05	88.05	107.05	114.25	121.15	125.10	171.25
13	50.50	71.45	92.50	111.40	118.40	125.55	129.75	177.55
14	52.65	75.80	96.95	115.80	122.60	129.95	134.35	183.90
15	54.75	80.15	101.45	120.20	126.80	134.40	139.00	190.25
16	56.90	84.50	105.90	124.60	131.00	138.80	143.65	196.60
17	59.05	88.85	110.35	129.00	135.20	143.20	148.25	202.95
18	61.20	93.25	114.80	133.35	139.35	147.60	152.90	209.25
19	63.30	97.60	119.30	137.75	143.55	152.00	157.50	215.60
20	65.45	101.95	123.75	142.15	147.75	156.40	162.15	221.95
21	67.95	106.85	129.00	147.95	153.60	162.50	168.50	230.55
22	70.45	111.70	134.20	153.80	159.50	168.55	174.80	239.20
23	73.00	116.60	139.45	159.60	165.35	174.65	181.15	247.80
24	75.50	121.50	144.70	165.45	171.25	180.75	187.45	256.45
25	78.00	126.35	149.95	171.25	177.10	186.80	193.80	265.05

Retail Priority Mail Express Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	80.50	131.25	155.15	177.10	183.00	192.90	200.15	273.65
27	83.00	136.15	160.40	182.90	188.85	199.00	206.45	282.30
28	85.55	141.00	165.65	188.75	194.75	205.05	212.80	290.90
29	88.05	145.90	170.90	194.55	200.60	211.15	219.10	299.55
30	90.55	150.80	176.10	200.40	206.50	217.25	225.45	308.15
31	93.05	155.65	181.35	206.20	212.35	223.30	231.80	316.75
32	95.55	160.55	186.60	212.05	218.25	229.40	238.10	325.40
33	98.10	165.45	191.85	217.85	224.10	235.50	244.45	334.00
34	100.60	170.30	197.05	223.70	230.00	241.55	250.75	342.65
35	103.10	175.20	202.30	229.50	235.85	247.65	257.10	351.25
36	105.80	179.90	207.65	235.65	242.30	254.30	264.00	360.75
37	108.10	184.30	213.10	241.60	248.75	261.00	271.05	370.10
38	110.60	189.05	218.45	247.70	254.95	267.40	277.70	379.40
39	113.35	193.60	223.95	253.65	260.80	273.55	284.55	388.75
40	115.75	198.00	229.40	259.80	267.20	280.05	291.55	398.25
41	118.35	203.25	236.55	267.75	275.85	289.10	300.65	409.45
42	120.50	207.90	242.00	273.65	282.35	295.70	307.50	418.85
43	123.30	212.40	247.25	279.70	288.60	302.15	314.40	428.35
44	125.55	217.05	252.80	285.75	294.75	308.65	321.35	437.55
45	127.95	221.65	258.05	291.60	301.05	315.15	328.35	447.20
46	130.40	226.10	263.80	297.75	307.35	321.50	335.15	456.50
47	133.20	230.70	269.10	303.75	313.75	328.15	342.10	465.90
48	135.40	235.50	274.40	309.60	320.05	334.60	349.00	475.35
49	137.90	239.85	279.95	315.60	326.60	341.30	355.85	484.85
50	140.80	244.60	285.40	321.70	332.70	347.60	362.75	494.15

Retail Priority Mail Express Zone/Weight (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	143.25	249.25	290.80	327.65	338.90	354.00	368.80	502.30
52	145.70	253.50	296.15	333.50	345.45	360.65	376.85	513.10
53	148.10	258.30	301.70	339.45	351.80	367.20	383.65	522.55
54	150.75	262.90	307.00	345.25	358.25	373.75	390.45	531.85
55	153.75	268.95	312.60	351.35	364.40	380.05	397.35	541.20
56	157.55	274.70	320.60	360.30	373.85	390.00	407.75	555.50
57	160.30	279.30	326.10	366.40	380.20	396.40	414.70	564.80
58	163.00	283.75	331.55	372.30	386.65	403.00	421.65	574.30
59	165.25	288.35	336.90	378.15	393.20	409.55	428.65	583.75
60	167.50	293.05	342.50	384.20	399.50	416.05	435.55	593.30
61	169.85	297.65	348.25	390.50	405.85	422.50	442.50	602.80
62	172.50	302.20	353.60	396.15	412.15	429.00	449.65	612.40
63	175.30	306.75	359.05	402.20	418.70	435.60	456.60	621.95
64	177.75	311.30	364.45	408.00	425.15	442.25	463.60	631.55
65	180.75	315.90	369.90	413.90	431.50	448.45	470.50	640.80
66	184.15	320.65	375.50	420.00	437.90	454.95	477.45	650.05
67	186.30	325.15	381.10	426.00	444.00	461.25	484.40	659.80
68	188.70	329.70	386.50	431.75	450.65	468.05	491.60	669.55
69	191.70	334.40	391.90	437.75	456.90	474.35	498.25	678.60
70	195.15	339.05	397.45	443.65	463.30	480.80	505.25	688.20

Retail Flat Rate Envelope

	(\$)
Retail Regular Flat Rate Envelope, per piece	26.95
Retail Legal Flat Rate Envelope, per piece	27.10
Retail Padded Flat Rate Envelope, per piece	27.50

Retail Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Loyalty Program

Upon the initiation of the Loyalty Program, all USPS business customers who use Click-N-Ship will be automatically enrolled in the Basic tier of the Loyalty Program, thereby earning a \$40 credit for every \$500 combined spent at Priority Mail Express Retail and Priority Mail Retail rates.

Beginning on January 1, 2021, and on every January 1 thereafter, all USPS business customers who use Click-N-Ship will be enrolled in one of the following three tiers of the Loyalty Program, based on their combined shipping spend at Priority Mail Express Retail and Priority Mail Retail rates in the previous calendar year, as follows:

- Basic (no minimum spend):
Earn \$40 credit for every \$500 spent
- Silver (at least \$10,000 spend):
Earn \$50 credit for every \$500 spent
- Gold (at least \$20,000 spend):
Qualify for Commercial Base Pricing

In the first year of the Loyalty Program, any new USPS business customer who uses Click-N-Ship will receive a one-time \$40 "Welcome Bonus" credit upon shipping at least \$500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All participants in the Loyalty Program will be eligible to receive an additional one-time \$20 credit for shipping during the first two months of the program, which will be applied once participants ship at least \$500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All credits must be redeemed within one year from the date of issuance.

Commercial Base Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.5	23.50	24.05	25.80	28.80	30.95	33.15	35.95	48.90
1	23.75	26.00	29.50	34.05	36.85	39.30	42.15	57.30
2	24.05	28.00	33.20	39.30	42.75	45.45	48.35	65.70
3	24.30	29.95	36.90	44.60	48.65	51.60	54.50	74.10
4	24.60	31.95	40.60	49.85	54.55	57.75	60.70	82.50
5	24.85	33.90	44.30	55.10	60.45	63.90	66.90	90.90
6	27.40	37.25	49.20	60.60	66.15	70.05	73.35	99.65
7	29.95	40.65	54.15	66.10	71.85	76.25	79.80	108.35
8	32.50	44.00	59.05	71.65	77.50	82.40	86.20	117.10
9	35.05	47.40	64.00	77.15	83.20	88.60	92.65	125.80
10	37.60	50.75	68.90	82.65	88.90	94.75	99.10	134.55
11	39.60	54.80	73.10	86.95	93.00	99.10	103.75	140.85
12	41.55	58.85	77.30	91.20	97.15	103.45	108.35	147.15
13	43.55	62.90	81.45	95.50	101.25	107.80	113.00	153.45
14	45.55	66.95	85.65	99.75	105.40	112.15	117.60	159.75
15	47.50	71.00	89.85	104.05	109.50	116.50	122.25	166.10
16	49.50	75.00	94.05	108.35	113.60	120.85	126.85	172.40
17	51.50	79.05	98.25	112.60	117.75	125.20	131.45	178.70
18	53.50	83.10	102.40	116.90	121.85	129.55	136.10	185.00
19	55.45	87.15	106.60	121.15	126.00	133.90	140.70	191.30
20	57.45	91.20	110.80	125.45	130.10	138.25	145.35	197.60
21	59.70	95.70	115.45	130.45	135.20	143.55	150.90	205.10
22	62.00	100.20	120.10	135.50	140.25	148.80	156.45	212.60
23	64.25	104.70	124.75	140.50	145.35	154.10	162.05	220.15
24	66.55	109.20	129.40	145.55	150.45	159.40	167.60	227.65
25	68.80	113.70	134.05	150.55	155.50	164.65	173.15	235.15

Commercial Base Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	71.10	118.20	138.70	155.60	160.60	169.95	178.70	242.65
27	73.35	122.70	143.35	160.60	165.70	175.25	184.25	250.15
28	75.65	127.15	148.00	165.65	170.75	180.50	189.85	257.70
29	77.90	131.65	152.65	170.65	175.85	185.80	195.40	265.20
30	80.20	136.15	157.30	175.70	180.95	191.10	200.95	272.70
31	82.45	140.65	161.95	180.70	186.00	196.35	206.50	280.20
32	84.75	145.15	166.60	185.75	191.10	201.65	212.05	287.70
33	87.00	149.65	171.25	190.75	196.20	206.95	217.65	295.25
34	89.30	154.15	175.90	195.80	201.25	212.20	223.20	302.75
35	91.55	158.65	180.55	200.80	206.35	217.50	228.75	310.25
36	93.95	162.85	185.50	206.20	212.05	223.40	234.85	318.60
37	95.95	166.90	190.20	211.35	217.65	229.25	241.00	326.95
38	98.20	171.15	195.05	216.70	223.00	234.85	247.00	335.05
39	100.60	175.35	199.95	221.90	228.20	240.30	253.20	343.45
40	102.80	179.25	204.85	227.25	233.80	246.05	259.30	351.80
41	105.65	184.95	211.25	234.20	241.35	253.90	267.40	362.75
42	107.50	189.20	216.05	239.45	246.95	259.75	273.45	371.00
43	110.00	193.25	220.85	244.70	252.45	265.40	279.70	379.35
44	111.95	197.50	225.75	249.95	257.90	271.05	285.75	387.65
45	114.10	201.65	230.40	255.05	263.45	276.80	292.00	396.15
46	116.35	205.75	235.50	260.55	268.90	282.45	298.10	404.40
47	118.80	209.90	240.30	265.75	274.45	288.20	304.25	412.75
48	120.90	214.20	245.05	270.80	280.00	293.90	310.40	421.05
49	122.95	218.20	249.95	276.10	285.70	299.80	316.60	429.50
50	125.60	222.55	254.85	281.50	291.05	305.25	322.70	437.70

Commercial Base Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	127.80	226.80	259.65	286.60	296.50	310.95	327.95	444.90
52	130.05	230.75	264.40	291.75	302.30	316.80	335.05	454.55
53	132.10	235.05	269.35	297.05	307.80	322.50	341.15	462.80
54	134.50	239.25	274.10	302.10	313.30	328.25	347.30	471.15
55	137.15	244.75	279.15	307.45	318.80	333.80	353.35	479.40
56	141.20	251.15	286.35	315.30	327.05	342.40	362.70	492.00
57	143.65	255.40	291.25	320.55	332.60	348.10	368.85	500.30
58	146.15	259.40	296.05	325.65	338.35	353.95	375.05	508.70
59	148.15	263.60	300.90	330.90	344.00	359.70	381.20	517.10
60	150.15	267.85	305.85	336.10	349.55	365.40	387.40	525.50
61	152.25	272.15	310.95	341.55	355.10	371.10	393.60	533.90
62	154.65	276.25	315.70	346.55	360.65	376.65	399.90	542.45
63	157.20	280.45	320.60	351.80	366.25	382.55	406.15	550.90
64	159.30	284.60	325.40	356.90	371.90	388.25	412.35	559.30
65	162.00	288.85	330.25	362.10	377.45	393.80	418.45	567.60
66	165.00	293.15	335.30	367.45	383.00	399.65	424.60	575.85
67	166.90	297.30	340.20	372.70	388.40	405.10	430.85	584.40
68	169.10	301.50	345.05	377.75	394.25	411.10	437.15	593.05
69	171.80	305.80	349.90	382.90	399.70	416.65	443.10	601.10
70	174.95	309.95	354.85	388.10	405.30	422.30	449.35	609.55

Commercial Base Flat Rate Envelope

	(\$)
Commercial Base Regular Flat Rate Envelope, per piece	23.50
Commercial Base Legal Flat Rate Envelope, per piece	23.75
Commercial Base Padded Flat Rate Envelope, per piece	23.95

Commercial Base Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Commercial Plus Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.5	23.50	24.05	25.80	28.80	30.95	33.15	35.95	48.90
1	23.75	26.00	29.50	34.05	36.85	39.30	42.15	57.30
2	24.05	28.00	33.20	39.30	42.75	45.45	48.35	65.70
3	24.30	29.95	36.90	44.60	48.65	51.60	54.50	74.10
4	24.60	31.95	40.60	49.85	54.55	57.75	60.70	82.50
5	24.85	33.90	44.30	55.10	60.45	63.90	66.90	90.90
6	27.40	37.25	49.20	60.60	66.15	70.05	73.35	99.65
7	29.95	40.65	54.15	66.10	71.85	76.25	79.80	108.35
8	32.50	44.00	59.05	71.65	77.50	82.40	86.20	117.10
9	35.05	47.40	64.00	77.15	83.20	88.60	92.65	125.80
10	37.60	50.75	68.90	82.65	88.90	94.75	99.10	134.55
11	39.60	54.80	73.10	86.95	93.00	99.10	103.75	140.85
12	41.55	58.85	77.30	91.20	97.15	103.45	108.35	147.15
13	43.55	62.90	81.45	95.50	101.25	107.80	113.00	153.45
14	45.55	66.95	85.65	99.75	105.40	112.15	117.60	159.75
15	47.50	71.00	89.85	104.05	109.50	116.50	122.25	166.10
16	49.50	75.00	94.05	108.35	113.60	120.85	126.85	172.40
17	51.50	79.05	98.25	112.60	117.75	125.20	131.45	178.70
18	53.50	83.10	102.40	116.90	121.85	129.55	136.10	185.00
19	55.45	87.15	106.60	121.15	126.00	133.90	140.70	191.30
20	57.45	91.20	110.80	125.45	130.10	138.25	145.35	197.60
21	59.70	95.70	115.45	130.45	135.20	143.55	150.90	205.10
22	62.00	100.20	120.10	135.50	140.25	148.80	156.45	212.60
23	64.25	104.70	124.75	140.50	145.35	154.10	162.05	220.15
24	66.55	109.20	129.40	145.55	150.45	159.40	167.60	227.65
25	68.80	113.70	134.05	150.55	155.50	164.65	173.15	235.15

Commercial Plus Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	71.10	118.20	138.70	155.60	160.60	169.95	178.70	242.65
27	73.35	122.70	143.35	160.60	165.70	175.25	184.25	250.15
28	75.65	127.15	148.00	165.65	170.75	180.50	189.85	257.70
29	77.90	131.65	152.65	170.65	175.85	185.80	195.40	265.20
30	80.20	136.15	157.30	175.70	180.95	191.10	200.95	272.70
31	82.45	140.65	161.95	180.70	186.00	196.35	206.50	280.20
32	84.75	145.15	166.60	185.75	191.10	201.65	212.05	287.70
33	87.00	149.65	171.25	190.75	196.20	206.95	217.65	295.25
34	89.30	154.15	175.90	195.80	201.25	212.20	223.20	302.75
35	91.55	158.65	180.55	200.80	206.35	217.50	228.75	310.25
36	93.95	162.85	185.50	206.20	212.05	223.40	234.85	318.60
37	95.95	166.90	190.20	211.35	217.65	229.25	241.00	326.95
38	98.20	171.15	195.05	216.70	223.00	234.85	247.00	335.05
39	100.60	175.35	199.95	221.90	228.20	240.30	253.20	343.45
40	102.80	179.25	204.85	227.25	233.80	246.05	259.30	351.80
41	105.65	184.95	211.25	234.20	241.35	253.90	267.40	362.75
42	107.50	189.20	216.05	239.45	246.95	259.75	273.45	371.00
43	110.00	193.25	220.85	244.70	252.45	265.40	279.70	379.35
44	111.95	197.50	225.75	249.95	257.90	271.05	285.75	387.65
45	114.10	201.65	230.40	255.05	263.45	276.80	292.00	396.15
46	116.35	205.75	235.50	260.55	268.90	282.45	298.10	404.40
47	118.80	209.90	240.30	265.75	274.45	288.20	304.25	412.75
48	120.90	214.20	245.05	270.80	280.00	293.90	310.40	421.05
49	122.95	218.20	249.95	276.10	285.70	299.80	316.60	429.50
50	125.60	222.55	254.85	281.50	291.05	305.25	322.70	437.70

Commercial Plus Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	127.80	226.80	259.65	286.60	296.50	310.95	327.95	444.90
52	130.05	230.75	264.40	291.75	302.30	316.80	335.05	454.55
53	132.10	235.05	269.35	297.05	307.80	322.50	341.15	462.80
54	134.50	239.25	274.10	302.10	313.30	328.25	347.30	471.15
55	137.15	244.75	279.15	307.45	318.80	333.80	353.35	479.40
56	141.20	251.15	286.35	315.30	327.05	342.40	362.70	492.00
57	143.65	255.40	291.25	320.55	332.60	348.10	368.85	500.30
58	146.15	259.40	296.05	325.65	338.35	353.95	375.05	508.70
59	148.15	263.60	300.90	330.90	344.00	359.70	381.20	517.10
60	150.15	267.85	305.85	336.10	349.55	365.40	387.40	525.50
61	152.25	272.15	310.95	341.55	355.10	371.10	393.60	533.90
62	154.65	276.25	315.70	346.55	360.65	376.65	399.90	542.45
63	157.20	280.45	320.60	351.80	366.25	382.55	406.15	550.90
64	159.30	284.60	325.40	356.90	371.90	388.25	412.35	559.30
65	162.00	288.85	330.25	362.10	377.45	393.80	418.45	567.60
66	165.00	293.15	335.30	367.45	383.00	399.65	424.60	575.85
67	166.90	297.30	340.20	372.70	388.40	405.10	430.85	584.40
68	169.10	301.50	345.05	377.75	394.25	411.10	437.15	593.05
69	171.80	305.80	349.90	382.90	399.70	416.65	443.10	601.10
70	174.95	309.95	354.85	388.10	405.30	422.30	449.35	609.55

Commercial Plus Flat Rate Envelope

	(\$)
Commercial Plus Regular Flat Rate Envelope, per piece	23.50
Commercial Plus Legal Flat Rate Envelope, per piece	23.75
Commercial Plus Padded Flat Rate Envelope, per piece	23.95

Commercial Plus Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Pickup On Demand Service

Add \$25.00 for each Pickup On Demand stop.

Sunday/Holiday Delivery

Add \$12.50 for requesting Sunday or holiday delivery.

IMpb Noncompliance Fee

Add \$0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add \$0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

2110 Priority Mail

* * *

2110.6 Prices*Retail Priority Mail Zone/Weight*

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
1	8.70	9.10	9.45	9.85	10.15	10.90	11.60	19.40
2	9.25	9.90	10.70	11.75	12.65	14.75	16.10	30.75
3	9.90	10.65	11.75	13.70	15.40	17.90	21.20	41.15
4	10.55	11.40	12.45	14.95	18.30	21.60	24.05	47.65
5	11.25	12.20	13.15	15.75	20.35	24.80	27.75	55.15
6	11.65	12.60	13.90	16.85	22.75	27.70	31.25	62.25
7	12.15	13.05	14.75	18.50	24.45	30.95	35.15	70.00
8	12.65	13.70	15.10	19.45	26.00	34.45	39.30	78.30
9	12.90	14.10	15.50	20.95	28.25	37.35	42.65	87.15
10	14.10	15.05	16.75	22.20	30.50	40.50	46.30	95.00
11	15.10	15.85	17.80	23.10	32.90	43.95	50.25	105.10
12	15.75	16.55	18.40	24.40	34.90	47.65	54.50	112.80
13	16.35	17.25	19.05	25.80	36.75	51.70	59.15	116.85
14	17.05	18.00	19.75	27.20	39.20	56.10	64.15	122.70
15	17.75	18.75	20.40	28.75	40.40	57.45	65.80	126.20
16	18.50	19.75	21.45	30.60	42.35	60.55	69.45	133.10
17	19.30	20.80	22.55	32.60	44.70	63.75	73.10	140.20
18	20.15	21.85	23.70	34.70	46.65	66.85	76.85	147.30
19	21.05	23.00	24.85	36.95	48.00	68.35	78.45	154.25
20	21.95	24.20	26.15	39.35	50.10	70.75	82.10	161.40
21	22.75	25.45	28.20	41.55	53.00	72.50	84.45	166.40
22	23.55	26.75	30.40	43.90	56.10	74.35	86.85	170.55
23	24.35	28.10	32.80	46.35	59.30	76.25	89.30	173.50
24	25.20	29.50	35.35	48.95	62.75	78.15	91.85	177.80
25	26.10	31.00	38.15	51.70	66.35	80.15	94.45	180.70

Retail Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	27.00	32.60	41.15	54.60	70.20	82.80	96.45	186.45
27	28.65	34.10	42.55	56.40	71.15	84.90	100.00	193.45
28	29.55	34.55	43.70	58.25	72.15	86.95	104.00	200.75
29	30.45	34.90	44.75	59.65	73.40	89.00	106.95	206.15
30	31.35	35.45	46.00	61.45	75.50	91.00	109.25	210.70
31	32.30	35.80	48.40	63.15	76.65	93.05	111.80	216.60
32	32.65	36.55	49.55	66.50	77.65	95.15	113.80	221.05
33	33.20	37.50	50.80	67.35	79.15	97.05	115.90	225.25
34	33.50	38.50	52.05	68.85	81.00	99.10	118.15	229.35
35	33.85	39.45	52.70	70.30	83.15	101.05	120.05	233.20
36	34.20	40.60	53.45	71.75	85.35	102.45	122.20	237.25
37	34.50	41.25	54.25	73.10	87.55	103.75	124.15	241.15
38	34.90	42.35	54.90	74.50	90.00	105.00	126.15	245.05
39	35.30	43.30	55.60	76.05	92.15	107.75	128.05	248.75
40	35.70	44.20	56.35	77.75	93.60	110.15	129.90	252.20
41	36.00	45.05	57.00	78.45	95.15	112.50	131.80	257.85
42	36.25	45.85	57.60	80.10	96.80	113.95	133.50	261.45
43	36.75	46.60	58.10	81.95	99.15	115.45	135.20	264.65
44	37.00	47.40	58.85	83.60	100.75	116.75	136.80	267.90
45	37.25	47.90	59.25	85.50	101.85	118.05	138.55	271.25
46	37.50	48.20	59.90	87.05	102.95	119.35	140.20	274.50
47	37.85	48.65	60.45	89.05	104.10	120.65	141.75	277.45
48	38.20	49.10	61.05	90.75	105.45	121.80	143.25	280.50
49	38.40	49.40	61.50	92.45	106.85	123.10	144.75	283.30
50	38.55	49.70	61.95	94.25	108.25	124.70	146.15	286.25

Retail Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	38.75	50.20	62.50	95.40	109.80	126.55	147.55	291.10
52	39.25	50.50	62.95	96.60	110.95	128.35	149.25	294.75
53	39.90	50.85	63.30	97.40	111.90	130.40	151.25	298.55
54	40.40	51.05	63.75	98.20	112.65	132.40	153.35	302.70
55	41.10	51.40	64.10	98.90	113.50	134.45	155.40	306.70
56	41.65	51.75	64.50	99.55	114.35	136.35	156.85	309.60
57	42.30	51.90	64.85	100.10	115.15	138.45	158.05	311.80
58	42.95	52.15	65.30	100.80	115.80	140.35	159.25	314.10
59	43.60	52.40	65.60	101.45	116.50	141.15	160.50	316.65
60	44.20	52.60	66.25	101.90	117.10	141.95	161.50	318.70
61	44.85	52.90	67.40	102.45	117.75	142.80	163.70	323.15
62	45.30	53.00	68.25	103.00	118.35	143.50	166.35	328.20
63	46.20	53.25	69.40	103.45	118.95	144.10	169.00	333.55
64	46.65	54.90	70.40	103.90	119.45	144.85	171.50	338.55
65	47.30	55.05	71.35	104.30	119.90	145.50	174.30	343.95
66	47.90	55.25	72.50	104.80	120.45	146.00	176.70	348.85
67	48.65	55.35	73.75	105.10	120.75	146.60	179.10	353.40
68	49.25	55.45	74.60	105.35	122.35	147.15	181.00	357.25
69	49.85	55.50	75.55	105.70	123.80	147.55	182.95	361.00
70	50.45	55.70	76.80	106.05	125.35	148.05	184.20	364.85

Retail Flat Rate Envelopes¹

	(\$)
Retail Regular Flat Rate Envelope, per piece	8.95
Retail Legal Flat Rate Envelope, per piece	9.25
Retail Padded Flat Rate Envelope, per piece	9.65

Notes

1. The price for Regular, Legal, or Padded Flat Rate Envelopes also applies to sales of Regular, Legal, or Padded Flat Rate Envelopes, respectively, marked with Forever postage, at the time the envelopes are purchased.

Retail Flat Rate Boxes¹

Size	Delivery to Domestic Address (\$)	Delivery to APO/FPO/DPO Address (\$)
Small Flat Rate Box	9.45	9.45
Medium Flat Rate Boxes	16.10	16.10
Large Flat Rate Boxes	21.50	20.00

Notes

1. The price for Small, Medium, or Large Flat Rate Boxes also applies to sales of Small, Medium, or Large Flat Rate Boxes, respectively, marked with Forever postage, at the time the boxes are purchased.

Regional Rate Boxes

Size	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
A	10.68	10.88	11.18	11.85	13.85	14.62	15.84	28.67
B	11.18	11.67	12.42	14.77	18.91	21.89	24.81	46.32

Retail Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Loyalty Program

Upon the initiation of the Loyalty Program, all USPS business customers who use Click-N-Ship will be automatically enrolled in the Basic tier of the Loyalty Program, thereby earning a \$40 credit for every \$500 combined spent at Priority Mail Express Retail and Priority Mail Retail rates.

Beginning on January 1, 2021, and on every January 1 thereafter, all USPS business customers who use Click-N-Ship will be enrolled in one of the following three tiers of the Loyalty Program, based on their combined shipping spend at Priority Mail Express Retail and Priority Mail Retail rates in the previous calendar year, as follows:

- Basic (no minimum spend):
Earn \$40 credit for every \$500 spent
- Silver (at least \$10,000 spend):
Earn \$50 credit for every \$500 spent
- Gold (at least \$20,000 spend):
Qualify for Commercial Base Pricing

In the first year of the Loyalty Program, any new USPS business customer who uses Click-N-Ship will receive a one-time \$40 "Welcome Bonus" credit upon shipping at least \$500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All participants in the Loyalty Program will be eligible to receive an additional one-time \$20 credit for shipping during the first two months of the program, which will be applied once participants ship at least \$500 combined at Priority Mail Express Retail and Priority Mail Retail rates.

All credits must be redeemed within one year from the date of issuance.

Commercial Base Priority Mail Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
1	7.37	7.68	7.90	8.12	8.59	9.16	9.68	16.39
2	8.02	8.20	8.49	9.12	10.96	11.62	12.66	25.08
3	8.24	8.60	8.98	9.93	13.34	15.03	17.74	34.03
4	8.34	8.84	9.49	11.54	15.54	18.03	20.77	40.97
5	8.45	8.89	9.82	12.71	17.03	20.81	24.01	47.68
6	8.56	9.25	10.25	13.63	18.53	23.78	27.43	54.64
7	9.04	10.21	10.82	14.50	20.02	25.80	29.82	61.35
8	9.18	10.71	12.07	15.38	21.53	27.81	32.21	68.87
9	9.79	11.08	12.57	16.64	23.03	29.83	34.59	76.59
10	10.29	11.55	12.92	17.74	24.52	31.84	36.77	83.29
11	11.75	12.46	13.64	18.84	26.02	33.80	38.93	91.00
12	12.21	12.99	14.32	19.92	27.51	35.63	41.10	97.55
13	12.46	13.36	15.02	21.00	28.99	37.46	43.27	101.04
14	12.77	13.95	15.71	22.07	30.36	39.29	45.44	106.04
15	12.89	14.55	16.40	23.14	31.71	41.13	47.62	108.85
16	13.40	15.14	17.09	24.21	33.08	42.96	49.78	114.83
17	13.91	15.73	17.78	25.27	34.43	44.80	51.95	120.88
18	14.43	16.32	18.47	26.34	35.79	46.62	54.12	126.97
19	14.94	16.92	19.15	27.40	37.16	48.46	56.28	133.00
20	15.45	17.51	19.84	28.46	38.51	50.29	58.46	139.13
21	16.39	18.76	21.44	30.04	40.58	52.14	60.31	142.09
22	17.39	20.11	23.16	31.71	42.76	54.06	62.21	143.75
23	18.44	21.56	25.03	33.48	45.06	56.04	64.17	144.60
24	19.56	23.10	27.04	35.34	47.48	58.10	66.19	148.13
25	20.75	24.76	29.22	37.30	50.03	60.24	68.28	150.68

Commercial Base Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	23.72	29.46	37.96	49.42	62.94	74.61	85.90	155.40
27	25.16	30.81	40.31	53.92	63.81	76.51	89.10	161.28
28	25.95	31.23	41.47	55.35	64.70	78.34	92.66	167.33
29	26.75	31.56	42.61	56.10	65.81	80.19	95.28	171.80
30	27.56	32.02	43.61	56.87	67.70	82.01	97.32	175.52
31	28.36	32.34	44.31	57.61	68.70	83.86	99.59	180.55
32	28.69	33.04	45.06	58.29	69.62	85.72	101.40	184.23
33	29.14	33.97	46.19	59.07	71.00	87.54	103.50	187.63
34	29.41	34.87	47.38	60.36	72.74	89.39	105.54	191.19
35	29.75	35.70	48.06	61.66	74.72	91.22	107.17	194.44
36	30.12	36.76	48.71	63.01	76.65	92.49	109.09	197.75
37	30.44	37.45	49.41	64.14	78.70	93.71	110.96	201.02
38	30.74	38.37	50.04	65.44	80.93	94.80	112.82	204.23
39	31.05	39.29	50.62	66.81	82.88	97.37	114.57	207.39
40	31.37	40.12	51.29	68.21	84.24	99.59	116.21	210.20
41	31.72	40.80	51.84	68.82	85.68	101.77	118.07	214.92
42	31.96	41.12	52.30	69.99	87.22	103.19	119.58	217.86
43	32.34	41.42	52.77	71.16	89.35	104.50	120.87	220.64
44	32.57	41.72	53.23	72.32	90.80	105.78	122.61	223.19
45	32.78	42.03	53.71	73.49	91.82	106.94	124.13	226.01
46	33.08	42.34	54.18	74.66	92.87	108.12	125.59	228.69
47	33.32	42.64	54.64	75.83	93.85	109.38	127.10	231.25
48	33.60	42.95	55.12	76.98	95.07	110.45	128.38	233.77
49	33.87	43.24	55.59	78.16	96.40	111.63	129.66	236.05
50	34.01	43.54	56.07	79.34	97.77	113.08	131.06	238.58

Commercial Base Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	34.52	43.85	56.50	80.70	99.14	114.73	132.35	242.72
52	35.04	44.16	56.98	81.27	100.11	116.49	133.85	245.56
53	35.70	44.46	57.45	81.94	100.97	118.44	135.61	248.70
54	36.23	44.77	57.91	82.65	101.70	120.16	137.58	252.18
55	36.80	45.06	58.38	83.18	102.56	122.11	139.39	255.58
56	37.32	45.38	58.85	83.82	103.24	123.82	140.85	258.22
57	37.92	45.68	59.32	84.32	104.05	124.63	141.85	260.53
58	38.50	45.98	59.78	84.86	104.67	125.79	143.07	262.64
59	39.06	46.29	60.24	85.37	105.27	126.59	144.11	264.60
60	39.55	46.59	60.70	85.86	105.81	127.40	145.04	266.46
61	40.20	46.88	61.17	86.28	106.41	128.90	147.09	270.08
62	40.71	47.19	61.63	86.67	106.91	130.47	149.54	274.33
63	41.45	47.50	62.11	87.13	107.53	131.11	151.98	278.74
64	41.82	47.80	62.58	87.52	108.02	131.71	154.37	283.03
65	42.43	48.10	63.07	87.79	108.34	132.39	156.70	287.45
66	43.00	48.42	63.52	88.19	108.89	132.79	159.21	291.63
67	43.65	48.72	64.61	88.51	109.24	133.33	161.25	295.47
68	44.16	49.01	65.42	88.75	110.64	134.04	162.99	298.60
69	44.77	49.33	66.27	89.02	111.99	134.67	164.75	301.79
70	45.24	49.63	67.32	89.31	113.36	135.17	166.61	305.03

Commercial Base Flat Rate Envelope

	(\$)
Commercial Base Regular Flat Rate Envelope, per piece	7.75
Commercial Base Legal Flat Rate Envelope, per piece	8.05
Commercial Base Padded Flat Rate Envelope, per piece	8.45

Commercial Base Flat Rate Box

Size	Delivery to Domestic Address (\$)	Delivery to APO/FPO/DPO Address (\$)
Small Flat Rate Box	8.25	8.25
Regular Flat Rate Boxes	14.25	14.25
Large Flat Rate Boxes	19.20	17.70

Commercial Base Regional Rate Boxes

Size	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
A	8.38	8.58	8.88	9.55	11.55	12.32	13.54	26.37
B	8.88	9.37	10.12	12.47	16.61	19.59	22.51	44.02

Commercial Base Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Commercial Plus Priority Mail Zone/Weight

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.5	7.37	7.68	7.90	8.12	8.59	9.16	9.68	16.39
1	7.37	7.68	7.90	8.12	8.59	9.16	9.68	16.39
2	8.02	8.20	8.49	9.12	10.96	11.62	12.66	25.08
3	8.24	8.60	8.98	9.93	13.34	15.03	17.74	34.03
4	8.34	8.84	9.49	11.54	15.54	18.03	20.77	40.97
5	8.45	8.89	9.82	12.71	17.03	20.81	24.01	47.68
6	8.56	9.25	10.25	13.63	18.53	23.78	27.43	54.64
7	9.04	10.21	10.82	14.50	20.02	25.80	29.82	61.35
8	9.18	10.71	12.07	15.38	21.53	27.81	32.21	68.87
9	9.79	11.08	12.57	16.64	23.03	29.83	34.59	76.59
10	10.29	11.55	12.92	17.74	24.52	31.84	36.77	83.29
11	11.75	12.46	13.64	18.84	26.02	33.80	38.93	91.00
12	12.21	12.99	14.32	19.92	27.51	35.63	41.10	97.55
13	12.46	13.36	15.02	21.00	28.99	37.46	43.27	101.04
14	12.77	13.95	15.71	22.07	30.36	39.29	45.44	106.04
15	12.89	14.55	16.40	23.14	31.71	41.13	47.62	108.85
16	13.40	15.14	17.09	24.21	33.08	42.96	49.78	114.83
17	13.91	15.73	17.78	25.27	34.43	44.80	51.95	120.88
18	14.43	16.32	18.47	26.34	35.79	46.62	54.12	126.97
19	14.94	16.92	19.15	27.40	37.16	48.46	56.28	133.00
20	15.45	17.51	19.84	28.46	38.51	50.29	58.46	139.13
21	16.39	18.76	21.44	30.04	40.58	52.14	60.31	142.09
22	17.39	20.11	23.16	31.71	42.76	54.06	62.21	143.75
23	18.44	21.56	25.03	33.48	45.06	56.04	64.17	144.60
24	19.56	23.10	27.04	35.34	47.48	58.10	66.19	148.13
25	20.75	24.76	29.22	37.30	50.03	60.24	68.28	150.68

Commercial Plus Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
26	23.72	29.46	37.96	49.42	62.94	74.61	85.90	155.40
27	25.16	30.81	40.31	53.92	63.81	76.51	89.10	161.28
28	25.95	31.23	41.47	55.35	64.70	78.34	92.66	167.33
29	26.75	31.56	42.61	56.10	65.81	80.19	95.28	171.80
30	27.56	32.02	43.61	56.87	67.70	82.01	97.32	175.52
31	28.36	32.34	44.31	57.61	68.70	83.86	99.59	180.55
32	28.69	33.04	45.06	58.29	69.62	85.72	101.40	184.23
33	29.14	33.97	46.19	59.07	71.00	87.54	103.50	187.63
34	29.41	34.87	47.38	60.36	72.74	89.39	105.54	191.19
35	29.75	35.70	48.06	61.66	74.72	91.22	107.17	194.44
36	30.12	36.76	48.71	63.01	76.65	92.49	109.09	197.75
37	30.44	37.45	49.41	64.14	78.70	93.71	110.96	201.02
38	30.74	38.37	50.04	65.44	80.93	94.80	112.82	204.23
39	31.05	39.29	50.62	66.81	82.88	97.37	114.57	207.39
40	31.37	40.12	51.29	68.21	84.24	99.59	116.21	210.20
41	31.72	40.80	51.84	68.82	85.68	101.77	118.07	214.92
42	31.96	41.12	52.30	69.99	87.22	103.19	119.58	217.86
43	32.34	41.42	52.77	71.16	89.35	104.50	120.87	220.64
44	32.57	41.72	53.23	72.32	90.80	105.78	122.61	223.19
45	32.78	42.03	53.71	73.49	91.82	106.94	124.13	226.01
46	33.08	42.34	54.18	74.66	92.87	108.12	125.59	228.69
47	33.32	42.64	54.64	75.83	93.85	109.38	127.10	231.25
48	33.60	42.95	55.12	76.98	95.07	110.45	128.38	233.77
49	33.87	43.24	55.59	78.16	96.40	111.63	129.66	236.05
50	34.01	43.54	56.07	79.34	97.77	113.08	131.06	238.58

Commercial Plus Priority Mail Zone/Weight (Continued)

Maximum Weight (pounds)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
51	34.52	43.85	56.50	80.70	99.14	114.73	132.35	242.72
52	35.04	44.16	56.98	81.27	100.11	116.49	133.85	245.56
53	35.70	44.46	57.45	81.94	100.97	118.44	135.61	248.70
54	36.23	44.77	57.91	82.65	101.70	120.16	137.58	252.18
55	36.80	45.06	58.38	83.18	102.56	122.11	139.39	255.58
56	37.32	45.38	58.85	83.82	103.24	123.82	140.85	258.22
57	37.92	45.68	59.32	84.32	104.05	124.63	141.85	260.53
58	38.50	45.98	59.78	84.86	104.67	125.79	143.07	262.64
59	39.06	46.29	60.24	85.37	105.27	126.59	144.11	264.60
60	39.55	46.59	60.70	85.86	105.81	127.40	145.04	266.46
61	40.20	46.88	61.17	86.28	106.41	128.90	147.09	270.08
62	40.71	47.19	61.63	86.67	106.91	130.47	149.54	274.33
63	41.45	47.50	62.11	87.13	107.53	131.11	151.98	278.74
64	41.82	47.80	62.58	87.52	108.02	131.71	154.37	283.03
65	42.43	48.10	63.07	87.79	108.34	132.39	156.70	287.45
66	43.00	48.42	63.52	88.19	108.89	132.79	159.21	291.63
67	43.65	48.72	64.61	88.51	109.24	133.33	161.25	295.47
68	44.16	49.01	65.42	88.75	110.64	134.04	162.99	298.60
69	44.77	49.33	66.27	89.02	111.99	134.67	164.75	301.79
70	45.24	49.63	67.32	89.31	113.36	135.17	166.61	305.03

Commercial Plus Flat Rate Envelope

	(\$)
Commercial Plus Regular Flat Rate Envelope, per piece	7.75
Commercial Plus Legal Flat Rate Envelope, per piece	8.05
Commercial Plus Padded Flat Rate Envelope, per piece	8.45

Commercial Plus Flat Rate Box

Size	Delivery to Domestic Address (\$)	Delivery to APO/FPO/DPO Address (\$)
Small Flat Rate Box	8.25	8.25
Medium Flat Rate Boxes	14.25	14.25
Large Flat Rate Boxes	19.20	17.70

Commercial Plus Regional Rate Boxes

Maximum Cubic Feet	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
A	8.38	8.58	8.88	9.55	11.55	12.32	13.54	26.37
B	8.88	9.37	10.12	12.47	16.61	19.59	22.51	44.02

Commercial Plus Dimensional Weight

In Zones 1-9 (including local), parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

Cubic

Maximum Cubic Feet	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.10	7.54	7.81	8.05	8.37	9.18	9.77	10.43	18.56
0.20	8.02	8.20	8.49	9.12	10.96	11.62	12.67	25.09
0.30	8.25	8.62	9.01	10.03	13.48	15.22	17.93	34.46
0.40	8.37	8.85	9.57	11.83	15.92	18.73	21.59	42.67
0.50	8.50	9.07	10.04	13.18	17.79	22.31	25.74	51.21

Open and Distribute (PMOD)

a. DDU

Container	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
Half Tray	8.95	10.95	13.24	21.30	21.58	23.46	26.04	32.56
Full Tray	12.17	15.21	17.71	31.00	35.63	37.87	42.25	52.81
EMM Tray	13.95	16.62	20.53	34.29	37.65	41.34	45.97	57.46
Flat Tub	19.93	24.98	30.88	52.23	63.05	68.16	75.87	94.83

b. Processing Facilities

Container	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
Half Tray	7.37	8.98	11.03	19.23	19.66	21.50	23.08	28.86
Full Tray	9.17	11.83	14.73	26.86	31.75	33.99	37.99	47.49
EMM Tray	10.94	12.68	17.28	29.66	33.69	37.09	42.86	53.58
Flat Tub	15.66	20.70	26.23	47.89	58.49	63.67	70.03	87.55

Pickup On Demand Service

Add \$25.00 for each Pickup On Demand stop.

IMpb Noncompliance Fee

Add \$0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add \$0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

2115 Parcel Select

* * *

2115.6 Prices

* * *

Destination Entered — DDU

a. DDU

Maximum Weight (pounds)	DDU (\$)
1	3.50
2	3.63
3	3.76
4	3.88
5	3.95
6	4.14
7	4.27
8	4.39
9	4.53
10	4.67
11	4.81
12	4.94
13	5.08
14	5.22
15	5.36
16	5.50
17	5.63
18	5.77
19	5.91
20	6.05
21	6.59
22	6.68
23	6.75
24	6.79
25	6.83

a. DDU (Continued)

Maximum Weight (pounds)	DDU (\$)
26	6.87
27	6.92
28	6.96
29	7.00
30	7.04
31	7.09
32	7.13
33	7.17
34	7.21
35	7.26
36	7.47
37	7.51
38	7.55
39	7.59
40	7.64
41	7.68
42	7.72
43	7.76
44	7.81
45	7.85
46	7.89
47	7.94
48	8.00
49	8.06
50	8.12

a. DDU (Continued)

Maximum Weight (pounds)	DDU (\$)
51	8.20
52	8.27
53	8.36
54	8.44
55	8.53
56	8.61
57	8.70
58	8.78
59	8.87
60	8.95
61	9.04
62	9.12
63	9.21
64	9.29
65	9.38
66	9.46
67	9.54
68	9.63
69	9.71
70	9.80
Oversized	14.81

b. Dimensional Weight

Parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the \$100.00 overweight item charge.

d. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Ground price, plus \$3.00, when forwarded or returned. For customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, the additional fee will be \$2.50.

Destination Entered — DSCF

a. DSCF — 5-Digit Machinable

Maximum Weight (pounds)	DSCF 5-Digit (\$)	DSCF SCF (\$)
1	3.77	4.77
2	4.10	5.10
3	4.40	5.40
4	4.67	5.67
5	4.88	5.88
6	5.21	6.21
7	5.47	6.47
8	5.71	6.71
9	5.97	6.97
10	6.22	7.22
11	6.47	7.47
12	6.71	7.71
13	6.96	7.96
14	7.20	8.20
15	7.44	8.44
16	7.68	8.68
17	7.90	8.90
18	8.14	9.14
19	8.37	9.37
20	8.60	9.60
21	9.23	10.23
22	9.41	10.41
23	9.57	10.57
24	9.69	10.69
25	9.82	10.82

a. DSCF — 5-Digit Machinable (Continued)

Maximum Weight (pounds)	DSCF 5-Digit (\$)	DSCF SCF (\$)
26	9.94	10.94
27	10.08	11.08
28	10.20	11.20
29	10.32	11.32
30	10.44	11.44
31	10.57	11.57
32	10.68	11.68
33	10.80	11.80
34	10.92	11.92
35	11.04	12.04

b. DSCF — 3-Digit, 5-Digit Non-Machinable

Maximum Weight (pounds)	DSCF 3-Digit (\$)	DSCF 5-Digit (\$)
1	6.42	3.77
2	6.75	4.10
3	7.05	4.40
4	7.32	4.67
5	7.53	4.88
6	7.86	5.21
7	8.12	5.47
8	8.36	5.71
9	8.62	5.97
10	8.87	6.22
11	9.12	6.47
12	9.36	6.71
13	9.61	6.96
14	9.85	7.20
15	10.09	7.44
16	10.33	7.68
17	10.55	7.90
18	10.79	8.14
19	11.02	8.37
20	11.25	8.60
21	11.88	9.23
22	12.06	9.41
23	12.22	9.57
24	12.34	9.69
25	12.47	9.82

b. DSCF — 3-Digit, 5-Digit Non-Machinable (Continued)

Maximum Weight (pounds)	DSCF 3-Digit (\$)	DSCF 5-Digit (\$)
26	12.59	9.94
27	12.73	10.08
28	12.85	10.20
29	12.97	10.32
30	13.09	10.44
31	13.22	10.57
32	13.33	10.68
33	13.45	10.80
34	13.57	10.92
35	13.69	11.04
36	13.98	11.33
37	14.09	11.44
38	14.21	11.56
39	14.32	11.67
40	14.44	11.79
41	14.55	11.90
42	14.66	12.01
43	14.77	12.12
44	14.89	12.24
45	15.00	12.35
46	15.11	12.46
47	15.23	12.58
48	15.36	12.71
49	15.48	12.83
50	15.61	12.96

b. DSCF — 3-Digit, 5-Digit Non-Machinable (Continued)

Maximum Weight (pounds)	DSCF 3-Digit (\$)	DSCF 5-Digit (\$)
51	15.76	13.11
52	15.89	13.24
53	16.05	13.40
54	16.19	13.54
55	16.35	13.70
56	16.49	13.84
57	16.65	14.00
58	16.79	14.14
59	16.94	14.29
60	17.09	14.44
61	17.24	14.59
62	17.38	14.73
63	17.53	14.88
64	17.67	15.02
65	17.82	15.17
66	17.96	15.31
67	18.10	15.45
68	18.25	15.60
69	18.39	15.74
70	18.54	15.89
Oversized	24.70	23.70

c. Dimensional Weight

Parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the \$100.00 overweight item charge.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Ground price, plus \$3.00, when forwarded or returned. For customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, the additional fee will be \$2.50.

Destination Entered — DNDC

a. DNDC — Machinable

Maximum Weight (pounds)	DNDC Zones 1 & 2 (\$)	DNDC Zone 3 (\$)	DNDC Zone 4 (\$)	DNDC Zones 5 (\$)
1	4.84	4.91	4.99	5.15
2	5.31	5.42	5.56	5.82
3	5.73	5.88	6.07	6.43
4	6.12	6.30	6.54	6.98
5	6.43	6.66	6.93	7.46
6	6.86	7.11	7.43	8.03
7	7.21	7.49	7.85	8.52
8	7.54	7.85	8.24	8.99
9	7.89	8.23	8.65	9.46
10	8.22	8.59	9.05	9.92
11	8.56	8.95	9.44	10.38
12	8.87	9.29	9.82	10.81
13	9.19	9.64	10.19	11.25
14	9.51	9.98	10.57	11.68
15	9.83	10.32	10.93	12.10
16	10.14	10.65	11.29	12.52
17	10.43	10.97	11.64	12.92
18	10.74	11.30	12.00	13.33
19	11.04	11.62	12.35	13.73
20	11.33	11.94	12.69	14.13
21	12.03	12.65	13.43	14.92
22	12.27	12.92	13.72	15.26
23	12.49	13.16	13.99	15.58
24	12.68	13.37	14.23	15.86
25	12.87	13.57	14.46	16.14

a. DNDC — Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 (\$)	DNDC Zone 3 (\$)	DNDC Zone 4 (\$)	DNDC Zones 5 (\$)
26	13.05	13.78	14.69	16.41
27	13.24	13.99	14.92	16.70
28	13.42	14.19	15.15	16.97
29	13.60	14.39	15.37	17.23
30	13.78	14.59	15.59	17.50
31	13.97	14.79	15.82	17.77
32	14.14	14.98	16.03	18.03
33	14.32	15.17	16.25	18.29
34	14.49	15.36	16.46	18.54
35	14.67	15.56	16.68	18.81

b. DNDC — Non-Machinable

Maximum Weight (pounds)	DNDC Zones 1 & 2 (\$)	DNDC Zone 3 (\$)	DNDC Zone 4 (\$)	DNDC Zones 5 (\$)
1	7.84	7.91	7.99	8.15
2	8.31	8.42	8.56	8.82
3	8.73	8.88	9.07	9.43
4	9.12	9.30	9.54	9.98
5	9.43	9.66	9.93	10.46
6	9.86	10.11	10.43	11.03
7	10.21	10.49	10.85	11.52
8	10.54	10.85	11.24	11.99
9	10.89	11.23	11.65	12.46
10	11.22	11.59	12.05	12.92
11	11.56	11.95	12.44	13.38
12	11.87	12.29	12.82	13.81
13	12.19	12.64	13.19	14.25
14	12.51	12.98	13.57	14.68
15	12.83	13.32	13.93	15.10
16	13.14	13.65	14.29	15.52
17	13.43	13.97	14.64	15.92
18	13.74	14.30	15.00	16.33
19	14.04	14.62	15.35	16.73
20	14.33	14.94	15.69	17.13
21	15.03	15.65	16.43	17.92
22	15.27	15.92	16.72	18.26
23	15.49	16.16	16.99	18.58
24	15.68	16.37	17.23	18.86
25	15.87	16.57	17.46	19.14

b. DNDC — Non-Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 (\$)	DNDC Zone 3 (\$)	DNDC Zone 4 (\$)	DNDC Zones 5 (\$)
26	16.05	16.78	17.69	19.41
27	16.24	16.99	17.92	19.70
28	16.42	17.19	18.15	19.97
29	16.60	17.39	18.37	20.23
30	16.78	17.59	18.59	20.50
31	16.97	17.79	18.82	20.77
32	17.14	17.98	19.03	21.03
33	17.32	18.17	19.25	21.29
34	17.49	18.36	19.46	21.54
35	17.67	18.56	19.68	21.81
36	18.01	18.92	20.06	22.23
37	18.18	19.11	20.27	22.48
38	18.34	19.29	20.47	22.73
39	18.51	19.47	20.68	22.97
40	18.68	19.67	20.89	23.23
41	18.85	19.85	21.09	23.47
42	19.01	20.03	21.29	23.71
43	19.17	20.20	21.49	23.95
44	19.34	20.39	21.70	24.19
45	19.50	20.57	21.90	24.43
46	19.66	20.74	22.09	24.66
47	19.83	20.93	22.30	24.91
48	20.01	21.12	22.51	25.16
49	20.18	21.31	22.72	25.41
50	20.36	21.50	22.93	25.66

b. DNDC — Non-Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 (\$)	DNDC Zone 3 (\$)	DNDC Zone 4 (\$)	DNDC Zones 5 (\$)
51	20.55	21.71	23.16	25.92
52	20.74	21.91	23.38	26.18
53	20.94	22.13	23.62	26.45
54	21.13	22.34	23.85	26.72
55	21.33	22.56	24.08	26.99
56	21.53	22.76	24.31	27.25
57	21.73	22.98	24.54	27.52
58	21.92	23.18	24.77	27.78
59	22.11	23.40	25.00	28.05
60	22.30	23.60	25.22	28.30
61	22.50	23.81	25.45	28.57
62	22.69	24.01	25.67	28.83
63	22.88	24.22	25.90	29.09
64	23.07	24.42	26.12	29.34
65	23.26	24.63	26.35	29.60
66	23.45	24.83	26.56	29.86
67	23.63	25.03	26.78	30.11
68	23.83	25.24	27.00	30.36
69	24.01	25.44	27.22	30.61
70	24.20	25.64	27.44	30.87
Oversized	30.87	32.97	35.60	40.59

c. Dimensional Weight

Parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the \$100.00 overweight item charge.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Ground price, plus \$3.00, when forwarded or returned. For customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, the additional fee will be \$2.50.

Non-Destination Entered — Parcel Select Ground

a. Parcel Select Ground

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
1	7.22	7.53	7.75	7.87	8.09	8.61	9.03
2	7.28	7.64	7.95	8.22	9.58	10.21	10.85
3	7.34	7.74	8.14	8.80	11.19	11.63	12.25
4	7.44	7.98	8.65	10.11	11.70	12.54	13.17
5	7.55	8.14	8.91	10.31	12.46	13.19	13.98
6	7.66	8.50	9.40	12.27	12.77	13.55	14.22
7	8.10	9.27	9.84	12.65	13.09	14.02	15.03
8	8.24	9.84	11.20	12.97	13.58	14.50	15.62
9	8.99	10.28	11.77	13.17	13.96	15.20	16.57
10	9.44	10.80	11.94	13.59	14.38	16.22	17.83
11	11.08	11.79	12.97	14.05	15.06	17.86	19.27
12	11.61	12.39	13.21	14.33	15.70	18.66	20.26
13	11.92	12.81	13.55	14.82	16.26	20.05	21.69
14	12.30	13.10	13.62	15.08	17.29	21.41	23.21
15	12.49	13.58	14.06	15.85	18.33	22.19	24.75
16	12.80	13.91	14.20	16.03	19.01	23.19	25.50
17	13.11	14.41	14.64	16.74	19.91	24.68	26.34
18	13.18	14.52	14.80	17.46	20.84	25.25	27.97
19	13.53	15.22	15.45	18.65	21.52	26.19	29.17
20	13.76	15.54	15.85	19.16	22.33	27.23	30.58
21	14.80	16.86	17.67	21.56	25.79	31.31	35.17
22	15.90	18.29	19.70	24.26	29.79	36.01	40.44
23	17.10	19.85	21.97	27.29	34.41	41.41	46.51
24	18.38	21.53	24.49	30.70	39.74	47.62	53.48
25	19.76	23.36	27.31	34.54	45.90	54.76	61.51

a. Parcel Select Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
26	22.59	27.79	35.48	45.76	57.74	67.83	77.39
27	23.96	29.07	37.67	49.93	58.54	69.55	80.27
28	24.71	29.46	38.76	51.25	59.36	71.22	83.48
29	25.48	29.77	39.82	51.94	60.38	72.90	85.84
30	26.25	30.21	40.76	52.66	62.11	74.55	87.68
31	27.01	30.51	41.41	53.34	63.03	76.24	89.72
32	27.32	31.17	42.11	53.97	63.87	77.93	91.35
33	27.75	32.05	43.17	54.69	65.14	79.58	93.24
34	28.01	32.90	44.28	55.89	66.73	81.26	95.08
35	28.33	33.68	44.92	57.09	68.55	82.93	96.55
36	28.69	34.68	45.52	58.34	70.32	84.08	98.28
37	28.99	35.33	46.18	59.39	72.20	85.19	99.96
38	29.28	36.20	46.77	60.59	74.25	86.18	101.64
39	29.57	37.07	47.31	61.86	76.04	88.52	103.22
40	29.88	37.85	47.93	63.16	77.28	90.54	104.69
41	30.21	38.49	48.45	63.72	78.61	92.52	106.37
42	30.44	38.79	48.88	64.81	80.02	93.81	107.73
43	30.80	39.08	49.32	65.89	81.97	95.00	108.89
44	31.02	39.36	49.75	66.96	83.30	96.16	110.46
45	31.22	39.65	50.20	68.05	84.24	97.22	111.83
46	31.50	39.94	50.64	69.13	85.20	98.29	113.14
47	31.73	40.23	51.07	70.21	86.10	99.44	114.50
48	32.00	40.52	51.51	71.28	87.22	100.41	115.66
49	32.26	40.79	51.95	72.37	88.44	101.48	116.81
50	32.39	41.08	52.40	73.46	89.70	102.80	118.07

a. Parcel Select Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
51	32.88	41.37	52.80	74.72	90.95	104.30	119.23
52	33.37	41.66	53.25	75.25	91.84	105.90	120.59
53	34.00	41.94	53.69	75.87	92.63	107.67	122.17
54	34.50	42.24	54.12	76.53	93.30	109.24	123.95
55	35.05	42.51	54.56	77.02	94.09	111.01	125.58
56	35.54	42.81	55.00	77.61	94.72	112.56	126.89
57	36.11	43.09	55.44	78.07	95.46	113.30	127.79
58	36.67	43.38	55.87	78.57	96.03	114.35	128.89
59	37.20	43.67	56.30	79.05	96.58	115.08	129.83
60	37.67	43.95	56.73	79.50	97.07	115.82	130.67
61	38.29	44.23	57.17	79.89	97.62	117.18	132.51
62	38.77	44.52	57.60	80.25	98.08	118.61	134.72
63	39.48	44.81	58.05	80.68	98.65	119.19	136.92
64	39.83	45.09	58.49	81.04	99.10	119.74	139.07
65	40.41	45.38	58.94	81.29	99.39	120.35	141.17
66	40.95	45.68	59.36	81.66	99.90	120.72	143.43
67	41.57	45.96	60.38	81.95	100.22	121.21	145.27
68	42.06	46.24	61.14	82.18	101.50	121.85	146.84
69	42.64	46.54	61.93	82.43	102.74	122.43	148.42
70	43.09	46.82	62.92	82.69	104.00	122.88	150.10
Oversized	84.00	106.79	129.62	152.15	174.93	197.66	220.50

b. Cubic

Maximum Cubic Feet	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)	Zone 9 (\$)
0.10	6.86	7.11	7.29	7.42	7.64	8.09	8.45	8.45
0.20	7.26	7.60	7.87	8.08	8.98	9.57	10.12	10.12
0.30	7.31	7.70	8.06	8.55	10.48	11.01	11.64	11.64
0.40	7.40	7.87	8.42	9.53	11.47	12.14	12.76	12.76
0.50	7.51	8.08	8.81	10.23	12.16	12.93	13.66	13.66
0.60	7.63	8.40	9.26	11.72	12.68	13.45	14.15	14.15
0.70	7.99	9.09	9.73	12.56	13.01	13.91	14.84	14.84
0.80	8.21	9.73	10.93	12.91	13.48	14.40	15.50	15.50
0.90	8.87	10.21	11.68	13.14	13.90	15.09	16.42	16.42
1.00	9.39	10.74	11.92	13.54	14.33	16.10	17.68	17.68

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2125 First-Class Package Service

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2125.6 Prices

Commercial

Maximum Weight (ounces)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
1	3.37	3.39	3.42	3.48	3.58	3.72	3.86
2	3.37	3.39	3.42	3.48	3.58	3.72	3.86
3	3.37	3.39	3.42	3.48	3.58	3.72	3.86
4	3.37	3.39	3.42	3.48	3.58	3.72	3.86
5	3.76	3.79	3.81	3.87	3.88	3.99	4.15
6	3.76	3.79	3.81	3.87	3.88	3.99	4.15
7	3.76	3.79	3.81	3.87	3.88	3.99	4.15
8	3.76	3.79	3.81	3.87	3.88	3.99	4.15
9	4.34	4.39	4.42	4.50	4.68	4.83	4.98
10	4.34	4.39	4.42	4.50	4.68	4.83	4.98
11	4.34	4.39	4.42	4.50	4.68	4.83	4.98
12	4.34	4.39	4.42	4.50	4.68	4.83	4.98
13	5.49	5.53	5.57	5.72	5.96	6.11	6.28
14	5.49	5.53	5.57	5.72	5.96	6.11	6.28
15	5.49	5.53	5.57	5.72	5.96	6.11	6.28
15.999	5.49	5.53	5.57	5.72	5.96	6.11	6.28

Retail¹

Maximum Weight (ounces)	Local, Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
1	4.50	4.60	4.65	4.70	4.75	4.80	5.00
2	4.50	4.60	4.65	4.70	4.75	4.80	5.00
3	4.50	4.60	4.65	4.70	4.75	4.80	5.00
4	4.50	4.60	4.65	4.70	4.75	4.80	5.00
5	5.10	5.15	5.20	5.25	5.30	5.40	5.50
6	5.10	5.15	5.20	5.25	5.30	5.40	5.50
7	5.10	5.15	5.20	5.25	5.30	5.40	5.50
8	5.10	5.15	5.20	5.25	5.30	5.40	5.50
9	5.80	5.85	5.90	5.95	6.00	6.15	6.25
10	5.80	5.85	5.90	5.95	6.00	6.15	6.25
11	5.80	5.85	5.90	5.95	6.00	6.15	6.25
12	5.80	5.85	5.90	5.95	6.00	6.15	6.25
13	7.05	7.10	7.25	7.30	7.40	7.55	7.65

Notes

1. A handling charge of \$0.01 per piece applies to foreign-origin, inbound direct entry mail tendered by foreign postal operators, subject to the terms of an authorization arrangement.

Irregular Parcel Surcharge

Add \$0.25 for each irregularly shaped parcel (such as rolls, tubes, and triangles).

IMpb Noncompliance Fee

Add \$0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add \$0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

Pickup On Demand Service

Add \$25.00 for each Pickup On Demand stop.

2135 USPS Retail Ground

* * *

2135.6 Prices*USPS Retail Ground*

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
1	8.50	8.90	9.25	9.80	10.00	10.15	10.25
2	9.05	9.70	10.50	10.85	10.95	12.00	13.95
3	9.70	10.45	11.55	11.90	12.00	13.85	17.90
4	10.35	11.20	12.25	12.55	14.95	16.40	19.75
5	11.05	12.00	12.95	13.25	16.65	18.75	22.80
6	11.45	12.40	13.70	13.80	18.55	20.90	25.70
7	11.95	12.85	14.55	14.90	19.60	23.10	28.65
8	12.45	13.50	14.90	15.70	21.00	26.25	32.65
9	12.70	13.90	15.30	16.80	22.55	28.00	34.95
10	13.90	14.85	16.55	19.00	24.35	30.40	38.95
11	14.90	15.65	17.60	19.50	26.30	33.10	41.30
12	15.55	16.35	18.20	20.50	27.85	36.05	44.95
13	16.15	17.05	18.85	21.00	29.25	39.37	48.97
14	16.85	17.80	19.55	22.15	31.25	43.05	53.35
15	17.55	18.55	20.20	24.25	32.00	43.65	54.40
16	18.30	19.55	21.25	25.25	33.55	46.05	57.45
17	19.10	20.60	22.35	26.25	35.45	48.55	60.50
18	19.95	21.65	23.50	26.60	36.95	50.95	63.65
19	20.85	22.80	24.65	27.65	37.85	51.75	64.60
20	21.75	24.00	25.95	28.55	39.50	53.40	65.00
21	22.55	25.25	28.00	31.00	41.95	54.45	65.50
22	23.35	26.55	30.20	33.65	44.60	55.60	70.75
23	24.15	27.90	32.60	36.65	47.35	56.80	71.50
24	25.00	29.30	35.15	39.95	50.35	58.00	72.75
25	25.90	30.80	37.95	43.50	53.50	59.30	77.00

USPS Retail Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
26	26.80	32.40	40.95	50.15	60.00	69.95	79.90
27	28.45	33.90	42.35	52.70	62.70	72.75	82.80
28	29.35	34.35	43.50	54.10	64.70	75.35	86.00
29	30.25	34.70	44.55	54.90	66.00	77.25	88.36
30	31.15	35.25	45.80	55.65	67.15	78.70	90.20
31	32.10	35.60	48.20	56.50	68.40	80.35	92.25
32	32.45	36.35	49.35	57.00	69.30	81.60	93.85
33	33.00	37.30	50.60	57.80	70.45	83.05	95.75
34	33.30	38.30	51.85	58.95	71.85	84.75	97.60
35	33.65	39.25	52.50	60.20	73.20	86.15	99.05
36	34.00	40.40	53.25	61.65	74.75	87.80	100.80
37	34.30	41.05	54.05	62.70	76.00	89.25	102.50
38	34.70	42.15	54.70	63.90	77.35	90.70	104.15
39	35.10	43.10	55.40	65.25	78.75	92.25	105.75
40	35.50	44.00	56.15	66.65	80.10	93.65	107.20
41	35.80	44.85	56.80	67.30	81.15	95.05	108.90
42	36.05	45.65	57.40	68.65	82.50	96.35	110.25
43	36.55	46.40	57.90	70.15	83.90	97.65	111.40
44	36.80	47.20	58.65	71.60	85.35	99.10	113.00
45	37.05	47.70	59.05	73.30	86.95	100.65	114.35
46	37.30	48.00	59.70	74.60	88.25	102.00	115.65
47	37.65	48.45	60.25	76.40	89.90	103.50	117.00
48	38.00	48.90	60.85	77.80	91.25	104.70	118.20
49	38.20	49.20	61.30	79.20	92.60	105.95	119.35
50	38.35	49.50	61.75	80.80	94.05	107.30	120.60

USPS Retail Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)	Zone 6 (\$)	Zone 7 (\$)	Zone 8 (\$)
51	38.55	50.00	62.30	82.10	95.40	108.50	121.75
52	39.05	50.30	62.75	82.75	96.25	109.65	123.10
53	39.70	50.65	63.10	83.40	97.15	110.90	124.70
54	40.20	50.85	63.55	84.05	98.25	112.30	126.45
55	40.90	51.20	63.90	84.70	99.15	113.60	128.10
56	41.45	51.55	64.30	85.25	100.00	114.65	129.40
57	42.10	51.70	64.65	85.70	100.60	115.40	130.30
58	42.75	51.95	65.10	86.35	101.45	116.45	131.40
59	43.40	52.20	65.40	86.85	102.00	117.20	132.35
60	44.00	52.40	66.05	87.25	102.60	117.90	133.20
61	44.65	52.70	67.20	87.75	103.55	119.30	135.05
62	45.10	52.80	68.05	88.25	104.60	120.90	137.25
63	46.00	53.05	69.20	88.65	105.60	122.50	139.45
64	46.45	54.70	70.20	89.10	106.65	124.05	141.60
65	47.10	54.85	71.15	89.30	107.45	125.60	143.70
66	47.70	55.05	72.30	89.80	108.60	127.20	145.95
67	48.45	55.15	73.55	90.15	109.40	128.65	147.80
68	49.05	55.25	74.40	90.30	110.05	129.70	149.35
69	49.65	55.30	75.35	90.55	110.65	130.85	150.95
70	50.25	55.50	76.60	90.85	111.40	132.05	152.60
Oversized	84.00	106.80	129.60	152.15	174.95	197.65	220.50

Limited Overland Routes

Pieces delivered to or from designated intra-Alaska ZIP Codes not connected by overland routes are eligible for the following prices.

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)
1	7.80	8.10	8.70	9.40
2	8.00	9.00	9.10	9.50
3	8.30	9.70	10.25	10.75
4	8.75	10.20	11.30	11.95
5	9.40	10.25	11.55	12.30
6	9.50	10.45	11.85	12.45
7	9.55	10.55	11.90	12.50
8	9.60	10.65	11.95	12.55
9	9.70	10.70	12.05	12.60
10	10.30	10.80	12.15	13.50
11	10.35	10.85	12.25	13.75
12	10.40	10.90	12.50	13.90
13	10.45	10.95	12.75	14.10
14	10.50	11.00	12.80	14.70
15	10.80	11.15	12.90	15.45
16	10.90	11.35	13.00	16.00
17	11.15	11.90	13.10	16.70
18	12.10	12.50	13.50	16.90
19	12.60	13.20	14.30	17.50
20	13.00	14.10	15.20	18.20
21	13.30	15.00	16.60	20.10
22	13.80	15.80	18.00	21.90
23	14.30	16.80	19.60	23.50
24	14.80	17.15	21.20	26.50
25	15.50	18.70	22.60	28.80

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)
26	15.70	19.80	24.20	31.60
27	16.50	20.80	24.60	31.90
28	16.90	21.30	25.30	32.25
29	17.40	21.80	26.10	33.70
30	17.80	22.30	26.80	34.10
31	18.40	22.70	28.40	35.10
32	18.70	23.10	29.20	37.80
33	19.10	23.60	29.90	38.80
34	19.60	24.10	30.50	39.60
35	20.10	24.60	31.20	40.30
36	20.40	25.10	31.70	40.65
37	20.80	25.60	32.30	41.60
38	21.30	26.00	32.90	42.30
39	21.80	26.50	33.50	43.10
40	22.20	27.00	34.00	43.80
41	22.70	27.50	34.80	44.30
42	23.00	28.00	35.50	45.10
43	23.40	28.50	36.00	46.00
44	23.80	29.00	36.60	46.25
45	24.10	29.40	37.20	46.60
46	24.50	29.80	37.80	46.90
47	24.80	30.30	38.40	47.00
48	25.10	30.80	39.00	47.10
49	25.60	31.20	39.60	47.20
50	25.90	31.60	40.10	47.60

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 (\$)	Zone 3 (\$)	Zone 4 (\$)	Zone 5 (\$)
51	26.30	32.10	40.70	48.00
52	26.60	32.60	41.30	48.80
53	27.00	33.00	41.90	49.30
54	27.30	33.50	42.50	49.90
55	27.70	33.90	43.00	50.30
56	28.10	34.40	43.70	50.80
57	28.50	34.80	44.20	51.30
58	28.80	35.20	44.80	51.60
59	29.20	35.70	45.30	52.10
60	29.50	36.20	46.00	52.60
61	29.90	36.60	46.60	52.90
62	30.20	37.00	47.20	53.30
63	30.60	37.50	47.80	53.70
64	31.00	37.90	48.50	54.20
65	31.30	38.40	49.10	54.60
66	31.70	38.80	49.80	55.00
67	32.10	39.20	50.40	55.40
68	32.50	39.70	51.00	56.00
69	32.80	40.10	51.40	57.30
70	33.20	41.20	52.70	61.00
Oversized	49.10	67.30	74.20	90.10

Balloon Price

Limited Overland Routes pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the \$100.00 overweight item charge.

Pickup On Demand Service

Add \$25.00 for each Pickup On Demand stop.

Dimensional Weight

In Zones 1-8, parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

These dimensional weight rules do not apply to the Limited Overland Routes price category.

IMpb Noncompliance Fee

Add \$0.25 for each IMpb-noncompliant parcel paying commercial prices.

* * *

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Federal Register

Vol. 87, No. 157

Tuesday, August 16, 2022

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