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Presidential Documents

Title 3—

The President

Proclamation 10452 of September 19, 2022

National Voter Registration Day, 2022

By the President of the United States of America

A Proclamation

The right to vote is the foundation of our democracy—it defines us as Americans and serves as the cornerstone of our liberty. With it, anything is possible in America; without it, nothing is. It is a legacy passed down by our greatest leaders—a legacy which provides each one of us with a voice in the creation of a better Nation. It is the source of our power as citizens, our mightiest tool of social transformation, and the stabilizing tradition that confers legitimacy to our system of Government. Each year on National Voter Registration Day, we reaffirm our conviction that democracy only works when everyone can participate, and we encourage all eligible Americans to register to vote.

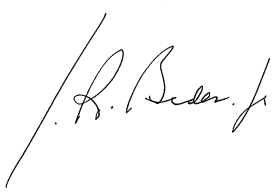
Our Nation has not always lived up to its promise of equal access to the right to vote, and so many Americans have struggled, suffered, and died fighting for a say in the destiny of our country. From Seneca Falls, New York, to Selma, Alabama, to Washington, DC—and across America—ordinary people have organized to protest disenfranchisement and won. The efforts of these courageous women and men have led to the passage of landmark civil rights legislation like the Voting Rights Act, the National Voter Registration Act, and the Help America Vote Act, which extended the blessings of democracy to millions of citizens. Lately, however, those protections have been weakened by decisions of the Supreme Court of the United States. Now, State legislatures are passing new forms of voting restrictions to limit participation and choose whose vote can count at all. As the late Representative John Lewis, an icon of the voting rights struggle, would say, ''democracy is not a state; it is an act.'' Our Founding Fathers understood this, as did the suffragists at the National Women's Rights Convention of 1848, the other giants of the Civil Rights Movement, and today's activists working for a freer, fairer, and more accessible voting system. Just as securing and protecting voting rights was the test of their times, it continues to be the challenge of ours.

As President, I will do everything in my power to protect the right to vote and ensure that every American has a free and fair opportunity to exercise this fundamental liberty. This means appointing highly qualified advocates to the Department of Justice and doubling the agency's voting rights enforcement staff to ensure the Department has the resources to fight voter suppression in the courts. It also means issuing an Executive Order to establish a whole-of-government effort to promote access to voter registration and election information, especially in some of our most underserved communities. I have directed my Administration to take historic action to help college students and veterans register effectively. I continue to call on the Congress to pass the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act. These laws would address election subversion, remove dark money from politics, end partisan gerrymandering, and fix the gaping holes in voter access left by the Supreme Court of the United States. They would also allow the Justice Department to halt discriminatory laws before they go into effect.

In celebration of National Voter Registration Day, let us honor the heroes who fought to secure voting rights and expand them. I call on all eligible Americans to ensure that their registration is up to date and to encourage their family, neighbors, and friends to do the same. Let us all remain engaged with the ongoing struggle to build an America where every vote matters and where every citizen has the ability and the right to participate freely in the democratic process. We cannot give up now. The future of our Nation depends on it. To learn more about how to register or check your voter registration information, you can visit vote.gov.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 20, 2022, as National Voter Registration Day. I call on all eligible Americans to observe this day by ensuring that they are accurately registered and by committing to cast a ballot in upcoming elections.

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



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

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DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 208 and 274a

[CIS No. 2722–22; DHS Docket No. USCIS–2022–0008]

RIN 1615–AC66

Asylum Application, and Employment Authorization for Applicants; Implementation of Vacatur

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security (DHS).

ACTION: Final rule.

SUMMARY: This final rule removes changes to regulatory text resulting from two final rules issued in June 2020, which were vacated by a Federal district court in February 2022. This final rule implements the vacatur by removing certain regulatory text governing asylum applications, interviews, and eligibility for employment authorization and an employment authorization document (EAD) based on a pending asylum application. It also reinserts various regulatory provisions as they appeared prior to the effective dates of the two final rules issued in June 2020.

DATES: This rule is effective on February 7, 2022, as a result of the Federal district court's vacatur.

FOR FURTHER INFORMATION CONTACT: Rená Cutlip-Mason, Chief, Division of Humanitarian Affairs, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20588–0009; telephone (240) 721–3000 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

I. Background and Basis for Removal of Regulations

In June 2020, the U.S. Department of Homeland Security (DHS) issued two final rules (June 2020 EAD rules, collectively) titled, *Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I–765 Employment Authorization Applications* (Timeline Repeal rule) and *Asylum Application, Interview, and Employment Authorization for Applicants* (Broader Asylum EAD rule), respectively.[1] The Timeline Repeal rule eliminated two regulatory provisions that required U.S. Citizenship and Immigration Services (USCIS) to adjudicate initial EAD applications filed by asylum applicants within 30 days of receipt and that renewal EAD applications from asylum applicants must be received by USCIS 90 days prior to the expiration of the employment authorization. The Timeline Repeal rule went into effect on August 21, 2020. The Broader Asylum EAD rule made a number of changes to DHS's regulations governing asylum applications, interviews, and eligibility for employment authorization based on a pending asylum application, including: extending the waiting period before asylum applicants may apply for an EAD from 180 days, not including delays caused or requested by an applicant, to 365 calendar days; requiring applicants for all initial or renewal applications for employment authorization to submit biometrics at a scheduled biometrics services appointment; and instituting bars to EAD eligibility for asylum applicants with certain criminal convictions, who failed to file for asylum within 1 year of entry into the United States, or who had entered or attempted to enter the United States at a place and time other than lawfully through a U.S. port of entry. The Broader Asylum EAD rule became effective on August 25, 2020. On September 11, 2020, in *Casa de Md., Inc.* v. *Mayorkas,* the U.S. District Court for the District of Maryland issued a partial preliminary injunction of both the Timeline Repeal rule and the Broader Asylum EAD rule with respect to members of plaintiff organizations Casa de Maryland, Inc. (CASA) and Asylum Seeker Advocacy Project (ASAP).[2] On February 7, 2022, the U.S. District Court for the District of Columbia fully vacated both rules in *Asylumworks* v. *Mayorkas,* concluding that Chad Wolf was not lawfully serving as Acting DHS Secretary when the two rules were enacted, and that Secretary Mayorkas' ratification of the DHS Timeline Repeal Rule did not cure the defect that Chad Wolf's unlawful tenure created.[3] DHS did not seek further review on appeal. This final rule implements the vacatur of the Timeline Repeal rule and the Broader Asylum EAD rule. This rule removes from the *Code of Federal Regulations* (CFR) the regulatory text that DHS promulgated in the Timeline Repeal rule and the Broader Asylum EAD rule and restores the regulatory text to appear as it did prior to the effective dates of the June 2020 EAD rules in August 2020.

Because it implements the district court's vacatur of the Timeline Repeal rule and the Broader Asylum EAD rule and restores the regulatory text to correctly reflect the regulatory text that predated the June 2020 EAD rules,[4] DHS is not required to provide notice and comment or delay the effective date of this final rule. As a result of the rules being vacated, the changes made by the Timeline Repeal rule and the Broader Asylum EAD rule do not have any legal effect. Moreover, the good cause exception permits DHS to bypass otherwise applicable requirements of notice and comment and a delayed effective date. Notice and comment requirements and a delayed effective date are unnecessary for implementing the vacatur and would be impracticable and contrary to the public interest in light of the agency's immediate need to implement the now-effective final judgment. *See* 5 U.S.C. 553(b)(B), (d). DHS has concluded that each of those

[1] *See* 85 FR 37502 (June 22, 2020); 85 FR 38532 (June 26, 2020).

[2] *See Casa de Md., Inc.* v. *Mayorkas,* 486 F. Supp. 3d 928 (D. Md. 2020) (originally called *Casa de Md., Inc.* v. *Wolf*).

[3] *See Asylumworks* v. *Mayorkas,* No. 20–CV–3815, 2022 WL 355213 (D.D.C. Feb. 7, 2022).

[4] On August 20, 2021, the Department of Justice (DOJ) and DHS published a notice of proposed rule making titled Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers. *See* 86 FR 46906 (Aug. 20, 2021). Subsequently, on March 29, 2022, DOJ and DHS published the Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers interim final rule (Asylum Procedures IFR). *See* 87 FR 18078 (Mar. 29, 2022). The Asylum Procedures IFR made superseding changes to 8 CFR 208.4(c) and 8 CFR 208.9(d) & (e). As a result of these changes to 8 CFR 208.4(c) and 8 CFR 208.9(d) & (e) superseding the June 2020 EAD rules, the changes made by the Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers rule will be retained and not amended by this rule.

three reasons—that notice and comment and a delayed effective date are unnecessary, impracticable, and contrary to the public interest—independently provides good cause to bypass any otherwise applicable requirements of notice and comment and a delayed effective date.

II. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3512, DHS must submit to the Office of Management and Budget (OMB) for review and approval any reporting requirements inherent in a rule, unless they are exempt. Please see the accompanying PRA documentation for the full analysis.[5] Table 1 below lists all collections of information impacted by the vacatur.[6]

TABLE 1—SUMMARY OF FORMS

Form	Form name	Change	General purpose of form	General categories filing	Nexus to the broader asylum EAD rule
I–765, I–765WS	Application for Employment Authorization.	Updates-removes questions and instructions related to (c)(8) biometrics and 365 calendar day filing clock.	Certain foreign nationals who are in the United States may file Form I–765, Application for Employment Authorization, to request employment authorization and an Employment Authorization Document (EAD). Other foreign nationals whose immigration status authorizes them to work in the United States without restrictions may also use Form I–765 to apply to U.S. Citizenship and Immigration Services (USCIS) for an EAD that shows such authorization.	Initial EAD: An EAD issued to an eligible applicant for the first time under a specific eligibility category. Renewal EAD: An EAD issued to an eligible applicant after the expiration of a previous EAD issued under the same category. Replacement EAD: An EAD issued to an eligible applicant when the previously issued EAD was lost, stolen, damaged, or contains errors, such as a misspelled name.	Asylum applicants seeking employment authorization through the (c)(8) category are no longer required to appear at a USCIS Application Support Center (ASC) for biometrics submission, nor are applicants required to submit the $85 biometric services fee. Applicants for asylum need not wait 365 calendar days to apply for employment authorization, and can submit applications for employment authorization 150 days after filing their asylum application.
I–589	Application for Asylum and for Withholding of Removal.	Updates-removes instructions related to (c)(8) biometrics and 365 calendar day filing clock.	This form is used to apply for asylum in the United States and for withholding of removal (formerly called ''withholding of deportation''). This application may also be used to apply for protection under the Convention Against Torture.	Asylum—To qualify for asylum, the applicant must establish that they are a refugee who is unable or unwilling to return to his or her country of nationality, or last habitual residence if they have no nationality, because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Withholding of Removal and Deferral of removal Under Convention Against Torture—The asylum application is also considered to be an application for withholding of removal under section 241(b)(3) of the INA, as amended. It may also be considered an application for withholding of removal under the Convention Against Torture.	Applicants for asylum need not wait 365 calendar days to apply for employment authorization, and can now submit applications for employment authorization 150 days after filing their asylum application.

To conform with the requirements set forth by the PRA, USCIS requested and received emergency approval from OMB to take the following actions on certain collections of information as required by the vacatur of the Broader Asylum EAD Rule. USCIS is updating the information collections in accordance with the vacatur of the Broader Asylum EAD rule.

USCIS Form I–765; I–765WS, (OMB Control Number 1615–0040)

Overview of Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Employment Authorization; I–765 Worksheet.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–765; I–765WS; USCIS.

(4) *Affected public who were asked or required to respond, as well as a brief*

[5] *See* Public Law 104–13, 109 Stat. 163 (May 22, 1995) codified at 44 U.S.C. 3501 *et seq.*

[6] Only the Broader Asylum EAD rule (RIN 1615–AC27) impacted information collections. There were no information collection impacts from the Timeline Repeal rule (RIN 1615–AC19).

abstract: Primary: Individuals or households. USCIS uses Form I–765 to collect information needed to determine if a noncitizen is eligible for employment authorization and an initial EAD, a replacement EAD, or a renewal EAD upon the expiration of a previous EAD under the same eligibility category. Noncitizens in many immigration statuses are required to possess an EAD as evidence of employment authorization.

(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–765 paper filing is 2,178,820 and the estimated hour burden per response is 4.50 hours; the estimated total number of respondents for the information collection I–765 online filing is 107,180 and the estimated hour burden per response is 4 hours; the estimated total number of respondents for the information collection I–765WS is 302,000 and the estimated hour burden per response is 0.5 hours; the estimated total number of respondents for the information collection biometrics submission is 302,535 and the estimated hour burden per response is 1.17 hours; the estimated total number of respondents for the information collection passport photos is 2,286,000 and the estimated hour burden per response is 0.5 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 of information is 11,881,376 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 $400,895,820.

USCIS Form I–589, (OMB Control Number 1615–0067)

Overview of Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Asylum and for Withholding of Removal.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–589; USCIS.

(4) *Affected public who were asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. USCIS and Executive Office for Immigration Review (EOIR) use the data collected on the Form I–589 in the course of adjudicating eligibility of persons applying for asylum and for withholding of removal. Under section 208(a)(1) of the Immigration and Nationality Act (INA), any noncitizen who is physically present in the United States, or at a land border or port of entry, may apply for asylum regardless of such noncitizen's status. In the first instance, USCIS asylum officers adjudicate applications filed by noncitizens who are not subject to removal proceedings, or who have not yet been placed in removal proceedings, in accordance with 8 CFR 208.2(a). EOIR immigration judges adjudicate asylum applications filed by noncitizens in removal proceedings, in accordance with 8 CFR 1208.2(b). The form serves the purpose of standardizing the application and ensuring that applicants provide the required information necessary for assessing eligibility.

USCIS also uses the Form I–589 to serve as an alternate application for evidence of employment authorization for individuals granted asylum, eliminating their need to file a separate Form I–765, Application for Employment Authorization (OMB No. 1615–0040) with USCIS if, after being granted asylum, they wish to receive an Employment Authorization Document (EAD) containing both evidence of employment authorization and identity. The Form I–589 collects the same biographic information as that collected by the Form I–765. In cases where asylum is granted, the biographic information contained on the Form I–589 can also be used to generate the EAD.

(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–589 paper filing is 85,500 and the estimated hour burden per response is 12 hours; the estimated total number of respondents for the information collection I–589 online filing is 28,500 and the estimated hour burden per response is 11 hours; the estimated total number of respondents for the information collection biometrics submission is 110,000 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection of information is 1,468,200 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 $46,968,000.

List of Subjects

8 CFR Part 208

Administrative practice and procedure, Aliens, Immigration, Reporting and recordkeeping requirements.

8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

Accordingly, DHS amends parts 208 and 274a of chapter I, subchapter B, of title 8 of the Code of Federal Regulations as follows:

PART 208—PROCEDURES FOR ASYLUM AND WITHHOLDING OF REMOVAL

■ 1. The authority citation for part 208 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1158, 1226, 1252, 1282; Title VII of Pub. L. 110–229; 8 CFR part 2; Pub. L. 115–218.

■ 2. Amend § 208.3 by revising paragraph (c)(3) to read as follows:

§ 208.3 Form of application.

* * * * *

(c) * * *

(3) An asylum application that does not include a response to each of the questions contained in the Form I–589, is unsigned, or is unaccompanied by the required materials specified in paragraph (a)(1) of this section is incomplete. The filing of an incomplete application shall not commence the 150-day period after which the applicant may file an application for employment authorization in accordance with § 208.7. An application that is incomplete shall be returned by mail to the applicant within 30 days of the receipt of the application by the Service. If the Service has not mailed the incomplete application back to the applicant within 30 days, it shall be deemed complete. An application returned to the applicant as incomplete shall be resubmitted by the applicant with the additional information if he or she wishes to have the application considered;

* * * * *

■ 3. Revise § 208.7 to read as follows:

§ 208.7 Employment authorization.

(a) *Application and approval.* (1) Subject to the restrictions contained in sections 208(d) and 236(a) of the Act, an applicant for asylum who is not an aggravated felon shall be eligible pursuant to §§ 274a.12(c)(8) and 274a.13(a) of this chapter to request employment authorization. Except in

the case of an alien whose asylum application has been recommended for approval, or in the case of an alien who filed an asylum application prior to January 4, 1995, the application shall be submitted no earlier than 150 days after the date on which a complete asylum application submitted in accordance with §§ 208.3 and 208.4 has been received. In the case of an applicant whose asylum application has been recommended for approval, the applicant may apply for employment authorization when he or she receives notice of the recommended approval. If an asylum application has been returned as incomplete in accordance with § 208.3(c)(3), the 150-day period will commence upon receipt by the Service of a complete asylum application. An applicant whose asylum application has been denied by an asylum officer or by an immigration judge within the 150-day period shall not be eligible to apply for employment authorization. If an asylum application is denied prior to a decision on the application for employment authorization, the application for employment authorization shall be denied. If the asylum application is not so denied, the Service shall have 30 days from the date of filing of the request employment authorization to grant or deny that application, except that no employment authorization shall be issued to an asylum applicant prior to the expiration of the 180-day period following the filing of the asylum application filed on or after April 1, 1997.

(2) The time periods within which the alien may not apply for employment authorization and within which USCIS must respond to any such application and within which the asylum application must be adjudicated pursuant to section 208(d)(5)(A)(iii) of the Act shall begin when the alien has filed a complete asylum application in accordance with §§ 208.3 and 208.4. Any delay requested or caused by the applicant shall not be counted as part of these time periods, including delays caused by failure without good cause to follow the requirements for fingerprint processing. Such time periods shall also be extended by the equivalent of the time between issuance of a request for evidence pursuant to § 103.2(b)(8) of this chapter and the receipt of the applicant's response to such request.

(3) The provisions of paragraphs (a)(1) and (a)(2) of this section apply to applications for asylum filed on or after January 4, 1995.

(4) Employment authorization pursuant to § 274a.12(c)(8) of this chapter may not be granted to an alien who fails to appear for a scheduled interview before an asylum officer or a hearing before an immigration judge, unless the applicant demonstrates that the failure to appear was the result of exceptional circumstances.

(b) *Renewal and termination.* Employment authorization shall be renewable, in increments to be determined by USCIS, for the continuous period of time necessary for the asylum officer or immigration judge to decide the asylum application and, if necessary, for completion of any administrative or judicial review.

(1) If the asylum application is denied by the asylum officer, the employment authorization shall terminate at the expiration of the employment authorization document or 60 days after the denial of asylum, whichever is longer.

(2) If the application is denied by the immigration judge, the Board of Immigration Appeals, or a Federal court, the employment authorization terminates upon the expiration of the employment authorization document, unless the applicant has filed an appropriate request for administrative or judicial review.

(c) *Supporting evidence for renewal of employment authorization.* In order for employment authorization to be renewed under this section, the alien must request employment authorization in accordance with the form instructions. USCIS may require that an alien establish that he or she has continued to pursue an asylum application before an immigration judge or sought administrative or judicial review. For purposes of employment authorization, pursuit of an asylum application is established by presenting one of the following, depending on the stage of the alien's immigration proceedings:

(1) If the alien's case is pending in proceedings before the immigration judge, and the alien wishes to continue to pursue his or her asylum application, a copy of any asylum denial, referral notice, or charging document placing the alien in such proceedings;

(2) If the immigration judge has denied asylum, a copy of the document issued by the Board of Immigration Appeals to show that a timely appeal has been filed from a denial of the asylum application by the immigration judge; or

(3) If the Board of Immigration Appeals has dismissed the alien's appeal of a denial of asylum, or sustained an appeal by the Service of a grant of asylum, a copy of the petition for judicial review or for habeas corpus pursuant to section 242 of the Act, date stamped by the appropriate court.

(d) In order for employment authorization to be renewed before its expiration, the application for renewal must be received by the Service 90 days prior to expiration of the employment authorization.

■ 4. Revise § 208.10 to read as follows:

§ 208.10 Failure to appear at an interview before an asylum officer or failure to follow requirements for fingerprint processing.

Failure to appear for a scheduled interview without prior authorization may result in dismissal of the application or waiver of the right to an interview. Failure to comply with fingerprint processing requirements without good cause may result in dismissal of the application or waiver of the right to an adjudication by an asylum officer. Failure to appear shall be excused if the notice of the interview or fingerprint appointment was not mailed to the applicant's current address and such address had been provided to the USCIS by the applicant prior to the date of mailing in accordance with section 265 of the Act and regulations promulgated thereunder, unless the asylum officer determines that the applicant received reasonable notice of the interview or fingerprinting appointment. Failure to appear at the interview or fingerprint appointment will be excused if the applicant demonstrates that such failure was the result of exceptional circumstances.

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

■ 5. The authority citation for part 274a is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1105a, 1324a; 48 U.S.C. 1806; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599; Title VII of Pub. L. 110–229, 122 Stat. 754; Pub. L. 115–218, 132 Stat. 1547; 8 CFR part 2.

■ 6. Amend § 274a.12 by:

■ a. In paragraph (c) introductory text, removing the phrase '', unless otherwise provided in this chapter''; and

■ b. Revising paragraphs (c)(8) and (11).

The revisions read as follows:

§ 274a.12 Classes of aliens authorized to accept employment.

* * * * *

(c) * * *

(8) An alien who has filed a complete application for asylum or withholding of deportation or removal pursuant to 8 CFR part 208, whose application:

(i) Has not been decided, and who is eligible to apply for employment

authorization under § 208.7 of this chapter because the 150-day period set forth in that section has expired. Employment authorization may be granted according to the provisions of § 208.7 of this chapter in increments to be determined by the Commissioner and shall expire on a specified date; or

(ii) Has been recommended for approval, but who has not yet received a grant of asylum or withholding or deportation or removal;

* * * * *

(11) Except as provided in paragraphs (b)(37) and (c)(34) of this section and § 212.19(h)(4) of this chapter, an alien paroled into the United States temporarily for urgent humanitarian reasons or significant public benefit pursuant to section 212(d)(5) of the Act.

* * * * *

■ 7. Amend § 274a.13 by revising paragraphs (a)(1) and (2) and (d)(3) to read as follows:

§ 274a.13 Application for employment authorization.

(a) * * *

(1) The approval of applications filed under 8 CFR 274a.12(c), except for 8 CFR 274a.12(c)(8), are within the discretion of USCIS. Where economic necessity has been identified as a factor, the alien must provide information regarding his or her assets, income, and expenses.

(2) An initial employment authorization request for asylum applicants under 8 CFR 274a.12(c)(8) must be filed on the form designated by USCIS in accordance with the form instructions. The applicant also must submit a copy of the underlying application for asylum or withholding of deportation, together with evidence that the application has been filed in accordance with 8 CFR 208.3 and 208.4. An application for an initial employment authorization or for a renewal of employment authorization filed in relation to a pending claim for asylum shall be adjudicated in accordance with 8 CFR 208.7. An application for renewal or replacement of employment authorization submitted in relation to a pending claim for asylum, as provided in 8 CFR 208.7, must be filed, with fee or application for waiver of such fee.

* * * * *

(d) * * *

(3) *Termination.* The period authorized by paragraph (d)(1) of this section will automatically terminate the earlier of up to 180 days after the expiration date of the Employment Authorization Document (Form I–766), or upon issuance of notification of a decision denying the renewal request. Nothing in paragraph (d) of this section will affect DHS's ability to otherwise terminate any employment authorization or Employment Authorization Document, or extension period for such employment or document, by written notice to the applicant, by notice to a class of aliens published in the **Federal Register**, or as provided by statute or regulation including 8 CFR 274a.14.

* * * * *

§ 274a.14 [Amended]

■ 8. Amend § 274a.14 by:

■ a. Adding ''or'' at the end of paragraph (a)(1)(ii);

■ b. Removing the ''; or'' and adding in its place a period at the end of paragraph (a)(1)(iii); and

■ c. Removing paragraph (a)(1)(iv).

Alejandro N. Mayorkas,

Secretary of Homeland Security.

[FR Doc. 2022–20228 Filed 9–21–22; 8:45 am]

BILLING CODE 911–97–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–1076; Project Identifier MCAI–2021–00560–T; Amendment 39–22178; AD 2022–19–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by reports of in-service findings of corrosion on the flange of the main landing gear (MLG) lower spindle pin. This AD requires repetitive inspections of the left and right MLG lower spindle pins to detect corrosion, and applicable repair or replacement if necessary, as specified in a Transport Canada Civil Aviation (TCCA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 27, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 27, 2022.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, Canada; telephone 888–663–3639; email *AD-CN@tc.gc.ca;* internet *tc.canada.ca/en/aviation.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2021–1076.

Examining the AD Docket

You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2021–1076; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), 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: Chirayu Gupta, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@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 all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The NPRM published in the **Federal Register** on December 27, 2021 (86 FR 73194). The NPRM was prompted by reports of in-service findings of corrosion on the flange of the MLG lower spindle pin. The NPRM proposed to require repetitive inspections of the left and right MLG lower spindle pins to detect corrosion, and applicable repair or replacement if necessary, as specified in TCCA AD CF–2021–22, issued July 5, 2021 (TCCA CF–2021–22).

Since the NPRM was published, TCCA issued AD CF–2021–22R1, issued May 13, 2022 (TCCA AD CF–2021–22R1) (also referred to as the MCAI). TCCA AD CF–2021–22R1 revises TCCA AD CF–2021–22 by extending the calendar-based compliance time from 36 to 48 months for the initial inspection. This extended compliance time was based on submissions from the reporting requirement in TCCA AD CF–2021–22, and further analysis of the MLG lower spindle pin. The FAA concurs that the extended compliance time provides an acceptable level of safety to address the identified unsafe condition. The FAA has revised this AD to refer to TCCA AD CF–2021–22R1 as the acceptable means of compliance for accomplishing the required actions. The FAA has determined that providing notice and seeking comment on this change is unnecessary as the reduced compliance time provides relief to operators. In addition, the FAA has given credit for accomplishing actions done using TCCA AD CF–2021–22 before the effective date of this AD in paragraph (j)(1) of this AD.

The FAA is issuing this AD to address corrosion and subsequent cracking of the MLG lower spindle pin, which could result in failure of the pin, and consequent collapse of the MLG. See the MCAI for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from The Air Line Pilots Association, International (ALPA) who supported the NPRM without change.

The FAA received additional comments from Delta Air Lines (DAL). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Remove or Revise Inspection Report Requirement

DAL noted that paragraph (h)(2) of the proposed AD specifies reporting requirements to report only positive findings of the first four inspections. DAL asked that the reporting requirement define what is to be reported, *e.g.,* the fleet, the aircraft, or the spindle level.

DAL also requested that paragraph (h)(2)(ii) of the proposed AD, which requires reporting for inspections done before the effective date of the AD, be deleted. DAL stated that operators may not have the reporting information specified in the referenced service information since the findings may not have been tracked. DAL stated that the unsafe condition and corrective action were identified in TCCA AD CF–2021–22; and therefore, the reporting requirement is not necessary.

DAL also requested that paragraph (h)(2)(i) of the proposed AD, which requires reporting within 30 days, be deleted. DAL stated that showing the warranty claim itself is a positive finding; therefore, this reporting requirement would be redundant. DAL added that allowing 30 days to inspect, gather information from maintenance, and submit reporting is not feasible. DAL noted that 90 days is more practical for operators that operate a multitude of applicable aircraft.

The FAA infers that DAL is requesting that the FAA either remove the reporting requirement or, if not removed, revise certain aspects of the reporting requirement. The FAA acknowledges the commenter's requests and has determined that, for the reasons provided by the commenter, the reporting requirement is not necessary. Therefore, the FAA has removed paragraph (h)(2) and its sub-paragraphs from this AD. The FAA has also added a ''No Reporting'' paragraph to paragraph (i) of this AD to clarify reporting is not required by this AD.

Request for Clarification of Certain Compliance Terminology

DAL asked that the FAA clarify the tracking of MLG times versus spindle times because the affected part is the MLG spindle pin. DAL stated that paragraphs A. and B. of Part I, ''Initial Inspection,'' of TCCA AD CF–2021–22, start with ''MLG having accumulated . . .'' implying the time is on the MLG, not the spindle, would be tracked for the inspection threshold. DAL added that it tracks the MLG and the spindle and is taking the more accurate approach that the time on the spindle is the driver for the inspections. DAL noted that the time on the MLG and the spindles are currently the same since there have been no MLG or spindle removals since delivery of any aircraft up to this point. DAL stated that in the future if any spindles are replaced, the time tracking at the spindle level would ensure continued compliance with inspection intervals. Additionally, DAL noted that the repetitive inspection intervals should be tracked at the spindle level, not the MLG level.

The FAA agrees with the commenter that clarification of MLG times versus spindle times is necessary. Although the affected part in this AD is the MLG lower spindle pins, operators are not required to track the MLG and spindle pin times separately. The FAA concurs with the corrective actions section of TCCA AD CF–2021–22R1 that specifies operators must track the time on the MLG as the only metric relating to the spindle pin. Part 1 of TCCA AD CF–2021–22R1 indicates the compliance times vary depending on flight cycles on the MLG and the compliance time specified in paragraph B.1. of Part 1 states that the times are on the MLG; thus the MLG times are the metric that govern corrective actions. The FAA has determined that the compliance times specified in this AD will provide an acceptable level of safety for the identified unsafe condition. Therefore, the FAA has not changed this AD in regard to using spindle times.

Regarding the repetitive intervals, the compliance times are also on the MLG. Where Part II of TCCA AD CF–2021–22R1 specifies to repeat the inspection at intervals of 3,000 flight cycles or 24 months, whichever occurs first, those intervals are intended to be on the MLG, *i.e.,* at intervals of 3,000 flight cycles on the MLG or 24 months on the MLG, whichever occurs first. The FAA confirmed with TCCA the compliance times are on the MLG.

Request for Clarification of a Certain Compliance Time

DAL asked for clarification of the terminology ''entry into service'' used as part of the compliance time specified in paragraph B.1. of Part I, ''Initial Inspection,'' of TCCA AD CF–2021–22. DAL stated that this terminology is unclear because entry into service is not defined. DAL also stated that it assumes a spare landing gear in storage is not considered ''in service.''

The FAA agrees to clarify the terminology ''entry into service'' as identified in TCCA AD CF–2021–22 and TCCA AD CF–2021–22R1. To clarify, the term ''entry into service'' is when the MLG is first put into service on an aircraft as noted by the text ''Whichever occurs first on the MLG'' at the beginning of paragraph B.1. of Part I, ''Initial Inspection,'' of TCCA AD CF–2021–22 and TCCA AD CF–2021–22R1. The FAA also notes that the time on the MLG accrues regardless if the airplane is in storage or not. The calendar compliance time is within 48 months after the MLG's first entry into service on an airplane. The Part I compliance times are in relation to the MLG entry into service on an airplane. The accumulated time is not dependent on if the MLG is continually in use on an airplane that is in service. The FAA has added this clarification to paragraph (h)(2) of this AD.

Request for Clarification of Certain Actions

DAL stated that Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 001, dated April 13, 2021, calls for an operational test after the spindle is reinstalled on the aircraft per maintenance program (AMP) Task BD500–A–J32–30–00–01AAA–320A–A, although in other sections it specifies a functional check. DAL noted that the spindle installation instructions in Task BD500–A–J32–11–17–01AAA–720A–A, call for a MLG functional test per Task BD500–AJ32–11–00–01AAA–340A–A. DAL asked for clarification of the correct terminology for the test to avoid confusion by operators.

The FAA agrees that the name of the test done after reinstallation of the MLG spindle should be consistent. Operational test is the correct term for the test of the landing gear extension and retraction done after reinstallation of the MLG spindle as specified in the Accomplishment Instructions of Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 001, dated April 13, 2021. However, this term is not specified in this AD; therefore, the FAA has not changed this AD in this regard.

Request for Clarification of Certain Terminology

DAL asked that the referenced service information be revised to ensure consistent use of the terminology ''new or refurbished'' or ''repaired or refurbished'' language if Liebherr is providing refurbished spindles to customers. DAL noted that using the term ''overhauled'' should be allowed as well.

The FAA agrees that clarification is necessary. The correct terminology is new or refurbished spindles as specified in the Liebherr instructions that are part of the Accomplishment Instructions of Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 001, dated April 13, 2021. The terminology ''repaired'' and ''overhauled'' are not used in the Liebherr instructions that are part of the Accomplishment Instructions of Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 001, dated April 13, 2021. That terminology is not used in this AD; therefore, the FAA has not changed this AD in this regard.

Request To Define Visual Inspection

DAL asked that the definitions for ''visually inspect'' and ''thorough visual inspection'' specified in Airbus Canada Service Bulletin BD500–321003, Issue 001, dated April 13, 2021, be provided to avoid confusion with other standard inspection terminology used in the aviation industry. DAL added that another option is that the inspection requirements could be changed to industry standard wording.

The FAA agrees with the commenter for the reason provided. The correct term for the ''visually inspect'' steps is ''General Visual Inspection.'' A general visual inspection is a visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.

The correct term for the ''thorough visual inspection'' steps is ''Detailed Inspection.'' A detailed inspection is an intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.

The inspection type is not specified in requirements of this AD; however, the FAA has revised the description of the procedures for TCCA AD CF 2021–22R1 in the ''Related Service Information Under 1 CFR part 51'' paragraph of this final rule.

Request To Provide Guidance for Certain Procedures in the Referenced Service Information

DAL asked that the FAA provide guidance for the procedures specified in Airbus Canada Service Bulletin BD500–321003, Issue 001, dated April 13, 2021, and referenced in TCCA AD CF–2021–22, which should be revised to match the format using ''Required for Compliance (RC)'' designations. DAL stated that the procedures section of the Accomplishment Instructions of the referenced service information should define ''RC'' and what must be done to comply. DAL noted that the job set-up and close-up are recommended but can be deviated from, done as part of other actions, or done with accepted methods different from those given in the referenced service information, as long as the RC section can be done, and the aircraft put back into a serviceable condition. The referenced service information should use typical language when calling out procedures, and specify when a procedure must be done ''in accordance with'' versus ''referring to'' a procedure.

The FAA acknowledges the commenter's request; however, the FAA does not make changes to service information; such changes are implemented by the airplane manufacturer. The FAA agrees with the concept of minimizing AD requirements when appropriate. The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating which steps in the service information are ''required for compliance'' (RC) with an AD. Differentiating these steps from other tasks in the service information improves an owner's/operator's understanding of AD requirements and help provide consistent judgment in AD compliance.

In response to the AD Implementation ARC, the FAA released AC 20–176A, dated June 16, 2014 (*drs.faa.gov/browse/excelExternalWindow/979DDD1479E1EC6F86257CFC0052D4E9.0001*); and Order 8110.117A, dated June 18, 2014 (*drs.faa.gov/browse/excelExternalWindow/D715CDFC08AC0DDC86257CFC00528297.0001*), which include the concept of RC. The FAA implements this concept in ADs when we receive service information containing RC steps. While some design approval holders have implemented the RC concept, the implementation is voluntary. The FAA does not intend to develop or revise AD requirements to incorporate the RC concept if it is not included in the service information.

As always, if any operator prefers to address the unsafe condition by means other than those specified in the referenced service information, they may request approval for an alternative method of compliance and, if approved, may use it instead of the procedures specified in the service information.

The FAA has not changed this AD in this regard.

Acceptable Methods of Compliance

DAL asked that the FAA verify that using the installation procedures for the spindle in the component maintenance manual (CMM) or the AMP is an acceptable method of compliance for accomplishing the requirements in the

proposed AD. DAL stated that the installation procedures in the referenced service information differ from the procedures in those manuals. DAL noted that using the procedures in the service information does not have the correct consumables, including the correct lockwire, called out and does not have the step to safety the nut to the spindle with a cable and ferrule. DAL also stated the service information does not have a step to safety wire the screw to the nut and does not have a step to seal the gap between the screw and nut.

The FAA agrees to clarify when using the CMM or AMP to accomplish the installation procedures specified in the service information referenced in TCCA AD CF–2021–22R1 is an acceptable method of compliance. For steps that specify actions and ''refer to'' the AMP or other documents, the ''refer to'' means that procedure or document may be followed to accomplish the action (*e.g.,* the design approval holder's procedure or document may be used, but an FAA-accepted procedure could also be used).

However, for steps in the service information that specify to do actions ''in accordance with'' the CMM, the ''in accordance with'' means that CMM must be followed. An operator must request an alternative method of compliance, as specified in paragraph (k)(1) of this AD to deviate from required actions.

Regarding the DAL comment about the service information not containing the correct lockwire, Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 002, dated May 13, 2022, now specifics the correct and more efficient equipment to be used. In addition, Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 001, dated April 13, 2021, specifies that operators can use approved alternatives.

Regarding the DAL comment that the service information does not have a the step to safety the nut to the spindle with a cable and ferrule, a step to safety wire the screw to the nut and a step to seal the gap between the screw and nut, the FAA acknowledges those specific steps are not included in Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 001, dated April 13, 2021. However, Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 002, dated May 13, 2022, does include those steps. In order to address the unsafe condition, operators are only required to do the actions in accordance with the service information referenced in TCCA AD CF 2021–22R1, which refers to Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 001, dated April 13, 2021. Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 002, dated May 13, 2022, identifies more efficient equipment to be used, missing installation steps, and consumable materials. For operators that used Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 001, dated April 13, 2021, no further actions are required as that service bulletin adequately addresses the identified unsafe condition. The FAA has added paragraph (h)(3) to this AD to identify Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 002, dated May 13, 2022, as the appropriate service information because it contains the most up-to-date instructions. In addition, the FAA added paragraph (j)(2) of this AD to provide credit for using Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 001, dated April 13, 2021.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

TCCA AD CF–2021–22R1 specifies procedures for repetitive inspections (including general visual inspections, detailed inspection, liquid penetrant inspections, and nondestructive tests) of the left and right MLG lower spindle pins for corrosion, and applicable repair or replacement of the MLG lower spindle pin. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Interim Action

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

Costs of Compliance

The FAA estimates that this AD affects 51 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 25 work-hours × $85 per hour = $2,125.	$0	Up to $2,125	Up to $108,375 per inspection cycle.

The FAA estimates the following costs to do any necessary on-condition actions that will be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 3 work-hours × $85 per hour = $255	Up to $33,038	Up to $33,293.

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

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:

2022–19–09 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–22178; Docket No. FAA–2021–1076; Project Identifier MCAI–2021–00560–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 27, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by reports of in-service findings of corrosion on the flange of the main landing gear (MLG) lower spindle pin. The FAA is issuing this AD to address corrosion and subsequent cracking of the MLG lower spindle pin, which could result in failure of the pin, and consequent collapse of the MLG.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada Civil Aviation (TCCA) AD CF–2021–22R1, issued May 13, 2022 (TCCA AD CF–2021–22R1).

(h) Exceptions to TCCA AD CF–2021–22R1

(1) Where TCCA AD CF–2021–22R1 refers to May 20, 2021, the effective date of TCCA AD CF–2021–18, this AD requires using the effective date of this AD.

(2) Where paragraph B.1. of Part I. ''Initial Inspection,'' of TCCA AD CF–2021–22R1 refers to a compliance time for the main landing gear (MLG), for this AD, the compliance time is before the accumulation of 5,500 total flight cycles on the MLG or within 48 months after the MLG's first entry into service on an airplane, whichever occurs first.

(3) Where TCCA AD CF–2021–22R1 refers to using certain service information, replace the text, ''Airbus Canada SB BD500–321003 Issue 001, dated 13 April 2021,'' with ''Airbus Canada SB BD500–321003 Issue 002, dated May 13, 2022.''

(i) No Reporting Requirement

Although the service information referenced in TCCA AD CF–2021–22R1 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using TCCA AD CF–2021–22, issued July 5, 2021.

(2) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Canada Limited Partnership Service Bulletin BD500–321003, Issue 001, dated April 13, 2021.

(k) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; fax: 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or TCCA; or Airbus Canada Limited Partnership's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(l) Related Information

(1) For more information about this AD, contact Chirayu Gupta, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov*.

(2) For Airbus Canada Limited Partnership service information identified in this AD that is not incorporated by reference, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec J7N 3C6, Canada; telephone 450–476–7676; email *a220_crc@abc.airbus*; internet *a220world.airbus.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.

(3) TCCA AD CF–2021–22, issued July 5, 2021, which is identified in this AD and is not incorporated by reference, is available at the addresses specified in paragraphs (m)(3) and (4) of this AD.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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 this AD specifies otherwise.

(i) Transport Canada Civil Aviation (TCCA) AD CF–2021–22R1, issued May 13, 2022.

(ii) [Reserved]

(3) For TCCA AD CF–2021–22R1, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *AD-CN@tc.gc.ca;* internet *tc.canada.ca/en/aviation.*

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

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). 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.*

Issued on September 8, 2022.

Christina Underwood,

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

[FR Doc. 2022–20488 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1169; Project Identifier MCAI–2022–01068–T; Amendment 39–22190; AD 2022–20–06]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A320–251N, –253N, and –271N airplanes; and Model A321–251N, –253N, –271N, and –272N airplanes. This AD was prompted by the failure of an electronic centralized aircraft monitor (ECAM) warning to be triggered during heating of several sensing elements of the over-heat detection system (OHDS) loop sequentially during flight test operation procedures. This AD requires revising the existing airplane flight manual (AFM) with an AFM Temporary Revision (TR) to provide procedures to operate the airplane without functioning bleed leak detection; revising the operator's existing FAA-approved minimum equipment list (MEL); and modifying the electrical connections of the bleed monitoring computers (BMCs), which allows for the removal of the AFM TR and the MEL revision; as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective October 7, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 7, 2022.

The FAA must receive comments on this AD by November 7, 2022.

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

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

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2022–1169; 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 AD, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; website *easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*.
- 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.

FOR FURTHER INFORMATION CONTACT: Manuel Hernandez, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5256; email *Manuel.F.Hernandez@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–1169; Project Identifier MCAI–2022–01068–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Manuel Hernandez, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5256; email *Manuel.F.Hernandez@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022–0165,

dated August 9, 2022 (EASA AD 2022–0165) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A320–251N, –253N, and –271N airplanes; and Model A3210–251N, –253N, –271N, and –272N airplanes.

The MCAI states that during operation of a flight test aircraft, it was reported that during heating of several sensing elements of the OHDS loop sequentially, no ECAM warning was triggered. The same behavior was observed in all OHDS loops of the airplane. Investigation identified a missing electrical grounding of the OHDS sensing element up to the BMC connector, impairing the OHDS leak detection capability in all OHDS loops of the airplane. This condition, if not detected and corrected, could lead to hot air bleed leakage undetected by the OHDS loops, possibly resulting in exposure of airplane structure and systems (*e.g.,* fuel and hydraulic) to high temperatures and consequent reduced structural integrity of the airplane, fire ignition, or systems malfunction.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA–2022–1169.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0165 specifies incorporating revised AFM operational procedures and an MMEL update for operating the airplane without functioning bleed leak detection; and modifying the electrical connections of the BMCs, which allows for the removal of the AFM operational procedures and the MMEL update. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI described above. The FAA is issuing this AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2022–0165 described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Compliance With AFM and MEL Revisions

EASA AD 2022–0165 requires operators to ''inform all flight crews'' of revisions to the AFM and MEL, and thereafter to ''operate the aeroplane accordingly.'' However, this AD does not specifically require those actions as those actions are already required by FAA regulations.

FAA regulations require operators furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot's training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. 14 CFR 91.9 requires that any person operating a civil aircraft must comply with the operating limitations specified in the AFM.

FAA regulations (14 CFR 121.628 (a)(2)) require operators to provide pilots with access to all of the information contained in the operator's MEL. Furthermore, 14 CFR 121.628 (a)(5) requires airplanes to be operated under all applicable conditions and limitations contained in the operator's MEL.

Therefore, including a requirement in this AD to operate the airplane according to the revised AFM and MEL would be redundant and unnecessary.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2022–0165 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2022–0165 through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0165 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2022–0165. Service information required by EASA AD 2022–0165 for compliance will be available at regulations.gov under Docket No. FAA–2022–1169 after this AD is published.

FAA's Justification and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because hot air bleed leakage undetected by the OHDS loops could result in exposure of airplane structure and systems (*e.g.,* fuel and hydraulic) to high temperatures and consequent reduced structural integrity of the airplane, fire ignition, or systems malfunction. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

The FAA estimates that this AD affects 290 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
AFM and MEL revisions	2 work-hours × $85 per hour = $170	$0	$170	$49,300
BMC modification	5 work-hours × $85 per hour = $425	0	425	123,250

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

2022–20–06 Airbus SAS: Amendment 39–22190; Docket No. FAA–2022–1169; Project Identifier MCAI–2022–01068–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 7, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus SAS airplanes identified in paragraphs (c)(1) and (2) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2022–0165, dated August 9, 2022 (EASA AD 2022–0165).

(1) Model A320–251N, –253N, and –271N airplanes.

(2) Model A321–251N, –253N, –271N, and –272N airplanes.

(d) Subject

Air Transport Association (ATA) of America Codes 30, Ice and rain protection; and 36, Pneumatic.

(e) Unsafe Condition

This AD was prompted by the failure of an electronic centralized aircraft monitor (ECAM) warning to be triggered when heating several sensing elements of the over-heat detection system (OHDS) loop sequentially. The FAA is issuing this AD to address hot air bleed leakage undetected by the over-heat detection system (OHDS) loops, which could result in exposure of airplane structure and systems (*e.g.,* fuel and hydraulic) to high temperatures and consequent reduced structural integrity of the airplane, fire ignition, or systems malfunction.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0165.

(h) Exceptions to EASA AD 2022–0165

(1) Where EASA AD 2022–0165 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraphs (1) and (3) of EASA AD 2022–0165 specify to ''inform all flight crews'' and thereafter to ''operate the aeroplane accordingly,'' this AD does not require those actions as those actions are already required by existing FAA operating regulations.

(3) The ''Remarks'' section of EASA AD 2022–0165 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2022–0165 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (k)(2) of this AD, if any service information referenced in EASA AD 2022–0165 that contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an

AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(k) Additional Information

For more information about this AD, contact Manuel Hernandez, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5256; email *Manuel.F.Hernandez@faa.gov.*

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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 this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0165, dated August 9, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0165, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

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

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). 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.*

Issued on September 15, 2022.

Christina Underwood,

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

[FR Doc. 2022–20605 Filed 9–20–22; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0604; Project Identifier MCAI–2021–01375–T; Amendment 39–22148; AD 2022–17–10]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021–19–20, which applied to all Dassault Aviation Model FALCON 7X airplanes. AD 2021–19–20 required amending the existing airplane flight manual (AFM) to incorporate a check and an operating limitation regarding the O_2 saver function. This AD was prompted by reports of defects that may prevent efficient deactivation of the O_2 saver function of crew oxygen masks and a determination that the AFM amendment required by AD 2021–19–20 may not be sufficient to mitigate the risk. This AD retains the requirements of AD 2021–19–20 and also requires physical deactivation of the O_2 saver function, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD also limits the installation of affected parts under certain conditions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 27, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 27, 2022.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0604.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0604; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), 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: Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *tom.rodriguez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0272, dated December 6, 2021 (EASA AD 2021–0272) (also referred to as the MCAI), to correct an unsafe condition for all Dassault Aviation Model FALCON 7X airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2021–19–20, Amendment 39–21738 (86 FR 51604, September 16, 2021) (AD 2021–19–20). AD 2021–19–20 applied to all Dassault Aviation Model FALCON 7X airplanes. The NPRM published in the **Federal Register** on June 9, 2022 (87 FR 35122). The NPRM was prompted by reports of defects on the piston hole associated with the O_2 saver function that may prevent efficient deactivation of the O_2 saver function and a determination that the AFM amendment required by AD 2021–19–20 may not be sufficient to mitigate the risk of failed deactivation of the O_2 saver function. The NPRM proposed to retain the requirements of AD 2021–19–20 and require physical deactivation of the O_2 saver function, as specified in EASA AD 2021–0272. The NPRM also proposed to limit the installation of affected parts under certain conditions.

The FAA is issuing this AD to address defects that may prevent efficient deactivation of the O_2 saver function, which could result in an inadequate oxygen supply to the flightcrew in case of decompression of the airplane or smoke or fire in the flight deck. See the MCAI for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data 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.

Accordingly, the FAA is issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0272 specifies procedures for amending the existing AFM to incorporate a specific check to ensure that the O_2 saver function is not activated and an operating limitation to prevent use of the O_2 saver function; and for mechanically deactivating the O_2 saver function of the affected parts (Safran flightcrew oxygen masks having part number MLD40–45–005 and serial number B150451 through B172005 inclusive without the letter ''R'' after the serial number). EASA AD 2021–0272 also limits the installation of affected parts under certain conditions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 20 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2021–19–20.	1 work-hour × $85 per hour = $85	$0	$85	Up to $1,700.
New actions	4 work-hours × $85 per hour = $340.	0	340	6,800.

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

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:

■ a. Removing Airworthiness Directive (AD) 2021–19–20, Amendment 39–21738 (86 FR 51604, September 16, 2021); and

■ b. Adding the following new AD:

2022–17–10 Dassault Aviation: Amendment 39–22148; Docket No. FAA–2022–0604; Project Identifier MCAI–2021–01375–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 27, 2022.

(b) Affected ADs

This AD replaces AD 2021–19–20, Amendment 39–21738 (86 FR 51604, September 16, 2021) (AD 2021–19–20).

(c) Applicability

This AD applies to all Dassault Aviation Model FALCON 7X airplanes, certificated in any category.

Note 1 to paragraph (c): Model FALCON 7X airplanes with Dassault modification M1000 incorporated are commonly referred to as ''Model FALCON 8X'' as a marketing designation.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Unsafe Condition

This AD was prompted by reports of defects on the piston hole associated with the O_2 saver function that may prevent efficient deactivation of the O_2 saver function and a determination that the airplane flight manual (AFM) amendment required by AD 2021–19–20 may not be sufficient to mitigate the risk of failed deactivation of the O_2 saver function. The FAA is issuing this AD to address defects that may prevent efficient deactivation of the O_2 saver function, which could result in an inadequate oxygen supply to the flightcrew in case of decompression of the airplane or smoke or fire in the flight deck.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0272, dated December 6, 2021 (EASA AD 2021–0272).

(h) Exceptions to EASA AD 2021–0272

(1) Where EASA AD 2021–0272 refers to September 13, 2021 (the effective date of

EASA AD 2021–0202–E), this AD requires using September 16, 2021 (the effective date of AD 2021–19–20).

(2) Where EASA AD 2021–0272 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2021–0272 requires operators to ''inform all flight crews, and thereafter operate the aeroplane accordingly,'' this AD does not require those actions as they are already required by existing FAA operating regulations.

(4) The ''Remarks'' section of EASA AD 2021–0272 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2021–0272 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *tom.rodriguez@faa.gov*.

(l) 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 this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2021–0272, dated December 6, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0272, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu*. You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu*.

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

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

Issued on August 10, 2022.

Christina Underwood,

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

[FR Doc. 2022–20489 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0153; Project Identifier MCAI–2021–01051–A; Amendment 39–22172; AD 2022–19–03]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2016–26–08, which applied to all Pilatus Aircraft Ltd. Model PC–12, PC–12/45, PC–12/47, and PC–12/47E airplanes. AD 2016–26–08 required incorporating revisions into the airworthiness limitations section (ALS) of the maintenance program and inspecting the main landing gear (MLG) attachment bolts for cracks and corrosion. Since the FAA issued AD 2016–26–08, the European Union Aviation Safety Agency (EASA) superseded its mandatory continuing airworthiness information (MCAI) to add a new life limit for certain MLG actuator bottom attachment bolts and then superseded it again to add new life limits for the rudder bellcrank. This AD requires incorporating new revisions to the ALS of the existing airplane maintenance manual (AMM) or Instructions for Continued Airworthiness (ICA) to establish a 5-year life limit for certain MLG actuator bottom attachment bolts and new life limits for the rudder bellcrank. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 27, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 27, 2022.

ADDRESSES: For service information identified in this final rule, contact Pilatus Aircraft Ltd., CH–6371, Stans, Switzerland; phone: +41848247365; email: *techsupport.ch@pilatus-aircraft.com;* website: *pilatus-aircraft.com/*. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* by searching for and locating Docket No. FAA–2022–0153.

Examining the AD Docket

You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–0153; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the MCAI, any comments received, and other information. The 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: Doug Rudolph, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4059; email: *doug.rudolph@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2016–26–08, Amendment 39–18766 (82 FR 1172, January 5, 2017; corrected February 16, 2017, 82 FR 10859) (AD 2016–26–08). AD 2016–26–08 applied to all Pilatus Aircraft Ltd. (Pilatus) Model PC–12, PC–12/45, PC–12/47, and PC–12/47E airplanes. AD 2016–26–08 required incorporating revisions into the ALS of the existing FAA-approved maintenance program and inspecting the MLG attachment bolts for cracks and corrosion.

The NPRM published in the **Federal Register** on March 14, 2022 (87 FR 14187). The NPRM was prompted by reports of failure of MLG actuator bottom attachment bolts, part number 532.10.12.218, identified with ''VLG'' on the bolt head. These parts are from a specific vendor and are subject to hydrogen embrittlement. Accordingly, EASA, which is the Technical Agent for the Member States of the European Union, superseded its prior AD on this condition and issued EASA AD 2021–0005, dated January 7, 2021, corrected January 14, 2021, to require a new 5-year life limit for the MLG actuator bottom attachment bolt identified with ''VLG.'' Pilatus subsequently added new life limits for the rudder bellcrank. As a result, EASA superseded its AD again and issued AD 2021–0214, dated September 17, 2021 (referred to after this as ''the MCAI''). The MCAI states:

> The airworthiness limitations and certification maintenance instructions for Pilatus PC–12 aeroplanes, which are approved by EASA, are currently defined and published in Pilatus PC–12 AMM Chapter 04–00–00. These instructions have been identified as mandatory for continued airworthiness.
>
> Failure to accomplish these instructions could result in an unsafe condition.
>
> Previously, EASA issued [EASA] AD 2021–0005, requiring the actions described in the Pilatus PC–12 AMM Chapter 04–00–00, Document Number 02049 Issue 01 Revision 40, Document Number 02300 Issue 01 Revision 24 and Document Number 02436 Issue 01 Revision 02.
>
> Since that [EASA] AD was issued, Pilatus published the applicable ALS, as defined in this [EASA] AD, which contains new and/or more restrictive tasks and limitations, as specified in the Component Limitations section, to introduce a new life limit for the rudder bellcrank. Due to the introduction of this life limit, the repetitive eddy current inspections are no longer required and deleted from the Supplemental Structural Inspection section.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2021–0005, which is superseded, and requires accomplishment of the actions as specified in the applicable ALS.

You may examine the MCAI at *regulations.gov* by searching for and locating Docket No. FAA–2022–0153.

In the NPRM, the FAA proposed to require incorporating new revisions to the ALS of the existing AMM or ICA to establish a 5-year life limit for certain MLG actuator bottom attachment bolts and new life limits for the rudder bellcrank. The FAA is issuing this AD to prevent MLG collapse during all phases of airplane operations, including take-off and landing, and also to prevent rudder bellcrank failure, which could lead to loss of airplane control.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from four commenters. The commenters were the Air Line Pilots Association (ALPA), Pilatus, and two individuals. The following presents the comments received on the NPRM and the FAA's response to each comment.

ALPA supported the NPRM without change.

Requests Regarding the Service Information

Pilatus requested that the FAA change the proposed AD to reference the most recent AMM revisions, which were issued December 10, 2021. Pilatus stated that it updated the AMM, including the ALS, for editorial changes and that requiring incorporation of the later AMM revisions would not increase the public burden. An individual commenter requested the FAA change the proposed AD to allow operators to comply by incorporating later FAA-approved revisions of the ALS. The commenter stated that not including this statement restricts operators to using the ALS revision required by the AD, unless they obtain approval of an alternative method of compliance (AMOC).

The FAA partially agrees. The FAA agrees to allow incorporation of the latest revisions of the ALS, as requested by Pilatus, as an option for compliance with paragraph (f)(1) of this AD, and has updated this final rule accordingly. The FAA does not agree with allowing future revisions of the ALS as an option for compliance with paragraph (f)(1) of this AD. An AD may not refer to a document that does not exist at the time the AD is published. The Office of the Federal Register (OFR) regulations for approval of materials ''incorporated by reference'' in rules require that service documents be submitted to the OFR for approval as ''referenced material.'' An AD may reference only the specific service document that was submitted and approved by the OFR for incorporation by reference. The individual commenter is correct that in order for operators to use later revisions of the referenced document (issued after the publication of the AD), either the FAA must revise the AD to reference the specific later revisions, or operators must request the approval of their use as an AMOC.

Request To Increase the Average Labor Rate

An individual commenter requested the FAA adjust the average labor rate to reflect the current economic burden. The individual stated that the average labor rate in the NPRM is too low.

The FAA disagrees. The FAA Office of Aviation Policy and Plans provides the labor rate of $85 per work-hour for the FAA to use when estimating the labor costs of complying with AD requirements. The FAA did not change this final rule based on this comment.

Additional Change Made to This Final Rule

The FAA has revised the document citations for the service information required in this AD to adhere to OFR regulations for materials incorporated by reference.

Conclusion

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for the changes described previously, 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 the following service information, which contains the new life limit for certain MLG actuator bottom attachment bolts and new life limits for the rudder bellcrank. These documents are distinct because they apply to different airplane models; the different revision levels include editorial updates.

- PC–12, PC–12/45, PC–12/47 Structural, Component and Miscellaneous Limitations—AMM Document No. 02049—Airworthiness Limitations, Document Module Code 12–A–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12, PC–12/45, PC–12/47 MSN–101–888 Aircraft Maintenance Manual Document No. 02049, Revision 41, dated July 16, 2021.
- PC–12, PC–12/45, PC–12/47 Structural, Component and Miscellaneous Limitations—AMM Document No. 02049—Airworthiness Limitations, Document Module Code 12–A–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12, PC–12/45, PC–12/47 MSN–101–888 Aircraft

Maintenance Manual Document No. 02049, Revision 42, dated December 10, 2021.

• PC–12/47E Structural, Component and Miscellaneous Limitations—AMM Document No. 2300—Airworthiness Limitations, Document Module Code 12–B–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN–545/1001–1719 and 1721–1942 Aircraft Maintenance Manual Document No. 02300, Revision 25, dated July 16, 2021.

• PC–12/47E Structural, Component and Miscellaneous Limitations—AMM Document No. 2300—Airworthiness Limitations, Document Module Code 12–B–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN–1001–1942 (except MSN 1720) Aircraft Maintenance Manual Document No. 02300, Revision 26, dated December 10, 2021.

• PC–12/47E Structural, Component and Miscellaneous Limitations—AMM Document No. 02436—Airworthiness Limitations, Document Module Code 12–C–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN 1720, 2001-Up Aircraft Maintenance Manual Document No. 02436, Revision 03, dated July 16, 2021.

• PC–12/47E Structural, Component and Miscellaneous Limitations—AMM Document No. 02436—Airworthiness Limitations, Document Module Code 12–C–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN 1720, 2001-Up Aircraft Maintenance Manual Document No. 02436, Revision 04, dated December 10, 2021.

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

Costs of Compliance

The FAA estimates that this AD affects 1,030 airplanes of U.S. registry. The FAA also estimates that it will take 1 work-hour per airplane to incorporate the revised ALS into the AMM or ICA. The average labor rate is $85 per work-hour. Based on these figures, the FAA estimates the cost on U.S. operators to be $87,550 or $85 per airplane.

In addition, the FAA estimates that replacing a MLG actuator bottom attachment bolt, if necessary, will take 1 work-hour and will require parts costing $2,140 for a cost of $2,225 per airplane.

Replacing the rudder bellcrank, if necessary, will take 3 work-hours and will require parts costing $550 for a cost of $805 per airplane.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has determined that 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:

■ a. Removing Airworthiness Directive 2016–26–08, Amendment 39–18766 (82 FR 1172, January 5, 2017; corrected February 16, 2017, 82 FR 10859); and

■ b. Adding the following new airworthiness directive:

2022–19–03 Pilatus Aircraft Ltd.: Amendment 39–22172; Docket No. FAA–2022–0153; Project Identifier MCAI–2021–01051–A.

(a) Effective Date

This airworthiness directive (AD) is effective October 27, 2022.

(b) Affected ADs

This AD replaces AD 2016–26–08, Amendment 39–18766 (82 FR 1172, January 5, 2017; corrected February 16, 2017, 82 FR 10859).

(c) Applicability

This AD applies to Pilatus Aircraft Ltd. Model PC–12, PC–12/45, PC–12/47, and PC–12/47E airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2722, Rudder Actuator; 3210, Main Landing Gear; and 3211, Main Landing Gear Attach Section.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The unsafe condition in the MCAI is failure of main landing gear (MLG) actuator bottom attachment bolts and failure to accomplish a new life limit for the rudder bellcrank. The FAA is issuing this AD to prevent MLG collapse during all phases of airplane operations, including take-off and landing and also to prevent rudder bellcrank failure, which could lead to loss of airplane control.

(f) Actions and Compliance

(1) Before further flight, unless already done, revise the Airworthiness Limitations section of the existing airplane maintenance manual (AMM) or Instructions for Continued Airworthiness for your airplane by incorporating the following documents.

(i) For Model PC–12, PC–12/45, and PC–12/47 airplanes: PC–12, PC–12/45, PC–12/47 Structural, Component and Miscellaneous Limitations—AMM Document No. 02049—Airworthiness Limitations, Document Module Code 12–A–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12, PC–12/45, PC–12/47 MSN–101–888 Aircraft Maintenance Manual Document No. 02049, Revision 41, dated July 16, 2021; or PC–12, PC–12/45, PC–12/47 Structural, Component and Miscellaneous Limitations—AMM Document No. 02049—Airworthiness Limitations, Document Module Code 12–A–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12, PC–12/45, PC–12/47 MSN–101–888 Aircraft Maintenance Manual Document No. 02049, Revision 42, dated December 10, 2021.

(ii) For Model PC–12/47E airplanes with serial numbers 545, 1001 through 1719, and 1721 through 1999: PC–12/47E Structural,

Component and Miscellaneous Limitations—AMM Document No. 2300—Airworthiness Limitations, Document Module Code 12–B–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN–545/1001–1719 and 1721–1942 Aircraft Maintenance Manual Document No. 02300, Revision 25, dated July 16, 2021; or PC–12/47E Structural, Component and Miscellaneous Limitations—AMM Document No. 2300—Airworthiness Limitations, Document Module Code 12–B–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN–1001–1942 (except MSN 1720) Aircraft Maintenance Manual Document No. 02300, Revision 26, dated December 10, 2021.

(iii) For Model PC–12/47E airplanes with serial numbers 1720 and 2001 and larger: PC–12/47E Structural, Component and Miscellaneous Limitations—AMM Document No. 02436—Airworthiness Limitations, Document Module Code 12–C–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN 1720, 2001-Up Aircraft Maintenance Manual Document No. 02436, Revision 03, dated July 16, 2021; or PC–12/47E Structural, Component and Miscellaneous Limitations—AMM Document No. 02436—Airworthiness Limitations, Document Module Code 12–C–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN 1720, 2001-Up Aircraft Maintenance Manual Document No. 02436, Revision 04, dated December 10, 2021.

(2) The actions required by paragraph (f)(1) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a)(1) through (4), and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 14 CFR 121.380, or 14 CFR 135.439.

(3) After revising the airworthiness limitations required by paragraph (f)(1) of this AD, no alternative life limits or inspection intervals may be used unless they are approved as provided in paragraph (g) of this AD.

(g) Alternative Methods of Compliance (AMOCs)

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

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

(h) Related Information

(1) For more information about this AD, contact Doug Rudolph, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4059; email: *doug.rudolph@faa.gov.*

(2) Refer to MCAI European Union Aviation Safety Agency (EASA) AD 2021–0214, dated September 17, 2021, for more information. You may view the EASA AD at *regulations.gov* in Docket No. FAA–2022–0153.

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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) PC–12, PC–12/45, PC–12/47 Structural, Component and Miscellaneous Limitations—AMM Document No. 02049—Airworthiness Limitations, Document Module Code 12–A–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12, PC–12/45, PC–12/47 MSN–101–888 Aircraft Maintenance Manual Document No. 02049, Revision 41, dated July 16, 2021.

(ii) PC–12, PC–12/45, PC–12/47 Structural, Component and Miscellaneous Limitations—AMM Document No. 02049—Airworthiness Limitations, Document Module Code 12–A–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12, PC–12/45, PC–12/47 MSN–101–888 Aircraft Maintenance Manual Document No. 02049, Revision 42, dated December 10, 2021.

(iii) PC–12/47E Structural, Component and Miscellaneous Limitations—AMM Document No. 2300—Airworthiness Limitations, Document Module Code 12–B–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN–545/1001–1719 and 1721–1942 Aircraft Maintenance Manual Document No. 02300, Revision 25, dated July 16, 2021.

(iv) PC–12/47E Structural, Component and Miscellaneous Limitations—AMM Document No. 2300—Airworthiness Limitations, Document Module Code 12–B–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN–1001–1942 (except MSN 1720) Aircraft Maintenance Manual Document No. 02300, Revision 26, dated December 10, 2021.

(v) PC–12/47E Structural, Component and Miscellaneous Limitations—AMM Document No. 02436—Airworthiness Limitations, Document Module Code 12–C–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN 1720, 2001-Up Aircraft Maintenance Manual Document No. 02436, Revision 03, dated July 16, 2021.

(vi) PC–12/47E Structural, Component and Miscellaneous Limitations—AMM Document No. 02436—Airworthiness Limitations, Document Module Code 12–C–04–00–00–00A–000A–A, of the Pilatus Model type—PC–12/47E MSN 1720, 2001-Up Aircraft Maintenance Manual Document No. 02436, Revision 04, dated December 10, 2021.

(3) For service information identified in this AD, contact Pilatus Aircraft Ltd., CH–6371, Stans, Switzerland; phone: +41848247365; email: *techsupport.ch@pilatus-aircraft.com;* website: *pilatus-aircraft.com/.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

(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, email: *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on August 31, 2022.

Christina Underwood,

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

[FR Doc. 2022–20517 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0681; Project Identifier MCAI–2021–01292–T; Amendment 39–22149; AD 2022–17–11]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–2A12 airplanes. This AD was prompted by reports that significant water accumulation was discovered in the oxygen service compartment access panels of multiple airplanes. This AD requires modifying the oxygen service compartment door to introduce a means of water drainage. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 27, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 27, 2022.

ADDRESSES: For service information identified in this final rule, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.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* under Docket No. FAA–2022–0681.

Examining the AD Docket

You may examine the AD docket at *www.regulations.gov* under Docket No. FAA–2022–0681; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), 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: Gabriel Kim, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

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 Bombardier, Inc., Model BD–700–2A12 airplanes. The NPRM published in the **Federal Register** on June 16, 2022 (87 FR 36272). The NPRM was prompted by AD CF–2021–40, dated November 19, 2021, issued by Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada (referred to after this as the MCAI). The MCAI states that significant water accumulation was discovered in the oxygen service compartment access panels during production activities on multiple airplanes and that, if not corrected, the freeze/thaw cycle of accumulated water may damage oxygen connections inside the compartment, leading to oxygen leakage and risk of fire in the presence of an ignition source.

In the NPRM, the FAA proposed to require modifying the oxygen service compartment door to introduce a means of water drainage. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* under Docket No. FAA–2022–0681.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. 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 Bombardier Service Bulletin 700–52–7508, Revision 1, dated January 13, 2021. This service information specifies procedures for, among other actions not specified in this AD, modifying the oxygen service compartment door to introduce a means of water drainage. The modification also includes a general visual inspection for damage of the oxygen access panel placard, and replacement of a damaged placard.

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

Costs of Compliance

The FAA estimates that this AD affects 40 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × $85 per hour = $340	$0	$340	$13,600

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	$40	$125

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA

with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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:

2022–17–11 Bombardier, Inc.: Amendment 39–22149; Docket No. FAA–2022–0681; Project Identifier MCAI–2021–01292–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 27, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–2A12 airplanes, certificated in any category, as identified in Bombardier Service Bulletin 700–52–7508, Revision 01, dated January 13, 2021.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Unsafe Condition

This AD was prompted by reports that significant water accumulation was discovered in the oxygen service compartment of multiple airplanes. The FAA is issuing this AD to address water ingress through oxygen service compartment access panels. If not addressed, the freeze/thaw cycle of accumulated water may damage oxygen connections inside the compartment, leading to oxygen leakage and risk of fire in the presence of an ignition source.

(f) Compliance

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

(g) Required Actions

Within 25 months after the effective date of this AD: Modify the oxygen service compartment door in accordance with Part A of the Accomplishment Instructions of Bombardier Service Bulletin 700–52–7508, Revision 1, dated January 13, 2021.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 700–52–7508, dated September 4, 2020.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

(1) Refer to TCCA AD CF–2021–40, dated November 19, 2021, for related information. This TCCA AD may be found in the AD docket at *www.regulations.gov* under Docket No. FAA–2022–0681.

(2) For more information about this AD, contact Gabriel Kim, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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 this AD specifies otherwise.

(i) Bombardier Service Bulletin 700–52–7508, Revision 1, dated January 13, 2021.

(ii) [Reserved]

(3) For service information identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.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, email *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on August 10, 2022.

Christina Underwood,

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

[FR Doc. 2022–20490 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0805; Project Identifier MCAI–2021–00951–R; Amendment 39–22182; AD 2022–19–13]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, AS355N,

and AS355NP helicopters. This AD was prompted by the identification of certain parts needing maintenance actions, including life limits and maintenance tasks. This AD requires incorporating into existing maintenance records requirements (airworthiness limitations), as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 27, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 27, 2022.

ADDRESSES: For EASA material incorporated by reference (IBR) in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.* For Airbus Helicopters service information identified in this final rule, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *airbus.com/helicopters/services/technical-support.html.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. Service information that is IBRed is also available in the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–0805.

Examining the AD Docket

You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–0805; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the EASA AD, 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: Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5110; email *kristin.bradley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0193, dated August 20, 2021 (EASA AD 2021–0193) to correct an unsafe condition for Airbus Helicopters (AH), formerly Eurocopter, Eurocopter France, and Aerospatiale, Model AS 355 E, AS 355 F, AS 355 F1, AS 355 F2, AS 355 N, and AS 355 NP helicopters, all serial numbers. EASA AD 2021–0193 requires accomplishment of the actions in the applicable Airworthiness Limitations Section (ALS) as defined in EASA AD 2021–0193.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters. The NPRM published in the **Federal Register** on June 30, 2022 (87 FR 39019). The NPRM was prompted by the identification of certain parts needing maintenance actions, including life limits and maintenance tasks. The NPRM proposed to require incorporating into maintenance records requirements (airworthiness limitations), as specified in EASA AD 2021–0193.

Relationship Between This AD and Other Relevant Rulemaking

EASA AD 2021–0193 states that it takes over the requirements for Model AS 355 helicopters from EASA AD 2010–0006, dated January 7, 2010 (EASA AD 2010–0006) (which prompted FAA AD 2011–22–05 R1, Amendment 39–17765 (79 FR 14169, March 13, 2014) (AD 2011–22–05 R1)) and EASA AD 2015–0094, dated May 29, 2015 (EASA AD 2015–0094) (which prompted FAA AD 2016–25–20, Amendment 39–18746 (81 FR 94954, December 27, 2016) (AD 2016–25–20)). EASA AD 2021–0193 also notes that the requirements of EASA AD 2010–0006 and EASA AD 2015–0094 have been incorporated into the applicable ALS specified in EASA AD 2021–0193.

Accordingly, this final rule does not supersede AD 2011–22–05 R1 or AD 2016–25–20. Rather, the FAA has determined that a stand-alone AD is more appropriate to address the changes in EASA AD 2021–0193. Therefore, this AD requires incorporating into existing maintenance records requirements (airworthiness limitations), as specified in the applicable ALS, as defined in EASA AD 2021–0193. Accomplishment of the required actions terminates all of the requirements of AD 2011–22–05 R1 and AD 2016–25–20 for Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters only.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters. This AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0193 requires certain actions and associated thresholds and intervals, including life limits and maintenance tasks.

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

Other Related Service Information

The FAA reviewed Airbus Helicopters AS 355 E Chapter 04 ALS Revision 010, dated September 14, 2020; Airbus Helicopters AS 355 F Chapter 04 ALS Revision 010, dated September 14, 2020; Airbus Helicopters AS 355 F1 Chapter 04 ALS Revision 010, dated September 14, 2020; Airbus Helicopters AS 355 F2 Chapter 04 ALS Revision 011, dated September 14, 2020; Airbus Helicopters AS 355 N Chapter 04 ALS, Revision 010, dated September 14, 2020; and Airbus Helicopters AS 355 NP Chapter 04 ALS Revision 009, dated February 4, 2019. This service information specifies procedures for mandatory actions for continued airworthiness.

ADs Mandating Airworthiness Limitations

The FAA has previously mandated airworthiness limitations by mandating each airworthiness limitation task (*e.g.,* inspections and replacements (life limits)) as an AD requirement or issuing ADs that require revising the ALS of the existing maintenance manual or instructions for continued airworthiness

to incorporate new or revised inspections and life limits. This AD, however, requires operators to incorporate into maintenance records required by 14 CFR 91.417(a)(2) or 135.439(a)(2), as applicable for your helicopter, the requirements (airworthiness limitations) specified in a civil aviation authority AD. The FAA does not intend this as a substantive change. For these ADs, the ALS requirements for operators are the same but are complied with differently. Requiring the incorporation of the new ALS requirements into the existing maintenance records, rather than requiring individual ALS tasks (*e.g.,* repetitive inspections and replacements), requires operators to record AD compliance once after updating the maintenance records, rather than after every time the ALS task is completed.

In addition, paragraph (h) of this AD allows operators to incorporate later approved revisions of the ALS document as specified in the Ref. Publications section of EASA AD 2021–0193 without the need for an alternative method of compliance (AMOC).

Differences Between This AD and EASA AD 2021–0193

Paragraph (1) of EASA AD 2021–0193 requires compliance with actions and associated thresholds and intervals, including life limits and maintenance tasks, from the effective date of EASA AD 2021–0193. Paragraph (3) of EASA AD 2021–0193 requires incorporating the actions and associated thresholds and intervals, including life limits and maintenance tasks, into the approved maintenance program within 12 months after the effective date of EASA AD 2021–0193. This AD requires incorporating into existing maintenance records requirements (airworthiness limitations) within 30 days after the effective date of this AD.

Costs of Compliance

The FAA estimates that this AD affects 45 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Incorporating into existing maintenance records, requirements (airworthiness limitations) takes about 2 work-hours for an estimated cost of $170 per helicopter and $7,650 for the U.S. fleet.

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:

2022–19–13 Airbus Helicopters: Amendment 39–22182; Docket No. FAA–2022–0805; Project Identifier MCAI–2021–00951–R.

(a) Effective Date

This airworthiness directive (AD) is effective October 27, 2022.

(b) Affected ADs

This AD affects AD 2011–22–05 R1, Amendment 39–17765 (79 FR 14169, March 13, 2014) (AD 2011–22–05 R1); and AD 2016–25–20, Amendment 39–18746 (81 FR 94954, December 27, 2016) (AD 2016–25–20).

(c) Applicability

This AD applies to all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6410, Tail Rotor Blades.

(e) Unsafe Condition

This AD was prompted by the identification of certain parts needing maintenance actions, including life limits and maintenance tasks. The FAA is issuing this AD to address the failure of certain parts, which could result in the loss of control of the helicopter.

(f) Compliance

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

(g) Required Action

Within 30 days after the effective date of this AD, incorporate into maintenance records required by 14 CFR 91.417(a)(2) or 135.439(a)(2), as applicable for your rotorcraft, the requirements (airworthiness limitations) specified in paragraph (1) of European Union Aviation Safety Agency (EASA) AD 2021–0193, dated August 20, 2021 (EASA AD 2021–0193).

(h) Provisions for Alternative Requirements (Airworthiness Limitations)

After the actions required by paragraph (g) of this AD have been done, no alternative requirements (airworthiness limitations) are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2021–0193.

(i) Terminating Action for ADs 2011–22–05 R1 and 2016–25–20

(1) Accomplishing the actions required by this AD terminates all requirements of AD 2011–22–05 R1 for Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters only.

(2) Accomplishing the actions required by this AD terminates all requirements of AD 2016–25–20 for Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters only.

(j) Special Flight Permit

Special flight permits in accordance with 14 CFR 21.197 and 21.199, are prohibited.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve

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

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

(l) Related Information

For more information about this AD, contact Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5110; email *kristin.bradley@faa.gov.*

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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 this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2021–0193, dated August 20, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0193, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–0805.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). 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.*

Issued on September 9, 2022.

Christina Underwood,

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

[FR Doc. 2022–20542 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2022–1116; Airspace Docket No. 22–ANE–5]

RIN 2120–AA66

Modification of Restricted Areas R–6501A and R–6501B; Underhill, VT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies restricted areas R–6501A and R–6501B, Underhill, VT, by amending the upper altitude limit of R–6501A and the lower altitude limit of R–6501B. Certain military activities near Underhill, VT, require restricted airspace that exceeds the current 4,000-foot mean sea level (MSL) upper altitude limit of R–6501A. As a result, R–6501B must be activated, along with R–6501A, to ensure containment of the hazardous activity. Raising the upper altitude limit of R–6501A from 4,000 feet MSL to but not including 4,900 feet MSL and the lower altitude limit of R–6501B from 4,000 feet MSL to 4,900 feet MSL, will result in more efficient use of airspace by reducing the need to activate R–6501B. This modification is fully contained within the existing lateral and vertical limits of R–6501A and B. The activities conducted in these restricted airspace areas are unchanged.

DATES: Effective date 0901 UTC, December 29, 2022.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it adjusts the upper altitude limit of R–6501A, and the lower altitude limit of R–6501B, to enable more efficient use of airspace.

Background

Restricted area R–6501A, Underhill, VT, extends from the surface to 4,000 feet MSL. The time of designation for the area is: ''From 0700 to 2300 local time, Monday–Friday; 0000 Saturday to 2359 Sunday; and other times by NOTAM issued 24 hours in advance.''

Restricted area R–6501B directly overlies R–6501A and shares the same lateral boundaries. R–6501B extends from 4,000 feet MSL to 13,600 feet MSL. The time of designation is: ''Intermittent by NOTAM 24 hours in advance.''

Currently, the altitude that separates the two areas is 4,000 feet MSL. The issue is that the 4,000 feet MSL ceiling of R–6501A is not sufficient to safely contain most activities being conducted. This requires that R–6501B also be activated along with R–6501A. However, the activation of R–6501B restricts the airspace all the way up to 13,600 feet MSL, even though the majority of R–6501B is not needed for certain operations. Raising the upper altitude limit of R–6501A from 4,000 feet MSL to ''to but not including 4,900 feet MSL''; and the lower altitude limit of R–6501B from 4,000 feet MSL to ''4,900 feet MSL'' will eliminate the need to frequently activate R–6501B. This will make more airspace available for Air Traffic Control (ATC) and general aviation use.

To provide for more efficient use of airspace, the FAA and the using agency agreed to change the altitude that separates R–6501A and R–6501B from 4,000 feet MSL to 4,900 feet MSL. The new configuration enables activation of less restricted airspace to ensure containment of the majority of the using agency's training needs while maintaining the ability to activate additional restricted airspace for missions that require higher altitudes.

These changes will accommodate the using agency's requirements while releasing unneeded restricted airspace for access by other airspace users. With regard to the existing R–6501A and B, which abut, the lateral boundaries of the restricted airspace areas, the lowest and uppermost vertical limits of the airspace areas, and the activities conducted within the airspace are unchanged.

The Rule

This action amends 14 CFR part 73 by changing the upper altitude limit of R–6501A and lower altitude limit of R–6501B to adjust the internal altitude that separates them and minimizes the need to activate R–6501B. The time of

designation for R–6501A and R–6501B remains the same as currently designated. The activities conducted within the restricted areas are unchanged.

This change enhances the efficient use of the National Airspace System by providing for activation of the minimum amount of restricted airspace needed for the specific mission being conducted, thereby releasing unneeded restricted airspace for access by other users. This reduces the burden on the flying public. Further, the modification does not change the current lateral boundaries, overall lowest and highest designated altitude limits, time of designation, or activities conducted within the restricted areas. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Regulatory Notices and Analyses

The FAA has determined that this action 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 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

This action of modifying restricted areas R–6501A and R–6501B, by amending the internal altitude limits that separate them, 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 5–6.5f, which categorically excludes from further environmental impact review, actions that increase the altitude of special use airspace. 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 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

§ 73. 51 [Amended]

■ 2. § 73.65 is amended as follows:

* * * * *

R–6501A Underhill, VT [Amended]

By removing the current designated altitudes and substituting the following:

Designated altitudes. Surface to but not including 4,900 feet MSL.

R–6501B Underhill, VT [Amended]

By removing the current designated altitudes and substituting the following:

Designated altitudes. 4,900 feet MSL to 13,600 feet MSL.

* * * * *

Issued in Washington, DC, on September 19, 2022.

Eric S. Jennings,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–20577 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2022–1212]

Changes to Surveillance and Broadcast Services

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notification of changes to Surveillance Services.

SUMMARY: This action announces termination of the Mode–S Traffic Information Service (TIS) at 104 terminal Mode–S radar sites. The FAA is replacing these legacy terminal Mode–S radars via the Mode–S Beacon Replacement System (MSBRS) program, or may remove legacy terminal Mode–S radars as part of other ongoing activities. As each legacy terminal Mode–S Radar is replaced or removed, the FAA will no longer provide Mode–S TIS to capable transponders from that location. This change does not affect existing Traffic Information Service—Broadcast (TIS–B), Automatic Dependent Surveillance—Rebroadcast (ADS–R), or Automatic Dependent Surveillance—Same Link Rebroadcast (ADS–SLR) services currently provided to properly ADS–B equipped aircraft.

DATES: September 22, 2022.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact: Michael Freie, Technical Advisor, Surveillance Services, AJM–4, Air Traffic Organization, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: 202–528–2337; email: *michael.freie@faa.gov*.

SUPPLEMENTARY INFORMATION:

Executive Summary

In 2018, the FAA commissioned a study to assess the safety and economic impacts on general aviation owners and operators (from here on referred to as ''the GA Community'') from the termination of Mode–S Traffic Information Service (TIS). The purpose of this study was to communicate information on the removal of Mode–S TIS from the National Airspace System (NAS) through user outreach and engaging with non-governmental organizations (*e.g.,* AEA, AOPA, EAA, and GAMA). The results of the study confirmed that removal of Mode–S TIS has no significant adverse safety or economic impacts on the GA Community. Therefore, beginning in

2024, Mode–S TIS will terminate at each radar location as current Mode–S radars are replaced by the Mode–S Beacon Replacement System (MSBRS) program, or as legacy terminal Mode–S radars are removed as part of other ongoing activities. The GA Community should no longer rely on reception of TIS information from Mode–S capable radars.

I. Background

In 2000, FAA implemented Mode–S Traffic Information System (TIS) via Mode–S radar data-link functionality. Mode–S TIS has also been referred to informally as TIS–A by some in industry. Mode–S TIS was implemented by FAA in response to an NTSB recommendation suggesting improvement of situational awareness information for the general aviation (GA) community not equipped with a traffic alert and collision avoidance system (TCAS).

In May 2010, the FAA published 14 CFR 91.225 and 91.227, requiring aircraft to be equipped with Automatic Dependent Surveillance—Broadcast (ADS–B) Out equipment by 1 January 2020 in order to operate in certain U.S. airspace. ADS–B was identified as the backbone for the future of the FAA's Next Generation (NextGen) programs. From 2010 through 2020, the FAA funded deployment of approximately 700 ADS–B radio stations across the U.S. to provide improved surveillance coverage across the NAS. Along with improving surveillance coverage, the FAA implemented functionality into ADS–B radio stations geared at providing appropriately equipped GA aircraft with enhanced situational awareness through both Traffic Information Services—Broadcast (TIS–B) and Automatic Dependent Surveillance—Rebroadcast (ADS–R).[1] In 2016, FAA funded the addition of Automatic Dependent Surveillance—Same Link Rebroadcast (ADS–SLR) service at the busiest U.S. airports with a surface surveillance system.[2]

Traffic Information Services

In 2017, MITRE issued a report on Mid-Air Collision (MAC) rates from 1990 to 2006. Upon the implementation of Mode–S TIS functionality into FAA terminal radars, the data showed a decline of approximately 50 percent in the GA MAC rate from 2000 to 2003—when Mode–S TIS avionics were first being installed in GA aircraft. This lower MAC rate stabilized after 2003 when Mode–S TIS installations were largely completed and stayed at the lower level until today. Reception of Mode–S TIS information was not a functionality that was required for Mode–S transponders. To this day, a very limited set of transponders are known to be capable of receiving and processing Mode–S TIS information from FAA terminal radars.

In the decades following the initial Mode–S TIS deployment, the FAA implemented improved systems for provisioning information on proximate aircraft to GA pilots through the use of TIS–B, ADS–R and ADS–SLR services. These new services expand beyond the currently provided Mode–S TIS. Now that the ADS–B mandate is in effect, and low-cost avionics systems for receiving and displaying ADS–B, ADS–R, ADS–SLR and TIS–B information are readily available, the GA community is able to obtain a heightened situational awareness of the traffic around them. This is especially true when flying around the terminal areas where significant ADS–B coverage is available today.

As of April 3, 2022, approximately 127,755 aircraft have been identified as being 1090ES, UAT, or Dual ADS–B In capable. The vast majority of these are General Aviation aircraft due to the number of portable ADS–B In devices or integrated ADS–B In/Out systems available to this market.

Mode–S Radar Beacon Replacement System

Many FAA Mode–S terminal radars are approaching the end of their useful lifecycle. Additionally, the FAA is facing an increased maintenance cost from the inability to purchase parts, due to parts obsolescence or part shortages, necessary to ensure continued operational availability. To mitigate this, the FAA has initiated a radar modernization effort called the Mode–S Beacon Replacement System (MSBRS) program. Under this program, the FAA will replace at least forty-six (46) aging Mode–S terminal radars starting in 2024. Starting in 2024 as the new MSBRS radars replace the existing terminal radars, the existing Mode–S TIS functionality will disappear at the location of each replaced terminal radar.

During this timeframe, the FAA will continue to provide Mode–S TIS through the existing terminal radars until the existing radar is replaced with a new MSBRS radar. This document is intended to provide time for GA aircraft owners and operators who have not yet equipped with an ADS–B receiver to acquire and install, if appropriate, an ADS–B In capable system.

Other FAA Surveillance System Improvement Activities

Independent of the MSBRS program, FAA is also engaged in multiple activities aimed at improving existing surveillance systems. These activities are aimed at reducing FAA operating costs and/or reducing congestion on surveillance system RF frequencies. As these activities proceed, FAA may remove one or more Mode–S terminal radars from operation, which would eliminate Mode–S TIS at that location.

II. Industry Discussion on Mode–S TIS Removal

Using surveys and discussions with industry organizations, the FAA was able to obtain the necessary data required to understand the potential safety and economic impacts from removing Mode–S TIS functionality from the existing terminal radars. FAA conducted surveys, such as the General Aviation/Part 135 Air Taxi Activity Survey, to produce a set of comprehensive data on Part 91 and Part 135 aircraft and their operations. The FAA reviewed data from survey reports for 2010, 2014, 2016, 2018, and 2019, and discussed these reports with industry association experts. The data from these reports were utilized to study the relevant surveillance equipage for all types of aircraft: Fixed Wing Piston, Fixed Wing turboprop single and multi-engine, turbojet, and rotorcraft.

The FAA worked with the Aircraft Owners and Pilots Association (AOPA) to develop a special survey of AOPA's members about the impacts of eliminating Mode–S TIS. The survey was sent to 50,000 AOPA members with 2,567 responses received by March 2021. A follow up survey was conducted in an attempt to increase the percentage of AOPA members' responses. The final number of respondents by May 2021 was 5,752—over 10% of the aircraft owners surveyed. After the final survey results were received, AOPA and FAA performed a joint review of the collected information. In addition to answering 31 specific questions about their aircraft, its relevant avionics, hours, operations, and locations, the GA community also submitted over 700 comments pertaining to the impact of terminating Mode–S TIS. More than 50% of the GA community stated that there would be no or little impact to their traffic

[1] More information on TIS–B and ADS–R can be found at the FAA's NEXTGEN ADS–B website: *https://www.faa.gov/nextgen/programs/adsb.*

[2] FAA has two surface surveillance systems: ASSC (Airport Surface Surveillance Capability) and ASDE–X (Airport Surface Detection Equipment, Model X). See *https://www.faa.gov/nextgen/programs/adsb/atc/assc* and *https://www.faa.gov/air_traffic/technology/asde-x.*

awareness capability and safety due to the removal of Mode–S TIS.

Over the last 3 years, the FAA has conducted industry briefings and discussions with major avionics manufacturing companies on the MSBRS program and the associated planned removal of Mode–S TIS from terminal radars. These discussions assisted in gathering pertinent information on equipage and gaining insight into potential concerns.

III. Summary

Based on data obtained from the aviation community and feedback received through industry engagement, FAA has determined that the overall safety and economic impacts due to the removal of Mode–S TIS functionality will have little to no impact on the GA community.

Replacement of the existing terminal radars capable of providing Mode–S TIS under the MSBRS Program will provide an improvement in ATC capabilities, which will benefit military and civil aviation, including General Aviation. Installation of the new state-of-the-art Mode–S radars will improve system operational reliability and reduce system down time.

Removal of legacy terminal Mode–S radars may occur as part of other ongoing FAA activities to divest radars or which are being replaced with other modern cooperative surveillance systems. These activities are being pursued to lower FAA operating costs and/or reduce congestion on surveillance system RF frequencies.

Aircraft operating within ADS–B mandated airspace, specified under 14 CFR 91.225, have transitioned their avionics equipment to be compliant with the performance requirements of the regulation. If the ADS–B Out equipment is performing and configured properly, aircraft equipped with ADS–B In are capable of receiving ADS–R, ADS–SLR, and TIS–B services from the FAA ADS–B ground stations across the NAS. These low-cost ADS–B In avionics systems are widely available, and provide the GA community with a heightened situational awareness of the traffic around them which was not previously available using solely Mode–S TIS information. These services expand coverage and more than replace the information currently provided by Mode–S TIS.

Issued in Washington, DC, on September 16, 2022.

Mark DeNicuolo,

Vice President, Program Management Organization, Air Traffic Organization.

[FR Doc. 2022–20508 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 650

[FHWA Docket No. FHWA–2017–0047]

RIN 2125–AF55

National Bridge Inspection Standards; Technical Correction

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes technical corrections to the regulations that govern the National Bridge Inspection Standards Program. The amendments contained herein make no substantive changes to FHWA regulations, policies, or procedures.

DATES: This rule is effective September 22, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Drda, P.E., Office of Bridges and Structures, HIBS–40, (919) 747–7011; or William Winne, Office of the Chief Counsel, telephone (202) 366–1397, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours for FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded by accessing the Office of the Federal Register's home page at: *www.federalregister.gov* or the Government Printing Office's website at: *www.GovInfo.gov.*

Background

This rulemaking makes technical corrections to the regulations that govern the National Bridge Inspection Standards Program found at 23 CFR part 650. In the final rule published in the **Federal Register** on May 6, 2022 (87 FR 27396), FHWA provided an incorrect cross reference in § 650.313(h), and an incomplete reference to material incorporated by reference to be used for the load rating of bridges in § 650.313(k). This Final Rule corrects those references in § 650.313(h) and (k).

Section 650.313(h) incorrectly pointed readers to ''paragraphs (a)(1)(ii) and (b)(1)(ii) *of this section*'' (emphasis added) to describe the use of special inspections in lieu of complete routine and underwater inspections for bridges on reduced inspection intervals. The paragraphs listed do not appear within § 650.313, but rather § 650.311. The FHWA corrects this sentence to remove the incorrect cross reference and to read as follows: ''(h) *Special inspection.* For special inspections used to monitor conditions described in § 650.311(a)(1)(ii) and (b)(1)(ii), develop and document procedures in accordance with Section 4.2, AASHTO Manual (incorporated by reference, *see* § 650.317).''

Section 650.313(k) included an incomplete reference to the appropriate sections of the AASHTO Manual, incorporated by reference in § 650.317, for load rating purposes. As discussed in the preamble of the Final Rule, and referenced in the definition of ''AASHTO Manual'', the third paragraph in Article 6B.7.1 is excluded from the considerations to be used for load rating. The FHWA corrects this sentence to note this exclusion and to read as follows: ''(k) *Load rating.* (1) Rate each bridge as to its safe load capacity in accordance with Sections 6 and 8, excluding the 3rd paragraph in Article 6B.7.1, AASHTO Manual (incorporated by reference, *see* § 650.317).''

Rulemaking Analyses and Notice

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an Agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. The FHWA finds that notice and comment for this rule is unnecessary and contrary to the public interest because it will have no substantive impact and is technical in nature. The amendments to the rule are necessary based on drafting errors made during the development of the Final Rule. The FHWA does not anticipate receiving meaningful comments on it. State and local governments rely upon the regulations corrected by this action. These corrections will reduce confusion for these entities and should not be unnecessarily delayed. Accordingly, for the reasons listed above, FHWA finds good cause under 5 U.S.C. 553(b)(3)(B) to waive notice and opportunity for comment. For these same reasons, this Final Rule is effective upon its date of publication under 5 U.S.C. 553(d)(3)

and, therefore, is exempt from the 30-day delayed effective date requirement of that section for these same reasons.

Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) has determined that this rulemaking is not a significant regulatory action under section 3(f) of Executive Order (E.O.) 12866. Accordingly, OMB has not reviewed it under that E.O. This action complies with E.O.'s 12866 and 13563 to improve regulation. It is anticipated that the economic impact of this rulemaking will be minimal. This final rule only makes minor corrections that will not alter the regulatory effect of 23 CFR part 650. Thus, the final rule will not adversely affect, in a material way, any sector of the economy. In addition, these changes will not interfere with any action taken or planned by another Agency and will not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), FHWA has evaluated the effects of this action on small entities and has determined that the action will not have a significant economic impact on a substantial number of small entities. The final rule will not make any substantive changes to our regulations or in the way that our regulations affect small entities; it merely corrects technical errors. For this reason, FHWA certifies that this action will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This final rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). This final rule does not impose any requirements on State, local, or Tribal governments, or the private sector and, thus, will not require those entities to expend any funds.

Executive Order 13132 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in E.O. 13132. The FHWA has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA has also determined that this final rule does not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to these programs. Local entities should refer to the Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction, for further information.

Paperwork Reduction Act

This final rule does not create any new information collection requirements for which submission to OMB would be needed under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

National Environmental Policy Act

The FHWA has analyzed this final rule for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this action will not have any effect on the quality of the environment and qualifies for the categorical exclusion at 23 CFR 771.117(c)(20).

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this final rule under E.O. 13175. The FHWA concluded that the final rule will not have substantial direct effects on one or more Indian Tribes; will not impose substantial direct compliance costs on Indian Tribal government; and will not preempt Tribal law. There are no requirements set forth in the final rule that directly affect one or more Indian Tribes. Therefore, a Tribal summary impact statement is not required.

Executive Order 12898 (Environmental Justice)

E.O. 12898 requires that each Federal Agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. The FHWA has determined that this final rule does not raise any environmental justice issues.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RINs contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 650

Bridges, Grant programs-transportation, Highways and roads, Incorporation by reference, Reporting and recordkeeping requirements.

Stephanie Pollack,

Deputy Administrator, Federal Highway Administration.

For the reasons stated in the preamble, 23 CFR part 650 is amended as set forth below.

PART 650—BRIDGES, STRUCTURES, AND HYDRAULICS

■ 1. The authority citation for part 650 continues to read as follows:

Authority: 23 U.S.C. 119, 144, and 315.

■ 2. Amend § 650.313 by revising paragraphs (h) and (k)(1) to read as follows:

§ 650.313 Inspection procedures.

* * * * *

(h) *Special inspection.* For special inspections used to monitor conditions as described in § 650.311(a)(1)(ii) and (b)(1)(ii), develop and document procedures in accordance with Section 4.2, AASHTO Manual (incorporated by reference, *see* § 650.317).

* * * * *

(k) * * *

(1) Rate each bridge as to its safe load capacity in accordance with Sections 6 and 8, excluding the 3rd paragraph in Article 6B.7.1, AASHTO Manual (incorporated by reference, *see* § 650.317).

* * * * *

[FR Doc. 2022–20422 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 91 and 92

[Docket No. FR 5792–F–03]

RIN 2501–AD69

Changes to HOME Investment Partnerships (HOME) Program Commitment Requirement

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This final rule follows HUD's interim final rule published on December 2, 2016. The interim rule changed the method by which HUD determines participating jurisdictions' compliance with the statutory 24-month commitment requirements on the use of HOME Investment Partnerships program (HOME) funds, including the set-aside for community housing development organizations, under the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA). Specifically, it implemented a grant-specific method for determining compliance with such requirements. In addition, the interim rule revised the method of administering program income to prevent participating jurisdictions from losing allocated HOME funds when they expend program income. This rule finalizes the December 2, 2016, interim rule without change.

DATES: *Effective:* October 24, 2022.

FOR FURTHER INFORMATION CONTACT: Virginia Sardone, Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street SW, Suite 7286, Washington, DC 20410; or at 202–708–2684 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION

I. Background

Under section 218(g) of the Cranston-Gonzalez National Affordable Housing Act of 1990 [1] (42 U.S.C. 12701 *et seq.*) (NAHA), participating jurisdictions are required to place their HOME Investment Partnerships Program (HOME) funds under binding commitment within 24 months after the last day of the month in which HUD made the funds available (*i.e.,* deposited the funds into the participating jurisdiction's HOME Investment Trust Fund (''HOME account'')). Under section 218(g) of NAHA,[2] a participating jurisdiction's right to draw HOME funds from its HOME account expires if the funds are not placed under binding commitment by the 24-month deadline. In addition, pursuant to section 231 of NAHA,[3] a participating jurisdiction must reserve not less than 15 percent of its HOME funds for investment only in housing to be developed, sponsored, or owned by community housing development organizations (CHDOs). If any funds reserved under section 231 of NAHA remain uninvested for a period of 24 months, then HUD must deduct the uninvested funds from the line of credit in the participating jurisdiction's HOME account.

Prior to Fiscal Year (FY) 2015, HUD measured compliance with the 24-month requirement for committing funds, including CHDO set-aside funds, using a cumulative methodology. HUD also had a 5-year expenditure requirement for all participating jurisdictions that was measured using the cumulative methodology. Under HUD's cumulative methodology, HUD's Integrated Disbursement and Information System (IDIS) committed and disbursed funds on a first-in, first-out basis and participating jurisdictions were not required to designate funds from a specific FY allocation when committing HOME funds to a project. Consequently, HUD did not require participating jurisdictions to specify which grant year's funds they were committing to a specific project in IDIS.

On December 2, 2016 (81 FR 86947), HUD published an interim rule in the **Federal Register** to implement a grant-specific method for determining compliance with both the 24-month commitment and 24-month CHDO set-aside commitment deadlines, and to establish a method of administering program income that would prevent participating jurisdictions from losing appropriated funds when they expend program income. The interim rule also eliminated the 5-year expenditure requirement for participating jurisdictions (other than insular areas) for FY 2015 and later grant years and changed the manner in which program income and other funds in the local HOME account were treated.

The 24-month commitment requirement in section 218(g) of NAHA, however, was later suspended for HOME funds with 24-month deadlines occurring in 2016 through 2023 under section 242 of Title I of Division K of the Consolidated Appropriations Act, 2017.[4] Specifically, the 2017 Appropriations Act stated: ''Section 218(g) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME Investment Trust Fund that otherwise expired or would expire in 2016, 2017, 2018, or 2019 under this section.'' The Consolidated Appropriations Act of 2019 [5] and subsequent appropriations acts,[6] also included a provision suspending the 24-month requirement for CHDO set-aside funds in section 231(b) of NAHA for ''any uninvested funds that otherwise were deducted or would be deducted from the line of credit in the participating jurisdiction's HOME Investment Trust Fund'' in 2018 through 2024. Consequently, HUD is currently not enforcing the 24-month commitment requirements for those grants covered by the suspensions. Despite the suspensions of sections 218(g) and 231(b) in recent appropriations acts, HUD is finalizing the interim rule as these suspensions may lapse in the future.

After considering the public comments submitted in response to HUD's interim rule, HUD is finalizing its December 2, 2016, interim rule without change. This final rule implements a grant-specific method of determining compliance with the HOME commitment deadlines. As discussed in HUD's interim rule, beginning with FY 2015 grants, a participating jurisdiction is required to select the grant year's funds that will be committed to a specific project or activity. When the participating jurisdiction requests a draw of grant funds for that project or activity, HUD, through IDIS, now disburses the specific grant year's funds committed to that project or activity, rather than the oldest funds available. This change requires participating jurisdictions to commit specific FY grant funds and for HUD to assess commitment deadline compliance on a grant-specific basis. This methodology change addresses the timely commitment and expenditure of program income, repaid funds, recaptured funds, and funds committed for programs to be administered by State recipients and subrecipients. Conforming changes are also made to the consolidated plan regulations with respect to program income, repaid funds, and recaptured funds.

II. Discussion of Public Comments and HUD's Responses

The public comment period for the interim rule closed on January 31, 2017, and HUD received seven public comments. Comments were largely submitted by development agencies. The following presents the significant issues and questions related to the interim rule raised by the commenters and HUD's responses to these issues and questions.

[1] 42 U.S.C. 12748(g).

[2] Id.

[3] 42 U.S.C. 12771.

[4] Public Law 115–31, 131 Stat. 135, 789.

[5] Public Law 116–6, 133 Stat. 13. 464.

[6] Public Law 115–141, 132 Stat. 348; Public Law 116–94, 133 Stat. 2534. Public Law 117–03, 136 Stat. 742.

A. Comments of Support

The comments were generally supportive. One commenter stated that requiring additional project-specific information is a positive change. Other commenters praised the change eliminating the requirement to expend program income prior to drawing grant funds, stated that HUD has developed a reasonable approach to accounting for the commitment of program income and supported the elimination of the automatic cancellation of projects.

B. Cancellation of Funds

Issue: De-obligation of previously committed funds. Commenters stated that de-obligating funds when a project is cancelled or completed for less than the committed amount only penalizes participating jurisdictions for being responsible stewards of funds. The commenters encouraged HUD to allow the funds to be recommitted immediately and used within the expenditure deadline without being recaptured by HUD. Another commenter stated that grantees should have a grace period to recommit those funds, such as the commitment deadline for the next year's allocation.

HUD Response: HOME funds that become uncommitted for any reason after the funds have met their 24-month commitment deadline can be committed by the participating jurisdiction to another eligible HOME project or activity, provided the participating jurisdiction met the requirements for a commitment, including the definition of commitment at 24 CFR 92.2, at the time of the funds' 24-month commitment deadline.

C. Community Housing Development Organization (CHDO) Commitments

Issue: Elimination of cumulative method. A commenter stated that eliminating the cumulative method for determining compliance with the CHDO set-aside is impractical and will result in a significant loss of funds. The commenter stated that funding has declined recently and using the small amount of funds is very difficult, so jurisdictions wait and pool CHDO set-aside funds across multiple years. Eliminating the use of the cumulative method would essentially require at least some participating jurisdictions to work solely with CHDOs to have sufficient project dollars for the projects funded by CHDO set-aside funds.

HUD Response: The Department is aware of the challenges that the elimination of the cumulative method of measuring compliance with the 15 percent CHDO set-aside requirement may cause. Rather than committing less than 15 percent in some years and more than 15 percent in other years so that 15 percent of cumulative HOME allocations are used for CHDO projects, each participating jurisdiction is now required to commit a minimum of 15 percent of each grant year's allocation or HUD will recapture the funds. While the Department lacks statutory authority to use the cumulative method in determining compliance with the 15 percent CHDO set-aside requirement, Congress recognized these challenges and responded by suspending the application of section 231(b) of NAHA to CHDO set-aside funds that were or would be deducted in 2018 through 2024 and section 218(g) of NAHA to remove the expiration of funds with 24-month commitment deadlines in 2016 through 2024. Since the suspension of sections 218(g) and 231(b) of NAHA relieves participating jurisdictions of the obligation of committing funds to projects within 24 months, the combined effect of the suspensions allows participating jurisdictions to have a longer period of time to accumulate enough CHDO set-aside funds to commit to a CHDO project. The suspension of section 231(b) of NAHA also removes the requirement that participating jurisdictions reserve CHDO set-aside funds to be used for projects owned, developed, or sponsored by CHDOs for more than 24-months from the date the funds are made available. This allows participating jurisdictions to use CHDO set-aside funds for non-CHDO HOME projects after the end of the 24-month CHDO set-aside time period defined in section 231 of NAHA.

Issue: Elimination of CHDO set-aside. A commenter also supported eliminating the CHDO set-aside.

HUD Response: Elimination of the CHDO set-aside would require an amendment to NAHA.

D. Commitment Deadline

Issue: Difficult to meet. A commenter stated that the 24-month commitment deadline is very difficult to meet, and the new rule does nothing to change it. Another commenter supported the elimination of the 24-month commitment deadline.

HUD Response: The 24-month deadline for committing HOME funds is a statutory requirement in section 218(g) of NAHA. Eliminating the requirement therefore requires a statutory amendment. In recent appropriations acts, Congress recognized the issues with the 24-month commitment deadline in section 218(g) by suspending the commitment requirement for HOME funds with deadlines occurring in 2016 through 2024. Congress also suspended section 231(b) of NAHA to permit participating jurisdictions to retain CHDO set-aside funds that were or would otherwise be deducted from a participating jurisdiction's HOME account in 2018, 2019, 2020, 2021, 2022, 2023, or 2024.

Issue: Notification. A commenter stated that HUD should notify all grantees as soon as possible of the amounts of prior year funds that must be committed, what the deadline is, and what the penalty for failure to meet the deadline is.

HUD Response: Participating jurisdictions have real time access to this information in IDIS. Under 24 CFR 92.504(a), participating jurisdictions are responsible for monitoring their progress toward meeting this and other HOME program deadlines.

E. Expenditure Deadline

Issue: Simplification and elimination. A commenter supported the simplification of expenditure deadlines and supported the elimination of the 5-year expenditure deadline.

HUD Response: Under the terms of the interim rule and this final rule, there is no 5-year expenditure deadline for participating jurisdictions (other than insular areas) for FY 2015 and subsequent allocations. The last application of the expenditure deadline for most participating jurisdictions occurred in 2019.

F. Expiration of Funds

Issue: Expiration of funds. A commenter asked HUD for confirmation that the period of performance is retroactive so that the period of performance for FY 2015 grants ends on September 1, 2024, and the period of performance for FY 2016 grants ends on September 1, 2025.

HUD Response: The period of performance for HOME grants is specified on the Funding Approval and HOME Investment Partnerships Agreement (HUD–40093) between HUD and the participating jurisdiction. The period of performance for FY 2015 grants ends on September 1, 2023, and the period of performance for FY 2016 grants ends on September 1, 2024. These dates provide participating jurisdictions with time prior to the cancellation of the grants on September 30, 2023, and September 30, 2024, respectively, to draw down funds for costs incurred during the period of performance before the funds will be returned to the U.S. Treasury.

G. Program Income

Issue: Timing for entering program income into the IDIS. Commenter asked whether program income is to be entered into the IDIS at the time of receipt or when it is reported in the annual action plan.

HUD Response: A participating jurisdiction's program income must be deposited in the participating jurisdiction's HOME Investment Trust Fund local account pursuant to 24 CFR 92.503(a) and reported in IDIS at the time it is received. If a participating jurisdiction's written agreement permits the state recipient or subrecipient to retain program income, then the program income must be reported in IDIS at the time it is received by the state recipient or subrecipient. If a participating jurisdiction permits a state recipient or subrecipient to retain program income, then the participating jurisdiction is still responsible for requiring that this information be entered into IDIS. The use of State recipients, subrecipients, or contractors does not relieve the participating jurisdiction of this responsibility, but a State participating jurisdiction may rely upon a state recipient for compliance with recordkeeping requirements under 24 CFR 92.508(a)(5)(iii) and (b) and need not duplicate such efforts.

Issue: Conflict with Department of Treasury. A commenter asked whether there is a conflict with the Department of Treasury in allowing a participating jurisdiction to accumulate expenditure of program income, as Treasury requires program income to be expended first.

HUD Response: Due to HOME funds' statutory 24-month commitment deadline, HUD established requirements for HOME program income that differ from those applicable to other Federal grant programs. Requiring participating jurisdictions to expend program income first places an additional barrier to committing allocated HOME funds by the 24-month commitment deadline. Therefore, HUD determined that the revised provisions for program income in the interim rule and finalized in this final rule are necessary so that participating jurisdictions can avoid losing allocated HOME funds that are subject to the 24-month commitment deadline.

Issue: Loss of appropriated funds. A commenter stated that HUD must prevent participating jurisdictions from losing appropriated HOME funds when they expend program income.

HUD Response: HUD agrees and established provisions in the interim rule and final rule to ensure that participating jurisdictions do not lose allocated HOME funds subject to the 24-month commitment deadline because they have expended program income.

III. Findings and Certifications

Information Collection Requirements

In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid Office of Management and Budget (OMB) control number. The information collection requirements contained in this rule have been submitted to OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2506–0171.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and the private sector. This rule will not impose any Federal mandates on any State, local, or tribal governments or the private sector within the meaning of UMRA.

Environmental Review

When the interim rule was published, a Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). Because this rule finalizes the interim rule without change, the previous FONSI remains applicable.

Impact on Small Entities

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. As discussed, this regulation changes the manner in which HUD measures compliance with the statutory 24-month commitment deadline in the HOME program and does not alter the manner in which participating jurisdictions administer their HOME programs. Given this fact, HUD anticipates the regulatory changes will have minimal, or no, economic impacts.

Therefore, the undersigned certifies that this rule will not have a significant impact on a substantial number of small entities.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments nor preempt State law within the meaning of the Executive order.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number applicable to the program that would be affected by this rule is 14.239.

List of Subjects

24 CFR Part 91

Aged, Grant programs-housing and community development, Homeless, Individuals with disabilities, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 92

Administrative practice and procedure, Low and moderate income housing, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

■ Accordingly, for the reasons stated in the preamble, the interim rule amending 24 CFR parts 91 and 92 that was published at 81 FR 86947 (December 2, 2016) is adopted as final without change.

Marion M. McFadden,

Principal Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2022–20425 Filed 9–21–22; 8:45 am]

BILLING CODE 4210–67–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4000, 4233, and 4903

RIN 1212–AB55

Change of Address; Technical Amendments

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) relocated on August 1, 2022, and is amending its regulations

that reference its former street address to reflect the new street address.

DATES: This rule is effective September 22, 2022.

FOR FURTHER INFORMATION CONTACT: Karen Levin (*levin.karen@pbgc.gov*), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101; 202–229–3559. If you are deaf or hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Through July 31, 2022, the Pension Benefit Guaranty Corporation (PBGC) resided and accepted mail at 1200 K Street NW, Washington, DC, 20005–4026. On August 1, 2022, PBGC officially relocated to a new street address: 445 12th Street SW, Washington, DC 20024–2101.

PBGC is promulgating these amendments without advance notice or an opportunity for public comment because they fall under the ''good cause'' exemption of the Administrative Procedure Act at 5 U.S.C. 553(b)(3)(B). PBGC finds that notice and comment are unnecessary because these amendments are merely technical; they effect no substantive changes to any rule. For the same reason, these amendments fall within the ''good cause'' exception to the delayed effective date provisions of the Administrative Procedure Act and the Congressional Review Act at 5 U.S.C. 553(d)(3), 808(2). Moreover, because these amendments are exempt from the notice and comment procedure of the Administrative Procedure Act under 5 U.S.C. 553(b), PBGC is not required to conduct a regulatory flexibility analysis under 5 U.S.C. 603 or 604.[1]

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

List of Subjects

29 CFR Part 4000

Administrative practice and procedure, Pension insurance.

29 CFR Part 4233

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4903

Claims.

For the reasons given above, PBGC amends 29 CFR parts 4000, 4233, and 4903 as follows.

[1] *See* 5 U.S.C. 601(2), 604(a).

PART 4000—FILING, ISSUANCE, COMPUTATION OF TIME, AND RECORD RETENTION

■ 1. The authority citation for part 4000 continues to read as follows:

Authority: 29 U.S.C. 1083(k), 1302(b)(3).

§ 4000.3 [Amended]

■ 2. Amend § 4000.3(c)(3) by:

■ a. Removing ''1200 K Street, NW, Washington, DC. 20005–4026;'' and adding in its place ''445 12th Street SW, Washington, DC 20024–2101;''

■ b. Removing ''(TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to the appropriate number.)'' and adding in its place ''(If you are deaf or hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.)''.

PART 4233—PARTITIONS OF ELIGIBLE MULTIEMPLOYER PLANS

■ 3. The authority citation for part 4233 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1413.

§ 4233.11 [Amended]

■ 4. Amend § 4233.11 by removing ''1200 K Street NW, Washington, DC 20005–4026,'' wherever it appears, and adding in its place ''445 12th Street SW, Washington, DC 20024–2101,''.

Appendix A to Part 4233 [Amended]

■ 5. Amend appendix A to part 4233 by removing ''1200 K Street NW, Washington, DC 20005–4026'' wherever it appears, and adding in its place ''445 12th Street SW, Washington, DC 20024–2101''.

PART 4903—DEBT COLLECTION

■ 6. The authority citation for part 4903 continues to read as follows:

Authority: 5 U.S.C. 5514; 29 U.S.C.1302(b); 31 U.S.C. 3701–3719, 3720A; 5 CFR part 550, subpart K; 31 CFR part 285; 31 CFR parts 900–904.

§ 4903.21 [Amended]

■ 7. Amend § 4903.21(c) by removing ''1200 K Street NW, Washington, DC 20005.'' and adding in its place ''445 12th Street SW, Washington, DC 20024–2101.''.

Issued in Washington, DC, by

Gordon Hartogensis,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2022–19842 Filed 9–21–22; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 97

[Docket ID: DOD–2018–OS–0103]

RIN 0790–AK11

Release of Official Information in Litigation and Presentation of Witness Testimony by DoD Personnel (*Touhy* Regulation)

AGENCY: Office of the General Counsel of the Department of Defense (DoD), DoD.

ACTION: Final rule.

SUMMARY: DoD is finalizing the requirements for submitting subpoenas and litigation requests to the Department as well as the procedures that its personnel will follow to respond. These amendments consolidate component-level requirements and procedures into a single, updated Department-level *Touhy* rule.

DATES: This final rule is effective on October 24, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Denise Shellman, 703–571–0793, *denise.v.shellman.civ@mail.mil.*

SUPPLEMENTARY INFORMATION:

A. Background and Legal Basis for This Rule

The Housekeeping Statute, 5 U.S.C. 301, authorizes agency heads to promulgate regulations governing ''the custody, use, and preservation of its records, papers, and property.''

The Supreme Court held in *United States ex rel. Touhy* v. *Ragen,* 340 U.S. 462 (1951), that under such authority, agency heads may establish procedures for determining whether to release official information and allow personnel testimony sought through a subpoena or other litigation request. This regulation sets forth DoD's procedures, which as the Supreme Court explained, are useful and necessary as a matter of internal administration to prevent possible harm from unrestricted disclosures in court.

In DoD Directive 5145.01, ''General Counsel of the Department of Defense (GC DoD),'' December 2, 2013, as amended (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/514501p.pdf*), and pursuant to 10 U.S.C. 113, the Secretary of Defense has delegated the authority to establish those procedures to the General Counsel.

This rule's corresponding internal issuance is DoD Directive 5405.2, ''Release of Official Information in

Litigation and Testimony by DoD Personnel as Witnesses,'' July 23, 1985 (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/540502p.pdf*). When this rule is finalized, DoD Directive 5405.2 will be reissued as DoD Instruction 5405.02, ''Release of Official Information in Litigation and Presentation of Witness Testimony by DoD Personnel,'' which will be made available at *https://www.esd.whs.mil/Directives/issuances/dodi/.*

B. Discussion of Comments and Changes

The proposed rule was published in the **Federal Register** (86 FR 26444–26448) on May 14, 2021, with no public comments received. The rule proposed modifications primarily to clarify and streamline the requirements for the proper submission of subpoenas and litigation requests, the factors that chief legal advisors will consider when responding, and the fees that may be collected to cover associated expenses.

The modifications included:

- Adding in § 97.1 references to 5 U.S.C. 301 and the Supreme Court's decision in *United States ex rel. Touhy* v. *Ragen,* 340 U.S. 462 (1951), to note the legal basis for this rule's purpose.
- Reorganizing the paragraphs in § 97.2 to provide a more practical order of categories covered by and excluded from the rule.
- Revising in § 97.3 the definition of ''personnel'' to make clear that the rule covers not only Service members and civilian employees of every DoD component, but also employees of other Federal agencies who are assigned to, detailed to, or otherwise affiliated with a DoD component.
- Adding in § 97.3 the defined term ''chief legal advisors'' to replace the phrases ''appropriate DoD official designated in paragraph (a) of this section'' and ''appropriate DoD official designated in § 97.6(a),'' which are used awkwardly throughout the current rule to refer to a component's chief attorney. Also adding in § 97.3 the defined term ''court'' to replace the awkward phrase ''court of competent jurisdiction or other appropriate authority'' throughout the rule. These changes allow for cleaner sentences and result in a more straightforward rule that is easier to follow.
- Moving the definition of ''disclosure'' from § 97.6 to § 97.3, the Definitions section, so that the reader may find it easily. For the same reason, separating the defined terms ''litigation'' and ''litigation request,'' which appear together in the current rule under the definition of ''litigation.''
- Dividing the Responsibilities section into two separate sections (GC DoD and DoD Component heads); dividing the Procedures section into five separate sections (authorities, factors to consider, requirements and determinations, fees, and expert or opinion testimony); and subdividing the five new Procedures sections to list separately each item that requesting parties, personnel, and chief legal advisors must take into account. These formatting changes result in a more streamlined rule that is easier to use.

While no public comments were received, DoD is making two administrative revisions in this final rule:

- Adding in § 97.8 a factor to consider whether a disclosure would reveal information protected by the Privacy Act.
- Adding a third appendix for litigation requests and demands to the Department of the Army.

The general notice-and-comment requirement of the Administrative Procedure Act does not apply to these administrative revisions. DoD finds for good cause under 5 U.S.C. 553(b)(B) that another round of notice and comment is impracticable and unnecessary. Adding Privacy Act information to the factors to consider simply recognizes an existing obligation set forth in 5 U.S.C. 552a. The revision also will reinforce DoD components' compliance with this statute. And similar to the previously published appendices for the Departments of the Navy and Air Force, the Department of the Army appendix simply lists the appropriate offices where parties should submit their requests and demands.

C. Expected Impact of the Final Rule

As no public comment was received on this analysis, the Department is finalizing this section without change. Consolidating *Touhy* requirements into a single rule, along with updating the rule to make it clearer and more streamlined, will produce efficiencies and uniformity to the public's benefit. Less attorney time will be spent searching for only one rule and complying with its requirements. The Department has concluded that attorneys for third-party litigants will save an estimated 30 minutes of research, review, and compliance time per subpoena or litigation request when referring to the CFR for guidance.

For purposes of estimating the cost savings, the Department's subject matter experts deemed it reasonable to use the mean hourly wage for lawyers as informed by the Bureau of Labor and Statistics, $69.86.[1] Subject matter experts further advised that at least 80% of subpoenas and litigation requests submitted to DoD involve consultation of the various rules in the CFR.[2] An average of 1,405 requests are received annually across the entire Department, according to Fiscal Year 2016 data. This rule should result in an annual cost savings of approximately $39,261.32, which is the impacted percentage (80%) of total annual requests (1,405) multiplied by the attorney hours saved per request (0.5) and the mean hourly wage ($69.86)—in other words, 0.8*1,405*0.5*69.86 = $39,261.32. These savings are reflected in the chart below.

Rules	Components	Litigation requests in 2016		Impacted requests (%)		Hours saved per request		Lawyers' hourly wage		Projected cost savings to public
93	NSA	35	×	80	×	0.5	×	$69.86	=	$978.04
97	DoD	20	×	80	×	0.5	×	69.86	=	558.88
267	NRO	10	×	80	×	0.5	×	69.86	=	279.44
516G	Army	400	×	80	×	0.5	×	69.86	=	11,177.60
720, 725	Navy	940	×	80	×	0.5	×	69.86	=	26,267.36
Total			....		....		....		=	39,261.32

[1] This information can be found in the website of the Bureau of Labor Statistics under National Wage Data for Lawyers, Occupation Code 23–1011 (available at *https://www.bls.gov/oes/current/oes231011.htm*), last updated in May 2019.

[2] The Department consulted with subject matter experts in the DoD Office of the General Counsel and offices of chief legal counsels of various components, who provided the estimates of impacted percentage of total requests and of the attorney hours saved per request.

In addition to these cost savings, there will be an unquantified benefit of transparency through access to official information, while safeguarding classified, privileged, and personally identifiable information.

REGULATORY COMPLIANCE ANALYSIS

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

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Following the requirements of these Executive orders, the Office of Management and Budget has determined that this final rule is not a significant regulatory action under section 3(f) of Executive Order 12866. DoD estimates that the rule would generate $9,309.05 in annualized cost savings at the 7% discount rate, discounted to a 2016 equivalent, over a perpetual time as discussed in the Expected Impact of the Final Rule section. The present value savings are estimated at $51,463.58.

B. Congressional Review Act (5 U.S.C. 801 et seq.)

Pursuant to the Congressional Review Act, this rule has not been designated a major rule, as defined by 5 U.S.C. 804(2).

C. Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601)

The DoD Office of General Counsel certified that this final rule is not subject to the Regulatory Flexibility Act, 5 U.S.C. 601, because it would not have a significant economic impact on a substantial number of small entities. Accordingly, DoD is not required to prepare a regulatory flexibility analysis.

D. Section 202 of Public Law 104–4, ''Unfunded Mandates Reform Act'' (2 U.S.C. 1532)

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require the expenditure of $100 million or more (in 1995 dollars, adjusted annually for inflation) in any one year. This final rule will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

E. Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

It has been determined that 32 CFR part 97 does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act.

F. Executive Order 13132, ''Federalism''

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has federalism implications. This final rule will not have a substantial effect on State and local governments.

G. Executive Order 13175, ''Consultation and Coordination With Indian Tribal Governments''

Executive Order 13175 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct compliance costs on one or more Indian tribes, preempts tribal law, or affects the distribution of power and responsibilities between the Federal Government and Indian tribes. This final rule will not have a substantial effect on Indian tribal governments.

List of Subjects in 32 CFR Part 97

Archives and records, Courts, Information.

■ Accordingly, 32 CFR part 97 is revised to read as follows:

PART 97—RELEASE OF OFFICIAL INFORMATION IN LITIGATION AND PRESENTATION OF WITNESS TESTIMONY BY DOD PERSONNEL (*TOUHY* REGULATION)

Sec.

97.1 Purpose.
97.2 Applicability.
97.3 Definitions.
97.4 Policy.
97.5 Responsibilities—GC DoD.
97.6 Responsibilities—DoD Component heads.
97.7 Procedures—authorities.
97.8 Procedures—factors to consider.
97.9 Procedures—requirements and determinations.
97.10 Procedures—fees.
97.11 Procedures—expert or opinion testimony.
Appendix A to Part 97—Litigation Requests and Demands to the Department of the Army
Appendix B to Part 97—Litigation Requests and Demands to the Department of the Navy
Appendix C to Part 97—Litigation Requests and Demands to the Department of the Air Force

Authority: 5 U.S.C. 301, 10 U.S.C. 113.

§ 97.1 Purpose.

This part establishes policy, assigns responsibilities, and prescribes procedures for the release of official information in litigation and the presentation of witness testimony by Department of Defense (DoD) personnel pursuant to 5 U.S.C. 301 and the Supreme Court's decision in *United States ex rel. Touhy* v. *Ragen,* 340 U.S. 462 (1951).

§ 97.2 Applicability.

This part:

(a) Applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this part as the ''DoD Components'').

(b) Is intended only to provide guidance for the internal operations of the DoD, without displacing the responsibility of the Department of Justice to represent the United States in litigation.

(c) Does not preclude official comments on matters in litigation.

(d) Does not apply to the release of official information or the presentation of witness testimony in connection with:

(1) Courts-martial convened by the authority of a Military Department.

(2) Administrative proceedings or investigations conducted by or for a DoD Component.

(3) Security-clearance adjudicative proceedings, including those conducted pursuant to DoD Directive 5220.6, ''Defense Industrial Personnel Security Clearance Review Program,'' January 2, 1992, as amended (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/522006p.pdf*).

(4) Administrative proceedings conducted by or for the Equal Employment Opportunity Commission or the Merit Systems Protection Board.

(5) Negotiated grievance proceedings conducted in accordance with a collective bargaining agreement.

(6) Requests by Government counsel representing the United States or a Federal agency in litigation.

(7) Disclosures to Federal, State, local, or foreign authorities related to investigations or other law-enforcement activities conducted by a DoD law-enforcement officer, agent, or organization.

(e) Does not affect in any way existing laws or DoD programs governing:

(1) The release of official information or the presentation of witness testimony in grand jury proceedings.

(2) Freedom of Information Act requests submitted pursuant to 32 CFR part 286, even if the records sought are related to litigation.

(3) Privacy Act requests submitted pursuant to 32 CFR part 310, even if the records sought are related to litigation.

(4) The release of official information outside of litigation.

(f) Does not create any right or benefit (substantive or procedural) enforceable at law against the DoD or the United States.

§ 97.3 Definitions.

These terms and their definitions are for the purpose of this part.

Chief legal advisors. (1) The General Counsel of the Department of Defense (GC DoD).

(2) The General Counsel of a Military Department.

(3) The Legal Counsel to the Chairman of the Joint Chiefs of Staff.

(4) The Judge Advocate General of a Military Service.

(5) The Staff Judge Advocate to the Commandant of the Marine Corps.

(6) The Staff Judge Advocate to a Combatant Commander.

(7) The General Counsel to the Inspector General of the Department of Defense.

(8) The General Counsel of a Defense Agency.

(9) The General Counsel of a DoD Field Activity.

(10) The chief legal advisor of any other organizational entity within the DoD.

Court. A Federal, State, or local court, tribunal, commission, board, or other adjudicative body of competent jurisdiction.

Demand. An order or subpoena by a court of competent jurisdiction for the production or release of official information or for the presentation of witness testimony by DoD personnel at deposition or trial.

Disclosure. The release of official information in litigation or the presentation of witness testimony by DoD personnel.

Litigation. All pretrial (*e.g.,* discovery), trial, and post-trial stages of existing judicial or administrative actions, hearings, investigations, or similar proceedings before a civilian court, whether foreign or domestic.

Litigation request. Any written request by a party in litigation or the party's attorney for the production or release of official information or for the presentation of witness testimony by DoD personnel at deposition, trial, or similar proceeding.

Official information. All information of any kind and however stored that is in the custody and control of the DoD, relates to information in the custody and control of the DoD, or was acquired by DoD personnel due to their official duties or status.

Personnel. (1) Present and former (*e.g.,* retired, separated) Service members, including Service academy cadets and midshipmen.

(2) Present and former (*e.g.,* retired, separated) civilian employees of a DoD Component, including non-appropriated fund activity employees.

(3) Present and former (*e.g.,* retired, separated) employees of another Federal agency assigned to, detailed to, or otherwise affiliated with a DoD Component.

(4) Non-U.S. nationals who perform or have performed services overseas for any of the Military Services in accordance with a status of forces agreement.

(5) Any individuals who perform or have performed services for a DoD Component through a contractual arrangement.

§ 97.4 Policy.

The DoD generally should make official information reasonably available for use in Federal, State, and foreign courts and other adjudicative bodies if the information is not classified, privileged, or otherwise protected from public disclosure.

§ 97.5 Responsibilities—GC DoD.

The GC DoD has overall responsibility for the policy in this part, oversees the implementation of its procedures throughout the DoD, and provides supplemental guidance as appropriate.

§ 97.6 Responsibilities—DoD Component heads.

The DoD Component heads:

(a) Implement the policy and procedures in this part and, through their chief legal advisors, provide guidance for their respective components.

(b) Must issue or update, as appropriate, their respective components' implementing regulations within 180 days of October 24, 2022.

§ 97.7 Procedures—authorities.

(a) In response to a litigation request or demand, and after any required coordination with the Department of Justice, the chief legal advisors (see § 97.3) are authorized to:

(1) Determine whether their respective DoD Components may release official information originated by or in the custody of such components.

(2) Determine whether personnel assigned to, detailed to, or affiliated with their respective DoD Components may be contacted, interviewed, or used as witnesses concerning official information or, in exceptional circumstances, as expert witnesses.

(3) Impose conditions or limitations on disclosures approved pursuant to this paragraph (a) (*e.g.,* approve the release of official information only to a Federal judge for in camera review).

(4) Assert claims of privilege or protection before any court or adjudicative body.

(b) The GC DoD may assume primary responsibility for responding to any litigation request or demand.

§ 97.8 Procedures—factors to consider.

In making a determination pursuant to § 97.7(a), the chief legal advisors will consider whether:

(a) The litigation request or demand is overbroad, unduly burdensome, or otherwise inappropriate under applicable law or court rules.

(b) The disclosure would be improper (*e.g.,* the information is irrelevant, cumulative, or disproportional to the needs of the case) under the rules of procedure governing the litigation from which the request or demand arose.

(c) The official information or witness testimony is privileged or otherwise protected from disclosure under applicable law.

(d) The disclosure would violate a statute, Executive order, regulation, or policy.

(e) The disclosure would reveal:

(1) Information properly classified pursuant to Volume 1 of DoD Manual 5200.01, ''DoD Information Security Program: Overview, Classification, and Declassification,'' February 24, 2012, as amended (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/520001m_vol1.pdf?ver=2018-05-04-091448-843*).

(2) Controlled Unclassified Information pursuant to Volume 4 of DoD Manual 5200.01, ''DoD Information Security Program: Controlled Unclassified Information (CUI),'' February 24, 2012, as amended (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/*

dodm/520001-V4p.PDF?ver=2018-05-09-115318-927).

(3) Technical data withheld pursuant to 32 CFR part 250.

(4) Information protected by the Privacy Act, which may not be disclosed in the absence of written consent, a routine use, or other authority listed in 5 U.S.C. 552a(b).

(5) Information otherwise exempt from unrestricted disclosure.

(f) The disclosure would:

(1) Interfere with an ongoing enforcement proceeding.

(2) Compromise a constitutional right.

(3) Expose an intelligence source or confidential informant.

(4) Divulge a trade secret or similar confidential information.

(5) Be otherwise inappropriate.

§ 97.9 Procedures—requirements and determinations.

(a) A litigation request or demand must describe, in writing and with specificity, the nature of the official information or witness testimony sought, its relevance to the litigation, and other pertinent details addressing the factors in § 97.8.

(b) Personnel who receive a litigation request or demand must notify their DoD Component's chief legal advisor immediately. Former personnel (*e.g.,* retired Service members, separated employees, past contractors) must notify the chief legal advisor of the component to which they were last assigned.

(c) If another DoD Component or Federal agency originated the responsive information or otherwise has the primary equity with respect to that information, the chief legal advisor will:

(1) Transfer the litigation request or demand (or the appropriate portions) to such other component or agency for action.

(2) Inform the requesting party or issuing court.

(3) In case of conflict, elevate to the GC DoD for resolution.

(d) If the litigation request or demand requires a response before a determination can be made, the chief legal advisor will inform the requesting party or the issuing court that the request or demand is still under consideration. The chief legal advisor also may seek a stay from the court in question until a final determination is made.

(e) Upon making a final determination pursuant to § 97.7(a), the chief legal advisor will inform the requesting party or issuing court.

(f) If the chief legal advisor approves the release of official information or the presentation of witness testimony, personnel will limit the disclosure to those matters specified in the litigation request or demand, subject to any conditions imposed by the chief legal advisor. Personnel may not release, produce, comment on, or testify about any official information without the chief legal advisor's prior written approval.

(g) If a court orders a disclosure that the chief legal advisor previously disapproved or has yet to approve, personnel must respectfully decline to comply with the court's order unless the chief legal advisor directs otherwise.

§ 97.10 Procedures—fees.

Parties seeking official information by litigation request or demand may be charged reasonable fees in accordance with Volume 11A, Chapter 4 of DoD 7000.14–R, ''Department of Defense Financial Management Regulation: Reimbursable Operations Policy: User Fees,'' July 2016 (available at *http://comptroller.defense.gov/Portals/45/documents/fmr/current/11a/11a_04.pdf*), to reimburse expenses associated with the Government's response. These reimbursable expenses may include the cost of:

(a) Materials and equipment used to search for, copy, and produce responsive information.

(b) Personnel time spent processing and responding to the request or demand.

(c) Attorney time spent assisting with the Government's response, to include reviewing the request or demand and the potentially responsive information.

§ 97.11 Procedures—expert or opinion testimony.

(a) Personnel may not present expert or opinion testimony involving official information, except when:

(1) The testimony is presented on behalf of the United States, a Federal agency, or any party represented by the Department of Justice.

(2) The chief legal advisor of the DoD Component with primary equity has granted special written approval upon a showing of exceptional need or unique circumstances, but only if the anticipated testimony is not adverse to the interests of the DoD or the United States and is presented at no expense to the Government.

(b) If a court orders the presentation of testimony disallowed by paragraph (a) of this section, personnel must respectfully decline to comply with the court's order unless the chief legal advisor directs otherwise.

Appendix A to Part 97—Litigation Requests and Demands to the Department of the Army

A litigation request or demand to the Department of the Army (DA) must be submitted at least 14 days before the desired date to the appropriate disclosure authority:

(a) Staff Judge Advocates (SJAs), chief counsel, and legal advisors are the disclosure authorities for requests and demands involving unclassified information within the custody, control, or knowledge of their respective organizations when the United States has no interest in the litigation. Requests and demands will be processed by local legal offices (in consultation with Litigation Division as needed) subject to the limitations in this appendix.

(b) The General Litigation Branch, Litigation Division, U.S. Army Legal Services Agency (USALSA), 9275 Gunston Road, Fort Belvoir, VA 22060, is the disclosure authority or may delegate disclosure authority for requests and demands involving:

(1) Terrorism, espionage, nuclear weapons, or intelligence sources and methods.

(2) Classified information.

(3) Privileged information.

(4) Technical data pursuant to 32 CFR part 250.

(5) Safety records and information produced by commands, installation safety offices, or the U.S. Army Combat Readiness Command and Safety Center (USACRC).

(6) Expert testimony.

(7) All other matters not listed in this appendix.

(c) Army Medical Center and Command Judge Advocates and supporting SJAs (in consultation with the Defense Health Agency as needed) are the disclosure authorities for requests and demands involving medical records or other information within the custody, control, or knowledge of their respective permanent station hospitals. For requests and demands involving factual testimony by medical providers, Commanders (in consultation with their legal advisors) are the disclosure authorities for their respective Medical Commands when the United States has no interest in the litigation.

(d) The Contract Litigation & Intellectual Property Division, USALSA, 9275 Gunston Road, Fort Belvoir, VA 22060, is the disclosure authority for requests and demands involving:

(1) Patents, copyrights, trade secrets, or trademarks.

(2) Taxation matters.

(3) Bid protests or contract appeals before the Armed Services Board of Contract Appeals (ASBCA) or the Government Accountability Office, except that contracting officers (in coordination with their servicing SJAs and the Division-assigned trial attorney) may release official information for use in litigation before the ASBCA, pursuant to 48 CFR part 5, subpart 5.4 (the Federal Acquisition Regulation (FAR)).

(e) The Procurement Fraud Division, USALSA, 9275 Gunston Road, Fort Belvoir, VA 22060, is the disclosure authority for requests and demands involving procurement fraud matters, including *qui tam* actions.

(f) The Environmental Law Division, USALSA, 9275 Gunston Road, Fort Belvoir, VA 22060, is the disclosure authority for requests and demands involving:

(1) Energy, communication, transportation, or utility service proceedings.

(2) Environmental or natural resources matters, to include water rights and affirmative environmental cost recovery.

(g) The Tort Litigation Branch, Litigation Division, USALSA, 9275 Gunston Road, Fort Belvoir, VA 22060, is the disclosure authority for requests and demands involving medical care cost recovery or property claims brought by the United States.

(h) The Office of the Chief Counsel, U.S. Army Corps of Engineers (USACE), 441 G Street NW, Washington, DC, 20314–1000, is the disclosure authority for requests and demands involving USACE navigation, civil works, Clean Water Act 404 permit authority, environmental response activities, or real property functions.

(i) DA personnel may not release Inspector General (IG) records or present testimony involving information obtained through the performance of IG duties, except with the approval of the Secretary of the Army, The Inspector General (TIG), the TIG Legal Advisor, or the Chief, Litigation Division.

Appendix B to Part 97—Litigation Requests and Demands to the Department of the Navy

A litigation request to the Department of the Navy must be submitted to the appropriate determining authority as defined in Secretary of the Navy Instruction 5820.8, ''Release of Official Information for Litigation Purposes and Testimony by Department of the Navy Personnel,'' August 27, 1991, as amended (available at *https://www.secnav.navy.mil/doni/Directives/05000%20General%20Management%20Security%20and%20Safety%20Services/05-800%20Laws%20and%20Legal%20Services/5820.8A%20CH-1.pdf*).

As with all service of process on the Department of the Navy, a demand (subpoena or court order) must be delivered to the Naval Litigation Office using registered or certified mail, a commercial courier service, or a process server. The address for all service of process is: General Counsel of the Department of the Navy, Naval Litigation Office, 720 Kennon St. SE, Room 233, Washington Navy Yard, DC 20374–5013.

Answers to frequently asked questions on *Touhy* requests are available at *https://www.jag.navy.mil/organization/documents/Touhy_Requests.pdf.* Contact the Office of the General Counsel at 202–685–7039 or the Office of the Judge Advocate General at 202–685–5450 with any additional questions.

Appendix C to Part 97—Litigation Requests and Demands to the Department of the Air Force

A litigation request or demand to the Department of the Air Force must be submitted to the base-level or servicing Staff Judge Advocate for the installation or organization where the official information or witness is located.

Should the information or witness be located in a Headquarters-level office, the request or demand must be submitted to the Commercial Litigation Field Support Center (for matters involving contracts, acquisition, and procurement) or to the Air Force General Litigation Division (for all other matters). Their addresses are: Commercial Litigation Field Support Center, AFLOA/JAQC, 1500 W. Perimeter Rd., Suite 4100, Joint Base Andrews, MD 20762; Air Force General Litigation Division, AFLOA/JACL, 1500 W Perimeter Rd., Suite 1370, 1st Floor, Joint Base Andrews, MD 20762.

Dated: September 16, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–20433 Filed 9–21–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0797]

RIN 1625–AA87

Security Zones; Corpus Christi Ship Channel, Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three temporary, 500-yard radius, moving security zones for certain vessels carrying Certain Dangerous Cargoes (CDC) within the Corpus Christi Ship Channel and La Quinta Channel. The temporary security zones are needed to protect the vessels, the CDC cargo, and the surrounding waterway from terrorist acts, sabotage, or other subversive acts, accidents, or other events of a similar nature. Entry of vessels or persons into these zones is prohibited unless specifically authorized by the Captain of the Port Sector Corpus Christi or a designated representative.

DATES: This rule is effective without actual notice from September 22, 2022 until September 25, 2022. For the purposes of enforcement, actual notice will be used from September 21, 2022, until September 22, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Anthony Garofalo, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5130, email *Anthony.M.Garofalo@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Corpus Christi
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. We must establish these security zones by September 21, 2022 to ensure security of these vessels and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards associated with the transit of the Motor Vessel (M/V) CELSIUS CAROLINA when loaded will be a security concern within a 500-yard radius of the vessel. This rule is needed to provide for the safety and security the vessel, their cargo, and surrounding waterway from terrorist acts, sabotage or other subversive acts, accidents, or other events of a similar nature while they are transiting within Corpus Christi, TX, from September 21, 2022 until September 25, 2022.

IV. Discussion of the Rule

The Coast Guard is establishing four 500-yard radius temporary moving security zones around M/V CELSIUS CAROLINA. The zone for the vessel will

be enforced from September 21, 2022, until September 25, 2022. The duration of the zone is intended to protect the vessel and cargo and surrounding waterway from terrorist acts, sabotage or other subversive acts, accidents, or other events of a similar nature. No vessel or person will be permitted to enter the security zone without obtaining permission from the COTP or a designated representative.

Entry into the security zone is prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Corpus Christi. Persons or vessels desiring to enter or pass through each zone must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 361–939–0450. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate for the enforcement times and dates for each security zone.

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, duration, and location of the security zones. This rule will impact a small designated area of 500-yards around the moving vessel in the Corpus Christi Ship Channel and La Quinta Channel as the vessels transit the channel over a five day period. Moreover, the rule allows vessels to seek permission to enter the zones.

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 temporary security zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

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 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 moving security zone lasting for the duration of time that the M/V CELSIUS CAROLINA is within the Corpus Christi Ship Channel and La Quinta Channel while loaded with cargo. It will prohibit entry within a 500 yard radius of M/V CELSIUS CAROLINA while the vessel is transiting loaded within Corpus Christi Ship Channel and La Quinta Channel. It is categorically excluded from further review under L60 in Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A record of Environmental Consideration supporting this determination is available in the docket. For instructions

on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C 70034, 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.T08–0797 to read as follows:

§ 165.T08–0797 Security Zones; Corpus Christi Ship Channel. Corpus Christi, TX.

(a) *Location.* The following area is a security zone: All navigable waters encompassing a 500-yard radius around the M/V CELSIUS CAROLINA while the vessel is in the Corpus Christi Ship Channel and La Quinta Channel.

(b) *Enforcement period.* This section will be enforced from September 21, 2022 until September 25, 2022.

(c) *Regulations.* (1) The general regulations in § 165.33 of this part apply. Entry into the zones described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (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 USCG Sector Corpus Christi.

(2) Persons or vessels desiring to enter or pass through the zones must request permission from the COTP Sector Corpus Christi on VHF–FM channel 16 or by telephone at 361–939–0450.

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

(d) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate of the enforcement times and dates for these security zones.

J.B. Gunning,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2022–20548 Filed 9–21–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2021–0947; FRL–9640–02–R4]

Air Plan Approval; Mississippi; Infrastructure Requirements for the 2015 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving portions of a State Implementation Plan (SIP) submission provided by the State of Mississippi, through the Mississippi Department of Environmental Quality (MDEQ), through a letter dated January 25, 2021. This approval pertains to certain infrastructure requirements of the Clean Air Act (CAA or Act) for the 2015 8-hour ozone national ambient air quality standards (NAAQS or standards). Whenever EPA promulgates a new or revised NAAQS, the CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of that NAAQS. EPA is approving portions of Mississippi's January 25, 2021, submittal as the state has certified that its SIP contains provisions that ensure the 2015 8-hour ozone NAAQS is implemented, enforced, and maintained in Mississippi. EPA has determined that Mississippi's infrastructure SIP submission satisfies certain required infrastructure elements for the 2015 8-hour ozone NAAQS.

DATES: This rule is effective October 24, 2022.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2021–0947. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests, that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sarah LaRocca, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8994. Ms. LaRocca can also be reached via electronic mail at *larocca.sarah@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On October 1, 2015, EPA promulgated a revised primary and secondary NAAQS for ozone, revising the 8-hour ozone standards from 0.075 parts per million (ppm) to a new more protective level of 0.070 ppm. *See* 80 FR 65292 (October 26, 2015). Pursuant to section 110(a)(1) of the CAA, states are required to submit SIP revisions meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements, and legal authority that are designed to assure attainment and maintenance of the NAAQS. This particular type of SIP is commonly referred to as an ''infrastructure SIP'' or ''iSIP.'' States were required to submit such SIP revisions for the 2015 8-hour ozone NAAQS to EPA no later than October 1, 2018.[1]

[1] In infrastructure SIP submissions, states generally certify evidence of compliance with sections 110(a)(1) and (2) of the CAA through a combination of state regulations and statutes, some of which have been incorporated into the SIP. In

This action is approving portions of Mississippi's January 25, 2021, SIP revision provided to EPA, through the MDEQ, for the applicable infrastructure SIP requirements of the 2015 8-hour ozone NAAQS, with the exception of the prevention of significant deterioration (PSD) provisions related to major sources under sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J); the air quality modeling element of 110(a)(2)(K);[2] and the visibility protection provisions of section 110(a)(2)(D)(i)(II). EPA will consider the portions of Mississippi's January 25, 2021, SIP revision that addresses the PSD infrastructure elements, the air quality modeling element, and the visibility protection provisions of section 110(a)(2)(D)(i)(II) through separate rulemakings. EPA also notes that Mississippi's January 25, 2021, SIP submission addresses all infrastructure elements except for those pertaining to the contribution to nonattainment or interference with maintenance in other states.[3]

In a notice of proposed rulemaking (NPRM), published on July 15, 2022 (87 FR 42424), EPA proposed to approve in part and conditionally approve in part a portion of Mississippi's January 25, 2021, SIP revision addressing certain infrastructure requirements for the 2015 8-hour ozone NAAQS.[4] The details of Mississippi's submission and the rationale for EPA's action are explained in the NPRM. Comments on the July 15, 2022, NPRM were due on or before August 15, 2022. EPA did not receive any comments on the July 15, 2022, NPRM.

II. Final Action

With the exception of the visibility provision of section 110(a)(2)(D)(i)(II) and the PSD provisions related to major sources under sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3), and 110(a)(2)(J), and the modeling provision of 110(a)(2)(K), EPA is approving Mississippi's January 25, 2021, SIP submission because it satisfies certain required infrastructure elements for the 2015 8-hour ozone NAAQS.

III. 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. *See* 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. 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 final action:

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

The SIP is not approved to apply on any Indian reservation land 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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 November 21, 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) of the CAA.

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.

addition, certain federally-approved, non-SIP regulations may also be appropriate for demonstrating compliance with sections 110(a)(1) and (2).

[2] As part of the January 25, 2021, SIP submission, Mississippi requested conditional approval of the PSD provisions related to major sources under sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J), and the air quality modeling element under 110(a)(2)(K). Under CAA section 110(k)(4), EPA may conditionally approve a SIP revision based on a commitment from a state to adopt specific enforceable measures by a date certain, but not later than one year from the date of approval. If the state fails to meet the commitment within one year of the final conditional approval, the conditional approval will be treated as a disapproval and EPA will issue a finding of disapproval. In the July 15, 2022, NPRM, EPA proposed to conditionally approve the PSD provisions related to major sources under sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J), and the air quality modeling element under 110(a)(2)(K) in relation to Mississippi's January 25, 2021, SIP revision. However, EPA is not finalizing that proposed conditional approval through this final action and will address these provisions through a separate rulemaking.

[3] On September 6, 2019, Mississippi provided a SIP submission addressing the interstate transport provisions of section 110(a)(2)(D)(i)(I) pertaining to contribution to nonattainment or interference with maintenance in other states. EPA is addressing the interstate transport provisions of section 110(a)(2)(D)(i)(I) through a separate rulemaking.

[4] As discussed in footnote 2, EPA is not finalizing the proposed conditional approval through this final action.

Dated: September 15, 2022.

Daniel Blackman,

Regional Administrator, Region 4.

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:

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

Subpart Z—Mississippi

■ 2. In § 52.1270(e), amend the table by adding an entry for ''110(a)(1) and (2) Infrastructure Requirements for the 2015 8-hour ozone NAAQS'' at the end of the table to read as follows:

§ 52.1270 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED MISSISSIPPI NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
*	*	*	*	* * *
110(a)(1) and (2) Infrastructure Requirements for the 2015 8-hour ozone NAAQS.	Mississippi ...	1/25/2021	9/22/2022, [Insert citation of publication].	With the exception of the visibility provision of section 110(a)(2)(D)(i)(II) (prong 4), the PSD provisions related to major sources under sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3), and 110(a)(2)(J), and the modeling provision of 110(a)(2)(K).

[FR Doc. 2022–20424 Filed 9–21–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2021–0342; FRL–9971–02–R4]

Air Plan Approval; Georgia; Revision of Enhanced Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving changes to State Implementation Plan (SIP) revisions submitted by the State of Georgia, through the Georgia Department of Natural Resources (GA DNR), Environmental Protection Division (GA EPD), in a letter dated April 30, 2021. The revisions remove obsolete references and provisions, clarify the State's inspection and maintenance (I/M) requirements, and update terminology, in part to reflect advances in test and vehicle technology. EPA evaluated the SIP revisions and determined the changes will not impact emissions under the Georgia I/M program. EPA also determined that approval of the SIP revisions will not interfere with attainment or maintenance of any national ambient air quality standard (NAAQS) or with any other applicable requirement of the Clean Air Act (CAA or Act). Therefore, EPA is approving the Georgia's April 30, 2021, SIP revisions as consistent with the applicable provisions of the CAA.

DATES: This rule is effective October 24, 2022.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2021–0342. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9222. Ms. Kelly Sheckler can also be reached via electronic mail at *sheckler.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA is approving changes to the Georgia SIP that were provided to EPA under a cover letter dated April 30, 2021.[1] Specifically, GA EPD submitted changes to Georgia's Rule 391–3–20—*Enhanced Inspection and Maintenance* (''Georgia I/M Regulation''), which were adopted by the GA DNR Board of Directors and became state-effective on April 13, 2021. The changes update the Georgia SIP to remove obsolete references, requirements, and terminology, and update terminology to reflect advances in technology. These proposed changes include removing and revising definitions applicable to the Georgia I/M Regulation.

Georgia's April 30, 2021, SIP revisions sought to modify the following sections of the Georgia's SIP-approved I/M Regulation: Rule 391–3–20–.01—''Definitions''; Rule 391–3–20–.04—''Emission Inspection Procedures''; Rule 391–3–20–.05—''Emission Standards''; Rule 391–3–20–.07—''Inspection Equipment System Specifications''; Rule 391–3–20–.09—''Inspection Station

[1] EPA officially received Georgia's I/M SIP revision request on May 4, 2021.

Requirements''; and Rule 391–3–20–.11—''Inspector Qualifications and Certification.''

On July 11, 2022, EPA published a notice of proposed rulemaking (NPRM) to propose approval of the aforementioned changes to Georgia's SIP. *See* 87 FR 41080. EPA's July 11, 2022, NPRM includes further detail on the changes made in Georgia's April 30, 2021, submittal as well as EPA's rationale for approving these changes to the SIP. Comments were due on the July 11, 2022, NPRM on or before August 10, 2022, and EPA received no comments on that proposal. Therefore, EPA is approving the changes in this final action.

II. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Section I of this preamble, EPA is finalizing the incorporation by reference of Georgia Rules 391–3–20–.01—*Definitions;* 391–3–20–.04—*Emission Inspection Procedures;* 391–3–20–.05—*Emission Standards;* 391–3–20–.07—*Inspection Equipment System Specifications;* 391–3–20–.09—*Inspection Station Requirements;* and 391–3–20–.11—*Inspector Qualifications and Certification,* all of which have an effective date of April 13, 2021, into the Georgia SIP. EPA has made and will continue to make these materials generally available through *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). Therefore, the revised materials as stated above, have been approved by EPA for inclusion in the State implementation plan, 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.[2]

III. Final Action

EPA is taking final action approving changes to the Georgia SIP that were provided to EPA in a cover letter dated April 30, 2021. GA EPD submitted changes to Georgia's Rule 391–3–20—*Enhanced Inspection and Maintenance* (''Georgia I/M Regulation''), which were adopted by the GA DNR Board of Directors and became state-effective on April 13, 2021. Specifically, Georgia's April 30, 2021, SIP revisions modify the following sections of the Georgia's SIP-approved I/M Regulation: Rule 391–3–20–.01—*Definitions;* Rule 391–3–20–.04—*Emission Inspection Procedures;* Rule 391–3–20–.05—*Emission Standards;* Rule 391–3–20–.07—*Inspection Equipment System Specifications;* Rule 391–3–20–.09—*Inspection Station Requirements;* and Rule 391–3–20–.11—*Inspector Qualifications and Certification.*

IV. 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. *See* 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. This action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

The SIP is not approved to apply on any Indian reservation land 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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 November 21, 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, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 15, 2022.

Daniel Blackman,

Regional Administrator, Region 4.

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

[2] *See* 62 FR 27968 (May 22, 1997).

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 L—Georgia

■ 2. In § 52.570(c), amend the table by revising the entries for ''391–3–20–.01'', ''391–3–20–.04'', ''391–3–20–.05'', ''391–3–20–.07'', ''391–3–20–.09'', and ''391–3–20–.11,'', to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
391–3–20–.01	Definitions	4/13/2021	9/22/2022, [Insert citation of publication]	
*	*	*	*	*
391–3–20–.04	Emission Inspection Procedures	4/13/2021	9/22/2022, [Insert citation of publication]	
391–3–20–.05	Emission Standards	4/13/2021	9/22/2022, [Insert citation of publication]	
*	*	*	*	*
391–3–20–.07	Inspection Equipment System Specifications.	4/13/2021	9/22/2022, [Insert citation of publication]	
*	*	*	*	*
391–3–20–.09	Inspection Station Requirements	4/13/2021	9/22/2022, [Insert citation of publication]	
*	*	*	*	*
391–3–20–.11	Inspector Qualifications and Certification.	4/13/2021	9/22/2022, [Insert citation of publication]	

* * * * *

[FR Doc. 2022–20421 Filed 9–21–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2021–0943; FRL–9372–02–R9]

Air Plan Limited Approval and Limited Disapproval; California; South Coast Air Quality Management District; Refinery Flares

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing a limited approval and limited disapproval of revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) from refinery flares. Under the authority of the Clean Air Act (CAA or the Act), this action simultaneously approves a local rule that regulates these emission sources and directs California to correct rule deficiencies.

DATES: This rule will be effective on October 24, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA–R09–OAR–2021–0943. 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. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Donnique Sherman, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4129 or by email at *sherman.donnique@epa.gov.*

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

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On March 25, 2022 (87 FR 17060), the EPA proposed a limited approval and limited disapproval of the following rule that was submitted for incorporation into the California SIP.

Local agency	Rule No.	Rule title	Amended	Submitted
SCAQMD	1118	Control of Emissions from Refinery Flares	07/07/2017	02/16/2018

SC Rule 1118 is designed to decrease volatile organic compound (VOC), sulfur oxide, and nitrogen oxide emissions from industries such as petroleum refineries, sulfur recovery plants, and hydrogen production plants. The revisions to this rule include adoption of the requirements for refinery flares from the final rule of the

2015 EPA Refinery Rule, updated emission factors based on AP–42 guidance, and clarified reporting requirements.

We proposed a limited approval because we determined that this rule improves the SIP and is largely consistent with the relevant CAA requirements. We simultaneously proposed a limited disapproval because Rule 1118 Section (j) does not satisfy the requirements of CAA section 110 and part D of the Act. As described in our proposal, documents submitted for inclusion into the SIP should not include unbounded director's discretion that allows the State to approve alternatives to the applicable SIP without following the SIP revision process described in CAA section 110. Rule 1118 Section (j) provides the Executive Officer the authority to approve other American Society for Testing and Materials (ASTM) methods other than those currently included in the rule. Without further specificity regarding how this authority will be exercised, it could functionally allow for a revision of the SIP without complying with the process for SIP revisions required by the CAA. As a result, this undermines the enforceability of the submission, constitutes a SIP deficiency, and conflicts with CAA Section 110.

Our proposed action contains more information on the basis for this rulemaking and on our evaluation of the submittal.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in sections 110(k)(3) and 301(a) of the Act, the EPA is finalizing a limited approval of the submitted rule. This action incorporates the submitted rule into the California SIP, including those provisions identified as deficient. As authorized under section 110(k)(3) and 301(a), the EPA is simultaneously finalizing a limited disapproval of SCAQMD Rule 1118.

As a result, the EPA must promulgate a federal implementation plan (FIP) under section 110(c) unless we approve subsequent SIP revisions that correct the rule deficiencies within 24 months. In addition, the offset sanction in CAA section 179(b)(2) will be imposed 18 months after the effective date of this action, and the highway funding sanction in CAA section 179(b)(1) six months after the offset sanction is imposed. A sanction will not be imposed if the EPA determines that a subsequent SIP submission corrects the identified deficiencies before the applicable deadlines.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of South Coast Air Quality Management District Rule 1118 as described in Section I of this preamble and set for below in the amendments to 40 CFR part 52. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive orders can be found at *http://www.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 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 action does not impose additional requirements beyond those imposed by state law.

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 beyond those imposed by state law.

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 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, 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 it does not impose additional requirements beyond those imposed by state law.

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 Populations

The state did not evaluate environmental justice considerations as part of its SIP submittal. There is no information in the record inconsistent with the stated goals of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and indigenous peoples.

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 21, 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, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 12, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(347)(i)(B)(*3*) and (c)(586) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

(c) * * *

(347) * * *

(i) * * *

(B) * * *

(*3*) Previously approved on August 28, 2007, in paragraph (c)(347)(i)(B)(*1*) of this section and now deleted with replacement in paragraph (c)(586)(i)(A)(*1*) of this section, Rule 1118 adopted February 13, 1998, and amended November 4, 2005.

* * * * *

(586) An amended regulation for the following agency was submitted on February 16, 2018, by the Governor's designee as an attachment to a letter dated February 7, 2018.

(i) *Incorporation by reference.* (A) South Coast Air Quality Management District.

(*1*) Rule 1118, ''Control of Emissions from Refinery Flares,'' amended on July 7, 2017.

(*2*) [Reserved]

(B) [Reserved]

(ii) [Reserved]

[FR Doc. 2022–20137 Filed 9–21–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

[Docket No. FWS–HQ–NWRS–2022–0055; FXRS12610900000–223–FF09R20000]

RIN 1018–BF66

2022–2023 Station-Specific Hunting and Sport Fishing Regulations; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are correcting one amendatory instruction in a final rule that published in the **Federal Register** on September 16, 2022. That rule opened, for the first time, two National Wildlife Refuges (NWRs, refuges) that are currently closed to hunting and sport fishing. In addition, the rule opened or expanded hunting or sport fishing at 16 other NWRs and added pertinent station-specific regulations for other NWRs that pertain to migratory game bird hunting, upland game hunting, big game hunting, or sport fishing for the 2022–2023 season.

DATES: Effective September 1, 2026.

FOR FURTHER INFORMATION CONTACT: Kate Harrigan, (703) 358–2440.

SUPPLEMENTARY INFORMATION: In the final rule that published in the **Federal Register** on September 16, 2022, at 87 FR 57108, the following correction is made:

§ 32.33 [Corrected]

■ On page 57129, in the third column, in amendment 6, the instruction ''Effective September 1, 2026, § 32.33 is further amended by revising paragraph (c)(1)(iii) to read as follows:'' is corrected to read ''Effective September 1, 2026, § 32.33 is further amended by adding paragraph (c)(1)(iii) to read as follows:''

Madonna Baucum,

Chief, Policy and Regulations Branch, U.S. Fish and Wildlife Service.

[FR Doc. 2022–20553 Filed 9–21–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 220801–0167]

RIN 0648–XC401

International Fisheries; Pacific Tuna Fisheries; 2022 Commercial Pacific Bluefin Tuna Trip Limit in the Eastern Pacific Ocean

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

ACTION: Temporary rule; inseason action.

SUMMARY: NMFS is announcing that the Pacific bluefin tuna (PBF) trip limit applicable to U.S. commercial fishing vessels in the eastern Pacific Ocean (EPO) is 3 metric tons (mt). This action is necessary to inform fishery participants of the trip limit established in a final rule published on August 5, 2022.

DATES: The rule is effective 12 a.m. local time September 19, 2022, through 11:59 p.m. local time December 31, 2022, or until the fishery is closed.

FOR FURTHER INFORMATION CONTACT: Celia Barroso, NMFS West Coast Region, 562–432–1850.

SUPPLEMENTARY INFORMATION: The United States is a member of the Inter-American Tropical Tuna Commission (IATTC), which was established under the Convention for the Establishment of an IATTC signed in 1949 (1949 Convention). The 1949 Convention provides an international agreement to ensure the effective international conservation and management of highly migratory species of fish in the IATTC Convention Area. In 2003, the IATTC updated the 1949 Convention through the adoption of the Convention for the Strengthening of the IATTC Established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention). The IATTC Convention Area, as amended by the Antigua Convention, includes the waters of the EPO bounded by the coast of the Americas, the 50° N and 50° S parallels, and the 150° W meridian.

Fishing for Pacific bluefin tuna in the EPO is managed, in part, under the Tuna Conventions Act of 1950, as amended (Act), 16 U.S.C. 951 *et seq.* Under the Act, NMFS must publish regulations to carry out recommendations of the IATTC that have been approved by the Department of State. Regulations governing fishing by U.S. vessels in accordance with the Act appear at 50 CFR part 300, subpart C. These regulations implement IATTC recommendations for the conservation and management of highly migratory fish resources in the EPO.

On August 5, 2022, the National Marine Fisheries Service (NMFS) published a final rule (87 FR 47939) implementing IATTC Resolution C–21–05 (Measures for the Conservation and Management of Pacific Bluefin Tuna in the Eastern Pacific Ocean). This rule established catch and trip limits for PBF caught by U.S. commercial fishing vessels in the EPO for 2022–2024. In 2022, the catch limit is 523 mt. Under the rule, in 2022, the fishery is subject to an initial trip limit of 20 mt that reduces throughout the year as catch thresholds are met. Specifically, during July-September of 2022 when cumulative catches are estimated to reach 325 mt, the trip limit will be reduced to 3 mt. This 3 mt trip limit will remain in effect until cumulative catches reach 523 mt (*i.e.,* the annual limit), at which time the fishery will be closed for the remainder of the calendar year.

Based on landings data and other information available as of September 14, 2022, preliminary estimates indicate that 262 mt of PBF has been caught by U.S. commercial vessels and NMFS estimates that 325 mt will be caught by publication of this notice. Therefore, in accordance with 50 CFR 300.25(g)(3)(ii), a 3 mt trip limit will be applied to the U.S. commercial fishing vessels in the EPO until the next threshold to reduce the trip limit is met or until the fishery is closed. Notice of this inseason action that reduces the trip limit has also been posted on the NMFS website: *https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/pacific-bluefin-tuna-commercial-harvest-status.*

Classification

NOAA's Assistant Administrator (AA) for NMFS finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable and contrary to the public interest. This action complies with the requirements of the management measures for the commercial Pacific bluefin tuna fishery (87 FR 47939, August 5, 2022) and implementing regulations under 50 CFR 300.25. Prior notice and opportunity for public comment was impracticable and contrary to the public interest because NMFS had insufficient time to provide for prior notice and the opportunity for public comment between the time catch was estimated and the time the fishery modifications had to be implemented in order to ensure that the thresholds to reduce trip limits in accordance with 50 CFR 300.25 were not exceeded. Delaying the action to engage in notice-and-comment rulemaking would prevent NMFS from lowering the trip limit as contemplated under current management measures, which are intended to ensure the U.S. fleet does not exceed its annual catch limit and thereby does not contribute to overharvest of the stock. As previously noted, notification of the regulatory action was also provided to fishermen through posting on the NMFS website. The AA also finds good cause to waive the 30-day delay in effectiveness required under 5 U.S.C. 553(d)(3), as a delay in effectiveness of this action would allow fishing at levels inconsistent with the goals of the current management measures.

This action is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 951 *et seq.*

Dated: September 16, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–20487 Filed 9–19–22; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 183
Thursday, September 22, 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.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of the Intellectual Property Enforcement Coordinator

5 CFR Part 10400

RIN 0355–AA00

Freedom of Information Act and the Privacy Act

AGENCY: Office of the Intellectual Property Enforcement Coordinator, Executive Office of the President.

ACTION: Proposed rule.

SUMMARY: The Office of the Intellectual Property Enforcement Coordinator (IPEC) is issuing its implementing regulations for the Freedom of Information Act (FOIA) and the Privacy Act. The proposed rule describes how to make a FOIA request with IPEC and how IPEC processes requests for records. The proposed rule also states IPEC's Privacy Act Policies and Procedures. The proposed rule describes how individuals can find out if an IPEC system of records contains information about them and, if so, how to access or amend a record. IPEC seeks comments on all aspects of the proposed rule and will thoroughly consider all comments that are submitted on time.

DATES: Send comments on or before October 24, 2022.

ADDRESSES: You may send comments, identified by RIN number 0355–AA00, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: contact@ipec.eop.gov.* Include RIN number 0355–AA00 in the subject line of the message.
- *Mail:* Executive Office of the President, Office of the Intellectual Property Enforcement Coordinator, Eisenhower Executive Office Building, Room 296, Washington DC 20503.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

IPEC strongly recommends using electronic means for submitting comments. Comments submitted through conventional mail delivery services may not be received in a timely manner.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice should be directed to Steven D. Aitken, Office of the Intellectual Property Enforcement Coordinator, Executive Office of the President, at (202) 395–4728 or *Steven.D.Aitken@ipec.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

During its first ten years of operation, following its establishment ''within the Executive Office of the President'' in Title III of the PRO IP Act of 2008 (Pub. L. 110–403; 15 U.S.C. 8111–8116), IPEC was located within the Office of Management and Budget (OMB). With the enactment of a separate appropriation for IPEC in the Financial Services and General Government Appropriations Act. 2020 (Pub. L. 116–93, Div. C), IPEC has moved out of OMB and become a stand-alone component of the Executive Office of the President. Accordingly, IPEC is issuing its implementing regulations on FOIA and the Privacy Act.

The FOIA, 5 U.S.C. 552 *et seq.,* provides a right of access to certain records and information Federal agencies maintain and control. The FOIA requires each Federal agency to publish regulations describing how to submit a FOIA request and how people responsible for FOIA will process these requests. IPEC's proposed regulations on FOIA and the Privacy Act incorporate guidance from OMB and the U.S. Department of Justice, Office of Information Policy. The regulations also strive for consistency with FOIA and Privacy Act regulations among other agencies of the Executive Office of the President.

II. Section-by-Section Analysis

Subpart A—Freedom of Information Act Policies and Procedures

Section 10400.1—Purpose and scope: This section describes the purpose of the regulation, which is to implement the FOIA.

Section 10400.2—IPEC: Organization and functions: This section describes the mission and leadership structure of the agency.

Section 10400.3—Definitions: This section defines the key terms used in the regulation.

Section 10400.4—Access to information: This section describes the types of information that IPEC will make available under FOIA.

Section 10400.5—Records requiring consultation, referral, and coordination. This section describes how IPEC will process records, in the custody of IPEC, for which another agency or other Federal Government office has an interest.

Section 10400.6—How to request records—form and content: This section explains what an individual must do to submit a valid FOIA request to IPEC and where a request should be sent. It also describes the information that requesters must provide so that IPEC can identify the records sought and process their requests.

Section 10400.7—Response—form and content: This section explains that IPEC will respond to a request in writing either with the requested records or an explanation of the reasons why all or portions of the requested records were not disclosed. IPEC also will provide information about the right of appeal and the mediation services offered by the Office of Government Information Services of the National Archives and Records Administration. The response will include any fees associated with the FOIA request.

Section 10400.8—Expedited and multi-track processing, and aggregation of requests for processing: This section describes the circumstances where expedited processing of a FOIA request may be granted; multi-track processing may be used; and requests may be aggregated.

Section 10400.9—Extension of time: This section describes and defines the ''unusual circumstances'' under which IPEC may extend the time limit for making a determination on a FOIA request.

Section 10400.10—Appeal procedures: This section describes when and how a requester may appeal a determination on a FOIA request, and how and within what period of time

IPEC will make a determination on an appeal.

Section 10400.11—Fees to be charged—general: This section describes the general FOIA processing activities performed by IPEC personnel, and the rates charged by IPEC to recoup the employee costs associated with responding to FOIA requests.

Section 10400.12—Fees to be charged—Miscellaneous provisions: This section contains miscellaneous FOIA fee provisions such as where payment should be sent, when advance payment is required, and rates of interest charged on late payments.

Section 10400.13—Fees to be charged—Categories of Requesters: This section describes the different categories of requesters, and the types and amounts of fees IPEC may assess to process and respond to a FOIA request.

Section 10400.14—Restrictions on charging fees. This section describes the circumstances under which IPEC is restricted in charging fees normally associated with processing a FOIA request, such as when IPEC does not meet time limits mandated by the FOIA.

Section 10400.15—Waiver or Reduction of Fees: This section describes the factors that IPEC may consider when deciding whether to waive or reduce the fees associated with processing FOIA requests.

Section 10400.16—Aggregation of requests for fees: This section describes the circumstances under which IPEC may aggregate a series or group of requests for purposes of fee assessment.

Section 10400.17—Markings on released documents: This section provides that IPEC will redact exempt information from its FOIA disclosures to the extent that exempt information can be segregated from other information subject to disclosure.

Section 10400.18—Confidential commercial information: This section explains when and how a person or entity that submits information to IPEC must identify confidential commercial information. It also describes how IPEC staff will handle such information.

Subpart B—Privacy Act Policies and Procedures

Section 10400.19—Definitions: This section defines the key terms used in this Subpart.

Section 10400.20—Purpose and scope: This section describes the purpose of the regulation, which is to implement the Privacy Act, and explains general policies and procedures for individuals requesting access to records, requesting amendments or corrections to records, and requesting an accounting of disclosures of records.

Section 10400.21—How do I make a Privacy Act request?: This section explains what an individual must do to submit a request to IPEC for access to records, to amend or correct records, or for an accounting of disclosures of records. It also describes the information an individual must provide so that IPEC can identify the records sought and determine whether the request can be granted.

Section 10400.22—How will IPEC respond to my Privacy Act request?: This section describes the period of time within which IPEC will respond to requests. It also explains that IPEC will grant or deny requests in writing, provide reasons if a request is denied in whole or in part, and explain the right of appeal.

Section 10400.23— What can I do if I am dissatisfied with IPEC's response to my Privacy Act request?: This section describes when and how an individual may appeal a determination on a Privacy Act request and how and within time period IPEC will make a determination on an appeal.

Section 10400.24— What does it cost to get records under the Privacy Act?: This section explains that requesters are required to pay fees for the duplication of requested records.

III. Statutory and Executive Order Reviews

Regulatory Flexibility Act. IPEC has considered the impact of the proposed rule and determined that if adopted as a final rule it is not likely to have a significant economic impact on a substantial number of small business entities. See 5 U.S.C. 601 *et seq.* Under the FOIA, agencies may recover only the direct costs of searching for, reviewing, and duplicating the records processed for requesters, and only for certain classes of requesters and when particular conditions are satisfied.

Paperwork Reduction Act. The proposed rule does not contain any information collection requirement that requires approval from the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12866 (Regulatory Planning and Review). This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

Unfunded Mandates Reform Act of 1995. This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments.

Congressional Review Act. As required by the Congressional Review Act (5 U.S.C. 801–808), before an interim or final rule takes effect, IPEC will submit for that rule a report to each House of the Congress and to the Comptroller General of the United States. This rule is not a major rule under 5 U.S.C. 804.

List of Subjects in 5 CFR Part 10400

Freedom of information. Privacy.

For the reasons stated in the preamble, the Office of the Intellectual Property Enforcement Coordinator is proposing to add part 10400 of title 5 of the Code of Federal Regulations to read as follows:

PART 10400—PUBLIC AVAILABILITY OF INFORMATION

Subpart A—Freedom of Information Act Policies and Procedures

Sec.

10400.1 Purpose and scope.
10400.2 The Office of the Intellectual Property Enforcement Coordinator—organization and functions.
10400.3 Definitions.
10400.4 Access to information.
10400.5 Records requiring consultation, referral, and coordination.
10400.6 How to request records—form and content.
10400.7 Responses—form and content.
10400.8 Expedited and multi-track processing, and aggregation of requests for processing.
10400.9 Extension of time.
10400.10 Appeal procedures.
10400.11 Fees to be charged—general.
10400.12 Fees to be charged—miscellaneous provisions.
10400.13 Fees to be charged—categories of requesters.
10400.14 Restrictions on charging fees.
10400.15 Waiver or reduction of fees
10400.16 Aggregation of requests for fees.
10400.17 Markings on released documents.
10400.18 Confidential commercial information.

Subpart B—Privacy Act Policies and Procedures

10400.19 Definitions.
10400.20 Purpose and scope.
10400.21 How do I make a Privacy Act request?
10400.22 How will IPEC respond to my Privacy Act request?
10400.23 What can I do if I am dissatisfied with IPEC's response to my Privacy Act request?
10400.24 What does it cost to get records under the Privacy Act?

Authority: 5 U.S.C. 552, 552a

Subpart A—Freedom of Information Act Policies and Procedures

§ 10400.1 Purpose and scope.

The regulations in this part prescribe procedures by which individuals may obtain access to agency records of the Office of the Intellectual Property Enforcement Coordinator (IPEC) under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, as well as the procedures IPEC must follow in response to requests for records under the FOIA. The regulations should be read together with the FOIA and the ''Uniform Freedom of Information Fee Schedule and Guidelines'' issued by the Office of Management and Budget. All requests for access to information contained within a system of records pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, shall be processed in accordance with these regulations. Nothing in this part shall be construed to entitle any person to any service or to the disclosure of any record to which such person is not entitled under the FOIA or the Privacy Act.

§ 10400.2 The Office of the Intellectual Property Enforcement Coordinator—organization and functions.

The Office of the Intellectual Property Enforcement Coordinator was created by Title III of the Pro IP Act of 2008, 15 U.S.C. 8111 *et seq.* The mission of IPEC is to advise the President and coordinate with Cabinet departments and agencies on the development of the United States' overall intellectual property policy and strategy, to promote innovation and creativity, and to ensure effective intellectual property protection and enforcement, domestically and abroad. IPEC is headed by the Intellectual Property Enforcement Coordinator.

§ 10400.3 Definitions.

For the purpose of this part, all the terms defined in the Freedom of Information Act apply.

Commercial use request is a request that asks for information for a use or a purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation. An agency's decision to place a requester in the commercial use category will be made on a case-by-case basis based on the requester's intended use of the information. Agencies will notify requesters of their placement in this category.

Direct costs means the expenses (excluding overhead) actually expended to search, review, or duplicate in response to a FOIA request. Direct costs include 116% of the salary of the employee performing work (*i.e.,* the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners.

Disclose and *disclosure* refer to making records available, upon request, for examination and copying, or furnishing a copy of records.

Duplicate and *duplication* mean the process of making a copy of a document. Such copies may take the form of paper, microform, audio-visual materials, or machine-readable documentation.

Educational institution is any school that operates a program of scholarly research. A requester in this fee category must show that the request is made in connection with his or her role at the educational institution. Agency may seek verification from the requester that the request furthers scholarly research, and agency will advise requesters of their placement in this category.

Fee waiver means the waiver or reduction of processing fees if a requester can demonstrate that certain statutory standards are satisfied, including that the information is in the public interest and is not requested for a commercial interest.

FOIA public liaison means an agency official who assists requesters in defining the scope of their request to reduce processing time, increases transparency and understanding of the status of requests, and assists in the resolution of disputes.

Noncommercial scientific institution is an institution that is not operated on a ''commercial'' basis and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. A requester in this category must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are sought to further scientific research and are not for a commercial use. IPEC will advise requesters of their placement in this category.

OGIS means the Office of Government Information Services of the National Archives and Records Administration. OGIS offers FOIA dispute resolution services, which is a voluntary process. If IPEC agrees to participate in the dispute resolution services provided by OGIS, IPEC will actively engage as a partner to the process in an attempt to resolve the dispute.

Records and any other terms used in this part in reference to information includes any information that would be an agency record subject to the requirements of this part when maintained in any format, including electronic format.

Representative of the news media and *news media requester* is any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or information that would be of interest to the public. Examples of news media entities include television or radio stations that broadcast ''news'' to the public at large and publishers of periodicals that disseminate ''news'' and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the internet. A request for records supporting the news-dissemination function of the requester will not be considered to be for a commercial use. ''Freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity will be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; IPEC can also consider a requester's past publication record in making this determination. IPEC will advise requesters of their placement in this category.

Request means a letter or other written communication seeking records or information under FOIA.

Requester category means one of the four categories that IPEC will place requesters in for the purpose of determining whether a requester will be charged fees for search, review, and duplication. The categories are: commercial use requests; requests by non-commercial scientific or educational institutions; news media requesters; and all other requesters.

Review means the process of examining documents that are located during a search to determine if any portion should lawfully be withheld. It is the processing of determining disclosability. Review time includes processing any record for disclosure, such as doing all that is necessary to prepare the record for disclosure, including the process of redacting the record and marking the appropriate exemptions. Review costs are properly charged even if a record ultimately is not disclosed. Review time also includes time spent both obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter under § 10400.18, but it does not

include time spent resolving general legal or policy issues regarding the application of exemptions.

Search means to review, manually or by automated means, agency records for the purpose of locating those records responsive to a request.

Working day means a regular Federal working day between the hours of 9:00 a.m. and 5:00 p.m. It does not include Saturdays, Sundays, or legal Federal holidays. Any requests received after 5:00 p.m. on any given working day will be considered received on the next working day.

§ 10400.4 Access to information.

The Office of the Intellectual Property Enforcement Coordinator makes available information pertaining to matters issued, adopted, or promulgated by IPEC, that are within the scope of 5 U.S.C. 552(a)(2). Such information is located at *https://www.whitehouse.gov/ipec.* Included in that information are IPEC's proactive disclosures. Proactive disclosures are records that have been requested three or more times, or that have been released to a requester and that IPEC determines have become, or are likely to become, the subject of subsequent requests for substantially the same records.

§ 10400.5 Records requiring consultation, referral, and coordination.

Requests for records that are in IPEC's custody, and for which other agencies (or other Federal government offices) have an interest, shall be reviewed by IPEC. IPEC will then either consult with the other agencies or offices regarding the records; refer the records to the other agencies for further processing; or coordinate with the other agencies when a referral is not appropriate.

(a) *Consultation.* When records originated with IPEC, and contain within them information of interest to another agency or other Federal government office, IPEC will consult with that agency or office prior to making a release determination.

(b) *Referral*—(1) *Determination.* When IPEC believes that a different agency is best able to determine whether to disclose the record, IPEC will refer to that agency the responsibility for responding to the request regarding that record. Ordinarily, the agency that originated the record is presumed to be the best agency to make the disclosure determination. However, if IPEC and the originating agency jointly agree that IPEC is in the best position to respond regarding the record, then the record may be handled as a consultation.

(2) *Documentation.* Whenever IPEC refers any part of the responsibility for responding to a request to another agency, IPEC must document the referral, maintain a copy of the record that it refers, and notify the requester of the referral, informing the requester of the name(s) of the agency to which the record was referred, including that agency's FOIA contact information.

(3) *Coordination.* The standard referral procedure is not appropriate where disclosure of the identity of the agency to which the referral would be made could harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests. In order to avoid harm to an interest protected by an applicable exemption, IPEC will coordinate with the originating agency to seek its views on the disclosability of the record. IPEC will convey, to the requester, the release determination for the record.

(c) *Classified information.* On receipt of any request involving classified information, IPEC must determine whether the information is currently and properly classified in accordance with applicable classification rules. Whenever a request involves a record containing information that has been classified or may be appropriate for classification by another agency under any applicable executive order concerning the classification of records, IPEC will refer the responsibility for responding to the request regarding that information to the agency that classified the information, or that should consider the information for classification. Whenever a record contains information that has been derivatively classified (for example, when it contains information classified by another agency), IPEC will refer the responsibility for responding to that portion of the request to the agency that classified the underlying information.

(d) *Timing of responses to consultations and referrals.* IPEC will handle all consultations and referrals received by IPEC according to the date that the (consulting or referring) agency received the perfected FOIA request.

(e) *Agreements regarding consultations and referrals.* IPEC may establish agreements with other agencies to eliminate the need for consultations or referrals with respect to particular types of records.

§ 10400.6 How to request records—form and content.

(a) A request for records must describe the records that it seeks in sufficient detail and in writing to enable IPEC to locate the records with a reasonable amount of effort. To satisfy this requirement, the request should be as detailed as possible when describing the records that it seeks. To the extent possible, each request must reasonably describe the record(s) sought including the type of document, specific event or action, title or name, author, recipient, subject matter of the record, date or time period, location, and all other pertinent data. Before or after submitting their requests, requesters may contact IPEC's FOIA Public Liaison to discuss the records they seek and for assistance in describing the records.

(b)(1) If an individual is making a request for records that are about the individual, the requester must comply with the verification of identity provision set forth in § 10400.21(f) of this part.

(2) If a request for records pertains to a third party, the requester may receive greater access by submitting either a notarized authorization signed by that individual or an unsworn declaration under 26 U.S.C. 1746 by that individual authorizing disclosure of the records to the requester. As an exercise of administrative discretion, IPEC may require the requester to provide additional information if necessary in order to verify that a particular individual has consented to disclosure. If the records that are requested pertain to an individual who is deceased, the requester should submit proof of death such as a copy of the death certificate or an obituary.

(c) Requesters may specify the preferred form or format (including electronic formats) for the records they seek. IPEC will try to accommodate formatting requests if the record is readily reproducible in that form or format.

(d) Whenever it is appropriate to do so, IPEC automatically processes a Privacy Act request for access to records under both the Privacy Act and the FOIA, following the rules contained in this part. IPEC processes a request under both the FOIA and Privacy Act so that requesters will receive the maximum amount of information available by law.

(e) Requests must be received by IPEC through methods specified on the FOIA page of IPEC's website: *https://www.whitehouse.gov/ipec.* Requests may be emailed at any time to *ipecfoia@ipec.eop.gov* or mailed to Executive Office of the President, Office of the Intellectual Property Enforcement Coordinator, Eisenhower Executive Office Building, Room 296, Washington DC 20503, Attn: FOIA Officer, Washington, DC 20503. Email requests are strongly preferred.

(f) The words ''FOIA REQUEST'' or ''REQUEST FOR RECORDS'' should be clearly marked on all FOIA request

communications. The time limitations imposed by § 10400.7 will not begin until IPEC identifies a communication as a FOIA request.

(g) The requester must provide contact information, such as the requester's phone number, email address and mailing address, so that IPEC will be able to communicate with the requester about the request and provide released records. If IPEC cannot contact the requester, or the requester does not respond within 20 calendar days to our request for clarification, IPEC will close the request.

(h) To protect our computer systems, IPEC reserves the right to not open attachments to emailed requests. Please include the request within the body of the email.

(i) Types of records not available. The FOIA does not require an agency to:

(1) Compile or create records solely for the purpose of satisfying a request for records;

(2) Provide records not yet in existence, even if such records may be expected to come into existence at some future time; or

(3) Restore records destroyed or otherwise disposed of, except that IPEC must notify the requester of the destruction or disposal of the requested records.

§ 10400.7 Responses—form and content.

(a) *Determinations.* (1) In determining which records are responsive to a request, IPEC will ordinarily include only records that were in its possession as of the date of the request. If any other date is used, IPEC will inform the requester of that date.

(2) IPEC will exercise all reasonable efforts to make an initial determination acknowledging and granting, partially granting, or denying a request for records within 20 working days after IPEC receives a FOIA request (IPEC may extend this period for ''unusual circumstances'' under § 10400.9). The FOIA Officer or designee will determine whether it is appropriate to grant the request and will provide written notification to the person making the request. The notification shall also advise the person making the request of any fees assessed under §§ 10400.11 through 10400 13. IPEC will inform the requester of the availability of its FOIA Public Liaison.

(b) *Tracking number.* IPEC will assign a request an individualized tracking number if it will take longer than 10 working days to process the request. IPEC may assign, at our discretion, such a tracking number for a request that will take less than 10 working days to process.

(c) *Adverse determinations.* If IPEC makes an adverse determination denying a request in any respect, it must notify the requester of that determination in writing. Adverse determinations, or denials of requests, include decisions that: the requested record is exempt, in whole or in part; the request does not reasonably describe the records sought; the information requested is not a record subject to the FOIA; the requested record does not exist, cannot be located, or has been destroyed; or the requested record is not readily reproducible in the form or format sought by the requester. Adverse determinations also include denials involving fees or fee waiver matters or denials of requests for expedited processing.

(d) *Content of denial.* The denial must be signed by the FOIA Officer or designee and must include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reasons for the denial, including any FOIA exemption applied by the agency in denying the request;

(3) An estimate of the volume of any records or information withheld, such as the number of pages or some other reasonable form of estimation, although such an estimate is not required if the volume is otherwise indicated by deletions marked on records that are disclosed in part or if providing an estimate would harm an interest protected by an applicable exemption;

(4) A statement that the denial may be appealed to the FOIA Appeals Officer (the IPEC Legal Advisor or a designee) within 90 calendar days of the date of the response (the requirements for making an appeal are specified in § 10400.10); and

(5) A statement notifying the requester of the assistance available from the IPEC's FOIA Public Liaison and the dispute resolution services offered by OGIS.

§ 10400.8 Expedited and multi-track processing, and aggregation of requests for processing.

(a) *Expedited processing.* (1) A request for expedited processing may be made at any time. IPEC must process requests and appeals on an expedited basis whenever it is determined that they involve:

(A) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(B) An urgency to inform the public about an actual or alleged Federal Government activity, beyond the public's right to know about government activity generally, and the request is made by a person primarily engaged in disseminating information.

(2) A requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for requesting expedited processing. For example, under paragraph (a)(2) of this section, a requester who is not a full-time member of the news media must establish that the requester is a person who is primarily engaged in information dissemination, though it need not be the requester's sole occupation. Such a requester also must establish a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity generally. The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an ''urgency to inform'' the public on the topic. The formality of certification may be waived as a matter of administrative discretion.

(3) Within 10 calendar days of IPEC's receipt of a request for expedited processing, IPEC will decide whether to grant it and will notify the requester of the decision. If a request for expedited processing is granted, the request will be given priority and will be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision will be acted on expeditiously.

(b) *Multi-track processing.* IPEC will ordinarily respond to requests in order of their receipt. However, IPEC may use multi-track processing in responding to requests. Multi-track processing means placing simple requests that require a limited review in one processing track and placing more voluminous and complex requests in other processing tracks. Requests in each track are processed on a first-in, first-out basis. Track one is for requests that have received expedited processing under this section. Track two is for requests of simple-to-moderate complexity that do not involve voluminous records and do not require consultation or coordination with other entities or submitter review under § 10400.18. Track three is for complex requests that involve voluminous records, require lengthy or numerous consultations or coordination, raise unique or novel legal questions, or require submitter review under § 10400.18. In the case of requests in tracks two and three, IPEC may provide requesters the opportunity to limit the scope of their requests in order to qualify for faster processing. IPEC will do so by contacting the requester by

letter, telephone, email, or facsimile (whichever is more efficient in each case). When providing a requester with the opportunity to limit the scope of a request, IPEC shall also advise the requester of IPEC's FOIA Public Liaison to aid in the resolution of any dispute arising between the requester and IPEC as well as the requester's right to seek dispute resolution services from the Office of Government Information Services.

(c) *Aggregating requests.* IPEC may aggregate requests in cases where it reasonably appears that multiple requests, submitted either by a requester or by a group of requesters acting in concert, involve related matters and constitute a single request that otherwise would involve ''unusual circumstances'' under § 10400.9. For example, IPEC may aggregate multiple requests for similar information filed by a single requester within a short period of time. In addition, as discussed in § 10400.16, IPEC may aggregate requests for fee purposes.

§ 10400.9 Extension of time.

(a) In unusual circumstances, IPEC may extend the time limits prescribed in § 10400.7 and § 10400.8 by written notice to the FOIA requester. The notice will state the reasons for the extension.

(b) The phrase ''unusual circumstances'' means:

(1) The requested records are located in establishments that are separated from the office processing the request;

(2) A single request seeks a voluminous amount of separate and distinct records; or

(3) Another agency has a substantial interest in the determination of the request.

(c) Whenever IPEC cannot meet the 20 working-day time limit under § 10400.7 for processing a request because of ''unusual circumstances,'' and IPEC extends the time limit on that basis, IPEC shall promptly notify the requester (before the expiration of the 20 working-day period) in writing of the unusual circumstances involved and of the date by which IPEC estimates that it will complete the processing of the request. For those requests for which the extension exceeds 10 working days, IPEC will provide the requester an opportunity to modify the request (so that it may be processed within an extension of 10 working days) or arrange an alternative time period for processing the original or modified request. IPEC will make available its designated FOIA contact or its FOIA Public Liaison for this purpose. IPEC will also alert requesters to the availability of the Office of Government Information Services (OGIS) to provide dispute resolution services.

§ 10400.10 Appeal procedures.

(a) An appeal to the IPEC must explain the reasoning and factual basis for the appeal. It must be received by email at *ipecfoia@ipec.eop.gov* or another method specified on the FOIA page of IPEC's website within 90 calendar days of the date of the response. The appeal must be in writing, addressed to the FOIA Appeals Officer, Executive Office of the President, Office of the Intellectual Property Enforcement Coordinator, Eisenhower Executive Office Building, Room 296, Washington DC 20503, ATTN: Legal Advisor. The communication should clearly be labeled as a ''Freedom of Information Act Appeal.''

(b) The FOIA Appeals Officer (the Legal Advisor or a designee) will decide the appeal within 20 working days. If the FOIA Appeals Officer denies an appeal in whole or in part, the written determination will contain the reason for the denial, the name and title of the person responsible for the denial, any FOIA exemptions applied, and the provisions for judicial review of the denial and ruling on appeal provided in 5 U.S.C. 552(a)(4). The denial will also inform the requestor of the dispute resolution services offered by OGIS as a non-exclusive alternate to litigation. If IPEC agrees to participate in voluntary dispute resolution services provided by OGIS, it will actively engage as a partner to the process in an attempt to resolve the dispute.

§ 10400.11 Fees to be charged—general.

IPEC will assess a fee to process FOIA requests in accordance with the provisions of this section and the ''Uniform Freedom of Information Fee Schedule and Guidelines'' issued by the Office of Management and Budget. IPEC shall ensure that searches, review, and duplication are conducted in the most efficient and the least expensive manner. IPEC will charge the following fees unless a waiver or reduction of fees is granted under § 10400.15, or the total fee to be charged is less than $25.00. IPEC will notify the requester if IPEC estimates that charges will exceed $25.00 including a breakdown of the fees for search, review, or duplication and whether applicable entitlements to duplication and search at no charge have been provided. IPEC will not process the request until the requester either commits in writing to pay the actual or estimated total fee, or designates some amount of fees that it is willing to pay.

(a) *Search for records.* IPEC will charge $77.00 per hour, which is a blended hourly rate for all personnel that respond to FOIA requests plus 16 percent of that rate to cover benefits.

(b) *Review of records.* IPEC will charge $77.00 per hour, which is a blended hourly rate for all personnel that responded to FOIA requests plus 16 percent of that rate to cover benefits. Records or portions of records withheld under an exemption subsequently determined not to apply may be reviewed to determine the applicability of exemptions not considered. The cost for a subsequent review is assessable.

(c) *Duplication of records.* IPEC will charge duplication fees to all requesters. IPEC will honor a requester's preference for receiving a record in a particular format if IPEC can readily reproduce it in the form or format requested. If IPEC provides photocopies, IPEC will make one copy per request at the cost of $.10 per page. For copies of records produced on tapes, disks or other media, IPEC will charge the direct costs of producing the copy, including operator time. Where IPEC must scan paper documents in order to comply with a requester's preference to receive the records in an electronic format, IPEC will charge the direct costs associated with scanning those materials. For other forms of duplication, IPEC will charge the direct costs. IPEC will provide the first 100 pages of duplication (or the cost equivalent for other media) without charge except for requesters seeking records for a commercial use.

(d) *Other charges.* IPEC will recover the costs of providing other services such as certifying records or sending records by special methods.

§ 10400.12 Fees to be charged—miscellaneous provisions.

(a) Payment for FOIA services may be made by check or money order made payable to the Treasury of the United States. IPEC will provide the requester with instructions on how to make the payment. IPEC will provide a receipt for fees paid upon request. IPEC will not refund fees paid for services actually rendered.

(b) IPEC may require advance payment (or a satisfactory written assurance of full payment) where the estimated fee exceeds $250, or a requester previously failed to pay within 30 calendar days of the billing date. IPEC will not process the request until the requester either makes the advance payment or provides a satisfactory written assurance.

(c) IPEC may assess interest charges beginning the 31st day of billing. Interest will be at the rate prescribed in

section 3717 of Title 31, United States Code, and will accrue from the date of the billing.

(d) IPEC may assess search charges where records are not located or where records are exempt from disclosure.

(e) IPEC may aggregate separate requests for fee purposes in accordance with § 10400.16.

§ 10400.13 Fees to be charged—categories of requesters.

(a) For fees, there are four categories of FOIA requesters: commercial use requests; educational and non-commercial scientific institution requests; requests from representatives of the news media; and all other requesters.

(b) The specific levels of fees for each of these categories are:

(1) *Commercial use request.* IPEC will recover the full direct cost of providing search, review, and duplication services. Commercial use requests will not receive free search-time or free reproduction of documents.

(2) *Educational and non-commercial scientific institution requests.* IPEC will charge the cost of reproduction, excluding charges for the first 100 pages. Requesters must demonstrate the request is authorized by and under the auspices of a qualifying institution and that the records are sought for scholarly or scientific research not a commercial use.

(3) *Requests from representatives of the news media.* IPEC will charge the cost of reproduction, excluding charges for the first 100 pages. Requesters must meet the criteria in § 10400.3, and the request must not be made for a commercial use. A request that supports the news dissemination function of the requester shall not be considered a commercial use.

(4) *All other requesters.* IPEC will recover the full direct cost of the search and the reproduction of records, excluding the first 100 pages of reproduction and the first two hours of search time.

§ 10400.14 Restrictions on charging fees.

(a) No search fees will be charged for requests by educational institutions (unless the records are sought for a commercial use), noncommercial scientific institutions, or representatives of the news media.

(b) If IPEC fails to comply with the FOIA's time limits in which to respond to a request, it may not charge search fees, or, in the instances of requests from requesters described in § 10400.13(b)(2), may not charge duplication fees, except as described in paragraphs (c), (d), and (e) of this section.

(c) If IPEC determines that unusual circumstances as defined by the FOIA apply and the agency provided timely written notice to the requester in accordance with the FOIA, a failure to comply with the time limit shall be excused for an additional 10 days.

(d) If IPEC determines that unusual circumstances as defined by the FOIA apply, and more than 5,000 pages are necessary to respond to the request, the agency may charge search fees, or, in the case of requesters described in § 10400.13(b)(2) of this section, may charge duplication fees if the following steps are taken. IPEC must have provided timely written notice of unusual circumstances to the requester in accordance with the FOIA and the agency must have discussed with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C. 552(a)(6)(B)(ii). If this exception is satisfied, IPEC may charge all applicable fees incurred in the processing of the request.

(e) If a court has determined that exceptional circumstances exist as defined by the FOIA, a failure to comply with the time limits shall be excused for the length of time provided by the court order.

(f) No search or review fees will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(g) When, after first deducting the 100 free pages (or its cost equivalent) and the first two hours of search, a total fee calculated under paragraph (c) of this section is $25.00 or less for any request, no fee will be charged.

§ 10400.15 Waiver or reduction of fees.

Requirements for waiver or reduction of fees:

(a) Requesters may seek a waiver of fees by submitting a written application demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(b) IPEC must furnish records responsive to a request without charge or at a reduced rate when it determines, based on all available information, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. In deciding whether this standard is satisfied the agency must consider the factors described in paragraphs (b)(1) through (3) of this section:

(1) Disclosure of the requested information would shed light on the operations or activities of the government. The subject of the request must concern identifiable operations or activities of the Federal Government with a connection that is direct and clear, not remote or attenuated.

(2) Disclosure of the requested information would be likely to contribute significantly to public understanding of those operations or activities. This factor is satisfied when the following criteria are met:

(i) Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

(ii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public must be considered. IPEC will presume that a representative of the news media will satisfy this consideration.

(3) The disclosure must not be primarily in the commercial interest of the requester. To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, IPEC will consider the following criteria:

(i) IPEC must identify whether the requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. Requesters must be given an opportunity to provide explanatory information regarding this consideration.

(ii) If there is an identified commercial interest, IPEC must determine whether that is the primary interest furthered by the request. A waiver or reduction of fees is justified when the requirements of paragraph (a) of this section are satisfied and any commercial interest is not the primary interest furthered by the request. IPEC ordinarily will presume that when a news media requester has satisfied the requirements of paragraph (a) of this section, the request is not primarily in the commercial interest of the requester.

Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

(c) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver shall be granted for those records.

(d) Requests for a waiver or reduction of fees should be made when the request is first submitted to IPEC and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester shall be required to pay any costs incurred up to the date the fee waiver request was received.

§ 10400.16 Aggregation of requests for fees.

When IPEC reasonably believes that a requester or a group of requesters acting in concert is attempting to divide a single request into a series of requests for the purpose of avoiding fees, IPEC may aggregate those requests and charge accordingly. IPEC may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. For requests separated by a longer period, IPEC will aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters cannot be aggregated.

§ 10400.17 Markings on released documents.

When requested records contain matters that are exempted under 5 U.S.C. 552(b), but such exempted matters can be reasonably segregated from the remainder of the records, the records shall be disclosed by IPEC with the necessary redactions. If records are disclosed in part, IPEC will mark them to show the amount and location of information redacted and the exemption(s) under which the redactions were made unless doing so would harm an interest protected by an applicable exemption.

§ 10400.18 Confidential commercial information.

(a) *Definitions—*

Confidential commercial information means commercial or financial information obtained by IPEC from a submitter that may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

Submitter means any person or entity, including a corporation, State, or foreign government, but not including another Federal Government entity, that provides confidential commercial information, either directly or indirectly to the Federal Government.

(b) *Designation of confidential commercial information.* A submitter of confidential commercial information must use good faith efforts to designate by appropriate markings, at the time of submission, any portion of its submission that it considers to be protected from disclosure under Exemption 4. These designations expire 10 years after the date of the submission unless the submitter requests and provides justification for a longer designation period.

(c) *When notice to submitters is required.* (1) IPEC must promptly provide written notice to the submitter of confidential commercial information whenever records containing such information are requested under the FOIA if IPEC determines that it may be required to disclose the records, provided:

(i) The requested information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(ii) IPEC has a reason to believe that the requested information may be protected from disclosure under Exemption 4, but has not yet determined whether the information is protected from disclosure.

(2) The notice must either describe the commercial information requested or include a copy of the requested records or portions of records containing the information. In cases involving a voluminous number of submitters, IPEC may post or publish a notice in a place or manner reasonably likely to inform the submitters of the proposed disclosure, instead of sending individual notifications.

(d) *Exceptions to submitter notice requirements.* The notice requirements of this section do not apply if:

(1) IPEC determines that the information is exempt under the FOIA, and therefore will not be disclosed;

(2) The information has been lawfully published or has been officially made available to the public;

(3) Disclosure of the information is required by a statute other than the FOIA or by a regulation issued in accordance with the requirements of Executive Order 12600 of June 23, 1987; or

(4) The designation made by the submitter under paragraph (b) of this section appears obviously frivolous. In such case, IPEC must give the submitter written notice of any final decision to disclose the information within a reasonable number of days prior to a specified disclosure date.

(e) *Opportunity to object to disclosure.* (1) IPEC must specify a reasonable time period within which the submitter must respond to the notice referenced above.

(2) If a submitter has any objections to disclosure, it should provide IPEC a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. In order to rely on Exemption 4 as the basis for nondisclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is confidential.

(3) A submitter who fails to respond within the time period specified in the notice will be considered to have no objection to disclosure of the information. IPEC is not required to consider any information received after the date of any disclosure decision. Any information provided by a submitter under this subpart may itself be subject to disclosure under the FOIA.

(f) *Analysis of objections.* IPEC must consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose the requested information.

(g) *Notice of intent to disclose.* Whenever IPEC decides to disclose information over the objection of a submitter, IPEC must provide the submitter written notice, which must include:

(1) A statement of the reasons why each of the submitter's disclosure objections was not sustained;

(2) A description of the information to be disclosed or copies of the records as IPEC intends to release them; and

(3) A specified disclosure date, which must be a reasonable time after the notice.

(h) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of confidential commercial information, IPEC must promptly notify the submitter.

(i) *Requester notification.* IPEC must notify the requester whenever it provides the submitter with notice and an opportunity to object to disclosure; whenever it notifies the submitter of its intent to disclose the requested information; and whenever a submitter files a lawsuit to prevent the disclosure of the information.

(j) *No right or benefit.* The requirements of this section such as notification do not create any right or benefit, substantive or procedural, enforceable at law or in equity by a

party against the United States, its agencies, its officers, or any person.

Subpart B—Privacy Act Policies and Procedures

§ 10400.19 Definitions.

For purposes of this subpart:

Access means making a record available to a subject individual.

Amendment means any correction, addition to or deletion of information in a record.

Individual means a natural person who either is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.

Maintain includes the term ''maintain'', collect, use, or disseminate.

Privacy Act Office means the IPEC officials who are authorized to respond to requests and to process requests for amendment of records IPEC maintains under the Privacy Act.

Record means any item, collection or grouping of information about an individual that IPEC maintains within a system of records and contains the individual's name or the identifying number, symbol or other identifying particular assigned to the individual, such as a finger or voice print or photograph.

System of records means a group of records IPEC maintains or controls from which information is retrieved by the name of an individual or by some identifying number, symbol or other identifying particular assigned to the individual.

§ 10400.20 Purpose and scope.

This subpart implements the Privacy Act, 5 U.S.C. 552a, a Federal law that requires Federal agencies to protect private information about individuals that the agencies collect or maintain. It establishes IPEC's rules for access to records in systems of records we maintain that are retrieved by an individual's name or another personal identifier. It describes the procedures by which individuals may request access to records, request amendment or correction of those records, and request an accounting of disclosures of those records by IPEC. Whenever it is appropriate to do so, IPEC automatically processes a Privacy Act request for access to records under both the Privacy Act and the FOIA, following the rules contained in this part. IPEC processes a request under both the Privacy Act and the FOIA so you will receive the maximum amount of information available to you by law.

§ 10400.21 How do I make a Privacy Act request?

(a) *In general.* You can make a Privacy Act request for records about yourself. You also can make a request on behalf of another individual as the parent or legal guardian of a minor, or as the legal guardian of someone determined by a court to be incompetent.

(b) *How do I make a request?*—(1) *Where do I send my written request?* To make a request for access to a record, you should write directly to our FOIA Officer. Heightened security delays mail delivery. To avoid mail delivery delays, we strongly suggest that you email your request to *ipecfoia@ipec.eop.gov*. Our mailing address is: Executive Office of the President, Office of the Intellectual Property Enforcement Coordinator, Eisenhower Executive Office Building, Room 296, Washington DC 20503, Attn: FOIA Officer. To make sure that the FOIA Officer receives your request without delay, you should include the notation ''Privacy Act Request'' in the subject line of your email or on the front of your envelope and also at the beginning of your request.

(2) *Security concerns.* To protect our computer systems, we reserve the right not to open attachments to emailed requests. We request that you include your request within the body of the email.

(c) *What should my request include?* You must describe the record that you seek in enough detail to enable IPEC to locate the system of records containing the record with a reasonable amount of effort. Include specific information about each record sought, such as the time period in which you believe it was compiled, the name or identifying number of each system of records in which you believe it is kept, and the date, title or name, author, recipient, or subject matter of the record. As a general rule, the more specific you are about the record that you seek, the more likely we will be able to locate it in response to your request.

(d) *How do I request amendment of a record?* If you are requesting an amendment of an IPEC record, you must identify each particular record in question and the system of records in which the record is located, describe the amendment that you seek, and state why you believe that the record is not accurate, relevant, timely or complete. You may submit any documentation that you think would be helpful, including an annotated copy of the record.

(e) *How do I request an accounting of record disclosures?* If you are requesting an accounting of disclosures made by IPEC to another person, organization or Federal agency, you must identify each system of records in question. An accounting generally includes the date, nature and purpose of each disclosure, as well as the name and address of the person, organization, or Federal agency to which the disclosure was made.

(f) *Verification of identity.* When making a Privacy Act request, you must verify your identity in accordance with these procedures to protect your privacy or the privacy of the individual on whose behalf you are acting. If you make a Privacy Act request and you do not follow these identity verification procedures, IPEC cannot process your request.

(1) *How do I verify my own identity?* You must include in your request your full name, current address, and date and place of birth. We may request additional information to verify your identity. To verify your own identity, you must provide an unsworn declaration under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury. To fulfill this requirement, you must include the following statement just before the signature on your request:

I declare under penalty of perjury that the foregoing is true and correct. Executed on [date].

(2) *How do I verify parentage or guardianship?* If you make a request as the parent or legal guardian of a minor, or as the legal guardian of someone determined by a court to be incompetent, for access to records or information about that individual, you must establish:

(i) The identity of the individual who is the subject of the record, by stating the individual's name, current address, and date and place of birth;

(ii) Your own identity, as required in paragraph (f)(1) of this section;

(iii) That you are the parent or legal guardian of the individual, which you may prove by providing a copy of the individual's birth certificate showing your parentage or a court order establishing your guardianship; and

(iv) That you are acting on behalf of the individual in making the request.

§ 10400.22 How will IPEC respond to my Privacy Act request?

(a) *When will we respond to your request?* We will search to determine if the requested records exist in a system of records IPEC owns or controls. The FOIA Officer will respond to you in writing within 20 after we receive your request and/or within 10 working days after we receive your request for an amendment, if it meets the requirements of this subpart. We may extend the response time in unusual

circumstances, such as the need to consult with another agency about a record or to retrieve a record that is in storage.

(b) *What will our response include?* (1) Our written response will include our determination whether to grant or deny your request in whole or in part, a brief explanation of the reasons for the determination, and the amount of the fee charged, if any, under § 10400.24. If you requested access to records, we will make the records, if any, available to you. If you requested amendment of a record, the response will describe any amendments made and advise you of your right to obtain a copy of the amended record.

(2) We will also notify the individual who is subject to the record in writing, if, based on your request, any system of records contains a record pertaining to him or her.

(3) If IPEC makes an adverse determination with respect to your request, our written response will identify the name and address of the person responsible for the adverse determination, that the adverse determination is not a final agency action, and describe the procedures by which you may appeal the adverse determination under § 10400.23.

(4) An adverse determination is a response to a Privacy Act request that:

(i) Withholds any requested record in whole or in part;

(ii) Denies a request to amend a record in whole or in part;

(iii) Declines to provide an accounting of disclosures;

(iv) Advises that a requested record does not exist or cannot be located;

(v) Finds that what you requested is not a record subject to the Privacy Act; or

(vi) Advises on any disputed fee matter.

§ 10400.23 What can I do if I am dissatisfied with IPEC's response to my Privacy Act request?

(a) *What can I appeal?* You can appeal any adverse determination in writing to the Privacy Act Appeals Officer (the Legal Advisor or a designee) within ninety calendar days after the date of our response. We provide a list of adverse determinations in § 10400.22(b)(4).

(b) *How do I make an appeal?*—(1) *What should I include?* You may appeal by submitting a written statement giving the reasons why you believe the Privacy Act Appeals Officer should overturn the adverse determination. Your written appeal may include as much or as little related information as you wish to provide, as long as it clearly identifies the determination (including the request number, if known) that you are appealing.

(2) *Where do I send my appeal?* You should mark both your letter and the envelope, or the subject of your email, ''Privacy Act Appeal.'' To avoid mail delivery delays caused by heightened security, we strongly suggest that you email any appeal to *ipecfoia@ipec.eop.gov.* Our mailing address is: Executive Office of the President, Office of the Intellectual Property Enforcement Coordinator, Eisenhower Executive Office Building, Room 296, Washington DC 20503, Attn: Privacy Act Appeals Officer.

(c) *Who will decide your appeal?* (1) The Privacy Act Appeals Officer will act on all appeals under this section.

(2) We ordinarily will not adjudicate an appeal if the request becomes a matter of litigation.

(3) On receipt of any appeal involving classified information, the Privacy Act Appeals Officer must take appropriate action to ensure compliance with applicable classification rules.

(d) *When will we respond to your appeal?* The Privacy Act Appeals Officer will notify you of its appeal decision in writing within 30 days from the date it receives an appeal that meets the requirements of paragraph (b) of this section. We may extend the response time in unusual circumstances, such as the need to consult with another agency about a record or to retrieve a record shipped offsite for storage.

(e) *What will our response include?* The written response will include the Privacy Act Appeals Officer's determination whether to grant or deny your appeal in whole or in part, a brief explanation of the reasons for the determination, and information about the Privacy Act provisions for court review of the determination.

(1) *Appeals concerning access to records.* If your appeal concerns a request for access to records and the appeal is granted in whole or in part, we will make the records, if any, available to you.

(2) *Appeals concerning amendments.* If your appeal concerns amendment of a record, the response will describe any amendment made and advise you of your right to obtain a copy of the amended record. We will notify all persons, organizations or Federal agencies to which we previously disclosed the record, if an accounting of that disclosure was made, that the record has been amended. Whenever the record is subsequently disclosed, the record will be disclosed as amended. If our response denies your request for an amendment to a record, we will advise you of your right to file a statement of disagreement under paragraph (f) of this section.

(f) *Statements of disagreement*—(1) *What is a statement of disagreement?* A statement of disagreement is a concise written statement in which you clearly identify each part of any record that you dispute and explain your reason(s) for disagreeing with our denial in whole or in part of your appeal requesting amendment.

(2) *How do I file a statement of disagreement?* You should mark both your letter and the envelope, or the subject of your email, ''Privacy Act Statement of Disagreement.'' To avoid mail delivery delays caused by heightened security, we strongly suggest that you email a statement of disagreement to *ipecfoia@ipec.eop.gov.* Our mailing address is: Executive Office of the President, Office of the Intellectual Property Enforcement Coordinator, Eisenhower Executive Office Building, Room 296, Washington DC 20503, Attn: Privacy Act Appeals Officer.

(3) *What will we do with your statement of disagreement?* We shall clearly note any portion of the record that is disputed and provide copies of the statement and, if we deem appropriate, copies of our statement that denied your request for an appeal for amendment, to persons or other agencies to whom the disputed record has been disclosed.

(g) *When appeal is required.* Under this section, you generally first must submit a timely administrative appeal, before seeking review of an adverse determination or denial request by a court.

§ 10400.24 What does it cost to get records under the Privacy Act?

(a) *Agreement to pay fees.* Your request is an agreement to pay fees. We consider your Privacy Act request as your agreement to pay all applicable fees unless you specify a limit on the amount of fees you agree to pay. We will not exceed the specified limit without your written agreement.

(b) *How do we calculate fees?* We will charge a fee for duplication of a record under the Privacy Act in the same way we charge for duplication of records under the FOIA in § 10400.11(c). There are no fees to search for or review records requested under the Privacy Act.

Steven D. Aitken,

Legal Advisor, Office of the Intellectual Property Enforcement Coordinator.

[FR Doc. 2022–20306 Filed 9–21–22; 8:45 am]

BILLING CODE 3330–F2–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0876; Project Identifier AD–2021–00999–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This proposed AD was prompted by a report that during regular pre-flight checks multiple door assist handles failed by pulling loose from their lower attachment point in the doorway support bracket. This proposed AD would require, depending on airplane configuration, doing an inspection of the forward and aft door assist handles for correct installation, installing a new retainer above the lower keyway of the support bracket assembly at certain locations, installing a placard on certain support bracket assemblies, reidentifying the support bracket assembly, and replacing the upper spring clip. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 7, 2022.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0876.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0876; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3569; email: *Brandon.Lucero@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0876; Project Identifier AD–2021–00999–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3569; email: *Brandon.Lucero@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating that during regular pre-flight checks multiple door assist handles failed by pulling loose from their lower attachment point in the doorway support bracket. Boeing determined that a lower maximum allowable door assist handle flex value, coupled with an out-of-tolerance door assist handle, contributed to this failure. Loose door assist handles create a safety issue during normal and emergency use of the door if the door assist handles detach from the door. This condition, if not addressed, could result in injury to passengers, crew, or maintenance personnel due to falling out of the airplane when opening the door, and could limit exit from the airplane during a time-limited emergency evacuation.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Requirements Bulletin B787–81205–SB250253–00 RB, Issue 001, dated June 18, 2021. This service information specifies procedures for, depending on airplane configuration, doing a detailed inspection of the forward and aft door assist handles for correct installation, installing a new retainer above the lower keyway of the support bracket assembly at the left- and right-side passenger entry doors 1, 2, 3, and 4 located at the forward and aft door assist handle, installing a placard on the forward and aft support bracket

assembly, and replacing the upper spring clip.

The FAA reviewed Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021. This service information specifies procedures for installing a new retainer above the lower keyway of the support bracket assembly at the left- and right-side passenger entry doors 1, 2, 3, and 4 located at the forward and aft door assist handle, and reidentifying the support bracket assembly with a new part number.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described and except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0876.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 123 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and installation (for Model 787–8 and 787–9 airplanes).	20 work-hours × $85 per hour = $1,700.	$160	$1,860	$212,040 (114 airplanes).
Installation and reidentification (for Model 787–10 airplanes).	28 work-hours × $85 per hour = $2,380.	160	2,540	$22,860 (9 airplanes).

The FAA estimates the following costs to do any necessary replacement that would be required based on the results of the proposed 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	1 work-hours × $85 per hour = $85	$160	$245

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2022–0876; Project Identifier AD–2021–00999–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 7, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes,

certificated in any category, as identified in Boeing Requirements Bulletin B787–81205–SB250253–00 RB, Issue 001, dated June 18, 2021; and Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021; as applicable.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by a report that during regular pre-flight checks multiple door assist handles failed by pulling loose from their lower attachment point in the doorway support bracket. The FAA is issuing this AD to address loose or detached door assist handles, which could result in injury to passengers, crew, or maintenance personnel due to falling out of the airplane when opening the door, and could limit exit from the airplane during a time-limited emergency evacuation.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Requirements Bulletin B787–81205–SB250253–00 RB, Issue 001, dated June 18, 2021; or Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021; as applicable; do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Requirements Bulletin B787–81205–SB250253–00 RB, Issue 001, dated June 18, 2021; or Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021; as applicable.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Service Bulletin B787–81205–SB250253–00, Issue 001, dated June 18, 2021, which is referred to in Boeing Requirements Bulletin B787–81205–SB250253–00 RB, Issue 001, dated June 18, 2021.

Note 2 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Service Bulletin B787–81205–SB250254–00, Issue 001, dated February 22, 2021, which is referred to in Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021.

(h) Exceptions to Service Information Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Requirements Bulletin B787–81205–SB250253–00 RB, Issue 001, dated June 18, 2021, use the phrase ''the Issue 001 date of Requirements Bulletin B787–81205–SB250253–00 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where the Compliance Time column of the table in the ''Compliance'' paragraph of Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021, use the phrase ''the Issue 001 date of Requirements Bulletin B787–81205–SB250254–00 RB,'' this AD requires using ''the effective date of this AD.''

(3) Where the tables in the ''Accomplishment Instructions'' of Boeing Requirements Bulletin B787–81205–SB250253–00 RB, Issue 001, dated June 18, 2021, specify a certain Safran service bulletin (SB), replace the text ''SAFRAN SB C355101–25–02,'' with ''SAFRAN Service Bulletin C355101–25–02, Revision 2, dated February 24, 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)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

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

(j) Related Information

(1) For more information about this AD, contact Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3569; email: *Brandon.Lucero@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on July 8, 2022.

Christina Underwood,

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

[FR Doc. 2022–20442 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[Docket No. DEA–951]

Designation of 4-Piperidone as a List I Chemical

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration is proposing the control of 4-piperidone, its acetals, its amides, its carbamates, its salts, and salts of its acetals, its amides, and its carbamates, whenever the existence of such is possible, as a list I chemical under the Controlled Substances Act. The Drug Enforcement Administration finds that 4-piperidone is used in the illicit manufacture of the controlled substance fentanyl, and is important to the manufacture of the controlled substance fentanyl because it cannot be replaced by other chemicals in its respective synthetic pathways which are used in the illicit manufacture of fentanyl. If finalized, this action would subject handlers of 4-piperidone to the chemical regulatory provisions of the Controlled Substances Act and its implementing regulations. This rulemaking does not establish a threshold for domestic and international transactions of 4-piperidone. As such, all transactions of chemical mixtures containing 4-piperidone will be regulated at any concentration and will be subject to control under the Controlled Substances Act.

DATES: Comments must be submitted electronically or postmarked on or before October 24, 2022. Commenters should be aware that the electronic Federal Docket Management System will not accept any comments after 11:59 p.m. Eastern Time on the last day of the comment period.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–951'' on all electronic and written correspondence, including any attachments.

• *Electronic comments:* The Drug Enforcement Administration encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

• *Paper comments:* Paper comments that duplicate electronic submissions are not necessary. Should you wish to mail a paper comment, *in lieu of* an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at *https://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. The Freedom of Information Act applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment.

Comments containing personal identifying information or confidential business information identified as directed above will be made publicly available in redacted form. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *https://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this proposed rule is available at *https://www.regulations.gov* for easy reference.

Legal Authority

The Controlled Substances Act (CSA) gives the Attorney General the authority to specify, by regulation, chemicals as list I chemicals.[1] A ''list I chemical'' is a chemical that is used in manufacturing a controlled substance in violation of the CSA and is important to the manufacture of the controlled substances.[1] The current list of all listed chemicals is published at 21 CFR 1310.02. Pursuant to 28 CFR 0.100(b), the Attorney General has delegated his authority to designate list I chemicals to the Administrator of DEA (Administrator). DEA regulations set forth the process by which DEA may add a chemical as a listed chemical. As set forth in 21 CFR 1310.02(c), the agency may do so by publishing a final rule in the **Federal Register** following a published notice of proposed rulemaking with at least 30 days for public comments.

Background

The clandestine manufacture of fentanyl remains extremely concerning as the distribution of illicit fentanyl continues to drive drug-related overdose deaths in the United States. Fentanyl is a synthetic opioid and was first synthesized in Belgium in the late 1950s. Fentanyl was introduced into medical practice and is approved for medical practitioners in the United States to prescribe lawfully for anesthesia and analgesia. Yet, due to its pharmacological effects, fentanyl can be used as a substitute for heroin, oxycodone, and other opioids in opioid dependent individuals. Therefore, despite its accepted medical use in treatment in the United States, the DEA controls fentanyl as a schedule II controlled substance due to its high potential for abuse and dependence.[2]

The unlawful trafficking of fentanyl in the United States continues to pose an imminent hazard to the public safety. Since 2012, fentanyl has shown a dramatic increase in the illicit drug supply as a single substance, in mixtures with other illicit drugs (*i.e.,* heroin, cocaine, and methamphetamine), or in forms that mimic pharmaceutical preparations including prescription opiates and benzodiazepines.[3]

DEA has noted a significant increase in overdoses and overdose fatalities from fentanyl in the United States in recent years. According to the Centers for Disease Control and Prevention (CDC), opioids, mainly synthetic opioids (which includes fentanyl), are predominantly responsible for drug overdose deaths in recent years. According to CDC data, drug-induced overdose deaths involving synthetic opioids (excluding methadone) in the United States increased from 36,359 in 2019 to 56,516 in 2020 to 57,802 in 2021 (provisional).[4] Of the drug overdose death data (106,854) predicted for the 12 month-ending November 2021, synthetic opioids were involved in about 65.9 percent of all drug-induced overdose deaths.[5] The increase in overdose fatalities involving synthetic opioids coincides with a dramatic increase in law enforcement encounters of fentanyl. According to the National Forensic Laboratory Information System (NFLIS-Drug),[6] reports from forensic

[1] 21 U.S.C. 802(34).

[2] 21 U.S.C. 812(c) Schedule II(b)(6) and 21 CFR 1308.12(c).

[3] United Nations Office on Drugs and Crime, Global SMART Update Volume 17, March 2017. *https://www.unodc.org/documents/scientific/Global_SMART_Update_17_web.pdf.*

[4] Centers for Disease Control and Prevention, National Center for Health Statistics. National Vital Statistics System, Provisional Mortality on CDC WONDER Online Database. Data are from the final Multiple Cause of Death Files, 2018–2020, and from provisional data for years 2021–2022, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at *https://wonder.cdc.gov/mcd-icd10-provisional.html* on May 5, 2022.

[5] Ahmad FB, Rossen LM, Sutton P. Provisional drug overdose death counts. National Center for Health Statistics. 2021. Accessed at *https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm* on May 5, 2022.

[6] The National Forensic Laboratory Information System (NFLIS-Drug) is a national forensic laboratory reporting system that systematically

Continued

laboratories of drug items containing fentanyl increased dramatically since 2014, as shown in Table 1.

fentanyl increased dramatically since 2014, as shown in Table 1.

TABLE 1—ANNUAL REPORTS OF FENTANYL IDENTIFIED IN DRUG ENCOUNTERS

Year	2014	2015	2016	2017	2018	2019	2020
Reports	5,535	15,456	37,142	61,604	89,764	107,080	115,762

Role of 4-Piperidone in the Synthesis of Fentanyl

Fentanyl is not a naturally occurring substance. As such, the manufacture of fentanyl requires it to be produced through synthetic organic chemistry. Synthetic organic chemistry is the process in which a new organic molecule is created through a series of chemical reactions, which involve precursor chemicals. Through chemical reactions, the chemical structures of precursor chemicals are modified in a desired fashion. These chemical reaction sequences, also known as synthetic pathways, are designed to create a desired substance. Several synthetic pathways to fentanyl have been identified in clandestine laboratory settings; these include the original ''Janssen method,'' the ''Siegfried method,'' and the ''Gupta method.'' In response to the illicit manufacture of fentanyl using these methods, DEA controlled *N*-phenethyl-4-piperidone (NPP),[7] *N*-(1-benzylpiperidin-4-yl)-*N*-phenylpropionamide (benzylfentanyl) and *N*-phenylpiperidin-4-amine (4-anilinopiperidine)[8] as list I chemicals, and 4-anilino-*N*-phenethylpiperidine (ANPP)[9] and *N*-phenyl-*N*-(piperidin-4-yl)propionamide (norfentanyl)[10] as schedule II immediate precursors under the CSA.

In 2017, the United Nations Commission on Narcotic Drugs placed NPP and ANPP in Table I of the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (1988 Convention) in response to the international reintroduction of fentanyl on the illicit drug market. As such, member states of the United Nations were required to regulate these precursor chemicals at the national level. Importantly, the People's Republic of China regulated NPP and ANPP on February 1, 2018.[11]

To circumvent these regulations, illicit fentanyl manufacturers continue to employ unregulated precursor chemicals in the illicit synthesis of fentanyl. Recent law enforcement information indicates that illicit fentanyl manufacturers may be utilizing precursor chemicals that serve as precursors to those precursor chemicals already controlled, sometimes referred to as ''pre-precursors.'' 4-Piperidone (also, known as, piperidin-4-one) serves as a precursor chemical for the previously controlled list I chemicals involved in many synthetic routes to fentanyl; it is used to make NPP, benzylfentanyl, and 4-anilinopiperidine, all of which are list I chemicals under the CSA.[12]

In addition to the continuous exploration of viable precursors to manufacture fentanyl, illicit manufacturers also employ protecting group strategies on known fentanyl precursors. These protecting group strategies modify the chemical structure of a known precursor and are specifically designed to disguise the known precursor to evade law enforcement detection or to enhance the manufacturing process of the controlled substance the known precursor is used to make. These modified precursors are sometimes referred to as ''masked precursors.'' For example, 1-boc-4-anilinopiperidine (*tert*-butyl 4-(phenylamino)piperidine-1-carboxylate, 1-boc-4-AP), a carbamate of 4-anilinopiperidine and a list I chemical, was identified as a ''masked'' precursor chemical used in the illicit manufacture of fentanyl. Likewise, 1-boc-4-piperidone (*tert*-butyl 4-oxopiperidine-1-carboxylate), a carbamate of 4-piperidone, and 4,4-piperidinediol (piperidine-4,4-diol) have also been identified as ''masked'' precursors. As a carbamate of 4-piperidone, 1-boc-4-piperidone would be controlled as a list I chemical upon completion of this rulemaking, as proposed. Similarly, 4,4-piperidinediol (Chemical Abstract Service Registry Number (CAS RN) 73390–11–1 for the free base and CAS RN 40064–34–4 for the hydrochloride salt) is 4-piperidone with the inclusion of one water molecule of hydration and is known as a hydrate of 4-piperidone. As a hydrate of 4-piperidone, 4,4-piperidinediol would also be subject to control under the listing of 4-piperidone upon completion of this rulemaking, as proposed. These masked precursors serve both a role in attempts to evade law enforcement detection as well as a strategic synthesis advantage compared to their unprotected counterparts, namely 4-anilinopiperidine and 4-piperidone.

4-Piperidone

The original published synthetic pathway to fentanyl, known as the Janssen method, does not involve NPP or ANPP as precursor chemicals. This synthetic pathway involves the important precursors, benzylfentanyl and norfentanyl. 4-Piperidone serves as a precursor chemical to benzylfentanyl, a list I chemical under the CSA,[8] which is converted to norfentanyl, the schedule II immediate precursor in this synthetic pathway. Norfentanyl is then subjected to one simple chemical reaction to complete the synthesis of fentanyl. Norfentanyl is controlled in schedule II of the CSA.[10]

Like the Janssen method, 4-piperidone serves as an early-stage precursor chemical in the Siegfried method. 4-Piperidone is a precursor to NPP, a known fentanyl precursor and list I chemical, in the Siegfried method. NPP, a list I chemical under the CSA,[7] is then converted to ANPP, the schedule II immediate precursor in this synthetic pathway. ANPP is then subjected to a simple one step chemical reaction to complete the synthesis of fentanyl. ANPP is controlled as a schedule II immediate precursor under the CSA.[9]

In addition to the Janssen and Siegfried methods, clandestine manufacturers are using other methods to synthesize fentanyl, one of which is known as the Gupta method. 4-

collects results from drug chemistry analyses conducted by Federal, State and local forensic laboratories in the United States. While NFLIS-Drug data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. See 76 FR 77330, 77332 (December 12, 2011). NFLIS-Drug data was queried on January 13, 2022.

[7] 72 FR 20039 (April 23, 2007).

[8] 85 FR 20822 (May 15, 2020).

[9] 75 FR 37295 (August 30, 2010).

[10] 85 FR 21320 (May 18, 2020).

[11] *https://www.dea.gov/press-release/2018/01/05/china-announces-scheduling-controls-two-fentanyl-precursor-chemicals.* Accessed March 9, 2022.

[12] 72 FR 20039 (April 23, 2007) and 85 FR 20822 (April 15, 2020).

Piperidone can be used to synthesize 4-anilinopiperidine, a list I chemical under the CSA [8] and key precursor in the Gupta method. 4-Anilinopiperidine serves as an alternative precursor chemical to NPP in the synthesis of ANPP, albeit through a different synthetic process. The resulting ANPP is then used as the immediate precursor chemical in the illicit manufacture of the schedule II controlled substance, fentanyl.

DEA has determined that 4-piperidone is commercially available from both domestic and foreign suppliers. DEA is aware of at least 38 domestic suppliers and 19 foreign suppliers. 4-Piperidone is attractive to illicit manufacturers due to the lack of regulations on this chemical, it is readily available from chemical suppliers, and it can be easily converted to known fentanyl precursors, including NPP, benzylfentanyl, and 4-anilinopiperidine.

4-Piperidone and 1-boc-4-piperidone have been imported and identified in law enforcement encounters in the United States. According to law enforcement information, between March 2016 and October 2021, there have been three seizures of 4-piperidone (2) and 1-boc-4-piperidone (1) totaling 357 kilograms (kg) at ports of entry in the United States. In addition to these encounters, a query of DEA's Laboratory Information Management System (LIMS) resulted in three domestic reports of 4-piperidone (1) and 1-boc-4-piperidone (2) from analyses conducted on submitted drug evidence by DEA forensic laboratories. 4-Piperidone was also identified at clandestine laboratories located in Arizona and Pennsylvania, which were involved in the illicit manufacture of fentanyl.

As of May 2019, in addition to domestic encounters, the International Narcotics Control Board of the United Nations reported eight international transactions of 4-piperidone (6) and 1-boc-4-piperidone (2) through the Precursors Incident Communication System (PICS) [13] reporting system. These incidents reported to PICS totaled approximately 1,900 kg and had destinations located in North America and Europe. Along with the incidents reported to PICS, DEA is aware of ten additional seizures of 4-piperidone (9) and 1-boc-4-piperidone (1) at international ports of entry since May 2019, totaling approximately 1,335 kg.

[13] PICS is a platform that allows Governments to exchange operational and investigative intelligence and to generate strategic intelligence on precursors trafficking. PICS reports were collected up to December 16, 2021.

These recent law enforcement encounters of 4-piperidone coincide with the placement of NPP and ANPP in Table I of the 1988 Convention, the People's Republic of China regulating NPP and ANPP as of February 1, 2018, and the regulation of benzylfentanyl and 4-anilinopiperidine as list I chemicals and the designation of norfentanyl as a schedule II immediate precursor to fentanyl in the United States. The domestic and international encounters of 4-piperidone at ports of entry and the identification of 4-piperidone at domestic fentanyl clandestine laboratories indicate a change in illicit fentanyl manufacturing methods in efforts to evade international controls on NPP and ANPP and additional controls on benzylfentanyl, 4-anilinopiperidine, and norfentanyl in the United States.

Regulation of 4-Piperidone, Including Its Acetals, Its Amides, Its Carbamates, Its Salts, and Salts of Its Acetals, Its Amides, and Its Carbamates, Whenever the Existence of Such Is Possible, as a List I Chemical

The CSA, specifically 21 U.S.C. 802(34), and its implementing regulations at 21 CFR 1310.02(c), provide the Attorney General with the authority to specify, by regulation, additional precursor or essential chemicals as listed chemicals if they are used in the manufacture of controlled substances in violation of the CSA. Recent law enforcement encounters indicate 4-piperidone is being used in the illicit manufacture of the schedule II controlled substance fentanyl. This proposed rule would regulate 4-piperidone as a list I chemical because DEA finds that 4-piperidone is used in the illicit manufacture of the controlled substance fentanyl, and is important to the manufacture of the controlled substance fentanyl because it cannot be replaced by other chemicals in its respective synthetic pathways which are used in the illicit manufacture of fentanyl.

Chemical Mixtures of 4-Piperidone

This proposed rulemaking, if finalized, would specify that chemical mixtures containing 4-piperidone would not be exempt from regulatory requirements at any concentration, unless an application for exemption of a chemical mixture is submitted by a 4-piperidone manufacturer and the application is reviewed and accepted by DEA under 21 CFR 1310.13 (Exemption by Application Process). The control of chemical mixtures containing any amount of 4-piperidone is necessary to prevent the extraction, isolation, and use of 4-piperidone in the illicit manufacture fentanyl. This proposed rule would modify the Table of Concentration Limits in 21 CFR 1310.12(c) to reflect the fact that chemical mixtures containing any amount of 4-piperidone are subject to the CSA chemical control provisions.

Exemption by Application Process

DEA has implemented an application process to exempt mixtures from the requirements of the CSA and its implementing regulations.[14] Under the application process, manufacturers may submit an application for exemption for those mixtures that do not qualify for automatic exemption. Exemption status can be granted if DEA determines that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical cannot be readily recovered.[15]

Requirements for Handling List I Chemicals

If this rule is finalized as proposed, 4-piperidone will be subject to all of the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importing, and exporting of list I chemicals. Upon publication of a final rule, persons potentially handling 4-piperidone, including regulated chemical mixtures containing 4-piperidone, will be required to comply with list I chemical regulations, including the following:

1. *Registration.* Any person who manufactures, distributes, imports, or exports 4-piperidone, including chemical mixtures containing 4-piperidone, or proposes to engage in the manufacture, distribution, importation, or exportation of 4-piperidone, including chemical mixtures containing 4-piperidone, must obtain a registration pursuant to 21 U.S.C. 822, 823, 957, and 958. Regulations describing registration for list I chemical handlers are set forth in 21 CFR part 1309. DEA regulations require separate registrations for manufacturing, distributing, importing, and exporting of list I chemicals. 21 CFR 1309.21. Further, a separate registration is required for each principal place of business at one general physical location where list I chemicals are manufactured, distributed, imported, or exported by a person. 21 U.S.C. 822(e)(1) and 21 CFR 1309.23(a).

DEA notes that under the CSA, ''warehousemen'' are not required to register and may lawfully possess list I chemicals, if the possession of those

[14] 21 CFR 1310.13.

[15] 21 CFR U.S.C. 802(39)(A)(vi).

chemicals is in the usual course of business or employment. Under DEA implementing regulations, the warehouse in question must receive the list I chemical from a DEA registrant and shall only distribute the list I chemical back to the DEA registrant and registered location from which it was received. A warehouse that distributes list I chemicals to persons other than the registrant and registered location from which they were obtained is conducting distribution activities and is required to register as such.

Upon publication of a final rule, any person manufacturing, distributing, importing, or exporting 4-piperidone or a chemical mixture containing 4-piperidone would become subject to the registration requirement under the CSA. DEA recognizes, however, that it is not possible for persons who are subject to the registration requirements to immediately complete and submit an application for registration, and for DEA to immediately issue registrations for those activities. Therefore, to allow any continued legitimate commerce in 4-piperidone or a chemical mixture containing 4-piperidone, DEA is proposing to establish in 21 CFR 1310.09, a temporary exemption from the registration requirement for persons desiring to engage in activities with 4-piperidone or a chemical mixture containing 4-piperidone, provided that DEA receives a properly completed application for registration or application for exemption of a chemical mixture under 21 CFR 1310.13 on or before 30 days after publication of a final rule implementing regulations regarding 4-piperidone. The temporary exemption for such persons will remain in effect until DEA takes final action on their application for registration or application for exemption of a chemical mixture.

The temporary exemption applies solely to the registration requirement; all other chemical control requirements, including recordkeeping and reporting, would become effective on the effective date of the final rule. This is necessary because a delay in regulating these transactions could result in increased diversion of chemicals desirable to drug traffickers.

Additionally, the temporary exemption for registration does not suspend applicable Federal criminal laws relating to 4-piperidone, nor does it supersede State or local laws or regulations. All handlers of 4-piperidone must comply with applicable State and local requirements in addition to the CSA regulatory controls.

2. *Records and Reports.* Every DEA registrant would be required to maintain records and submit reports with respect to 4-piperidone pursuant to 21 U.S.C. 830 and in accordance with 21 CFR part 1310.04 and 1310.05. Pursuant to 21 CFR 1310.04, a record must be kept for two years after the date of a transaction involving a listed chemical, provided the transaction is a regulated transaction.

Each regulated bulk manufacturer of a listed chemical will be required to submit manufacturing, inventory, and use data on an annual basis. 21 CFR 1310.05(d). Existing standard industry reports containing the required information are acceptable, provided the information is separate or readily retrievable from the report.

The CSA and its implementing regulations require that each regulated person must report to DEA any regulated transaction involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any other circumstance that the regulated person believes may indicate that the listed chemical will be used in violation of subchapter I of the CSA. In addition, regulated persons must report any proposed regulated transaction with a person whose description or other identifying characteristics DEA has previously furnished to the regulated person, any unusual or excessive loss or disappearance of a listed chemical under the control of the regulated person, and any in-transit loss in which the regulated person is the supplier. 21 U.S.C. 830(b) and 21 CFR 1310.05(a) and (b). *Importation and Exportation.* All importation and exportation of 4-piperidone or a chemical mixture containing 4-piperidone would need to be done in compliance with 21 U.S.C. 957, 958, and 971 and in accordance with 21 CFR part 1313.

3. *Security.* All applicants and registrants would be required to provide effective controls against theft and diversion of list I chemicals in accordance with 21 CFR 1309.71–1309.73.

4. *Administrative Inspection.* Places, including factories, warehouses, or other establishments and conveyances, where registrants or other regulated persons may lawfully hold, manufacture, distribute, or otherwise dispose of a list I chemical or where records relating to those activities are maintained, are controlled premises as defined in 21 U.S.C. 880(a) and 21 CFR 1316.02(c). The CSA allows for administrative inspections of these controlled premises as provided in 21 CFR part 1316, subpart A. 21 U.S.C. 880.

5. *Liability.* Any activity involving 4-piperidone not authorized by, or in violation of, the CSA, would be unlawful, and would subject the person to administrative, civil, and/or criminal action.

Solicitation for Information

As part of this proposed rulemaking, DEA is soliciting information on any possible legitimate uses of 4-piperidone unrelated to fentanyl production (including industrial uses) in order to assess the potential economic impact of controlling 4-piperidone. DEA has searched information in the public domain for legitimate uses of this chemical, and has not documented a legitimate commercial or industrial use for 4-piperidone other than as an intermediary chemical in the production of fentanyl. DEA seeks, however, to document any unpublicized use(s) and other proprietary use(s) of 4-piperidone that are not in the public domain. Therefore, DEA is soliciting comment on the uses of 4-piperidone in the legitimate marketplace.

DEA is soliciting input from all potentially affected parties regarding: (1) The types of legitimate industries using 4-piperidone; (2) the legitimate uses of 4-piperidone, if any; (3) the size of the domestic market for 4-piperidone; (4) the number of manufacturers of 4-piperidone; (5) the number of distributors of 4-piperidone; (6) the level of import and export of 4-piperidone; (7) the potential burden these proposed regulatory controls of 4-piperidone may have on any legitimate trade; (8) the potential number of individuals/firms that may be adversely affected by these proposed regulatory controls (particularly with respect to the impact on small businesses); and (9) any other information on the manner of manufacturing, distribution, consumption, storage, disposal, and uses of 4-piperidone by industry and others. DEA invites all interested parties to provide any information on any legitimate uses of 4-piperidone in industry, commerce, academia, research and development, or other applications. DEA seeks both quantitative and qualitative data.

Handling of Confidential or Proprietary Information

Confidential or proprietary information may be submitted as part of a comment regarding this Notice of Proposed Rulemaking. Please see the ''POSTING OF PUBLIC COMMENTS'' section above for a discussion of the identification and redaction of confidential business information and personally identifying information.

Regulatory Analyses

Executive Orders 12866 and 13563, Regulatory Planning and Review, Improving and Regulation and Regulatory Review

This proposed rule was developed in accordance with the principles of Executive Orders (E.O.) 12866 and 13563. E.O. 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). E.O. 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866. E.O. 12866 classifies a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB), as any regulatory action that is likely to result in a rule that may: (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal Governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

A review of the 38 domestic suppliers of 4-piperidone indicates that 37 entities are not registered with DEA to handle list I chemicals. DEA anticipates that this proposed rule will impose minimal or no economic impact on affected entities; and thus, will not have a significant economic impact on any of the 37 affected small entities. Therefore, DEA has concluded that this proposed rule will not have a significant effect on a substantial number of small entities. If finalized as proposed, 4-piperidone will be subject to all of the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importing, and exporting of list I chemicals. 4-Piperidone is a precursor chemical used in, and is important to, the illicit manufacture of the schedule II controlled substance fentanyl. The distribution of illicitly manufactured fentanyl has caused an unprecedented outbreak of thousands of fentanyl-related overdoses in the United States in recent years.

DEA has searched information in the public domain for any legitimate uses of 4-piperidone, and has not documented a use for 4-piperidone other than as an intermediary chemical in the production of fentanyl. Based on the review of import and quota information for NPP, ANPP, and fentanyl, DEA believes the vast majority of, if not all, legitimate pharmaceutical fentanyl is produced via a synthetic route involving NPP and ANPP as intermediaries. The quantities of NPP indicated in import data and quantities of ANPP indicated in import and quota data generally correspond with the quantities of legitimate pharmaceutical fentanyl produced in the United States. Therefore, DEA concludes the vast majority of, if not all, 4-piperidone undergoing chemical transactions is being used for the manufacturing of illicit fentanyl. DEA cannot rule out the possibility that minimal quantities of 4-piperidone is being used for the manufacturing of legitimate pharmaceutical fentanyl. However, if there are any quantities of 4-piperidone used for the manufacturing of legitimate pharmaceutical fentanyl, the quantities are believed to be small and economically insignificant. DEA welcomes any public comment on these quantities and their economic significance.

DEA evaluated the costs and benefits of this proposed action.

Costs

DEA believes the market for 4-piperidone for the legitimate manufacturing of pharmaceutical fentanyl is minimal. As stated above, the only use for 4-piperidone of which DEA is aware is as an intermediary for the manufacturing of fentanyl. Any manufacturer, distributor, importer, or exporter of 4-piperidone for the production of legitimate pharmaceutical fentanyl, if they exist at all, would incur costs if this proposed rule were finalized. The primary costs associated with this proposed rule would be the annual registration fees for list I chemicals ($3,699 for manufacturers and $1,850 for distributors, importers, and exporters). However, any manufacturer that uses 4-piperidone for legitimate pharmaceutical fentanyl production would already be registered with DEA and have all security and other handling processes in place because of the controls already in place on fentanyl, resulting in minimal cost to those entities. While different forms of handling the scheduled substance versus the list I chemical (distribution of fentanyl vs exporting 4-piperidone) could require a separate registration for the different handling of the substances, if an entity is already registered to handle, manufacture, import, or export a scheduled substance, the entity would not need an additional registration for the list I chemical, provided it is handling the list I chemical in the same manner that it is registered for with the scheduled substance, or as a coincident activity permitted by § 1309.21. Even with the possibility of these additional registrations, DEA believes that the cost will be minimal.

DEA has identified 38 domestic suppliers of 4-piperidone. Only one is registered to handle list I chemicals, the remaining 37 are not registered with DEA to handle list I chemicals. It is difficult to estimate how much 4-piperidone is distributed by these suppliers. It is common for chemical distributors to have items in their catalog while not actually having any material level of sales. Based on the review of import and quota information for NPP, ANPP, and fentanyl, where the quantities of NPP and ANPP imported and manufactured generally correspond with the quantities of fentanyl produced, DEA believes any quantity of sales from these distributors for legitimate pharmaceutical fentanyl manufacturing is minimal. If this proposed rule is finalized, suppliers for the legitimate use of 4-piperidone are expected to choose the least-cost option, and stop selling the minimal quantities, if any, of 4-piperidone, rather than incur the registration cost. Because DEA believes the quantities of 4-piperidone supplied for the legitimate manufacturing of pharmaceutical fentanyl are minimal, DEA estimates that the cost of foregone sales is minimal; and thus, the cost of this proposed rule is minimal. DEA welcomes any public comment regarding this estimate.

This analysis excludes consideration of any economic impact to those businesses that facilitate the manufacturing and distribution of 4-piperidone for the manufacturing of illicit fentanyl. As a law enforcement organization and as a matter of principle, DEA believes considering the economic utility of facilitating the manufacture of illicit fentanyl would be improper.

Benefits

Controlling 4-piperidone is expected to prevent, curtail, and limit the unlawful manufacture and distribution of the controlled substance, fentanyl. As a list I chemical, handling of 4-piperidone would require registration with DEA and various controls and monitoring as required by the CSA. This proposed rule is also expected to assist preventing the possible theft or diversion of 4-piperidone from any legitimate firms. DEA also believes control is necessary to prevent unscrupulous chemists from synthesizing 4-piperidone and selling it (as an unregulated material) through the internet and other channels, to individuals who may wish to acquire unregulated intermediary chemicals for the purpose of illicitly manufacturing fentanyl.

In summary, DEA conducted a qualitative analysis of costs and benefits. DEA believes this proposed action, if finalized, will minimize the diversion of 4-piperidone. DEA believes the market for 4-piperidone for the legitimate manufacturing of pharmaceutical fentanyl is minimal. Therefore, any potential cost as a result of this regulation is minimal.

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 Civil Justice Reform to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This proposed rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the national Government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications warranting the application of E.O. 13175. This proposed rule does not have substantial direct effects 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.

Regulatory Flexibility Act

The Administrator, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612), has reviewed this proposed rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. As discussed above, if finalized as proposed, 4-piperidone or a chemical mixture containing 4-piperidone will be subject to all of the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importing, and exporting of list I chemicals. 4-Piperidone is a precursor chemical used in, and is important to, the illicit manufacture of the schedule II controlled substance fentanyl. The distribution of illicitly manufactured fentanyl has caused an unprecedented outbreak of thousands of fentanyl-related overdoses in the United States in recent years. DEA has not identified any legitimate industrial use for 4-piperidone other than its role as an intermediary chemical in the production of fentanyl. However, DEA believes the vast majority, if not all, of legitimate pharmaceutical fentanyl is produced via a synthetic route involving NPP and ANPP as intermediaries, not 4-piperidone. The review of import and quota information for fentanyl, ANPP, and NPP supports this belief. Therefore, DEA believes the vast majority, if not all, of 4-piperidone is used for the illicit manufacturing of fentanyl. The primary costs associated with this proposed rule are the annual registration fees ($3,699 for manufacturers and $1,850 for distributors, importers, and exporters). Additionally, any manufacturer that uses 4-piperidone for legitimate pharmaceutical fentanyl production would already be registered with DEA and have all security and other handling processes in place, resulting in minimal cost. DEA has identified 38 domestic suppliers of 4-piperidone, 37 of which are not registered with DEA to handle list I chemicals. All non-registered domestic suppliers are affected and are estimated to be small entities (based on Small Business Administration size standard for chemical distributors and Statistics of U.S. Business data).[16] It is impossible to know how much 4-piperidone is distributed by these suppliers. It is common for chemical distributors to have items in their catalog while not actually having any material level of sales. Based on the review of import and quota information for NPP, ANPP, and fentanyl, where the quantities of NPP and ANPP imported and manufactured generally correspond with the quantities of fentanyl produced, DEA believes any quantity of sales from these distributors for legitimate pharmaceutical fentanyl manufacturing is minimal. Therefore, DEA estimates the cost of this rule on any affected small entity is minimal. DEA welcomes any public comment regarding this estimate. Based on these factors, DEA projects that this rule, if promulgated, will not result in a significant economic impact on a substantial number of small entities.

[16] *https://www.sba.gov/sites/default/files/2018-07/NAICS%202017%20Table%20of%20Size%20Standards.pdf.*

Unfunded Mandates Reform Act of 1995

On the basis of information contained in the ''Regulatory Flexibility Act'' section above, DEA has determined and certifies pursuant to the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1501 *et seq.,* that this action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted for inflation) in any one year . . . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under provisions of UMRA.

Paperwork Reduction Act

This proposed action does not impose a new collection of information requirement under the Paperwork Reduction Act, 44 U.S.C. 3501–3521. This proposed action would not impose recordkeeping or reporting requirements on State or local Governments, individuals, businesses, or organizations. 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.

List of Subjects in 21 CFR Part 1310

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA proposes to amend 21 CFR part 1310 as follows:

PART 1310—RECORDS AND REPORTS OF LISTED CHEMICALS AND CERTAIN MACHINES; IMPORTATION AND EXPORTATION OF CERTAIN MACHINES

■ 1. The authority citation for 21 CFR part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 827(h), 830, 871(b), 890.

■ 2. In § 1310.02, add paragraph (a)(38) to read as follows:

§ 1310.02 Substances covered.

* * * * *

(a) * * *

(38) 4-piperidone (piperidin-4-one), its acetals, its amides, its carbamates, its salts, and salts of its acetals, its amides, and its carbamates, whenever the existence of such is possible 8330

* * * * *

■ 3. In § 1310.04:

■ a. Redesignate paragraphs (g)(1)(xvi) and (xvii) as paragraphs (g)(1)(xvii) and (xviii) respectively; and

■ b. Add a new paragraph (g)(1)(xvi).

The revision reads as follows:

§ 1310.04 Maintenance of records.

* * * * *

(g) * * *

(1) * * *

(xvi) 4-piperidone (piperidin-4-one), its acetals, its amides, its carbamates, its salts, and salts of its acetals, its amides, and its carbamates, whenever the existence of such is possible

* * * * *

■ 4. In § 1310.09, add paragraph (s) to read as follows:

§ 1310.09 Temporary exemption from registration.

* * * * *

(s)(1) Each person required under 21 U.S.C. 822 and 21 U.S.C. 957 to obtain a registration to manufacture, distribute, import, or export regulated 4-piperidone (piperidin-4-one), its acetals, its amides, its carbamates, its salts, and salts of its acetals, its amides, and its carbamates, whenever the existence of such is possible, including regulated chemical mixtures pursuant to § 1310.12, is temporarily exempted from the registration requirement, provided that DEA receives a properly completed application for registration or application for exemption for a chemical mixture containing 4-piperidone pursuant to § 1310.13 on or before 30 days after the publication of a rule finalizing this action. The exemption would remain in effect for each person who has made such application until the Administration has approved or denied that application. This exemption applies only to registration; all other chemical control requirements set forth in the Act and parts 1309, 1310, 1313, and 1316 of this chapter remain in full force and effect.

(2) Any person who manufactures, distributes, imports, or exports a chemical mixture containing 4-piperidone (piperidin-4-one), its acetals, its amides, its carbamates, its salts, and salts of its acetals, its amides, and its carbamates, whenever the existence of such is possible whose application for exemption is subsequently denied by DEA must obtain a registration with DEA. A temporary exemption from the registration requirement will also be provided for those persons whose application for exemption is denied, provided that DEA receives a properly completed application for registration on or before 30 days following the date of official DEA notification that the application for exemption has been denied. The temporary exemption for such persons will remain in effect until DEA takes final action on their registration application.

■ 5. In 1310.12(c), amend the table by adding in alphabetical order an entry for ''4-piperidone (piperidin-4-one), its acetals, its amides, its carbamates, its salts, and salts of its acetals, its amides, and its carbamates, whenever the existence of such is possible'' to read as follows:

§ 1310.12 Exempt chemical mixtures.

* * * * *

(c) * * *

TABLE OF CONCENTRATION LIMITS

	DEA chemical code No.	Concentration	Special conditions
List I Chemicals			
* * *	*	* *	* *
4-piperidone (piperidin-4-one), its acetals, its amides, its carbamates, its salts, and salts of its acetals, its amides, and its carbamates, whenever the existence of such is possible.	8330	Not exempt at any concentration	Chemical mixtures containing any amount of 4-piperidone are not exempt.
* * *	*	* *	* *

* * * * *

Signing Authority

This document of the Drug Enforcement Administration was signed on September 8, 2022, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Scott Brinks,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2022–19974 Filed 9–21–22; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 107

[Docket No. PHMSA–2022–0033 (HM–208J)]

RIN 2137–AF59

Hazardous Materials: Adjusting Registration and Fee Assessment Program

AGENCY: Pipeline and Hazardous Materials Safety Administration

(PHMSA), Department of Transportation (DOT).

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: PHMSA is publishing this ANPRM to solicit feedback on potential adjustments to the statutorily mandated hazardous materials registration and fee assessment program. Actions such as the potential adjustment of fees or the addition of other entities among those required to register may be necessary to fund PHMSA's national emergency preparedness grant programs at the newly authorized level in accordance with the Infrastructure Investment and Jobs Act of 2021. To fully engage with stakeholders, this ANPRM solicits comments and input on questions related to the scope of the registration and fee assessment program. Any comments, data, and information received will be used to evaluate and draft proposed amendments.

DATES: Comments must be received by December 21, 2022. However, PHMSA will consider late-filed comments to the extent possible.

ADDRESSES: You may submit comments identified by the docket number PHMSA–2022–0033 (HM–208J) by any of the following methods:

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

Instructions: All submissions must include the agency name and docket number (PHMSA–2022–0033) or RIN 2137–AF59 for this ANPRM at the beginning of the comment. Note that all comments received will be posted without change to *https://www.regulations.gov* including any personal information provided. If sent by mail, comments must be submitted in duplicate. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard.

Docket: For access to the dockets to read background documents or comments received, go to *https://www.regulations.gov* or DOT's Docket Operations Office; see **ADDRESSES**.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and treated as private by its owner. Under the Freedom of Information Act (FOIA; 5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this ANPRM contain commercial or financial information that is customarily treated as private, that you treat as private, and that is relevant or responsive to this ANPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPRIETARY.'' PHMSA will treat such marked submissions as confidential under the Freedom of Information Act (FOIA) and they will not be placed in the public docket of this ANPRM. Submissions containing CBI should be sent to Yul B. Baker Jr., Standards and Rulemaking Division, Office of Hazardous Materials Safety, (202) 366–8553, PHMSA, East Building, PHH10, 1200 New Jersey Avenue SE, Washington, DC 20590. Any commentary that PHMSA receives, which is not specifically designated as CBI, will be placed in the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Yul B. Baker Jr., Standards and Rulemaking Division, Office of Hazardous Materials Safety, (202) 366–8553, PHMSA, East Building, PHH10, 1200 New Jersey Avenue SE, Washington, DC 20590 and Adam Lucas, Operations System Division, Office of Hazardous Materials Safety, (202) 366–1074 PHMSA, East Building, PHH–60, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

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I. Background
II. Number of Registrants for Registration Year 2021–22
III. Registration Fee Scenario Table
IV. Options for Public Comment

I. Background

PHMSA is considering an adjustment to our statutorily mandated registration and fee assessment program for persons who transport or offer for transportation certain categories and quantities of hazardous materials. PHMSA conducts a national hazardous materials registration program under the mandate in 49 U.S.C. 5108 for a person [1] who offers for transportation or transports certain hazardous materials in intrastate, interstate, or foreign commerce. The registration program implements the mandate for persons to file a registration statement with the Secretary of Transportation—as delegated to PHMSA—and collects registration and processing fees from persons required to file a registration statement (hereafter referred to as ''registrants'') to fund Emergency Preparedness (EP) grants. EP grants support hazardous materials emergency response planning and training activities by states, local governments, and Native American Tribes. EP grants also fund non-profit organizations to provide ''train-the-trainer'' programs for hazardous materials emergency response training and hazardous materials employee training. Additionally, EP grants support the development of the Emergency Response Guide (ERG) and provides funds for grantee monitoring and technical assistance.

As noted above, registration and fee requirements [2] apply to a person who offers for transportation—or who transports—hazardous material in foreign, interstate, or intrastate commerce. Specifically, the requirements apply to shippers and carriers if they offer or transport the following:

1. A highway route-controlled quantity of a Class 7 (radioactive) material.

2. More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car or freight container.

3. More than one L (1.06 quarts) per package of a material extremely toxic by inhalation.

4. A shipment of a quantity of hazardous materials in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases, or more than 13.24 cubic meters (468 cubic feet) for solids.

5. A shipment in other than a bulk packaging of 2,268 kg. (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required.

6. Except for certain farming operations, a quantity of hazardous material that requires placarding.

Furthermore, PHMSA has discretion to require additional persons to register—beyond those who offer, and transport certain categories and quantities of hazardous materials listed in 49 U.S.C. 5108(a)(1)—and to set the annual registration fee between the statutorily mandated minimum and maximum amounts. See 49 U.S.C. 5108(b), 5116, and 5128(b). PHMSA may currently set an annual registration

[1] Defined in 49 CFR 171.8.

[2] See § 107.601 Applicability.

fee between a minimum of $250 and maximum of $3,000.

Since 2010, the annual registration fee has been set at $250 (plus a $25 processing fee) for small businesses [3] and not-for-profit organizations (hereafter referred to as ''small businesses'') and $2,575 (plus a $25 processing fee) for not small businesses (hereafter referred to as ''large businesses'') in accordance with 49 CFR 107.612(b).

On November 15, 2021, President Biden signed the Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117–58)—commonly known as the ''Bipartisan Infrastructure Law'' (BIL) [4]—into law and authorized the Secretary of Transportation to expend $46,825,000 from EP funds to carry out the grants program, for fiscal years 2022 through 2026. As such, the BIL increases the authorized level of the EP grants program by $18,507,000. To fully fund the EP grants program to the increased authorization amounts, PHMSA will need to adjust fees for the national registration and fee program.

The current registration fee structure does not consider the relative risk of applicants, products, transport routes, or other relative risks (or lack thereof) imposed by an applicant to the public due to the specific hazardous materials being transported. This poses challenges and potential opportunities for improvement, consistent with market-based principles as well as principles of equity and fairness: the potential for a registration scheme that reflects many applicants' relatively minor imposition of risk on the public as well as a more equitable fee structure for the few entities that pose a disproportionately larger risk on the public.

II. Number of Registrants for Registration Year 2021–22 [5]

Using the current registration year 2021–22 as an example, there were 25,529 small business registrants that paid $6,382,250 in registration fees and $638,225 in processing fees—while there were 6,673 large business registrants that paid $17,183,975 in registration fees and $166,825 in processing fees. The total funds from all registrants—not including processing fees—were approximately $23,565,225 for the registration year. PHMSA may collect additional monies to fund EP grants at the increased authorization level of $46,825,000 specified in the BIL. As one approach, PHMSA has asked Congress for authorization to increase the maximum fee for a registrant as a possible means to collect additional funds. Other approaches include expanding the pool of persons subject to registration or increasing fee amounts from current levels. Though more complicated, an additional approach could involve any number of factors to capture fees based on the relative risk an applicant poses via the transportation of hazardous material goods.

Historically, as noted in Section I. ''Background,'' there are triggering requirements for registration and fee payments based on certain types of transport activity performed by a shipper or carrier. If a company is required to register, assigned fees are based on the type and size of the business performing the activity. PHMSA is contemplating an approach of factoring in the level of exposure or risk introduced by a shipper or carrier when assigning fees—for example, if a business operates globally and transports a particularly hazardous material, it might incur a slightly higher fee than a smaller business, which poses a relatively minor risk to the public and may therefore incur a lower fee. Thus, in this ANPRM, PHMSA solicits comment from the public on how best to collect additional funding and to help initiate ideas on different approaches. PHMSA provides a registration fee scenario table in Section III. ''Registration Fee Scenario Table'' to offer a basic illustration of the potential impacts of the fee changes to registrants. Section IV. ''Options for Public Comment'' provides specific scenarios PHMSA is considering for collecting additional funds as well as discussion of potential research for development of a methodology for a more equitable registration scheme. The scenarios are split into two categories of options: (1) based on the current maximum fee remaining at $3,000; and (2) based on the possibility of increasing the maximum fee.

III. Registration Fee Scenario Table

To achieve full funding at the new authorized spending level to fund the EP grants program, PHMSA presents a fee scenario table as visual aid on possible impacts of raising funds from potential sources by increasing the fees on large businesses, increasing the number of large businesses required to register, or any combination thereof.

- Scenarios A and B involve scenarios in which the entire required sum is raised exclusively by increasing one of the sources. For example, raising only the fee paid by large businesses, but leaving small business fees and registration requirements unchanged. The purpose of providing these scenarios is not to necessarily suggest their adoption, but rather to illustrate the outer limits of the potential factors necessary to raise additional funding.
- Scenarios C–D represent two potential hybrid scenarios, in which additional funding is attained from raising several sources, rather than a single source. The purpose of providing these scenarios is to illustrate how a combination of higher fees and expanded registration requirements could achieve the desired funding level. Therefore, PHMSA requests comments and feedback on how best to balance the factors illustrated in the table below to reach the Congressional funding amount, including alternative combinations of raising rates and the possibility of expanding registration requirements.

Alternative scenarios for registrants	Number of small businesses	Rate paid by small businesses	Number of large businesses	Rate paid by large businesses	Small business burden	Total collected
Baseline: No change	27,723	$250	6,886	$2,575	28.10%	$24,662,200
Scenario A:						
All additional funds come from large businesses: No expansion of registration requirements (*i.e.,* how much should we raise fees on large businesses to avoid impacting small businesses?).	27,723	$250	6,886	$5,794	14.8%	46,825,000

[3] ''Small Business'' here is defined as either a ''small business'' per the SBA or a non-profit, which statutorily pay the same rate as small businesses, regardless of size.

[4] See BIL at: *https://www.congress.gov/117/bills/hr3684/BILLS-117hr3684enr.pdf.*

[5] A registration year runs from July 1 of the current year to June 30 of the following year.

Alternative scenarios for registrants	Number of small businesses	Rate paid by small businesses	Number of large businesses	Rate paid by large businesses	Small business burden	Total collected
Results for Scenario A: To maintain current registration requirements or rates for small businesses, the annual rate charged for large businesses would have to increase to $5,794.	.....	.....	.....	*2.25x increase* ...	*− 13.3% change in small business burden.*	.....
Scenario B:						
Fees are fixed: All additional funds come from expanding the registration requirements for large businesses..	27,723	$250	15,493	$2,575	14.80%	46,825,000
Results for Scenario B: To maintain current rates charged to either small businesses or large businesses and not expand the pool of small businesses, the total number of large businesses charged would have to increase to 15,493.	.....	.....	*2.25x increase in large business applicant pool.*	.....	*− 13.3% change in small business burden.*	.....
Scenario C:						
Fees on large businesses are raised 20%: Additional funds come from expanding the registration requirements for large businesses..	27,723	$250	12,911	$3,090	14.8%	46,825,000
Results for Scenario C: Raising the fee on large businesses by 20% but holding small business fees constant requires a 1.87x increase in eligibility for large businesses.	.....	.....	*1.87x increase* ...	*1.20x increase* ...	*− 13.3% change in small business burden.*	.....

Alternative scenario for registrants considered to be ''non-high risk'' large businesses	Number of small businesses	Rate paid by small businesses	Number of ''non-high risk'' large businesses	Rate paid by ''non-high risk'' large businesses	Number of ''high-risk'' large businesses	Rate paid by ''high risk'' large businesses	Small business burden	Total collected
Scenario D:								
Assume 25% of large businesses are identified as ''high risk.'' Fees for small businesses are unchanged. Fees for ''non-high risk'' large businesses are increased to the statutory limit of $3,000. No increased eligibility. All additional revenue comes from fees on ''high risk'' large businesses.	27,723	$250	5,165	$3,000	1,722	$14,182	14.8%	$46,825,000
Results for Scenario D: The 25% of large businesses deemed to be ''high risk'' would have to pay a registration fee of $14,182, 5.5x higher than their current registration fee..	.....	.....	.....	*1.17x increase*	.....	*5.5x increase*	*− 13.3% change in small business burden.*	.....

NOTES:
1. Bold figures represent the amount each variable would have to be set to make up the additional funding.
2. Bold and italicized figures represent the factor difference between the proposed level and baseline.
3. Information for table was sourced from PHMSA's Registration Dataset.

IV. Options for Public Comment

The table above provides combinations of increased rates or expanded registration requirements to achieve the increased funding level. PHMSA requests feedback on these potential methods, and any alternate methods PHMSA should consider, to achieve the increased funding. Additionally, please address in your submission any impact on policy considerations (*e.g.*, equity/distributional impacts or impact on small businesses) advocating for or against different options.

If registration fees remain at a maximum $3,000 per year, PHMSA is considering the following options for comment:

1. Keep the existing registration requirements (see 49 CFR 107.601) and raise the registration fee for large businesses from $2,575 to $3,000.

2. Keep the existing registration requirements and apply a nominal fee (*e.g.,* $25) for each facility or geographic location from which a registered person (*i.e.,* a company) offers for transportation, or transports, certain hazardous materials.

3. Modify assignment of the registration fee and/or amount based on the commensurate hazard posed (*e.g.,* shipping Packing Group I materials vs. Packing Group III materials) [6] or risk profile (*e.g.,* frequent vs. infrequent shipments).

4. Expand the registration requirements—for example, certain hazardous materials are not subject to placarding when shipped domestically, and therefore a person who offers for transportation, or transports, these materials are generally exempt from registration—but could be expanded with appropriate risk-based justifications.

5. Expand the registration fee requirements to include certain persons who acquire approvals or special permits from PHMSA that otherwise are not subject to registration, but which should be based on a public risk-based justification.

If Congress allows an increase in the maximum fee, PHMSA is considering the following options for comment:

1. Maintain the current maximum registration fees and create an upper tier of a higher fee for a certain category of very large businesses. If this approach is preferred, how should PHMSA define a ''very large business?'' Specifically, what risk factors should go into determining a very large business classification, to better account for market-based risks to the public as well as equity factors between applicants.

2. Change the registration requirements to reduce the overall number of registrants.

3. Keep the existing registration requirements and raise the registration

[6] Packing group means a grouping according to the degree of danger presented by hazardous materials. Packing Group I indicates great danger; Packing Group II, medium danger; Packing Group III, minor danger.

fee for large businesses from $2,575 to a dollar value below the Congressionally authorized maximum fee (*e.g.,* if the maximum allowed were increased from $3,000 to $5,000).

4. Raise fees for specific business types, classes of material, or commodities (*e.g.,* poisonous by inhalation material), which are considered extremely high risk.

Registration Fee Equity

PHMSA may initiate a research effort to develop a methodology that could replace the existing two-tier registration structure with a more equitable system. This action would help address transportation equity by basing the fee structure on the amount of risk introduced into the transportation system by an entity. This work would build on the questions above (*i.e., if registration fees remain at a maximum $3,000 per year*). While PHMSA considers initiating this research effort, PHMSA does have two related questions that may help us determine the potential scope and how to formulate the research effort:

1. What risk factors of transporting hazardous materials should PHMSA consider?

2. What data or information is available to support the choice of these risk factors and methodology? Please provide all data or information you would like PHMSA to consider.

As noted above, PHMSA seeks comment on each of these questions and proposals, as well as any additional options not included in the above-outlined discussions.

Issued in Washington, DC, on September 15, 2022, under the authority delegated in 49 CFR 1.97.

William S. Schoonover,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2022–20350 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 218

[Docket No. FRA–2021–0032, Notice No. 2]

RIN 2130–AC88

Train Crew Size Safety Requirements

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: On July 28, 2022, FRA published a notice of proposed rulemaking (NPRM) that would require establishing safe minimum requirements for the size of train crews, depending on the type of operation. FRA is announcing a 67-day extension to the original comment period, which ends on September 26, 2022, and announcing that it will schedule a public hearing (within the extended comment period) in a forthcoming notification to provide interested persons an opportunity to comment on the proposal and to discuss further development of the regulation.

DATES: *Written Comments:* The comment period for the proposed rule published at 87 FR 45564 on July 28, 2022, is extended. FRA must receive written comments on the proposed rule by December 2, 2022. FRA will consider comments received after that date to the extent practicable.

FRA will publish a supplemental notification in the **Federal Register** to inform interested parties of the date, time, and how to participate in the public hearing once it is scheduled.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2021–0032 may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2021–0032), and Regulatory Identification Number (RIN) for this rulemaking (2130–AC88). All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Kevin Lewis, Operating Crew Certification Specialist, U.S. Department of Transportation, Federal Railroad Administration, telephone: 918–557–0651, email: *kevin.lewis@dot.gov;* or Alan H. Nagler, Senior Attorney, U.S. Department of Transportation, Federal Railroad Administration, telephone: 202–493–6038, email: *alan.nagler@dot.gov.*

SUPPLEMENTARY INFORMATION:

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 *https://www.transportation.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Issued in Washington, DC.

Amitabha Bose,

Administrator.

[FR Doc. 2022–20476 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–06–P

Notices

Federal Register
Vol. 87, No. 183
Thursday, September 22, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Meeting; Board for International Food and Agricultural Development

AGENCY: Agency for International Development.

ACTION: Notice of meeting; request for public comment.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given of a public meeting of the Board for International Food and Agricultural Development (BIFAD), *Fed to Thrive: Accelerating Action on Nourishing Foods for Infants and Young Children.* The public meeting is a side event of the 2022 Borlaug Dialogue at the World Food Prize under the theme ''Feeding a Fragile World''. The meeting will convene expert presenters and seek public input on evidence-based solutions for increasing the affordability, availability, and convenience of nutrient-dense foods for infants and children under two years of age, providing adequate safety nets for families most vulnerable to early childhood malnutrition.

DATES: The meeting will be on October 19, 2022 from 7 a.m. to 8:45 a.m. Central Time.

ADDRESSES: The meeting will be held at the Iowa Event Center, 730 3rd Street, Des Moines, Iowa 50309. Members of the public are invited to join in person at the venue (room details will be shared after registration). The link to register to attend in person at the Iowa Event Center is: *https://bit.ly/3UfEJTi.*

The meeting will also be live streamed via ZOOM for virtual public participation. The link to register to participate virtually is: *https://bit.ly/BIFADWFP22.*

SUPPLEMENTARY INFORMATION: Today, nearly two in three children ages six months to two years are not consuming nutritionally adequate diets critical to growth and development. Although 9.2 percent of the global population lives below the international poverty line of $1.90 per day, the average least-cost, nutrient-adequate diet for one child in a low-income country is $1–2 per day at 6 to 8 months, $1 per day at 9 to 11 months, and above $1 per day at one year and older. Simply put, families are struggling to afford safe and nutritious food for their young children, with devastating, irreversible consequences for child survival and cognitive and physical growth. Sub-country-level data indicate that early childhood malnutrition does not impact all families, socio-economic groups, communities, or regions equally, with measurable inequalities experienced by the poor in access and consumption of important sources of nutrition—including animal-source foods and nutrient-dense vegetables—during complementary-feeding stages.

Presentations and discussion will focus on the questions: (1) What does a nutritionally balanced food basket for infants and young children look like, and what would it cost? (2) What are evidence-based priority actions to reduce the costs of balanced food baskets, improve nutrient content and safety, incentivize use by improving convenience and enabling caregivers, and provide financial means for the most vulnerable to access them through safety nets? (3) How do we achieve coordinated, gender-transformative change across the food, health, and social protection systems in both development and humanitarian settings? Drawing from testimony by global experts and practitioners, BIFAD will advise the U.S. Agency for International Development (USAID) on recommended policy and program actions. The meeting will include a public comment period from 8:25 to 8:40 a.m. Central Time.

The BIFAD is a seven-member, presidentially appointed advisory board to USAID established in 1975 under Title XII of the Foreign Assistance Act, as amended, to ensure that USAID brings the assets of U.S. universities to bear on development challenges in agriculture and food security and supports their representation in USAID programming.

For questions about registration, please contact Carol Chan at *carol.chan@tetratech.com.*

For questions about BIFAD, or to submit written comments, evidence, or materials in advance or following the meeting, please contact Clara Cohen, Designated Federal Officer for BIFAD in the Bureau for Resilience and Food Security at USAID. Interested persons may email her at *ccohen@usaid.gov* (Subject: Comment for 186th BIFAD Public Meeting) or telephone her at (202) 712–0119.

Clara Cohen,

Designated Federal Officer, BIFAD.

[FR Doc. 2022–20518 Filed 9–21–22; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection for Field Crops Production. Revision to burden hours will be needed due to changes in the size of the target population, sampling design, the combining of several smaller surveys, and/or changes in questionnaire length.

DATES: Comments on this notice must be received by November 21, 2022 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0002, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *efax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence

Avenue SW, Washington, DC 20250–2024.

• *Hand Delivery/Courier:* Hand deliver to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from Richard Hopper, NASS—OMB Clearance Officer, at (202) 720–2206 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Field Crops Production.

OMB Control Number: 0535–0002.

Expiration Date of Approval: May 31, 2024.

Type of Request: Intent to Seek Approval to Revise and Extend an Information Collection for 3 years.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production, prices, and disposition. The Field Crops Production Program consists of probability field crops surveys and supplemental panel surveys. The panel surveys capture unique crop characteristics such as the concentration of crops in localized geographical areas. These surveys are extremely valuable for commodities where acreage and yield are published at the county level.

Overall, there is a decrease in burden for this renewal. Accounting for the proposed mailings for the surveys in this renewal will increase burden for samples selected for the above surveys, but the decrease in burden resulting from the reduced sample sizes for both County Agricultural Production Survey (CAPS) and Cash Rents survey to publish cash rents at a county level exceeded the burden increase for the proposed number of mailings. The decrease in both sample sizes is due to updated criteria required to summarized statistics at the county level that were discussed at the 2020 USDA Fall Data Users' Meeting question and answer session. The transcript of the session can be found at this link: *https://www.nass.usda.gov/Education_and_Outreach/Meeting/2020/2020-Fall-Data-Users-Meeting-Question-and-Answer.pdf.*

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

All NASS employees and NASS contractors must also fully comply with all provisions of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, Title III of Public Law 115–435, codified in 44 U.S.C. Ch. 35. CIPSEA supports NASS's pledge of confidentiality to all respondents and facilitates the agency's efforts to reduce burden by supporting statistical activities of collaborative agencies through designation of NASS agents, subject to the limitations and penalties described in CIPSEA.

Estimate of Burden: Public reporting burden for this information collection is based on a group of similar surveys with expected response times of 5–30 minutes and a frequency of 1–40 times per year. Estimated number of responses per respondent is 1.25.

Respondents: Farmers and Ranchers.

Estimated Total Number of Respondents: 444,500.

Estimated Total Annual Burden on Respondents: 142,500 hours.

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

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

Signed at Washington, DC, September 7, 2022.

Kevin L. Barnes,

Associate Administrator.

[FR Doc. 2022–20569 Filed 9–21–22; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–44–2022]

Foreign-Trade Zone (FTZ) 161—Wichita, Kansas; Notification of Proposed Production Activity; Great Plains Manufacturing, Inc. (Agricultural and Construction Equipment), Abilene, Assaria, Ellsworth, Enterprise, Kipp, Lucas, Salina, and Tipton, Kansas

Great Plains Manufacturing, Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Abilene, Assaria, Ellsworth, Enterprise, Kipp, Lucas, Salina, and Tipton, Kansas within FTZ 161. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on September 12, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(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 finished products include: tool boxes; product catalogs; replacement glass and glass assemblies; kits (mirror replacement; tool box (with tools); radio mounting; gas and diesel engine repair; extension blade; transmission repair (for agricultural tractors and compact tracked loaders); alternator; signal light repair; horn; trailer); assemblies (key; hydraulic cylinder; gas, oil, and water pump; electrical connector; wheel and wheel and tire); gas and diesel replacement engines; gas, oil, air, and water filters and filter assemblies; attachments (liquid applicator; sprayer (for tractors); drilling; compact tracked loader; tractor and compact tracked loader (and attachment hardware); mower; hay and grain harvesting); self-propelled trucks; bulldozers; graders; tamping machines; compact tracked loaders; gas and diesel tractors; front end bucket loaders; repair parts for mowers, harvesters, and balers; hydraulic valves and valve kits; rear defoggers; engine diagnostic software; vehicle control units; wire harnesses; gas and diesel tractors for agricultural use; gear boxes and clutches for agricultural implements and compact tracked loaders; and, drive shaft repair parts and drive train repair parts for

compact tracked loaders (duty rate ranges from duty-free to 12.0%).

The proposed foreign-status materials and components include: oil and grease; glues and adhesives for implement and vehicle assembly; antiknock fluid; reinforced and unreinforced tubes and hoses, with and without fittings; plastic components (pipe fittings and switches; adhesive tape; insulators; boxes; bags; bottles; caps and plugs; buckets; bolts; handles and knobs); sound and water absorbers; rubber components (O-rings; gaskets; seals; rods; hoses and belts for use in gas and diesel vehicle assembly; mats; cushions); tires and inner tubes for agricultural implements; O-rings and seals; empty tool cases; empty wood cases for tractor tools and parts; plastic and paper safety, warning, and identification labels; printed instructions; warranty certificates and manuals; instruction manuals; drawings and schematics; paper for printed instructions; brake linings; friction materials for braking applications; gaskets, including gaskets with flanges; molded glass windows, safety glass windows, and attaching hardware; magnetos; distributors; components for agricultural implements and compact tracked loaders (mirrors and assemblies, framed and unframed; pressed and molded glass; steel bars, containers, enclosures, cables, chain and chain parts; galvanized steel tubes; stainless steel tubes; iron, steel, and base metal tubes, pipes and pipe fittings; assemblies (adapter; contactor; parts of headlamp; clutch; rod; shaft; heater); couplers; structural steel; iron, steel, and stainless steel bolts and studs, screws, nuts, washers, clips, keys, and pins; brass plates; copper tubing; slide rings and eye joints; packing and packing nuts for fluid containment; copper and brass washers and other fasteners; adapters; spacers; hinges and brackets; handles and levers; lock brackets and bracket assemblies; door dampers; plugs; nameplates; spring motors; fans; air conditioners; condensers; heating units; cutting blades and packaging machinery guides; jacks; electrical indicators; bushings, bearings, and gear cases; pulleys; motors, generators, and motor assemblies; commutator parts; discharge ballasts; static converters; permanent magnets; electromagnetic clutches; solenoids; batteries; gas controllers; electric and space heaters; heater blocks; resistors and other heater components; sensors; light sockets and light socket assemblies; electrical cables; electrodes; wheels; shock absorbers; radiators; bearing holders; transmissions and transmission subassemblies; brakes; covers (axle; dust; regulator); stays; rods; muffler pipes and stays; flanges; supports; knobs; wiper blades; control wires; control cables; universal joints; bevel gears; spiral gears; pinion gears; guards; lenses; plates; planetary gears; splines; drive shafts; clutch rod shafts; U-joints; collars; cases (differential; transmission; axle; gear); ball joints; gear shafts; pins; shims; drive shaft caps; shaft couplings; steering shafts; shaft yokes; bushings; thrust collars; synchronizer rings; tie rods; battery retainers; control pedals; fuel tanks; hand rails; radiator grilles; bonnet dampers; steering linkages; suspension linkages; struts; thermostats; temperature controllers); glass and plastic lenses and lens covers for vehicle and attachment lights; fiberglass insulation; steel flanges, joints, and couplings; intake screens; rivets; springs; cast iron fittings; shims; hose fittings; copper wire and winding wire; components for inclusion in tractor tool boxes (slip joint pliers; open end wrenches; hammers; steel hand tools; clamps); tool boxes for tractor tool kits; blades for agricultural tractors and tractor implements; locks, lock parts, and lock assemblies for vehicles; steel flex tubing; gas, diesel, and hydraulic engines; gas and diesel engine components (dynamos; fuel tank caps; connecting rods and rod assemblies; rocker arms and rocker arm assemblies; push rods; pistons; exhaust manifolds; intake manifolds; carburetors, carburetor assemblies and subassemblies; intake valves; exhaust valves; throttle body assemblies; piston rings; spark plug caps; chain guides; oil dipstick guides; oil dipsticks; crankshafts and crankshaft shims; cylinder heads; water pumps; cylinder liners; tensioners; brackets; housings; rotors; flyweight governors; bearing case covers; bearing holders; crankcases; vaporizer assemblies; crankcase covers; carburetor jets and nozzles; fuel injectors; timing chain covers; fuel delivery assemblies; rocker arm covers; valve covers; balancer shafts; filter elements; oil pans; gasket shims); assemblies (hydraulic cylinder; compressor; universal joint; starter; alternator; light; windshield wiper arm; condenser; switch; fuel and dashboard; seat belt; front axle); fuel pumps and assemblies; hydraulic pumps; gas, oil, air, and water pumps and pump assemblies; pump housings; air compressors and assemblies; gas, oil, air, and water filters and filter assemblies; components for agricultural tractors (digital scales; sprayers; washer tanks; washer nozzles; electromechanical displays); fire extinguishers; conveyor belts for agricultural use; tractor and compact tracked loader implements and attachments; components attached to tractors and compact tracked loaders (parts of the type of plow or disc plow; parts of the type of disc harrows; parts of the type of cultivators, weeders, rotary tillers, and hoes; parts of the type of no-till seeders, planters, and transplanters; parts of the type of tilling seeders, planters, and transplanters; parts of the type of manure spreaders; parts of the type of fertilizer spreaders; parts of the type of scarifiers, spreaders, aerators, and de-thatchers; parts of the type of hay and grass mowers, harvesters, threshers, and balers); hay and grain equipment; seals (weather; oil; dust); flat panel displays for vehicle information display; hydraulic valve and valve assemblies for agricultural tractors and construction equipment; roller bearing cups; drive shaft components; battery covers and retainers; spark plugs; starter systems; safety buzzers for agricultural tractors and construction vehicles; windshield wipers; speakers; microphones; radio transmission devices; radar equipment; stereos; radios; vehicle information displays; antennae; lighted indicator panels; indicator panels; seals; capacitors; resistors; variable resistors; circuit boards; circuit breakers; vehicle fuses; relays; electrical connectors; lamps (for vehicles; halogen; filament; work); diodes; vehicle engine control units; vehicle electrical controls; ignition wire sets; battery cables; wire harnesses; electrical insulators; electrical conduit; empty cells for vehicle batteries; battery fixtures; tractor bodies; bumpers; vehicle parking locks; transmission components; sound mufflers for vehicle engines; glass lenses and unmounted glass lenses for vehicle signals and controls; thermometers, sensors, gauges, oil switches, and odometers and similar counting displays for use in vehicles; electrical, liquid, gas, and speed sensors for use in vehicle control; meters and instruments for checking voltage and other vehicle and farm implement electrical performance properties; test benches for vehicle and implement repair; rotary switches; seats and seat assemblies; rollers, slides for seats; brushes for vehicle paint touch-ups; and, electric lighters (duty rate ranges from duty free to 12.0%; 12¢/doz. + 5.5%; 1.5¢/kg + 3.5%; 2.2¢/kg + 5%). The request indicates that certain materials/components are subject to duties under Section 232 of the Trade Expansion Act of 1962 (Section 232) or Section 301 of the Trade Act of 1974 (Section 301),

depending on the country of origin. The applicable Section 232 and 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 November 1, 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: September 19, 2022.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2022–20567 Filed 9–21–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Baldrige Performance Excellence Program Team Leader Consensus and Site Visit Information Collections

AGENCY: National Institute of Standards and Technology (NIST), 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 November 21, 2022.

ADDRESSES: Interested persons are invited to submit written comments by mail to Nina Argent, Management Analyst, National Institute of Standards and Technology, by email to *PRAcomments@doc.gov.* Please reference OMB Control Number 0693–0079 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 Dawn Bailey, Baldrige Performance Excellence Program, 100 Bureau Drive, Stop 1020, Gaithersburg, MD 20899, 301–975–3074, *dawn.bailey@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Public Law 100–107 (The Malcolm Baldrige National Quality Improvement Act of 1987), which established the Baldrige Performance Excellence Program and its Malcolm Baldrige National Quality Award (MBNQA), stipulates that organizational applicants for the award (see OMB Control #0693–0006) receive ''an intensive evaluation by a competent board of examiners which shall review the evidence submitted by the organization and, through a site visit, verify the accuracy of the quality improvements claimed.''

Per the statute, ''the Director of the National Bureau of Standards shall rely upon'' these examiners, as they are in essence the external workforce of the Baldrige Performance Excellence Program. Baldrige Program staff members *manage and improve* the award and all of its processes, but the examiners actually do the objective review of MBNQA applicants.

The Team Leader Consensus and Site Visit Surveys will be one key way that Baldrige staff members can communicate with and seek feedback from the external workforce (Baldrige Examiners). To manage these voluntary examiners (some private citizens, some government and military personnel), the Baldrige Program needs the ability to ask them of their preferences for the sector in which they will do their application review (*e.g.,* do they want to review a health care applicant, manufacturing applicant), their availability to conduct reviews, their ability to travel on a site visit and about all of their logistical needs (*e.g.,* dietary restrictions, cannot review an organization from a certain state due to conflicts in that state), their ability to perform particular MBNQA roles such as technical editor or team leader), their conflicts with a particular organization, etc. The Baldrige Program also needs to survey them to obtain qualitative information on performance, as being a Baldrige Examiner is a very competitive selection.

The Baldrige Program could not perform the intensive evaluation called for in the law without surveying its own workforce about their unique needs in relation to the MBNQA process (and its subprocesses). In fact, these volunteer examiners expect to be asked their preferences, as well as given the ability to give their feedback to improve processes.

II. Method of Collection

Surveys are typically conducted via email or through a secure NIST file-sharing system if any MBNQA organization-specific information needs to be shared. Surveys can also be conducted over the phone if the number of examiners who need to be asked about a particular role or need is less than about 20. Often, a personal phone call is the best way to survey a subset of examiners, as maintaining positive relationships with examiners is very important to the program.

III. Data

OMB Control Number: 0693–0079.

Form Number(s): None.

Type of Review: Regular submission, Revision of a current information collection.

Affected Public: Individuals, including private citizens. All must be U.S. citizens (proof of citizenship is required prior to Baldrige Examiner training).

Number of Respondents: Examiner Performance Assessment—30 per year; Team Leader Performance Assessment—300 per year.

Average Hours per Response: Examiner Performance Assessment—20 minutes; Team Leader Performance Assessment—5 minutes.

Total Annual Burden Hours: Examiner Performance Assessment—10 hours; Team Leader Performance Assessment—25 hours.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

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. 2022–20480 Filed 9–21–22; 8:45 am]

BILLING CODE 3510–13–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; Economic Valuation of Natural and Nature-Based Infrastructure

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Department of 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 November 21, 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 0648–0788 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 Sarah Gonyo, NOS/NCCOS, 1305 East West Highway, Bldg. SSMC4, Rm 9320, Silver Spring, MD, 20910, *sarah.gonyo@noaa.gov,* 240–621–1999.

SUPPLEMENTARY INFORMATION:

I. Abstract

Pursuant to H.R. 3684 (Infrastructure Investment and Jobs Act) and the Coastal Zone Management Act (CZMA), this request is for a revision and extension of an information collection. This information collection will focus on a different geographical location (Gulf of Mexico (GoM)) and include focus groups, which will help guide any revisions necessary to the survey instrument. The title of the collection is being changed to reflect this revision.

The National Ocean Service (NOS) proposes to collect data on the opinions, values, and attitudes of GoM residents relative to natural and nature-based infrastructure for the purpose of shoreline stabilization or habitat restoration. Respondents (age 18 years and older) will be randomly sampled from households in GoM coastal counties. This information will be used by NOAA, state and local decision-makers, and others to assess the value, benefits, and perceived efficacy of federal investments in habitat restoration and/or climate adaptation projects that use natural or nature-based infrastructure. NOAA has a vested interest in the potential use of natural and nature-based infrastructure, from many perspectives, including as it relates to the resilience, well-being, and sustainability of coastal communities.

II. Method of Collection

Information will be collected with a combination of mail recruitment with push-to-web and mail-back survey instrument.

III. Data

OMB Control Number: 0648–0788.

Form Number(s): None.

Type of Review: Regular [Revision and extension of a current information collection].

Affected Public: Individuals or households.

Estimated Number of Respondents: Focus groups: 48; Questionnaire: 6,500.

Estimated Time per Response: Focus groups: 1 hour; Questionnaire: 20 minutes.

Estimated Total Annual Burden Hours: 2,215.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: Integrated Coastal and Ocean Observation System Act (33 U.S.C. 3601 *et seq.*).

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. 2022–20481 Filed 9–21–22; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID: 0648–XB430]

Nominations to the Marine Mammal Scientific Review Groups

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

ACTION: Notice; request for nominations.

SUMMARY: As required by the Marine Mammal Protection Act (MMPA), the Secretary of Commerce established three

independent regional scientific review groups (SRGs) to provide advice on a range of marine mammal science and management issues. NMFS conducted a membership review of the Alaska, Atlantic, and Pacific SRGs, and is soliciting nominations for new members to fill vacancies and gaps in expertise (see below).

DATES: Nominations must be received by October 24, 2022.

ADDRESSES: Nominations can be emailed to *Zachary.Schakner@noaa.gov,* Assessment Branch, Office of Science and Technology, National Marine Fisheries Service, Attn: SRGs.

FOR FURTHER INFORMATION CONTACT: Dr. Zachary Schakner, Office of Science and Technology, 301–427–8106, *Zachary.Schakner@noaa.gov.* Information about the SRGs, including the SRG Terms of Reference, is available at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/scientific-review-groups.*

SUPPLEMENTARY INFORMATION: Section 117(d) of the MMPA (16 U.S.C. 1386(d)) directs the Secretary of Commerce to establish three independent regional SRGs to advise the Secretary (authority delegated to NMFS). The Alaska SRG advises on marine mammals that occur in waters off Alaska that are under the jurisdiction of the United States. The Pacific SRG advises on marine mammals that occur in waters off the U.S. West Coast, Hawaiian Islands, and the U.S. Territories in the Central and Western Pacific that are under the jurisdiction of the United States. The Atlantic SRG advises on marine mammals that occur in waters off the Atlantic coast, Gulf of Mexico, and U.S. Territories in the Caribbean.

SRG members are highly qualified individuals with expertise in marine mammal biology and ecology, population dynamics and modeling, commercial fishing technology and practices, and stocks taken under section 101(b) of the MMPA. The SRGs provide expert reviews of draft marine mammal stock assessment reports and other information related to the matters identified in section 117(d)(1) of the MMPA, including:

A. Population estimates and the population status and trends of marine mammal stocks;

B. Uncertainties and research needed regarding stock separation, abundance, or trends, and factors affecting the distribution, size, or productivity of the stock;

C. Uncertainties and research needed regarding the species, number, ages, gender, and reproductive status of marine mammals;

D. Research needed to identify modifications in fishing gear and practices likely to reduce the incidental mortality and serious injury of marine mammals in commercial fishing operations;

E. The actual, expected, or potential impacts of habitat destruction, including marine pollution and natural environmental change, on specific marine mammal species or stocks, and for strategic stocks, appropriate conservation or management measures to alleviate any such impacts; and

F. Any other issue which the Secretary or the groups consider appropriate.

SRG members collectively serve as independent advisors to NMFS and the U.S. Fish and Wildlife Service and provide their expert review and recommendations through participation in the SRG. Members attend annual meetings and undertake activities as independent persons providing expertise in their subject areas. Members are not appointed as representatives of professional organizations or particular stakeholder groups, including government entities, and are not permitted to represent or advocate for those organizations, groups, or entities during SRG meetings, discussions, and deliberations.

SRG membership is voluntary, and, except for reimbursable travel and related expenses, service is without pay. The term of service for SRG members is 3 years, and members may serve up to three consecutive terms if reappointed.

NMFS annually reviews the expertise available on the SRG and identifies gaps in the expertise that is needed to provide advice pursuant to section 117(d) of the MMPA. In conducting the reviews, NMFS attempts to achieve, to the maximum extent practicable, a balanced representation of viewpoints among the individuals on each SRG.

Expertise Solicited

For the Alaska SRG, NMFS seeks individuals with expertise in one or more of the following areas (not in order of priority): Abundance estimation, especially distance sampling and mark-recapture methods and survey design; Passive acoustic data collection and analysis; Climate and oceanographic changes impacting marine mammals; Quantitative ecology, population dynamics, modeling, and statistics, especially as related to abundance, bycatch, and distribution; Anthropogenic impacts, particularly fisheries interactions, vessel strikes, and the effects of anthropogenic sound.

For the Pacific SRG (including waters off the Pacific coast, Hawaiian Islands and the U.S. Territories in the Central and Western Pacific), NMFS seeks individuals with expertise in one or more of the following areas (not in order of priority): Population structure based on genetic data, incorporation of new methodological or technological advancements for data collection/analysis (*e.g.* -omics, eDNA, microbiome); West Coast and Pacific Islands marine mammal expertise, including assessment, life history, ecology, or human-marine mammal interactions; Applied conservation and management, including evaluating bycatch or fisheries impacts on marine mammals; Expertise in identifying and delineating demographically independent populations based on multiple lines of evidence; West Coast and Pacific Islands fishing gear/techniques, including fishery/marine mammal interactions for State, Tribal, or regional/local fisheries; Oceanography or marine ecology, particularly decadal and long-term understanding and impacts of climate change; spatial movement ecology, telemetry, habitat modeling; Sea otters; Pinnipeds.

For the Atlantic SRG (including waters off the Atlantic coast, Gulf of Mexico, and U.S. Territories in the Caribbean), NMFS seeks individuals with expertise in one or more of the following priority areas (not in order of priority): Expertise in statistical analyses relevant to marine mammal population assessment including line-transect methods, mark-recapture methods, bycatch estimation, survey design, and population dynamics modeling; Large whale (especially North Atlantic right whales) population dynamics, biology and ecology; Marine mammal acoustics, in terms of individual impacts (masking, TTS) and changes to habitat function (loss of communication space, displacement); Population dynamics of estuarine and nearshore bottlenose dolphins in the Gulf of Mexico and/or Atlantic Ocean; Population dynamics of warm temperate to tropical pelagic marine mammals in the Gulf of Mexico, Caribbean Sea and Atlantic Ocean; Ecology of Caribbean marine mammals in U.S. waters of Puerto Rico and U.S. Virgin Islands; Marine mammal—fishery interactions, including fishing gear, practices, and bycatch reduction; Impacts of oceanographic & ecosystem changes such as climate change, energy (renewable/non-renewable), or marine aquaculture on marine mammal populations; Pinniped reproductive behavior, diet, physiology, fisheries interactions; Manatee population dynamics and ecology.

Submitting a Nomination

Nominations for new members should be sent to Dr. Zachary Schakner in the NMFS Office of Science & Technology (see **ADDRESSES**) and must be received by October 24, 2022. Nominations should be accompanied by the individual's curriculum vitae and detailed information regarding how the recommended person meets the minimum selection criteria for SRG members (see below). Nominations should also include the nominee's name, address, telephone number, and email address. Self-nominations are acceptable.

Selection Criteria

Although the MMPA does not explicitly prohibit Federal employees from serving as SRG members, NMFS interprets MMPA section 117(d)'s reference to the SRGs as ''independent'' bodies that are exempt from Federal Advisory Committee Act requirements to mean that SRGs are intended to augment existing Federal expertise and are not composed of Federal employees or contractors.

When reviewing nominations, NMFS, in consultation with the U.S. Fish and Wildlife Service, will consider the following six criteria:

(1) Ability to make time available for the purposes of the SRG;

(2) Knowledge of the species (or closely related species) of marine mammals in the SRG's region;

(3) Scientific or technical achievement in a relevant discipline, particularly the areas of expertise identified above, and the ability to serve as an expert peer reviewer for the topic;

(4) Demonstrated experience working effectively on teams;

(5) Expertise relevant to current and expected needs of the SRG, in particular, expertise required to provide adequate review and knowledgeable feedback on current or developing stock assessment issues, techniques, etc. In practice, this means that each member should have expertise in more than one topic as the species and scientific issues discussed in SRG meetings are diverse; and

(6) No conflict of interest with respect to their duties as a member of the SRG.

Next Steps

Following review, nominees who are identified by NMFS as potential new members must be vetted and cleared in accordance with Department of Commerce policy. NMFS will contact these individuals and ask them to provide written confirmation that they are not registered Federal lobbyists or registered foreign agents, and to complete a confidential financial disclosure form, which will be reviewed by the Ethics Law and Programs Division within the U.S. Department of Commerce's Office of General Counsel. All nominees will be notified of a selection decision in advance of the 2023 SRG meetings.

Dated: September 16, 2022.

Evan Howell,

Director, Office of Science and Technology, National Marine Fisheries Service.

[FR Doc. 2022–20498 Filed 9–21–22; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Technology Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice; request for nominations and topic submissions.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) is requesting nominations for membership on the Technology Advisory Committee (TAC or Committee) and is also inviting the submission of potential topics for discussion at future Committee meetings. The TAC is a discretionary advisory committee established by the Commission in accordance with the Federal Advisory Committee Act.

DATES: The deadline for the submission of nominations and topics is October 6, 2022.

ADDRESSES: Nominations and topics for discussion at future TAC meetings should be emailed to *TAC@cftc.gov* or sent by hand delivery or courier to Office of Commissioner Goldsmith Romero, c/o Anthony Biagioli, TAC Designated Federal Officer, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581. Please use the title ''Technology Advisory Committee'' for any nominations or topics you submit. Submissions through the *TAC@cftc.gov* email address are encouraged.

FOR FURTHER INFORMATION CONTACT: Anthony Biagioli, TAC Designated Federal Officer, at 816–960–7722 or email: *ABiagioli@cftc.gov.*

SUPPLEMENTARY INFORMATION: The TAC was established to assist the Commission in identifying and understanding the impact and implications of technological innovation in the financial services, derivatives, and commodity (including digital-asset commodity) markets. The TAC may provide advice to the Commission on the appropriate level of investment in technology at the Commission to meet its surveillance and enforcement responsibilities and inform the Commission's consideration of technology-related issues to support the Commission's mission of ensuring the integrity of the markets and achievement of other public interest objectives. The TAC accomplishes its objectives through public meetings and Committee reports and recommendations. The duties of the TAC are solely advisory and include calling for reports and/or recommendations by the TAC or TAC subcommittee(s), adopting reports and/or recommendations, and transmitting reports and/or recommendations to the Commission. Determinations of actions to be taken and policy to be expressed with respect to the reports or recommendations of the TAC are made solely by the Commission.

TAC members generally serve as representatives and provide advice reflecting the views and interests of the organizations and/or entities that actively participate in the financial services and commodity markets that the Commission oversees, or actively consider legal, risk, or other issues presented by those markets. The representative members serve as a vehicle for communication between the Commission and representatives within the viewpoint categories on technology issues affecting those markets. Depending on the issues faced, the Commission may, from time to time, appoint experts to serve as Special Government Employees (SGEs), or officials of other Federal agencies to serve, on the TAC. If nominated, SGEs will be asked to submit and complete a Confidential Financial Disclosure Report (OGE Form 450). Members will represent a wide range of perspectives and interests, and these may include the viewpoint categories listed below. The members will be selected to represent a balance of viewpoints that are necessary or appropriate to effectively address the issues to be considered by the TAC. Though the viewpoint categories and precise number of members in any category may vary over time, the Commission anticipates that the TAC will have no more than 40 members who may represent the following viewpoint categories: (i) market participants in the derivatives and commodities markets; (ii) financial technology providers; (iii) market infrastructure firms, like exchanges and clearinghouses; (iv) other segments of the derivatives and commodities

industries; (v) regulatory organizations, which may include self-regulatory organizations; (vi) academia; and (vii) think tanks and public interest groups. The TAC has held at least one meeting per year. TAC members serve at the pleasure of the Commission. In addition, TAC members do not receive compensation or honoraria for their services, and they are not reimbursed for travel and per diem expenses. TAC members are appointed to two-, three-, or four-year terms.

The Commission seeks members who will share their experiences and views on the opportunities and risks that may be associated with technological innovation, including in the derivatives and commodities industries, and ways that the Commission can utilize new or different technologies in carrying out its mission. To advise the Commission effectively, TAC members must have a high level of expertise and experience relating to technological innovation in the financial services, derivatives, or commodity (including digital-asset commodity) markets and the Commission's regulation of such markets, including from a historical perspective. To the extent practicable, the Commission will strive to select members reflecting wide ethnic, racial, gender, and age representation. TAC members should be open to participating in a public forum.

The Commission invites the submission of nominations for TAC membership. Each nomination submission should include relevant information about the proposed member, such as the individual's name, title, and organizational affiliation, as well as information that supports the individual's qualifications to serve on the TAC. The submission should also include suggestions for topics for discussion at future TAC meetings as well as the name and email or mailing address of the person nominating the proposed member.

Submission of a nomination is not a guarantee of selection as a member of the TAC. As noted in the TAC's Membership Balance Plan, the CFTC identifies members for the TAC through a variety of methods. Such methods may include public requests for nominations for membership; recommendations sought from existing or former advisory committee members; consultations with knowledgeable persons outside the CFTC (*e.g.,* persons representing market participants, financial technology providers, market infrastructure firms, regulatory or self-regulatory organizations, academic institutions, think tanks, or public interest groups); requests to be represented received from individuals and organizations; and Commissioners' and CFTC staff's professional knowledge of those experienced in the financial services, derivatives, or commodity markets. The Office of Commissioner Goldsmith Romero, given the Commissioner's sponsorship of the TAC, plays a primary, but not exclusive, role in this process and makes recommendations regarding membership to the Commission. The Commission, by vote, authorizes proposed members to serve on the TAC.

The Commission also invites submissions from the public regarding the topics on which the TAC should focus. In other words, topics that relate to the following:

(a) the impact and implications of technological innovation in the financial services, derivatives, and commodity (including digital-asset commodity) markets;

(b) the utilization of new technologies in financial services, derivatives, and commodity (including digital-asset commodity) markets, as well as by market professionals and market users; and/or

(c) the utilization of technology at the Commission to meet its surveillance and enforcement responsibilities and inform the Commission's consideration of technology-related issues to support the Commission's mission of ensuring the integrity of the markets and achievement of other public interest objectives.

Each topic submission should include the commenter's name and email or mailing address.

(Authority: 5 U.S.C. App. II)

Dated: September 19, 2022.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2022–20514 Filed 9–21–22; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2021–0021; OMB Control Number 0750–0006]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS) Part 237, Service Contracting, and Related Clauses

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB, for clearance, the following proposed revision and extension of a collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by October 24, 2022.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 237 Clauses 252.237–7025 and 252.237–7026; OMB Control Number 0750–0006.

Affected Public: Businesses and other for-profit and not-for profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Type of Request: New collection.

Number of Respondents: 12.

Responses per Respondent: 35.

Annual Responses: 420.

Average Burden per Response: 0.062, approximately.

Annual Burden Hours: 26.

Frequency: On occasion.

Needs and Uses: This information collection is required to implement section 1006 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115–232), as amended by section 1011 of the NDAA for FY 2020 (Pub. L. 116–92). Section 1006 applies to accounting firms that provide financial statement auditing to DoD in support of the audit under 31 U.S.C. 3521 or audit remediation services in support of the Financial Improvement and Audit Remediation Plan described in 10 U.S.C. 240b. Such firms, when responding to a solicitation or awarded a contract for the acquisition of covered services, must disclose to DoD before any contract action (including award, renewals, and amendments) the details of any disciplinary proceedings with respect to the accounting firm or its associated persons before any entity with the authority to enforce compliance with rules or laws applying to audit services offered by the accounting firm. DoD, as a matter of policy to provide a level playing field between firms that provide audit services to support certain DoD audits, is extending this requirement to firms other than accounting firms that provide such services. Section 1011 amended section 1006 to require any disclosures to be treated as confidential to the extent required by the court or agency in which the proceeding occurred and to be treated in a manner consistent with any protections or privileges established by any other provision of Federal law.

a. DFARS provision 252.237–7025, Preaward Transparency Requirements

for Firms Offering to Support Department of Defense Audits—Representation and Disclosure, is prescribed at DFARS 237.270(e)(3) for use in solicitations for the acquisition of financial statement auditing or audit remediation services.

b. DFARS clause 252.237–7026, Postaward Transparency Requirements for a Firm that Supports Department of Defense Audits, is prescribed at DFARS 237.270(e)(4) for use in solicitations and contracts for the acquisition of financial statement auditing or audit remediation services.

Comments and recommendations on the proposed information collection should be sent to Ms. Susan Minson, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments, identified by docket number and title, by the following method: *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

DoD Clearance Officer: Ms. Angela Duncan. Requests for copies of the information collection proposal should be sent to Ms. Duncan at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2022–20484 Filed 9–21–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces; Notice of Federal Advisory Committee Meeting

AGENCY: General Counsel of the Department of Defense, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces will take place.

DATES: Open to the public, Wednesday, September 21, 2022, from 8:30 a.m. to 4:45 p.m. EST.

ADDRESSES: Doubletree Hotel, Pentagon City, 300 Army Navy Drive, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Dwight Sullivan, 703–695–1055 (Voice), 703–693–3903 (Facsimile), *dwight.h.sullivan.civ@mail.mil* (Email). Mailing address is DACIPAD, One Liberty Center, 875 N. Randolph Street, Suite 150, Arlington, Virginia 22203. Website: http://dacipad.whs.mil/. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its September 21, 2022 meeting of the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement. This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: In section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113–291), as modified by section 537 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114–92), Congress tasked the DAC–IPAD to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces. This will be the twenty-fourth public meeting held by the DAC–IPAD. The Committee will receive a courts-martial observation briefing that was attended by a Committee member, followed by a briefing related to two recent Advanced Litigation Courses that were attended by some members of the Committee, followed by a review of upcoming sexual assault related courts-martial currently docketed by the Military Departments. During the last two sessions of the morning, the Committee will receive an overview of the appellate process, followed by a briefing of the FY 2021 appellate case data project. After the lunch break, the Committee will hear testimony from Service representatives from their Government and Defense Appellate Divisions. Finally, the Committee will have a discussion regarding appellate practice issues followed by public comment. The meeting will conclude with a review of the day and a preview of the next public meeting.

Agenda: Wednesday, September 21, 2021: 8:30 a.m.–8:45 a.m. Public Meeting Begins—Welcome and Introduction; 8:45 a.m.–9:20 a.m. Court-Martial Observation Briefing; 9:20 a.m.–9:55 a.m. Advanced Litigation Course Observation Briefing; 9:55 a.m.–10:00 a.m. Upcoming Courts-Martial & Training Observation Opportunities; 10:00 a.m.–10:20 a.m. Break; 10:20 a.m.–11:00 a.m. Uniform Code of Military Justice Appellate Process Overview; 11:00 a.m.–11:50 a.m. FY 2021 Appellate Case Data; 11:50 a.m.–12:45 p.m. Lunch; 12:45 p.m.–2:00 p.m. Government Appellate Division Current Practice & Perspectives; 2:00 p.m.–2:15 p.m. Break; 2:15 p.m.–3:30 p.m. Defense Appellate Division Current Practice & Perspectives; 3:30 p.m.–3:45 p.m. Break; 3:45 p.m.–4:15 p.m. Appellate Practice Issues and Committee Guidance; 4:15 p.m.–4:30 p.m. Public Comment; 4:30 p.m.–4:45 p.m. Meeting Wrap-up; Subcommittee Update; Preview Next Meeting; 4:45 p.m. Public Meeting Adjourned.

Meeting Accessibility: Pursuant to 41 CFR 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments to the DAC–IPAD about its mission and topics pertaining to this public session. Written comments must be received by the DAC–IPAD at least five (5) business days prior to the meeting date so that they may be made available to the DAC–IPAD members for their consideration prior to the meeting. Written comments should be submitted via email to the DAC–IPAD at *whs.pentagon.em.mbx.dacipad@mail.mil* in the following formats: Adobe Acrobat or Microsoft Word. Please note that since the DAC–IPAD operates under the provisions of the FACA, all written comments will be treated as public documents and will be made available for public inspection. Oral statements from the public will be permitted, though the number and length of such oral statements may be limited based on the time available and the number of such requests. Oral presentations by members of the public will be permitted from 4:15 p.m.–4:30 p.m. EST on September 21, 2022.

Written Statements: Pursuant to 41 CFR 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written

comments to the DAC–IPAD about its mission and topics pertaining to this public session. Written comments must be received by the DAC–IPAD at least five (5) business days prior to the meeting date so that they may be made available to the DAC–IPAD members for their consideration prior to the meeting. Written comments should be submitted via email to the DAC–IPAD at *whs.pentagon.em.mbx.dacipad@mail.mil* in the following formats: Adobe Acrobat or Microsoft Word. Please note that since the DAC–IPAD operates under the provisions of the FACA, all written comments will be treated as public documents and will be made available for public inspection. Oral statements from the public will be permitted, though the number and length of such oral statements may be limited based on the time available and the number of such requests. Oral presentations by members of the public will be permitted from 4:15 p.m.–4:30 p.m. EST on September 21, 2022.

Dated: September 19, 2022.

Kayyonne T. Marston,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–20533 Filed 9–21–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket ID ED–FSA–2022–0030]

Privacy Act of 1974; System of Records

AGENCY: Federal Student Aid, U.S. Department of Education.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Chief Operating Officer for Federal Student Aid (FSA) of the U.S. Department of Education (Department) publishes this notice of a modified system of records entitled the ''National Student Loan Data System'' (NSLDS) (18–11–06). The information contained in this system is maintained for various purposes relating to aid applicants and recipients. These include determining aid applicants' and recipients' eligibility for Federal student financial assistance under the programs authorized by title IV of the Higher Education Act of 1965, as amended (HEA); assisting institutions of higher education participating in and administering the title IV, HEA programs by verifying the eligibility of borrowers for, and tracking, loans; and assisting the Department's oversight and administration of the title IV, HEA programs, including evaluating their effectiveness.

DATES: Submit your comments on this modified system of records notice on or before October 24, 2022.

This modified system of records notice will become applicable upon publication in the **Federal Register** on September 22, 2022, except for the new and modified routine uses (1)(m), (1)(p), (6), (7), and (14) that are outlined in the section entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES,'' which will become applicable on October 24, 2022, unless they need to be changed as a result of public comment. The Department will publish any changes to the modified system of records notice resulting from public comment.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''help'' tab.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this modified system of records, address them to: Director, Partner Systems Integration Division, Program Technical and Business Support Group, Partner Management and Support Services, Partner Participation and Oversight, Federal Student Aid (FSA), U.S. Department of Education, Union Center Plaza (UCP), 830 First Street NE, Room 41F1, Washington, DC 20202–5454.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.*

Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Valerie Sherrer, Director, Partner System Integration Division, Program Technical and Business Support, Partner Participation and Oversight Directorate, FSA, U.S. Department of Education, UCP, 830 First Street NE, Room 41F1, Washington, DC 20202–5454. Telephone:(202) 377–3547.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you may call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Introduction

The ''National Student Loan Data System (NSLDS)'' system of records notice (18–11–06) was last published in full in the **Federal Register** on September 9, 2019 (84 FR 47265).

The Department is modifying the section entitled ''SYSTEM LOCATION'' as follows:

(i) To make minor updates to the Director's organization;

(ii) To delete Mid-Atlantic Data Center located in Clarksville, VA, the Briefcase Systems located in Arlington, VA, the NSLDS Call Center located in Lawrence, KS, and General Dynamics Information Technology located in Coralville, IA;

(iii) To add the following Department contractor locations:

a. Amazon Web Services Government Cloud, 410 Terry Ave., North Seattle, WA 98109–5210 (the Computer Center for the NSLDS application where all electronic NSLDS information is processed and stored);

b. Accenture, 22451 Shaw Rd., Sterling, VA 20166–4319 (Accenture's main program office);

c. Accenture DC, 820 First St. NE, Washington, DC 20202–4227 (an alternate Accenture work site to support NSLDS);

d. Accenture Federal Services, 10931 Laureate Dr., San Antonio, TX 78249 (an alternate Accenture work site to support NSLDS);

e. NTT Global Data Centers Americas, 44664 Guilford Dr., Ashburn, VA 20147 and 2008 Lookout Dr., Garland, TX 75044 (NSLDS Call recordings are stored at these locations);

f. Oracle Service Cloud, 500 Eldorado Blvd., Broomfield, CO 80021 (provides

customer case management and reporting capabilities to NSLDS Help Desk Customer Service Representatives (CSR) and has the capability to track and store NSLDS inquiries, which allows CSRs to respond to these cases/inquiries);

g. ASM Research, 2429 Military Rd., Suite 200, Niagara Falls, NY 14304 (an NSLDS Customer Service Center);

h. Senture, LLC, 4255 W Highway 90, Monticello, KY 42633–3398 (an NSLDS Customer Service Center); and

i. Veteran Call Center, LLC, 53 Knightsbridge Rd., Suite 216, Piscataway, NJ 08854–3925 (an NSLDS Customer Service Center).

The Department is modifying the section entitled ''SYSTEM MANAGER(S)'' to make minor updates to the Director's organization.

The Department is modifying the section entitled ''AUTHORITY FOR MAINTENANCE OF THE SYSTEM'' to delete and replace ''borrowers'' with ''individual'' and to add ''the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098bb) (including any waivers or modifications that the Secretary of Education deems necessary to make to any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the HEA to achieve specific purposes listed in the section in connection with a war, other military operation, or a national emergency).''

The Department is modifying the section entitled ''PURPOSE(S) OF THE SYSTEM'' relating to applicants and recipients of aid under title IV of the HEA as follows:

(i) The first paragraph was updated to delete and replace ''students and borrowers'' with ''applicants and recipients of aid under title IV of the HEA'';

(ii) The Department added a note immediately after the first paragraph stating that: ''Different parts of the HEA use the terms 'discharge,' 'cancellation,' or 'forgiveness' to describe when a borrower's loan amount is reduced in whole or in part by the Department. To reduce complexity, this system of records notice uses the term 'discharge' to include all three terms ('discharge,' 'cancellation,' and 'forgiveness'), including, but not limited to, discharges of student loans made pursuant to specific benefit programs. At times, the system of records notice may refer by name to a specific benefit program, such as the 'Public Service Loan Forgiveness' program; such specific references are not intended to exclude any such program benefits from more general references to loan discharges'';

(iii) Purpose (1) was modified to delete and ''pre and post screening'' and replace ''student/borrower eligibility for federal student financial aid programs'' with ''the eligibility of aid applicants and recipients for Federal student financial aid programs'';

(iv) Purpose (2) was modified to delete and replace ''student/borrower'' with ''aid applicant and recipient'';

(v) Purpose (3) was modified to delete and replace ''loan borrowers and students who owe grant overpayment amounts'' with ''aid recipients who owe title IV, HEA obligations'';

(vi) Purpose (4) was deleted because the NSLDS no longer provides a website for students/borrowers;

(vii) Newly renumbered purpose (6) was modified to delete and replace ''cancellation'' with ''discharge'';

(viii) Purpose (8) relating to tracking the level of study and the Classification of Instructional Programs (CIP) code to limit eligibility for Direct Subsidized Loans and to determine when a borrower will be responsible for accruing interest on outstanding Direct Subsidized Loans was deleted because the Consolidated Appropriations Act, 2021, repealed the requirements referenced therein regarding limiting Direct Subsidized Loan eligibility;

(ix) Newly renumbered purpose (7) was updated to indicate that a purpose of the NSLDS is to identify qualifying individuals and inform them about title IV, HEA benefits, including total and permanent disability (TPD) discharges, Public Service Loan Forgiveness (PSLF), and benefits under the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. 3901–4043, to streamline the process for applying for loans and benefits, and to recoup payments or delinquent debts under title IV, HEA programs;

(x) Newly renumbered purpose (8) was updated to delete and replace ''prospective students and borrowers'' with ''the public'';

(xi) Newly renumbered purpose (9) was added to enable the Department, or other Federal, State, Tribal, or local government agencies, to investigate, respond to, or resolve complaints regarding the Department's and/or the Department's contractors' practices or processes, or to investigate, respond to, or resolve aid recipients' requests for assistance or relief with regard to title IV, HEA program funds;

(xii) Newly renumbered purpose (10) was added to conduct testing, analysis, or take other administrative actions needed to prepare for or execute programs under title IV of the HEA; and

(xiii) New purpose (11) was added to process income eligibility information and documentation for aid applicants and recipients, or applicable aid applicants' and recipients' parents or spouses, pertaining to the discharge of eligible loans under title IV, HEA programs.

The Department is modifying the section entitled ''PURPOSE(S) OF THE SYSTEM'' relating to institutions of higher education (also referred to in the modified system of records notice as ''educational institutions'' or ''postsecondary institutions'') participating in, and administering, title IV, HEA programs as follows:

(i) Purpose (1) was updated to include the verification of the eligibility of a student, potential student, or parent for loan or Pell Grant disbursements;

(ii) Purpose (3) was moved to purpose (16) under the section entitled ''PURPOSE(S) OF THE SYSTEM relating to the Department's oversight and administration of title IV, HEA programs'' because it addresses loan transfers between servicers or loan holders and does not relate to institutions of higher education participating in, and administering, title IV, HEA programs;

(iii) Newly renumbered purpose (4) was modified to delete and replace ''students or borrowers'' with ''aid applicants and recipients'';

(iv) Newly renumbered purpose (6) was updated to include the Department of Justice (DOJ) in the list of entities collecting debts arising from the receipt of title IV, HEA funds;

(v) Newly renumbered purpose (9) was modified to include other Federal, State, Tribal, or local governmental agencies as entities for which reporting capabilities are provided for use in oversight and compliance;

(vi) Purpose (13) relating to collection of debt was deleted because it is duplicative of newly renumbered purpose (6);

(vii) Newly renumbered purpose (13) was modified to include the College Scorecard as an example of a consumer reporting tool; and

(viii) Purpose (15) which relates to obtaining information and reporting the level of study, CIP code, and published length of an educational program in which a student receiving title IV, HEA Federal student aid is enrolled to ensure his or her eligibility for Direct Subsidized loans and to determine whether a borrower who enrolls will be responsible for the accruing interest on outstanding Direct Subsidized Loans was deleted because the Consolidated Appropriations Act, 2021, repealed the requirements referenced therein regarding limiting Direct Subsidized Loan eligibility.

The Department is modifying the section entitled ''PURPOSE(S) OF THE SYSTEM'' relating to the Department's oversight and administration of title IV, HEA programs as follows:

(i) Purpose (5) was modified to delete and replace ''student/borrower'' with ''aid applicant and recipient'';

(ii) Purpose (13) was added to verify that Federal, State, local, and Tribal statutory, regulatory, and program requirements are met by educational and financial institutions, Federal Loan Servicers, the Federal Perkins Loan Servicer, and guaranty agencies;

(iii) Purpose (14) was added to help governmental entities at the Federal, State, Tribal, and local levels exercise their supervisory and administrative powers (including, but not limited to, licensure, examination, discipline, regulation, or oversight of educational institutions, Department contractors, guaranty agencies, eligible lenders, and third-party servicers) or to investigate, respond to, or resolve complaints regarding the practices or processes of the Department and/or the Department's contractors, or to update information or correct errors contained in Department records regarding an aid recipient's title IV, HEA program funds;

(iv) Purpose (15) was added to provide information to support web-based access to aid applicants' and recipients' title IV, HEA program data including enrollment; and

(v) Purpose (16) was added to track loan transfers from one holder or servicer to another.

The Department is modifying the section entitled ''CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM'' as follows:

(i) The first paragraph was updated to delete and replace ''individual recipients of aid under the title IV, HEA programs'' with ''individual title IV, HEA aid applicants and recipients'';

(ii) A new second paragraph was added to indicate that the system also contains information on the parent(s) of a dependent aid applicant and recipient and the spouse of a married aid applicant;

(iii) In addition, the section was updated to add endorsers who received or co-signed on a loan(s) under one of the programs authorized under title IV of the HEA and to move the phrase providing examples of such programs to this part of the section;

(iv) The section was further updated to clarify the loan types covered under the William D. Ford Direct Loan Program (Direct Loan); Program, including Federal Direct Unsubsidized and Subsidized Stafford/Ford Loans, Federal Direct Consolidation Loans, and Federal Direct PLUS Loans;

(v) The section was further updated to reflect enrollment information for individuals who have received Parent PLUS and Grad PLUS loans; and

(vi) Lastly, the section was updated to reflect that as of 2022 the Department no longer collects or monitors records for the 150 percent Direct Subsidized Loan Limit.

The Department is modifying the section entitled ''CATEGORIES OF RECORDS IN THE SYSTEM'' as follows:

(i) Category (1) about identifier information was updated to delete and replace ''borrower'' with ''aid applicant and recipient'';

(ii) New category (2) was added to include ''aid applicant demographic information, including an aid applicant's parent's and spouse's demographic information (if applicable), expected student enrollment, list of participating title IV, HEA institutions of higher education selected by the aid applicant to receive the Free Application for Federal Student Aid (FAFSA®) data along with residency plans, and the financial profile of an aid applicant and an aid applicant's parent(s) or spouse, as reported and calculated through the FAFSA form; and processing flags, indicators, rejections, and overrides'';

(iii) New category (4) was added to include ''information on an aid applicant and recipient endorser or co-signer of a PLUS loan application from the origination of the loan through final payment, consolidation, discharge, or other final disposition, including details such as co-signer SSN, name, date of birth, driver's license (if reported), active-duty status (if applicable and reported), email address, address, phone number, and relevant loan information with respect to the loan on which they are the endorser or co-signer;''

(iv) Newly renumbered category (9) was modified to cover information related to an aid applicant's or recipient's application for title IV, HEA benefits, including information related to income-driven repayment or PSLF eligibility, such as current income, family size, repayment plan selections, employer name, dates of employment, employment status, and, if married, information about the borrower's spouse;

(v) Newly renumbered category (11) was modified to include TEACH grants in overpayments;

(vi) Newly renumbered category (18) was modified to cover information obtained pursuant to matching programs or other information exchanges with Federal and State agencies and other administrators of Federal funds and programs to assist in identifying individuals who may be eligible for aid applicant or recipient benefits related to their title IV, HEA loans or other title IV, HEA obligations, including TPD discharges, loan deferments, interest rate reductions, PSLF, and other Federal and State loan repayment or discharge benefits, or for the purpose of recouping payments or delinquent debts under title IV, HEA programs; and

(vii) New category (19) was added to include recorded phone calls to the customer service center including Personally Identifiable Information (PII), such as name, date of birth, SSN, and the reason for the call.

The Department is modifying the section entitled ''RECORD SOURCE CATEGORIES'' to include information from State, local, and Tribal agencies and other administrators of Federal funds and programs, to include parents and spouses of applicable aid applicants and recipients, and designated co-signers and endorsers, and to clarify that information may be obtained from a successor to any of the Department's systems, as the Department is working to replace some of its current systems.

The Department is also modifying the section entitled ''RECORD SOURCE CATEGORIES'' to delete and replace the reference to obtaining information from the Central Processing System (covered by the system of records entitled ''Federal Student Aid Application File'') with all systems covered by the system of records entitled ''Aid Awareness and Application Processing''.

The Department is modifying the section entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' as follows:

(i) Routine use (1)(m) was modified to include Tribal agencies;

(ii) Routine use (1)(o) was deleted because the Consolidated Appropriations Act, 2021, repealed the requirements referenced therein regarding limiting Direct Subsidized Loan eligibility;

(iii) Newly renumbered routine use (1)(p) was added to permit disclosures to governmental entities at the Federal, State, Tribal, and local levels to help such entities exercise their supervisory and administrative powers (including, but not limited to, licensure, examination, discipline, regulation, or oversight of educational institutions, Department contractors, guaranty agencies, eligible lenders, and third-party servicers) or to investigate, respond to, or resolve complaints submitted regarding the practices or

processes of the Department and/or the Department's contractors. These records may include records relating to all aspects of loans and grants made under title IV of the HEA, to permit these governmental entities to verify compliance with debt collection, consumer protection, financial, and other applicable statutory, regulatory, or local requirements. Before making a disclosure to these Federal, State, local, or Tribal governmental entities, the Department will require them to maintain safeguards consistent with the Privacy Act to protect the security and confidentiality of the disclosed records;

(iv) Routine use (6) was updated to add that a Congressional Member's written request for a record must be made not only at the written request of, but also on behalf of, an individual constituent whose records are being disclosed.

(v) Routine use (7)(b) was updated to include disclosures to Tribal agencies, agents and contractors of Federal, State, local, Tribal or other public agencies, and Department contractors (rather than only FSA contractors), and to delete and replace ''authority'' with ''agency'' for consistency; and

(vi) Routine use (14) was added to include disclosures to the National Archives and Records Administration (NARA) for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

The Department is proposing to modify the section entitled ''POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS'' to delete and replace ''student/borrower'' with ''aid applicant or recipient.''

The Department is modifying the section entitled ''POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS'' to indicate that the Department has proposed amendments to the primary records schedule, ED Records Schedule 051: FSA National Student Loan Data System (NSLDS) (DAA–044102017–0004) (ED 051), that covers NSLDS records for NARA's consideration, and will not destroy records covered by ED 051 until such amendments are in effect, as applicable.

The Department is modifying the section entitled ''ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS'' to include information on requirements under the Federal Information Security Management Act of 2002 (FISMA), as amended by the Federal Information Security Modernization Act of 2014, to clarify that the Department system must receive a signed Authorization to Operate (ATO) from a designated Department official and to describe FISMA controls.

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.

Richard Cordray,

Chief Operating Officer, Federal Student Aid.

For the reasons discussed in the preamble, the Chief Operating Officer, Federal Student Aid, U.S. Department of Education (Department) publishes a notice of a modified system of records to read as follows:

SYSTEM NAME AND NUMBER:

National Student Loan Data System (NSLDS) (18–11–06).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Director, Partner Systems Integration Division, Program Technical and Business Support Group, Partner Management and Support Services, Partner Participation and Oversight, Federal Student Aid (FSA), U.S. Department of Education, Union Center Plaza (UCP), 830 First Street NE, Room 41F1, Washington, DC 20202–5454.

Amazon Web Services (AWS) Government Cloud, 410 Terry Ave., North Seattle, WA 98109–5210. (This is the Computer Center for the NSLDS application, where all electronic NSLDS information is processed and stored.)

Accenture, 22451 Shaw Rd., Sterling, VA 20166–4319. (This is Accenture's main program office.)

Accenture DC, 820 First St. NE, Washington, DC 20202–4227. (This location is an alternate Accenture work site to support NSLDS.)

Accenture Federal Services, 10931 Laureate Dr., San Antonio, TX 78249. (This location is an alternate Accenture work site to support NSLDS.)

NTT Global Data Centers Americas, 44664 Guilford Dr., Ashburn, VA 20147 and 2008 Lookout Dr., Garland, TX 75044. (NSLDS call recordings are stored at these locations.)

Oracle Service Cloud, 500 Eldorado Blvd., Broomfield, CO 80021. (Provides customer case management and reporting capabilities to NSLDS Help Desk Customer Service Representatives (CSRs) and has the capability to track and store NSLDS inquiries, which allows CSRs to respond to these cases/inquiries.)

The following three listings are the locations of the NSLDS Customer Service Centers:

ASM Research, 2429 Military Rd., Suite 200, Niagara Falls, NY 14304–1551;

Senture, LLC, 4255 W Highway 90, Monticello, KY 42633–3398; and

Veteran Call Center, LLC, 53 Knightsbridge Rd., Suite 216, Piscataway, NJ 08854–3925.

SYSTEM MANAGER(S):

Director, Partner Systems Integration Division, Program Technical and Business Support Group, Partner Participation and Oversight Directorate, Federal Student Aid, U.S. Department of Education, UCP, 830 First Street NE, Room 41F1, Washington, DC 20202–5454.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The authority under which the system is maintained includes sections 101, 102, 132(i), 485, and 485B of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1001, 1002, 1015a(i), 1092, and 1092b), section 431(2) and (3) of the General Education Provisions Act (20 U.S.C. 1231a(2)–(3)), and the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098bb) (including any waivers or modifications that the Secretary of Education deems necessary to make to any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the HEA to achieve specific purposes listed in the section in connection with a war, other military operation, or a national emergency). The collection of Social Security numbers (SSNs) of individuals who are covered

by this system is authorized by 31 U.S.C. 7701 and Executive Order 9397 (November 22, 1943), as amended by Executive Order 13478 (November 18, 2008).

PURPOSE(S) OF THE SYSTEM:

The information contained in this system is maintained for the following purposes relating to applicants and recipients of aid under title IV of the HEA:

(**Note:** Different parts of the HEA use the terms ''discharge,'' ''cancellation,'' or ''forgiveness'' to describe when a borrower's loan amount is reduced in whole or in part by the Department. To reduce complexity, this system of records notice uses the term ''discharge'' to include all three terms (''discharge,'' ''cancellation,'' and ''forgiveness''), including, but not limited to, discharges of student loans made pursuant to specific benefit programs. At times, the system of records notice may refer by name to a specific benefit program, such as the ''Public Service Loan Forgiveness'' program; such specific references are not intended to exclude any such program benefits from more general references to loan discharges.)

(1) to determine the eligibility of aid applicants and recipients for Federal student financial aid programs authorized by title IV of the HEA;

(2) to report changes in aid applicant and recipient enrollment status and enrollment in gainful employment programs;

(3) to track aid recipients who owe title IV, HEA obligations (debtors);

(4) to maintain information on the status of student loans;

(5) to maintain information on awards to students under the Federal Pell Grant program, the Academic Competitiveness Grant (ACG) program, the National Science and Mathematics Access to Retain Talent (National SMART) Grant program, the Teacher Education Assistance for College and Higher Education (TEACH) Grant program, the Federal Supplemental Educational Opportunity Grant (FSEOG) program, and the Iraq and Afghanistan Service Grant program;

(6) to provide borrowers and NSLDS users with loan refund and discharge details;

(7) to identify qualifying individuals and inform them about title IV, HEA benefits, including total and permanent disability (TPD) discharges, Public Service Loan Forgiveness (PSLF), and benefits under the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. 3901–4043, to streamline the process for applying for loans and benefits, and to recoup payments or delinquent debts under the title IV, HEA programs;

(8) to provide consumer tools to the public to better evaluate the effectiveness of postsecondary institutions considering their costs, financial aid, loan repayment rates, completion rates, median debts, and the aggregate earnings of title IV, HEA aid recipients who were enrolled at postsecondary institutions participating in the title IV, HEA programs so that the public can make informed decisions about which postsecondary institution to attend;

(9) to enable the Department, or other Federal, State, Tribal or local government agencies, to investigate, respond to, or resolve complaints concerning the practices or processes of the Department and/or the Department's contractors, or to investigate, respond to, or resolve aid recipients' requests for assistance or relief with regard to title IV, HEA program funds;

(10) to conduct testing, analysis, or take other administrative actions needed to prepare for or execute programs under title IV of the HEA; and

(11) to process income eligibility information and documentation for aid applicants and recipients, or applicable aid applicants' and recipients' parents or spouses, pertaining to the discharge of eligible loans under title IV, HEA programs.

The information in the NSLDS is also maintained for the following purposes relating to institutions of higher education (also referred to herein as ''educational institutions'' or ''postsecondary institutions'') participating in and administering the title IV, HEA programs:

(1) to permit Department staff, Department contractors, guaranty agencies, eligible lenders, and eligible institutions of higher education to verify the eligibility of a student, potential student, or parent for loans or Pell Grants or Pell Grant disbursements;

(2) to provide student aggregate loan calculations to educational institutions;

(3) to determine default rates for educational institutions, guaranty agencies, and lenders;

(4) to prepare electronic financial aid histories on aid applicants and recipients for educational institutions, guaranty agencies, Department staff, and Department contractors;

(5) to alert educational institutions of changes in students' financial aid eligibility via the Transfer Student Monitoring process;

(6) to assist Department staff, Department contractors and agents, guaranty agencies, the Department of Justice (DOJ), educational institutions, lenders, and servicers in collecting debts arising from the receipt of title IV, HEA funds;

(7) to assess title IV, HEA program activities by guaranty agencies, educational institutions, lenders, and servicers;

(8) to display organizational contact information provided by educational institutions, guaranty agencies, lenders, and servicers;

(9) to provide reporting capabilities for educational institutions, guaranty agencies, lenders, and servicers for use in title IV, HEA administrative functions and for the Department or other Federal, State, Tribal, or local agencies for use in oversight and compliance;

(10) to provide financial institutions and servicers, Department staff, and Department contractors with contact information on loan holders for use in the collection of loans;

(11) to provide educational institutions and servicers with information to resolve overpayments of Pell, ACG, National SMART, TEACH, Iraq and Afghanistan Service Grants, and FSEOG grants;

(12) to obtain data on and to report on students in a gainful employment program for the purposes of establishing whether a particular gainful employment program is successfully preparing students to be gainfully employed and making this information available to the educational institution;

(13) to provide consumer tools, such as the College Scorecard, that are designed to simplify information that prospective students receive about costs, financial aid, loan repayment rates, completion rates, median debts, and aggregate earnings of title IV, HEA aid recipients who were enrolled at postsecondary institutions participating in the title IV, HEA programs so that prospective students can make informed decisions about which postsecondary institution to attend; and

(14) to provide data for educational institutions to challenge their gainful employment performance metrics.

The information maintained in this system is also maintained for the following purposes relating to the Department's oversight and administration of the title IV, HEA programs:

(1) to assist audit and program review planning;

(2) to support research studies and policy development;

(3) to conduct budget analysis and program review planning;

(4) to provide information that supports the Department's compliance with the Federal Credit Reform Act of 1990, as amended (CRA) (2 U.S.C. 661 *et seq.*);

(5) to ensure only authorized users access the NSLDS database and to

maintain a history of the aid applicant and recipient information reviewed;

(6) to track the Department's interest in loans funded through the Ensuring Continued Access to Student Loans Act of 2008 (ECASLA) (P.L. 110–227);

(7) to track TEACH grants that have been converted to loans;

(8) to track eligibility for PSLF;

(9) to assist in the calculation of metrics related to gainful employment programs;

(10) to provide data for program oversight and strategic decision-making in the administration of higher education programs;

(11) to track eligibility for Direct Subsidized Loans and interest subsidy based upon the level of study, Classification of Instructional Programs (CIP) code, and published length of the educational program in which a student is enrolled;

(12) to evaluate the effectiveness of an institution's education programs, and help provide information to the public at the institutional and programmatic level on this effectiveness;

(13) to verify that Federal, State, local, and Tribal statutory, regulatory, and program requirements are met by educational and financial institutions, Federal Loan Servicers, the Federal Perkins Loan Servicer, and guaranty agencies;

(14) to help governmental entities at the Federal, State, Tribal, and local levels exercise their supervisory and administrative powers (including, but not limited to, licensure, examination, discipline, regulation, or oversight of educational institutions, Department contractors, guaranty agencies, eligible lenders, and third-party servicers) or to investigate, respond to, or resolve complaints regarding the practices or processes of the Department and/or the Department's contractors, or to update information or correct errors contained in Department records regarding an aid recipient's title IV, HEA program funds;

(15) to provide information to support web-based access to aid applicant and recipient's title IV, HEA program data including enrollment; and

(16) to track loan transfers from one holder or servicer to another.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on individual title IV, HEA aid applicants and recipients.

This system also contains information on the parent(s) of a dependent aid applicant or recipient and the spouse of a married aid applicant or recipient.

In addition, this system contains records on borrowers and endorsers who received or co-signed on a loan(s) under one of the programs authorized under title IV of the HEA, including:

(1) the William D. Ford Direct Loan Program (Direct Loan) Program, including Federal Direct Unsubsidized and Subsidized Stafford/Ford Loans, Federal Direct Consolidation Loans, and Federal Direct PLUS Loans;

(2) the Federal Family Education Loan (FFEL) Program,

(3) the Federal Insured Student Loan (FISL) Program, and

(4) the Federal Perkins Loan Program (including National Defense Student Loans, National Direct Student Loans, and Perkins Expanded Lending and Income Contingent Loans) (Perkins Loans).

This system also contains records on aid recipients of Federal Pell Grants, ACG, National SMART Grants, TEACH Grants, and Iraq and Afghanistan Service Grants, as well as on individuals who owe an overpayment on a Federal Pell Grant, an ACG, a TEACH Grant, a National SMART Grant, a FSEOG, an Iraq and Afghanistan Service Grant, or a Federal Perkins Loan.

Further, this system contains student enrollment information for individuals who have received title IV, HEA student assistance, as well as Master Conduit Loan Program Data, Master Loan Participation Program (LPP) Data, and loan-level detail on FFEL Subsidized, Unsubsidized, and Grad and Parent PLUS loans funded through those programs.

This system also contains records on students who are title IV, HEA aid recipients and who attended, or who are attending, a gainful employment program at a postsecondary institution.

Lastly, this system contains records from 2014–2021 on the level of study, CIP code, and published length of an educational program in which a student receiving title IV, HEA Federal student aid was enrolled to limit his or her eligibility for Direct Subsidized Loans to no more than 150 percent of the published length of the educational program in which the student was enrolled, and to determine when a borrower who enrolled after reaching the 150 percent limit would have been responsible for the accruing interest on outstanding Direct Subsidized Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the NSLDS include, but are not limited to:

(1) aid applicant and recipient identifier information, including SSN, name, date of birth, physical address, phone number, email address, and driver's license information;

(2) aid applicant demographic information, including an aid applicant's parent's and spouse's demographic information (if applicable), student enrollment, list of participating title IV, HEA institutions of higher education selected by the aid applicant to receive the Free Application for Federal Student Aid (FAFSA®) data along with residency plans, and the financial profile of an applicant and an aid applicant's parent(s) or spouse, as reported and calculated through the FAFSA form; and processing flags, indicators, rejections, and overrides;

(3) information on the borrower's loan(s) covering the period from the origination of the loan through final payment, consolidation, discharge, or other final disposition, including details such as loan amount, disbursements, balances, loan status, repayment plan payments and related information, collections, claims, deferments, forbearances, refunds, and discharges;

(4) information on an aid applicant's or recipient's endorser or co-signer of a PLUS loan application from the origination of the loan through final payment, consolidation, discharge, or other final disposition, including details such as co-signer SSN, name, date of birth, driver's license (if reported), active-duty status (if applicable and reported), email address, address, phone number, and relevant loan information with respect to the loan on which they are the endorser or co-signer;

(5) for students who began a program of study that prepares them for gainful employment in a recognized occupation pursuant to sections 1001 and 1002 of the HEA (''gainful employment program''), student identifiers including the student's SSN, date of birth, and name, student enrollment information including the Office of Postsecondary Education identification number (OPEID number) of the institution, the CIP code for the gainful employment program in which the student enrolled, and, if the student completed the program, the completion date and the CIP code of the completed program, the level of study, the amount of the student's private educational loan debt, the amount of institutionally provided financing owed by the student, and whether the student matriculated to a higher credentialed program at the same institution or another institution;

(6) aggregated income information on graduates and non-completers of a particular gainful employment program, and the median loan debt incurred by students enrolled in the gainful employment program, regardless of whether they completed the program;

(7) student demographic information, such as dependency status, citizenship, veteran status, marital status, gender, income and asset information (including income and asset information on the student's spouse, if married), expected family contribution;

(8) information on the parent(s) of a dependent recipient, including name, date of birth, SSN, marital status, email address, highest level of schooling completed, and income and asset information;

(9) information related to an aid applicant or recipients application for title IV, HEA benefits, including information relating to income-driven repayment or PSLF eligibility such as current income, family size, repayment plan selections, employer name, dates of employment, employment status, and information about the borrower's spouse if the borrower is married;

(10) Federal Pell Grant, ACG Grant, National SMART Grant, TEACH Grant, and Iraq and Afghanistan Service Grant amounts and dates of disbursement;

(11) Federal Pell Grant, ACG Grant, National SMART Grant, TEACH Grant, Iraq and Afghanistan Service Grant, FSEOG, and Federal Perkins Loan Program overpayment amounts;

(12) Information maintained by a guaranty agency, including, demographic, contact, and identifier information, a borrower's FFEL loan(s), and the lender(s), holder(s), and servicer(s) of the borrower's FFEL loan(s);

(13) NSLDS user profiles that include name, SSN, date of birth, employer, and NSLDS username;

(14) information concerning the date of any default on loans and the aggregated loan data to support cohort default rate calculations for educational institutions, financial institutions, and guaranty agencies;

(15) pre- and post-screening results used to determine a student's or parent's aid eligibility;

(16) information on financial institutions participating in the loan participation and sale programs established by the Department under ECASLA, including the collection of: ECASLA loan-level funding amounts, dates of ECASLA participation for financial institutions, dates and amounts of loans sold to the Department under ECASLA, and the amount of loans funded by the Department's programs but repurchased by the lender;

(17) information on the student's educational institution, level of study, the CIP code, and published length for the program in which the student enrolled for an institution or programs of studies at the institution;

(18) information obtained pursuant to matching programs or other information exchanges with Federal and State agencies and other administrators of Federal funds and programs to assist in identifying individuals who may be eligible for aid applicant's or recipient's benefits related to their title IV, HEA loans or other title IV, HEA obligations, including TPD discharges, loan deferments, interest rate reductions, PSLF, and other Federal and State loan repayment or discharge benefits, or for the purpose of recouping payments or delinquent debts under title IV, HEA programs; and

(19) recorded phone calls to the customer service center including personally identifiable information (PII), such as name, date of birth, SSN, and the reason for call.

RECORD SOURCE CATEGORIES:

Information is obtained from other Federal, State, local, and Tribal agencies, other administrators of Federal funds and programs, guaranty agencies, educational institutions, financial institutions and servicers, aid applicants and recipients, parents and spouses of applicable aid applicants and recipients, and designated co-signers and endorsers.

Information is also obtained from other Department systems, or their successor systems, such as the Federal Loan Servicers (covered by the system of records entitled ''Common Services for Borrowers (CSB)''); Debt Management Collection System (covered by the system of records entitled ''Common Services for Borrowers (CSB)''); Common Origination and Disbursement System (covered by the system of records entitled ''Common Origination and Disbursement (COD) System''); Financial Management System (covered by the system of records entitled ''Financial Management System (FMS)''); Student Aid internet Gateway, Participant Management System (covered by the system of records entitled ''Student Aid internet Gateway (SAIG), Participation Management System''); Postsecondary Education Participants System (covered by the system of records entitled ''Postsecondary Education Participants System''); and all systems covered by the system of records entitled ''Aid Awareness and Application Processing''. Information in this system also may be obtained from other persons or entities from which data is obtained under routine uses set forth below.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records notice without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act), under a computer matching agreement.

(1) *Program Disclosures.* The Department may disclose records to the specified users for the following program purposes:

(a) To verify the identity of the applicant involved, the accuracy of the record, or to assist with the determination of program eligibility and benefits, as well as institutional program eligibility, the Department may disclose records to the applicant, guaranty agencies, educational institutions, financial institutions and servicers, and to Federal and State agencies;

(b) To support default rate calculations and/or provide information on borrowers' current loan status, the Department may disclose records to guaranty agencies, educational institutions, financial institutions and servicers, and State agencies;

(c) To determine if educational programs lead to gainful employment in a recognized occupation, the Department may disclose records to educational institutions;

(d) To provide financial aid history information to aid in their administration of title IV, HEA programs, the Department may disclose records to educational institutions, guaranty agencies, loan holders, or servicers;

(e) To support auditors and program reviewers in planning and carrying out their assessments of title IV, HEA program compliance, the Department may disclose records to guaranty agencies, educational institutions, financial institutions and servicers, and to Federal, State, and local agencies;

(f) To support governmental researchers and policy analysts, the Department may disclose records to governmental organizations at the Federal, State, or local level, using safeguards for system integrity and provided that the recipient agrees to establish and maintain safeguards to protect the security and confidentiality of the disclosed records;

(g) To support Federal budget analysts in the development of budget needs and forecasts, the Department may disclose records to the Congressional Budget Office (CBO) and to Federal and State agencies;

(h) To assist in locating holders of loan(s), the Department may disclose records to guaranty agencies, educational institutions, financial institutions and servicers, and Federal agencies;

(i) To assist analysts in assessing title IV, HEA program participation by guaranty agencies, educational institutions, and financial institutions and servicers, the Department may disclose records to Federal and State agencies;

(j) To assist loan holders in locating borrowers, the Department may disclose records to guaranty agencies, educational institutions, financial institutions that hold an interest in the loan and their servicers, and to Federal agencies;

(k) To assist with meeting requirements under the CRA, the Department may disclose records to Federal agencies;

(l) To assist program administrators with tracking refunds and discharges of title IV, HEA loans, the Department may disclose records to guaranty agencies, educational institutions, financial institutions and servicers, and to Federal and State agencies;

(m) To enforce the terms of a loan, assist in the collection of a loan, or assist in the collection of an aid overpayment, the Department may disclose records to guaranty agencies, loan servicers, educational institutions and financial institutions, to the DOJ and private counsel retained by the DOJ, and to other Federal, State, local, or Tribal agencies;

(n) To assist the Department in tracking loans funded under ECASLA, the Department may disclose records to Federal agencies;

(o) To obtain data needed to assist the Department in evaluating the effectiveness of an institution's education programs and to provide the public with greater transparency about the level of economic return of an educational institution and their programs that receive title IV, HEA program assistance, the Department may disclose records to educational institutions and to Federal and State agencies, including the Social Security Administration and the U.S. Department of the Treasury; and

(p) To help Federal, State, Tribal, and local governmental entities exercise their supervisory and administrative powers (including licensure, examination, discipline, regulation, or oversight of educational institutions, Department contractors, guaranty agencies, eligible lenders, and third-party servicers) or to investigate, respond to, or resolve complaints submitted regarding the practices or processes of the Department and/or the Department's contractors, the Department may disclose records to governmental entities at the Federal, State, Tribal, and local levels. These records may include all aspects of records relating to loans and grants made under title IV of the HEA, to permit these governmental entities to verify compliance with debt collection, consumer protection, financial, and other applicable statutory, regulatory, or local requirements. Before making a disclosure to these Federal, State, local, or Tribal governmental entities, the Department will require them to maintain safeguards consistent with the Privacy Act to protect the security and confidentiality of the disclosed records.

(2) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, Executive Order, rule, regulation, or order issued pursuant thereto.

(3) *Litigation and Alternative Dispute Resolution (ADR) Disclosure.*

(a) *Introduction.* In the event that one of the following parties listed in sub-paragraphs (i) through (v) is involved in judicial or administrative litigation or ADR, or has an interest in such litigation or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department or any of its components; or

(ii) Any Department employee in his or her official capacity; or

(iii) Any Department employee in his or her individual capacity where the DOJ agrees to or has been requested to provide or arrange for representation of the employee; or

(iv) Any Department employee in his or her individual capacity where the Department requests representation for or has agreed to represent the employee; or

(v) The United States, where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) *Adjudicative Disclosure.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear or to a person or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the adjudicative body, person, or entity.

(d) *Disclosure to Parties, Counsel, Representatives, and Witnesses.* If the Department determines that disclosure of certain records is relevant and necessary to judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the party, counsel, representative, or witness.

(4) *Freedom of Information Act (FOIA) or Privacy Act Advice Disclosure.* The Department may disclose records to the DOJ or the Office of Management and Budget (OMB) if the Department seeks advice regarding whether records maintained in this system of records are required to be disclosed under the FOIA or the Privacy Act.

(5) *Contract Disclosure.* If the Department contracts with an entity to perform any function that requires disclosing records to the contractor's employees, the Department may disclose the records to those employees. As part of such a contract, the Department shall require the contractor to agree to establish and maintain safeguards to protect the security and confidentiality of the disclosed records.

(6) *Congressional Member Disclosure.* The Department may disclose records to a Member of Congress in response to an inquiry from the Member made at the written request of and on behalf of the individual whose records are being disclosed. The Member's right to the information is no greater than the right of the individual who requested it.

(7) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other

relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Departmental decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies or their Agents or Contractors, Professional Organizations, or the Department's Contractors.* The Department may disclose a record to a Federal, State, local, Tribal or other public agency or an agent or contractor of such a public agency, a professional organization, or a Department contractor, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(8) *Employee Grievance, Complaint, or Conduct Disclosure.* If a record is relevant and necessary to a grievance, complaint, or disciplinary proceeding involving a present or former employee of the Department, the Department may disclose a record from this system of records during the course of investigation, fact-finding, mediation, or adjudication to any party to the grievance, complaint, or action to the party's counsel or representative, to a witness, or to a designated fact-finder, mediator, or other person designated to resolve issues or decide the matter.

(9) *Labor Organization Disclosure.* The Department may disclose records from this system of records to an arbitrator to resolve disputes under a negotiated grievance procedure or to officials of labor organizations recognized under 5 U.S.C. 71 when relevant and necessary to their duties of exclusive representation.

(10) *Disclosure to the DOJ.* The Department may disclose records to the DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(11) *Disclosure to the OMB or CBO for CRA Support.* The Department may disclose records to OMB or CBO as necessary to fulfill CRA requirements in accordance with 2 U.S.C. 661b.

(12) *Disclosure in the Course of Responding to Breach of Data.* The Department may disclose records from this system to appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that there has been a breach of the system of records; (b) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs and operations), the Federal government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(13) *Disclosure in Assisting another Agency in Responding to a Breach of Data.* The Department may disclose records from this system to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(14) *Disclosure to the National Archives and Records Administration (NARA).* The Department may disclose records from this system of records to NARA for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): The Department may disclose the following information to a consumer reporting agency regarding a valid overdue claim of the Department: (1) the name, address, taxpayer identification number, and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined in 15 U.S.C. 1681a(f) and 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The records are stored electronically.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

In order for users to retrieve aid applicant or recipient information, they must supply the respective SSN, name, and date of birth.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are primarily retained and disposed of in accordance with ED Records Schedule 051: FSA National Student Loan Data System (NSLDS) (DAA–0441–2017–0004) (ED 051). The Department has submitted amendments to ED 051 for NARA's consideration and will not destroy records covered by ED 051 until such amendments are in effect, as applicable.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Authorized users: Access to the system is limited to authorized NSLDS program personnel and contractors responsible for administering the NSLDS program. Authorized personnel include Department employees and officials, financial and fiscal management personnel, computer personnel, and program managers who have responsibilities for implementing the NSLDS program. Read-only users: Read-only access is given to servicers, holders, financial/fiscal management personnel, and institutional personnel.

Physical safeguards: Magnetic tapes, disc packs, computer equipment, and other forms of data are stored in areas where fire and life safety codes are strictly enforced. Security guards are staffed 24 hours a day, seven days a week, to perform random checks on the physical security of the record storage areas.

Procedural safeguards: A password is required to access the terminal, and a data set name controls the release of data to only authorized users. In addition, all sensitive data is encrypted using Oracle Transparent Data Encryption functionality. Access to records is strictly limited to those staff members trained in accordance with the Privacy Act and Automatic Data Processing (ADP) security procedures. Contractors are required to maintain confidentiality safeguards with respect to these records. Contractors are instructed to make no further disclosure of the records except as authorized by the System Manager and permitted by the Privacy Act. All individuals who have access to these records receive appropriate ADP security clearances.

Department personnel make site visits to ADP facilities for the purpose of ensuring that ADP security procedures continue to be met. Privacy Act and ADP system security requirements are specifically included in contracts. The NSLDS project directors, project officers, and the system manager oversee compliance with these requirements.

In accordance with the Federal Information Security Management Act of 2002 (FISMA), as amended by the Federal Information Security Modernization Act of 2014, every Department system must receive a signed Authorization to Operate (ATO) from a designated Department official. The ATO process includes a rigorous assessment of security controls, a plan of actions and milestones to remediate any identified deficiencies, and a continuous monitoring program.

FISMA controls implemented are comprised of a combination of management, operational, and technical controls, and include the following control families: access control, awareness and training, audit and accountability, security assessment and authorization, configuration management, contingency planning, identification and authentication, incident response, maintenance, media protection, physical and environmental protection, planning, personnel security, privacy, risk assessment, system and services acquisition, system and communications protection, system and information integrity, and program management.

RECORD ACCESS PROCEDURES:

If you wish to gain access to a record in this system, you must contact the system manager with the necessary particulars such as your name, date of birth, SSN, the name of the school or lender from which the loan or grant was obtained, and any other identifying information requested by the Department while processing the request, to distinguish between individuals with the same name. Requests by an individual for access to a record must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record in the system of records, you must contact the system manager with the necessary particulars such as your name, date of birth, SSN, the name of the school or lender from which the loan or grant was obtained, and any other identifying information requested by the Department while processing the request, to distinguish between individuals with the same name. You must also identify the specific item(s) to be changed, and provide a justification for the change, including any supporting documentation. Requests to amend a record must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.7.

NOTIFICATION PROCEDURES:

If you wish to determine whether a record exists regarding you in this system of records, you must contact the system manager with the necessary particulars such as your name, date of birth, SSN, the name of the school or lender from which the loan or grant was obtained, and any other identifying information requested by the Department while processing the request, to distinguish between individuals with the same name. Requests for notification about whether the system of records contains information about an individual must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

The System of Records entitled the ''National Student Loan Data System'' (18–11–06) was last modified and published in full on September 9, 2019 (84 FR 47265–47271).

[FR Doc. 2022–20682 Filed 9–21–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0117]

Agency Information Collection Activities; Comment Request; Build America, Buy America Act (BABAA) Domestic Sourcing Requirements Waiver—United States Department of Education BABAA Waiver Request Form

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a new collection.

DATES: The Department is requesting emergency processing and OMB approval for this information collection by 9/30/2022; and therefore, the Department is requesting public comments by September 30, 2022. A regular clearance process is also hereby being initiated to provide the public with the opportunity to comment under the full comment period. Interested persons are invited to submit comments on or before November 21, 2022.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2022–SCC–0117. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W203, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Pedro Romero, (202) 453–7886.

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 information collection request (ICR) that is described below. The Department is especially interested in public comment 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 records.

Title of Collection: Build America, Buy America Act (BABAA) Domestic Sourcing Requirements Waiver—United States Department of Education BABAA Waiver Request Form.

OMB Control Number: 1894–NEW.

Type of Review: New Collection.

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

Total Estimated Number of Annual Responses: 470.

Total Estimated Number of Annual Burden Hours: 4,700.

Abstract: In accordance with section 70914 of the Build America Buy America Act (Pub. L. 117–58 §§ 70901–70953) (BABAA), grantees funded under the Department's programs that allow funds to be used for infrastructure projects (infrastructure programs), *i.e.,* construction and broadband infrastructure, may not use their grant funds for these infrastructure projects or activities unless they comply with the following BABAA sourcing requirements: (1) All iron and steel used in the infrastructure project or activity are produced in the United States, (2) All manufactured products used in the infrastructure project or activity are produced in the United States, and (3) All construction materials are manufactured in the United States.

The Department may, in accordance with sections 70914(b) and (d), 70921(b), 70935, and 70937 of BABAA, and the Office of Management and Budget Memorandum M 22–11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, approve waivers to BABAA sourcing requirements submitted by grantees under programs it has identified as infrastructure programs when it determines that exceptions to these requirements apply. The Department may approve, subject to notice and comment requirements and the Office of Management and Budget Made in America Office (MIAO) review, the types of waivers listed below when one or more of the following conditions are met: (1) Public Interest Waiver—Applying the BABAA sourcing requirement would be inconsistent with the public interest, (2) Non-availability Waiver—The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality, and (3) Unreasonable Cost Waiver—The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

This is a new information collection, and it includes the following two documents: (1) the Build America, Buy America Act (BABAA) Domestic Sourcing Requirements Waiver—United States Department of Education BABAA Waiver Request Form (BABAA Waiver Request Form); and (2) a document listing the BABAA Waiver Request Form data elements.

Additional Information: Pursuant to the Office of Management and Budget (OMB) procedures established at 5 CFR 1320, the Department requests that the following collection of information, Build America, Buy America Act (BABAA) Domestic Sourcing Requirements Waiver—United States Department of Education BABAA Waiver Request Form (BABAA Waiver Request Form), be processed in accordance with section 1320.13 Emergency Processing. This this information is essential to the Department's ability to effectively approve waiver requests for Department grantees as required in accordance with section 70914 of the Build America Buy America Act (Pub. L. 117–58 §§ 70901–70953) (BABAA) and OMB Memorandum M 22–11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure. If normal processing were to be followed, ED would not be able to implement the BABAA Waiver Request Form on October 1, 2022, which is the date that it must implement BABAA requirements under its currently OMB approved adjustment period waiver. Delays in implementing resulting from normal processing would likely result in overall delays to critically important project goals and objectives and would inhibit grant infrastructure projects and activities from moving forward.

Dated: September 19, 2022.

Stephanie Valentine,

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

[FR Doc. 2022–20538 Filed 9–21–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Center of Excellence in Spatial Computing Grant Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2022 for the Center of Excellence in Spatial Computing (CESC) grant program, Assistance Listing Number 84.116Q. This notice relates to the approved information collection under OMB control number 1894–0006.

DATES:

Applications Available: September 22, 2022.

Deadline for Transmittal of Applications: November 7, 2022.

Deadline for Intergovernmental Review: December 6, 2022.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979.* Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at *www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

FOR FURTHER INFORMATION CONTACT: Jason Cottrell, U.S. Department of Education, 400 Maryland Avenue SW, room 2B127, Washington, DC 20202–4260. Telephone: (202) 453–7530. Email: *Jason.Cottrell@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:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The CESC grant program is designed to help increase the number of highly qualified Americans available for hire within the high-tech labor pool.

Background: The evolution of computers has changed how we interact

with the technology in computing systems. Computer technology is no longer limited to a static machine. Computational devices are now found in our kitchen appliances, cars, and other daily use items.[1] Spatial computing is the digitization and virtualization of the activities and interactions between various entities and environments to improve their functionality.[2] Autonomous guided vehicles, smart vacuums, virtual and augmented reality, and the cameras in many phones that use light detection and ranging are all examples of technologies that use spatial computing to operate. Spatial computing has the potential to deeply affect how we interact with today's immersive, engaging technology.

Given how these technologies impact so much of our day-to-day lives, the need to ensure a workforce that can develop, enhance, and maintain such systems is critical. Additionally, given the need to have a workforce in this field that is representative of the diverse U.S. population, it is critical that IHEs recruit and educate underrepresented students, as defined in this notice, in these technologies. The technology sector, as the fastest growing market in the United States, has an increasing need for a spatial computing workforce to remain competitive. To this end, the CESC grant program allows institutions of higher education (IHEs) the opportunity to apply for Federal funding to teach students the necessary skills to succeed in an ever-evolving high-tech economy.

Institutions interested in applying for the CESC grant program are expected to teach, improve, and disseminate spatial computing knowledge and skills required to increase the number of highly qualified Americans available for hire within the high-tech labor pool.

Priorities: This notice contains one absolute priority and one competitive preference priority. We are establishing these priorities for the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

Absolute Priority: This priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet the priority.

The priority is:

To be considered for a grant under this absolute priority, an eligible institution must include in its application—

(a) The member IHEs that constitute the consortium that will support the advancement of spatial computing;

(b) A description of how best practices and curricula will be evaluated and shared with computer science and other relevant programs;

(c) A description of how the consortium will establish leadership and competitiveness in spatial computing, including how it will promote innovative processes for domestic manufacturing of spatial computing technology products;

(d) A description of how the consortium will create educational and work placement opportunity programs to recruit, train, and retain underrepresented populations in the technology sector; and

(e) A description of how the consortium will develop case studies and skill-based workforce training and company-based education programs in spatial computing.

Competitive Preference Priority: This priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award up to an additional 10 points to an application, depending on how well the application meets the priority.

The priority is:

Leveraging Industry Partnerships to Provide Job-Embedded Experiences for Students in Spatial Computing Technologies (up to 10 points).

Projects that are designed to increase the proportion of underrepresented students with the skill sets necessary to meet industry demands in spatial computing by providing high-quality, paid, job-embedded opportunities that could potentially lead to stackable credentials in the field.

Definitions: In accordance with section 437(d)(1) of GEPA, we are establishing definitions for ''Minority-Serving Institutions,'' ''underrepresented students,'' and ''spatial computing.'' The definitions of ''demonstrates a rationale,'' ''logic model,'' ''project component,'' and ''relevant outcomes'' are from 34 CFR 77.1.

Demonstrates a rationale means a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Note: In developing logic models, applicants may want to use resources such as the Regional Educational Laboratory Program's (REL Pacific) Education Logic Model Application, available at *https://ies.ed.gov/ncee/edlabs/regions/pacific/elm.asp.* Other sources include: *https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL_2014025.pdf, https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL_2014007.pdf,* and *https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2015057.pdf.*

Minority-Serving Institution (MSI) means an institution that is eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the Higher Education Act of 1965, as amended.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

Spatial computing means the digitization of activities of machines, people, objects, and the environments in which they take place to enable and optimize actions and interactions.

Underrepresented students means students enrolled in postsecondary, career, or technical education who are in one or more of the following subgroups:

(i) A student who is living in poverty.

(ii) A student who is American Indian, Alaskan Native, Asian American, Black, Hispanic or Latino, Native Hawaiian, and/or Pacific Islander.

(iii) A student who is female.

(iv) A student who is lesbian, gay, bisexual, transgender, questioning, queer, or intersex (LGBTQI+).

(v) A student with a disability.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, selection criteria, definitions, and other requirements. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements regulations governing the first grant

[1] *www.uctoday.com/unified-communications/what-is-spatial-computing-the-basics/*

[2] *www.ptc.com/en/blogs/corporate/what-is-spatial-computing*

competition under a new or substantially revised program authority. This is the first grant competition for this program under 20 U.S.C. 1033a, and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the priorities, definitions, and requirements under section 437(d)(1) of GEPA. These priorities, definitions, and requirements will apply to the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

Program Authority: 20 U.S.C. 1138–1138d; the Explanatory Statement accompanying Division H of the Consolidated Appropriations Act, 2022 (Pub. L. 117–103).

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: $1,980,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $990,000 to $1,980,000.

Estimated Average Size of Awards: $990,000.

Maximum Award: We will not make an award exceeding $1,980,000 for the entire project period of 36 months.

Estimated Number of Awards: 1–2.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* A consortium of public and private nonprofit IHEs that includes at least one Historically Black College or University (HBCU), Tribally Controlled College and University (TCCU), or other Minority-Serving Institution (as defined in this notice).

Note: In addressing the absolute priority, please identify each IHE that is an HBCU, TCCU, or MSI.

2. a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program limits a grantee's indirect cost reimbursement to eight percent of a modified total direct cost base. We are establishing this indirect cost limit for the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition in accordance with section 437(d)(1) of GEPA. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979,* which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the CESC grant program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program [competition]. Please note that, under 34 CFR 79.8(a), we have shortened the standard 60-day intergovernmental review period in order to make awards before these funds expire.

4. *Funding Restrictions:* We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages and (2) use the following standards:

- A ''page'' is 8.5'' x 11'', on one side only, with 1'' margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger, and no smaller than 10-pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210. The points assigned to each criterion are indicated in the parentheses next to the criterion. An application may earn up to a total of 100 points based on the selection criteria. Applications may receive up to 10 additional points under the competitive preference priority, for a total score of up to 110 points. All applications will be evaluated based on the selection criteria as follows:

(a) *Significance.* (Maximum 25 points)

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project is likely to yield findings that may be utilized by other appropriate agencies and organizations. (up to 5 points)

(ii) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies. (up to 10 points)

(iii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement. (5 points)

(iv) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies. (up to 5 points)

(b) *Quality of the project design.* (Maximum 45 points)

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students. (up to 10 points)

(ii) The extent to which the proposed activities constitute a coherent, sustained program of training in the field. (up to 10 points)

(iii) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance. (up to 10 points)

(iv) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition. (up to 10 points)

(v) The extent to which the proposed project demonstrates a rationale (as defined in this notice). (up to 5 points)

(c) *Quality of project personnel.* (Maximum 10 points)

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(d) *Adequacy of resources.* (Maximum 5 points)

(1) The Secretary considers the adequacy of the resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(e) *Quality of the management plan.* (Maximum 5 points)

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(f) *Quality of the project evaluation.* (Maximum 10 points)

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project. (up to 5 points)

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (up to 5 points)

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

For this competition, a panel of external reviewers will read, prepare a written evaluation of, and score all eligible applications using the selection criteria and the competitive preference priority, if applicable, provided in this notice. The individual scores of the reviewers will be added and the sum divided by the number of reviewers to determine the peer review score. The Department may use more than one tier of reviews in evaluating grantees. The Department will prepare a rank order of applications based solely on the evaluation of their quality according to the selection criteria and competitive preference priority points.

In the event there are two or more applications with the same final score in the rank order listing, and there are insufficient funds to fully support each of these applications, the Department will apply the following procedure to determine which application or applications will receive an award:

First Tiebreaker: The first tiebreaker will be the highest average score for the selection criterion ''Quality of the Project Design.'' If a tie remains, the second tiebreaker will be utilized.

Second Tiebreaker: The second tiebreaker will be the highest average score for the selection criterion ''Significance.'' If a tie remains, the third tiebreaker will be utilized.

Third Tiebreaker: The third tiebreaker will be the highest average score for the selection criterion ''Project Evaluation.'' If a tie remains, the fourth tiebreaker will be utilized.

Fourth Tiebreaker: The fourth tiebreaker will be the highest average score for the competitive preference

priority. If a tie remains, the fifth tiebreaker will be utilized.

Fifth Tiebreaker: The fifth tiebreaker will be the consortium with the highest percentage of Pell Grant students enrolled at the time of application.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgement about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* For purposes of Department reporting under 34 CFR 75.110, the Department will use the following performance measures to evaluate the success of the CESC grant program:

(a) The number and percentage of underrepresented students served by the project.

(b) The number and percentage of students placed in paid job-embedded experiences in the spatial computing sector.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

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

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

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

Nasser H. Paydar,

Assistant Secretary for Postsecondary Education.

[FR Doc. 2022–20474 Filed 9–21–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC22–120–000.

Applicants: ABN Energy, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of ABN ENERGY, LLC.

Filed Date: 9/14/22.

Accession Number: 20220914–5152.

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

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

Docket Numbers: EL22–76–000; QF22–777–001.

Applicants: Rocktown Solar, LLC, Rocktown Solar, LLC.

Description: Amended Application for Order Reinstating the Obligation to Purchase Under 18 CFR 292.311 of Rocktown Solar, LLC.

Filed Date: 9/13/22.

Accession Number: 20220913–5130.

Comment Date: 5 p.m. ET 10/11/22.

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

Docket Numbers: ER19–469–005.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Supplemental Information to Amend Effective Date in ER19–469 to be effective 12/31/9998.

Filed Date: 9/16/22.

Accession Number: 20220916–5147.

Comment Date: 5 p.m. ET 10/7/22.

Docket Numbers: ER22–2863–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 404, Indemnification Agreement with AES to be effective 8/18/2022.

Filed Date: 9/15/22.

Accession Number: 20220915–5206.

Comment Date: 5 p.m. ET 10/6/22.

Docket Numbers: ER22–2864–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 405, E&P Agreement between APS & CO Bar Solar to be effective 8/16/2022.

Filed Date: 9/15/22.

Accession Number: 20220915–5212.

Comment Date: 5 p.m. ET 10/6/22.

Docket Numbers: ER22–2865–000.

Applicants: Public Service Company of New Mexico.

Description: § 205(d) Rate Filing: Executed Engineering and Procurement Agreement between PNM and Artisco Solar LLC to be effective 8/18/2022.

Filed Date: 9/15/22.

Accession Number: 20220915–5228.

Comment Date: 5 p.m. ET 10/6/22.

Docket Numbers: ER22–2866–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: UAMPS TSOA Rev 6 to be effective 11/15/2022.

Filed Date: 9/16/22.

Accession Number: 20220916–5033.

Comment Date: 5 p.m. ET 10/7/22.

Docket Numbers: ER22–2867–000.

Applicants: Bluegrass Solar, LLC.

Description: Baseline eTariff Filing: Reactive Power Compensation Baseline to be effective 10/1/2022.

Filed Date: 9/16/22.

Accession Number: 20220916–5036.

Comment Date: 5 p.m. ET 10/7/22.

Docket Numbers: ER22–2868–000.

Applicants: Public Service Company of New Mexico.

Description: Notice of Cancellation of Rate Schedule No. 60 of Public Service Company of New Mexico.

Filed Date: 9/15/22.

Accession Number: 20220915–5306.

Comment Date: 5 p.m. ET 10/6/22.

Docket Numbers: ER22–2869–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2022–09–16_SA 4030 Termination of GridLiance Heartland LLC Att KK–1 to be effective 9/1/2022.

Filed Date: 9/16/22.

Accession Number: 20220916–5093.

Comment Date: 5 p.m. ET 10/7/22.

Docket Numbers: ER22–2870–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2022–09–16_Revisions to Attachment EE for Authorized Requestors to be effective 11/16/2022.

Filed Date: 9/16/22.

Accession Number: 20220916–5094.

Comment Date: 5 p.m. ET 10/7/22.

Docket Numbers: ER22–2871–000.

Applicants: Duke Energy Florida, LLC.

Description: § 205(d) Rate Filing: DEF–TECO RS 80 to be effective 11/22/2022.

Filed Date: 9/16/22.

Accession Number: 20220916–5099.

Comment Date: 5 p.m. ET 10/7/22.

Docket Numbers: ER22–2872–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: First Revised ISA No. 3796; Queue No. AD1–118 to be effective 8/17/2022.

Filed Date: 9/16/22.

Accession Number: 20220916–5110.

Comment Date: 5 p.m. ET 10/7/22.

Docket Numbers: ER22–2873–000.

Applicants: Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: DEC—Revisions to MBR Tariffs Vols 3 and 5 to be effective 11/16/2022.

Filed Date: 9/16/22.

Accession Number: 20220916–5117.

Comment Date: 5 p.m. ET 10/7/22.

Docket Numbers: ER22–2874–000.

Applicants: Duke Energy Florida, LLC.

Description: § 205(d) Rate Filing: DEF-Revisons to MBR Vols. 8, 10 to be effective 11/16/2022.

Filed Date: 9/16/22.

Accession Number: 20220916–5129.

Comment Date: 5 p.m. ET 10/7/22.

Docket Numbers: ER22–2875–000.

Applicants: Duke Energy Ohio, Inc.

Description: § 205(d) Rate Filing: DEO- MBR Revisions Vo. 1 to be effective 11/16/2022.

Filed Date: 9/16/22.
Accession Number: 20220916–5144.
Comment Date: 5 p.m. ET 10/7/22.
Docket Numbers: ER22–2876–000.
Applicants: FirstLight Power Management LLC.
Description: Baseline eTariff Filing: IROL–CIP Rate Schedule to be effective 9/16/2022.
Filed Date: 9/16/22.
Accession Number: 20220916–5145.
Comment Date: 5 p.m. ET 10/7/22.
Docket Numbers: ER22–2877–000.
Applicants: Duke Energy Kentucky, Inc.
Description: § 205(d) Rate Filing: DEK–MBR Revisions Vol 1 to be effective 11/16/2022.
Filed Date: 9/16/22.
Accession Number: 20220916–5152.
Comment Date: 5 p.m. ET 10/7/22.
Docket Numbers: ER22–2878–000.
Applicants: Duke Energy Indiana, LLC.
Description: § 205(d) Rate Filing: DEI—MBR Revions Vols. 1, 9 to be effective 11/16/2022.
Filed Date: 9/16/22.
Accession Number: 20220916–5155.
Comment Date: 5 p.m. ET 10/7/22.
Docket Numbers: ER22–2879–000.
Applicants: Duke Energy Progress, LLC.
Description: § 205(d) Rate Filing: DEP–MBR Revisions Vols 4, 5, 7 to be effective 11/16/2022.
Filed Date: 9/16/22.
Accession Number: 20220916–5163.
Comment Date: 5 p.m. ET 10/7/22.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC22–3–000.
Applicants: I Squared Capital.
Description: I Squared Capital submits Notice of Self-Certification of Foreign Utility Company Status.
Filed Date: 9/14/22.
Accession Number: 20220914–5104.
Comment Date: 5 p.m. ET 10/5/22.

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

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

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

Dated: September 16, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–20531 Filed 9–21–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2859–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Bluestone Wind, LLC

This is a supplemental notice in the above-referenced proceeding of Bluestone Wind, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 6, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: September 16, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–20527 Filed 9–21–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–15–000]

Notice of Availability of the Draft Environmental Impact Statement for the Texas Eastern Transmission, LP Proposed Venice Extension Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Venice Extension Project, proposed by Texas Eastern Transmission, LP (Texas Eastern) in the above-referenced docket. Texas Eastern requests authorization to provide firm natural gas transportation service for up to 1,260,000 dekatherms per day on its existing Line 40 to an interconnection with a pipeline lateral to be constructed, owned, and operated by Venture Global Gator Express, LLC, with ultimate delivery to Venture Global Plaquemines LNG, LLC Liquified Natural Gas (LNG) Terminal, which is currently under development in Plaquemines Parish, Louisiana.

The draft EIS assesses the potential environmental effects of the construction and operation of the

Venice Extension Project in accordance with the requirements of the National Environmental Policy Act. With the exception of climate change impacts, FERC staff concludes that approval of the proposed project, with the mitigation measures recommended in the EIS, would not result in significant environmental impacts. Climate change impacts are not characterized in the EIS as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conduct climate change significance determinations going forward. FERC staff is unable to determine the significance level of climate change impacts.

The draft EIS addresses the potential environmental effects of: the (i) construction and operation of an approximately 3.0-mile-long, 36-inch-diameter pipeline segment on Texas Eastern's Line 40 in Pointe Coupee Parish; (ii) abandonment in place of a 2.2-mile-long, 36-inch-diameter existing pipeline segment on Line 40 in Pointe Coupee Parish; (iii) construction of a new proposed 31,900 horsepower (hp) compressor station (New Roads Compressor Station) and metering and regulating (M&R) facilities in Pointe Coupee Parish; (iv) abandonment in place of the existing, inactive 19,800 hp compressor unit at Texas Eastern's existing White Castle Compressor Station in Iberville Parish, Louisiana, and the existing, inactive 19,800 hp compressor unit at its existing Larose Compressor Station in Lafourche Parish, Louisiana; (v) installation of one new 31,900 hp compressor unit and related appurtenances at both White Castle and Larose compressor stations; and (vi) upgrades at its Gator Express M&R [1] facility on an open water platform in Plaquemines Parish.

The Commission mailed a copy of the *Notice of Availability of the Draft Environmental Impact Statement for the Venice Extension Project* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The draft EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environmental-overview/environmental-documents-2022*). In addition, the draft EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search,'' and enter the docket number in the ''Docket Number'' field (*i.e.,* CP22–15). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The draft EIS is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the draft EIS may do so. Your comments should focus on the draft EIS's disclosure and discussion of potential environmental effects; measures to avoid or lessen environmental impacts; and the completeness of the submitted alternatives, information, and analyses. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on November 7, 2022.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

1. You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link toFERC Online. This is an easy method for submitting brief, text-only comments on a project;

2. You can file your comments electronically by using the eFiling feature also on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type;

3. You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP22–15–000) on your letter. Submissions sent via the United States 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, MD 20852; or

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding, which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Questions?

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://ferconline.ferc.gov/FERCOnline.aspx* to register for eSubscription.

Dated: September 16, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–20525 Filed 9–21–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2858–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Ball Hill Wind Energy, LLC

This is a supplemental notice in the above-referenced proceeding of Ball Hill Wind Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 6, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: September 16, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–20526 Filed 9–21–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

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

Filings in Existing Proceedings

Docket Numbers: RP22–1180–001.

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

Description: Tariff Amendment: Amendment to Fuel_Lost Unaccounted For Update to be effective 10/1/2022.

Filed Date: 9/16/22.

Accession Number: 20220916–5004.

Comment Date: 5 p.m. ET 9/23/22.

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

Filings Instituting Proceedings

Docket Numbers: RP22–1215–000.

Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Filed Agreements Housekeeping to be effective 9/15/2022.

Filed Date: 9/15/22.

Accession Number: 20220915–5154.

Comment Date: 5 p.m. ET 9/27/22.

Docket Numbers: RP22–1216–000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: FOSA Updates to be effective 11/1/2022.

Filed Date: 9/15/22.

Accession Number: 20220915–5194.

Comment Date: 5 p.m. ET 9/27/22.

Docket Numbers: RP22–1217–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: § 4(d) Rate Filing: Non-Conforming Negotiated Rate Agreement Filing-Kiowa Power Partners, LLC to be effective 10/18/2022.

Filed Date: 9/16/22.

Accession Number: 20220916–5058.

Comment Date: 5 p.m. ET 9/28/22.

Docket Numbers: RP22–1218–000.

Applicants: Sea Robin Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Reservation Charge Credit and other Revisions to be effective 10/16/2022.

Filed Date: 9/16/22.

Accession Number: 20220916–5064.

Comment Date: 5 p.m. ET 9/28/22.

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

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

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

Dated: September 16, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–20530 Filed 9–21–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2022–0132; FRL–9411–08]

Certain New Chemicals; Receipt and Status Information for August 2022

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA section 5, including notice of receipt of a Premanufacture notice (PMN),

Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from 08/01/2022 to 08/31/2022.

DATES: Comments identified by the specific case number provided in this document must be received on or before October 24, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2022–0132, through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Rahai, Project Management and Operations Division (MC 7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is the Agency taking?

This document provides the receipt and status reports for the period from 08/01/2022 to 08/31/2022. The Agency is providing notice of receipt of PMNs, SNUNs, and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

B. What is the Agency's authority for taking this action?

Under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* a chemical substance may be either an ''existing'' chemical substance or a ''new'' chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a ''new chemical substance,'' while a chemical substance that is listed on the TSCA Inventory is classified as an ''existing chemical substance.'' (See TSCA section 3(11).) For more information about the TSCA Inventory please go to: *https://www.epa.gov/tsca-inventory.*

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN, or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for ''test marketing'' purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *https://www.epa.gov/oppt/newchems.*

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

C. Does this action apply to me?

This action provides information that is directed to the public in general.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

E. What should I consider as I prepare my comments for EPA?

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of 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 preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/comments.html.*

II. Status Reports

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL–4942–7). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of

such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

III. Receipt Reports

For the PMN/SNUN/MCANs that have passed an initial screening by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices screened by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.,* domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter ''A'' (*e.g.*, P–18–1234A). The version column designates submissions in sequence as ''1'', ''2'', ''3'', etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS APPROVED* FROM 08/01/2022 TO 08/31/2022

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
J–22–0017	1	08/09/2022	CBI	(G) Production of an enzyme	(G) Microorganisms transformed to express an enzyme.
J–22–0017A	2	08/22/2022	CBI	(G) Production of an enzyme	(G) Microorganisms transformed to express an enzyme.
J–22–0018	1	08/09/2022	CBI	(G) Production of an enzyme	(G) Microorganisms transformed to express an enzyme.
J–22–0018A	2	08/22/2022	CBI	(G) Production of an enzyme	(G) Microorganisms transformed to express an enzyme.
P–18–0057A	16	08/01/2022	CBI	(S) A drier accelerator that is used for superior drying performance in solvent-borne and waterborne air dried paints, inks and coatings.	(G) Vanadium Carboxylate.
P–18–0162A	6	07/27/2022	CBI	(G) Adhesive component	(G) Cashew nutshell liquid, polymer with diisocyanatoalkane, substituted-polyoxyalkyldiol and polyether polyol.
P–21–0016A	3	08/08/2022	CBI	(G) Paint additive, Additive in coating formulations, Component in cleaning agents.	(G) Alkanoic acid, dialkyl ester.
P–21–0138A	4	08/04/2022	LG Energy Solution Michigan, Inc.	(S) Electrode material for use in the manufacture of batteries.	(G) Lithium metal oxide.
P–22–0017A	3	08/03/2022	Sasol Chemicals (USA), LLC.	(S) Alkylate for polymer esters	(S) 1-Eicosanol, manuf. of, distn., residues.
P–22–0017A	4	08/11/2022	Sasol Chemicals (USA), LLC.	(S) Alkylate for polymer esters	(S) 1-Eicosanol, manuf. of, distn., residues.
P–22–0028A	4	08/12/2022	H.B. Fuller Company	(S) Industrial Adhesive	(G) Polyester with 1,4-benzenedicarboxylic acid, 1,4-dimethyl 1,4-benzebedicarboxylate, 2,2-dimethyl-1,3-propanediol, dodecanedioic acid, 1,2-ethanediol, aliphatic polyester, 3-hydroxy-2,2-dimethylpropyl 3-hydroxy-2,2-dimethylpropanoate, 1,3-isobenzofurandione and 1,1′-methylenebis[4-isocyanatobenzene].
P–22–0029A	4	08/12/2022	H.B. Fuller Company	(S) Industrial Adhesive	(G) Polyester with 1,4-benzenedicarboxylic acid, 1,4-dimethyl 1,4-benzebedicarboxylate, 2,2-dimethyl-1,3-propanediol, dodecanedioic acid, 1,2-ethanediol, aliphatic polyester, 3-hydroxy-2,2-dimethylpropyl 3-hydroxy-2,2-dimethylpropanoate, 1,3-isobenzofurandione and 1,1′-methylenebis[isocyanatobenzene].
P–22–0030A	4	08/12/2022	H.B. Fuller Company	(S) Industrial Adhesive	(G) Polyester with 1,4-benzenedicarboxylic acid, 2,2-dimethyl-1,3-propanediol, dodecanedioic acid, 1,2-ethanediol, aliphatic polyester, 3-hydroxy-2,2-dimethylpropyl 3-hydroxy-2,2-dimethylpropanoate, 1,3-isobenzofurandione and 1,1′-methylenebis[4-isocyanatobenzene].
P–22–0031A	4	08/12/2022	H.B. Fuller Company	(S) Industrial Adhesive	(G) Polyester with 1,4-benzenedicarboxylic acid, 2,2-dimethyl-1,3-propanediol, dodecanedioic acid, 1,2-ethanediol, aliphatic polyester, 3-hydroxy-2,2-dimethylpropyl 3-hydroxy-2,2-dimethylpropanoate, 1,3-isobenzofurandione and 1,1′-methylenebis[isocyanatobenzene].
P–22–0053	3	08/02/2022	CBI	(G) Additive in agricultural formulations.	(S) Ethanol, 2-amino-, compds. with polyethylene glycol hydrogen sulfate C10-16-alkyl ether.
P–22–0058	2	08/15/2022	Solvay Fluorides, LLC	(G) Process chemical	(S) Methanesulfonamide,1,1,1-trifluoro-N-[(trifluoromethyl)sulfonyl]-, sodium salt (1:1).
P–22–0058A	3	08/19/2022	Solvay Fluorides, LLC	(G) Process chemical	(S) Methanesulfonamide,1,1,1-trifluoro-N-[(trifluoromethyl)sulfonyl]-, sodium salt (1:1).

TABLE I—PMN/SNUN/MCANS APPROVED* FROM 08/01/2022 TO 08/31/2022—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–22–0093	2	07/28/2022	CBI	(G) Additive used for pigment stabilization.	(G) Alkenoic acid, alkyl-substituted alkyl ester, polymer with (polyalkylamino)alkyl alkylalkenoate, alkyl-substituted alkylalkenoate, alpha-(alkyl-oxo-alkenyl)-omega-alkoxypoly(oxy-1,2-ethanediyl), [(alkoxy-alkyl-alkenyl)oxy]polyalkylsilane-initiated, compds. with polyethylene glycol phosphoric acid based alkyl ether.
P–22–0121A	2	07/28/2022	CBI	(G) Process Intermediate: New chemical substance will be used as a process intermediate.	(G) polychloroalkene.
P–22–0130A	3	08/19/2022	Integrity Bio-chemical, LLC.	(S) Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial); Emulsifier, surface reduction household and industrial detergents; wetting agent personal care; wetting agent- agriculture; surfactants—as raw materials for use in the manufacture of industrial products and consumer and household products.	(S) Maltodextrin, octanoate.
P–22–0131A	3	08/19/2022	Integrity Bio-chemical, LLC.	(S) Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial); Emulsifier, Surface reduction household and industrial detergents; Emulsifier, Wetting agent Personal care; Wetting agent—Agriculture; Surfactants—as raw materials for use in the manufacture of industrial products and consumer and household products.	(S) Maltodextrin, hexadecanoate.
P–22–0132A	3	08/19/2022	Integrity Bio-chemical, LLC.	(S) Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial); Emulsifier, Surface reduction Household and industrial detergents; Emulsifier, Wetting agent Personal care; Wetting agent—Agriculture; Surfactants—as raw materials for use in the manufacture of industrial products and consumer and household products.	(S) Maltodextrin, decanoate.
P–22–0133A	3	08/19/2022	Integrity Bio-chemical, LLC.	(S) Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial); Emulsifier, Surface reduction formulation of household and industrial detergents; Emulsifier, Wetting agent Personal care; Wetting agent—Agriculture; Surfactants—as raw materials for use in the manufacture of personal care and household care products (*e.g.,* cleaners).	(S) Maltodextrin, octadecanoate.
P–22–0134A	3	08/19/2022	Integrity Bio-chemical, LLC.	(S) Surfactants—as raw materials for use in the manufacture of personal care and household care products (*e.g.,* cleaners); Wetting agent—Agriculture, Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial); Emulsifier, Surface reduction formulation of household and industrial detergents; Emulsifier, Wetting agent Personal care.	(S) Maltodextrin, dodecanoate.
P–22–0135A	3	08/19/2022	Integrity Bio-chemical, LLC.	(S) Emulsifier, Wetting agent Personal care; Emulsifier, Surface reduction formulation of household and industrial detergents; Wetting agent—Agriculture; Surfactants—as raw materials for use in the manufacture of personal care and household care products (*e.g.,* cleaners); Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial).	(S) Maltodextrin, tetradecanoate.
P–22–0139	3	08/11/2022	CBI	(G) Antioxidant/Process Stabilizer	(G) dialkylhydroxylamine.
P–22–0144A	2	07/27/2022	United Color Manufacturing.	(G) Intermediate	(G) Alkylated PhenylNaphthylamine.
P–22–0147A	3	08/18/2022	VP Racing Fuels, Inc	(S) Feedstock for Gasoline to include Racing Fuels.	(S) Hydrocarbons, C5-10.
P–22–0149	3	08/08/2022	Colonial Chemical, Inc	(S) All purpose hard surface cleaner; Low foam floor scrubber; Spray Metal Cleaning Concentrate.	(S) Hexanoic acid, 3,5,5-trimethyl-, sodium salt (1:1).
P–22–0152	1	07/26/2022	CBI	(G) Photolithography	(G) Sulfonium, tricabocyclic-, 2-heteroatom-substituted-4-alkylcarbomonocyclecarboxylate (1:1).

TABLE I—PMN/SNUN/MCANs APPROVED* FROM 08/01/2022 TO 08/31/2022—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–22–0153	2	08/18/2022	Huntsman International, LLC.	(S) Notified substance will be used as an adhesion promoter in a resin used for adhesive and/or sealants in industrial assembly or manufacturing operations. Through small scale application on assembly line, manual use, or automated use by dispensing unit; Notified substance will be used as an adhesion promoter in a resin used for adhesive and/or sealants in outdoor repair operations by professional workers. Application of adhesives and primers outdoors. Small scale application of adhesives, sealants or primers. Small scale application of reactive adhesives and sealants. Application of reactive sealants.	(S) 2-Propenoic acid, 2-methyl-, 2-hydroxyethyl ester, reaction products with 2-oxepanone homopolymer 2-[(2-methyl-1-oxo-2-propen-1-yl) oxy]ethyl] ester and phosphorous oxide (P2O5).
P–22–0154	1	07/26/2022	Givaudan Fragrances Corp.	(G) Fragrance ingredient for use in laundry applications.	(G) Acetyl, alkyl, alkenoic acid, ethyl ester.
P–22–0155	1	08/01/2022	CBI	(G) Physical property modifier for polyurethanes; Modifier for polyurethane blends.	(G) 2-alkyl-1,2-heteropolycycle-3-one.
P–22–0156	1	08/08/2022	CBI	(G) Epoxy additive	(G) Alkyl substituted carbopolycyclic acids, fumarated, and heteromonocyclic esters.
P–22–0157	1	08/10/2022	Evonik Corporation	(S) Polyurethane catalyst	(S) 1,2-Ethanediamine, N1,N2-dimethyl-N1-(1-methylethyl)-N2-[2-[methyl(1-methylethyl)amino]ethyl]-.
P–22–0158	1	08/11/2022	Aqdot	(G) Additive used in consumer, commercial, and industrial applications.	(S) 1H,4H,14H,17H-2,16:3,15-Dimethano-5H,6H,7H,8H,9H,10H,11H, 12H,13H,18H,19H,20H,21H, 22H,23H,24H,25H,26H-2,3,4a,5a,6a,7a,8a, 9a,10a,11a,12a,13a,15,16,17a,18a,19a,20a, 21a,22a,23a,24a,25a,26a-tetracosaaza bispentaleno[1‴,6‴:5″,6″,7″]cycloocta[1″,2″,3″:3′, 4′]pentaleno[1′,6′:5,6,7]cycloocta[1,2,3-gh:1′,2′,3′-g′h′]cycloocta[1,2,3-cd:5,6,7-c′d′]dipentalene-1,4,6,8,10,12,14,17,19,21,23,25-dodecone, dodecahydro-, stereoisomer;(S) 2,18:3,17-Dimethano-2,3,4a,5a,6a,7a,8a,9a,10a, 11a,12a,13a,14a,15a, 17,18,19a,20a,21a,22a,23a,24a,25a,26a, 27a,28a,29a,30aoctacosaazabispentaleno[1‴′,6⁗‴:5‴,6⁗,7⁗]cycloocta[1‴,2‴,3‴:3‴,4″] pentaleno[1‴,6‴:5″,6″,7″]cycloocta [1″,2″,3″:3′,4′]pentaleno[1′,6′:5,6,7]cycloocta [1,2,3-cd:1′,2′,3′-gh]pentalene-1,4,6,8,10,12,14, 16,19,21,23,25,27,29-tetradecone, tetradecahydro-, stereoisomer;(S) 2,20:3,19-Dimethano-2,3,4a,5a,6a, 7a,8a,9a,10a,11a,12a,13a,14a, 15a,16a,17a,19,20,21a,22a,23a,24a,25a, 26a,27a,28a,29a,30a,31a,32a,33a,34adotriacontaazabispentaleno[1⁗‴,6⁗‴:5⁗‴,6⁗‴,7⁗‴]cycloocta [1⁗‴,2⁗‴,3⁗‴:3‴,4⁗]pentaleno[1‴,6‴:5″,6″,7″] cycloocta[1″,2″,3″:3′,4′]pentaleno[1′,6′:5,6,7] cycloocta[1,2,3-gh:1′,2′,3′-g′h′]cycloocta[1,2,3-cd:5,6,7-c′d′]dipentalene-1,4,6,8,10,12,14, 16,18,21,23,25,27,29,31,33-hexadecone, hexadecahydro-, stereoisomer.
P–22–0159	1	08/12/2022	CBI	(G) Additive	(G) Poly[oxy(methyl-1,2-ethanediyl)], alpha-hydro-omega-hydroxy-, polymer with 1,3-diisocyanatomethylbenzene, alkoxyl methacrylate-blocked.
P–22–0160	1	08/12/2022	Cytec Industries, Inc	(G) Industrial process chemical	(S) 1lambda5-2,1-Benzoxaphosphol-3(1H)-one, 1,1-dicyclohexyl-.
P–22–0161	1	08/12/2022	CBI	(G) Photolithography	(G) Sulfonium, tricarbocyclic-, salt with [polyhydro-2-alkyl-5-(polyhalo-2-heteroalkyl)-alkano-1,3-hetropolycyclic]alkyl polyhaloaryl ester (1:1).
P–22–0162	3	08/15/2022	CBI	(S) Intermediate used in the production of para-xylene (pX),(S) Flexible intermediate used in the production of FDCA/PET and other specialty chemicals.	(G) Haloalkylfurancarboxaldehyde.
P–22–0167	1	08/26/2022	CBI	(G) Photolithography	(G) 1,2-Cycloalkanedicarboxylic acid, 1,2-bis(2-oxiranylalkyl) ester, reaction products with unsaturated carboxylic acid.

TABLE I—PMN/SNUN/MCANS APPROVED* FROM 08/01/2022 TO 08/31/2022—CONTINUED

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
SN–22–0002A ...	3	08/26/2022	Eastman Chemical Company, Inc.	(S) Solvent-borne coatings; Dispersions for industrial coatings (*e.g.,* polyurethane, acrylic, epoxy); Current, Approved Use: Paint removers; Current, Approved Use: Solvent for formulation of active ingredients for agriculture-end use pesticide product; Current, Approved Use: Solvent for production and formulation of active ingredients for agriculture; Current, Approved Use: Solvents for production and formulation of fertilizer; Current, Approved Use: Paint stripper only for industrial use; Current, Approved Use: Petrochemical extraction processes; Current, Approved Use: Wax inhibitors (in hydrocarbon lines); Current, Approved Use: Solvent for cleaning industrial reactors; Current, Approved Use: Industrial cleaner (*e.g.,* cleaner for wind turbine, oil rigs, large engines); Current, Approved Use: Formulation of inks; Current, Approved Use: Coatings for microelectronics (*e.g.,* casting of polymer films) in clean rooms; Current, Approved Use: Solvent for chemical synthesis reactions; Current, Approved Use: Reaction medium for polymerization, polymer coatings for industrial and professional applications (*e.g.,* wire enamel, non-stick and friction reduction coating) membranes; Current, Approved Use: Photoresist stripping in microelectronics in clean rooms; Current, Approved Use: Silicon wafer cleaning in microelectronics in clean rooms; Current, Approved Use: Solvent-borne industrial coatings; Current, Approved Use: Adhesives and sealants; Current, Approved Use: Coating for consumer and professional use; (G) Industrial Cleaner; Solvent for article production; Reprocessing; Reaction medium for polymerization, polymer coatings for industrial and professional applications; Coatings for commercial use, spray coating; Consumer use other than brush on; Coatings for consumer use, brush on coatings.	(S) 2-Pyrrolidinone, 1-butyl-.
SN–22–0007A ...	3	08/16/2022	Braven Environmental, LLC.	(G) Product of Pyrolysis manufacturing	(S) Waste plastics, pyrolyzed, C5-12 fraction.
SN–22–0008A ...	3	08/16/2022	Braven Environmental, LLC.	(G) Product of Pyrolysis Manufacturing	(S) Waste plastics, pyrolyzed, C20-55 fraction.
SN–22–0009A ...	3	08/16/2022	Braven Environmental, LLC.	(G) Product of Pyrolysis Manufacturing	(S) Waste plastics, pyrolyzed, C9-20 fraction.
SN–22–0010A ...	2	08/05/2022	CBI	(S) Monomer chemical, reactive diluent in UV coating formulations (this is new use); Reactive diluent for 3D printing formulations (existing use, approved by PMN P18–0392); Monomer or reactive diluent in UV-inkjet and screen printing ink formulations (existing use, approved by PMN P–18–0392); Reactive diluent, additive in UV adhesive formulations (this is new use).	(S) 2-Oxazolidinone, 3-ethenyl-5-methyl-.

*The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission prior to the start of the 90 day review period, and in no way reflects the final status of a complete submission review.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the type of amendment (*e.g.,* amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCS APPROVED * FROM 08/01/2022 TO 08/31/2022

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
J–22–0011	07/27/2022	07/25/2022	N	(G) Biofuel producing saccharomyces cerevisiae modified, genetically stable.
P–11–0242A ...	08/02/2022	07/09/2021	Revised generic name and added manufacturing/import site.	(G) Bicycloolefinic hydroxyester.
P–15–0734	08/11/2022	08/02/2022	N	(G) Acrylate, polymer with substituted ethyleneamine.
P–18–0289A ...	08/17/2022	06/22/2022	Revised generic name	(G) 2-(2(phenylmethylene)amino)ethoxy)-alcohol.
P–18–0290A ...	08/17/2022	06/22/2022	Revised generic name	(G) Phenyl-oxazolidine.
P–19–0046	08/24/2022	05/03/2019	N	(S) 1,2,4-benzenetricarboxylic acid, mixed decyl and octyl triesters.
P–19–0143	08/07/2022	07/21/2022	N	(G) Aldehyde, polymer with mixed alkanepolyamines, 2,2-[1,4-alkanediylbis (oxyalkylene)] bis[oxirane], 2-(alkoxyalkyloxirane, 4,4-(1-alkylidene)bis[phenol], 2,2-[(1-alkylidene)bis (4,1-alkyleneoxyalkylene)]bis[oxirane] and 2-(aryloxyalkyl)oxirane, acetate (salt).
P–19–0144	08/07/2022	07/21/2022	N	(G) Alkanedioic acid, compds. with substituted arylalkylamine-arylalcohol disubstituted alkane—the diglycidyl ether of a arylalcohol disubstituted alkane-epichlorohydrin-aldehyde-2,2-[(1-alkylidene)bis[4,1-aryleneoxy(alkyl-2,1-alkanediyl) oxyalkylene]]bis[oxirane]-alkanepolyamine polymer-1-[[2-[(2-aminoalkyl)amino]alkyl]amino]-3-aryloxy-2-alcohol reaction products.
P–20–0127	08/29/2022	08/23/2022	N	(S) 2h-pyran, tetrahydro-4-methyl-.
P–21–0196	08/17/2022	07/20/2022	N	(S) 5h-1,2-oxathiole, 2,2-dioxide.
P–21–0197	08/17/2022	07/20/2022	N	(G) Imidazole-carboxylic acid, substituted.

* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that has been received during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 08/01/2022 TO 08/31/2022

Case No.	Received date	Type of test information	Chemical substance
P–15–0443	08/10/2022	90-Day Inhalation Toxicity Testing (OECD Test Guideline 413).	(G) Rare earth doped zirconium oxide.
P–16–0543	08/03/2022	Industrial Hygiene Exposure Report.	(G) Halogenophosphoric acid metal salt.

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: September 15, 2022.

Pamela Myrick,

Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2022–20472 Filed 9–21–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0070; FRL–10230–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Flexible Vinyl and Urethane Coating and Printing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Flexible Vinyl and Urethane Coating and Printing (EPA ICR Number 1157.13, OMB Control Number 2060–0073), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2022. Public comments were previously requested, via the **Federal Register**, on April 8, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 24, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2022–0070, online using *https://www.regulations.gov/* (our preferred method), or by email to *docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

The EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov,* or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for Flexible Vinyl and Urethane Coating and Printing were proposed on January 18, 1983; promulgated on June 29, 1984; and amended on October 17, 2000. These regulations apply to facilities with rotogravure printing lines used to either print or coat flexible vinyl or urethane products for which construction, modification or reconstruction commenced after January 18, 1983. This information is being collected to assure compliance with 40 CFR part 60, subpart FFF.

Form Numbers: None.

Respondents/affected entities: Flexible vinyl and urethane coating and printing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart FFF).

Estimated number of respondents: 42 (total).

Frequency of response: Semiannual.

Total estimated burden: 1,340 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $545,000 (per year), which includes $385,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is an adjustment increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The adjustment increase in burden is due to more accurate estimates of existing and anticipated new sources. This ICR assumes a continuous growth rate of one new facility every three years. There is an increase in the operation and maintenance (O&M) costs due to an increase in the number of existing respondents from the currently approved ICR; there is no change in capital costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–20543 Filed 9–21–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0755; FRL–10216–01–OAR]

Phasedown of Hydrofluorocarbons: Notice of Grant of Request To Extend Compliance Date for Requirements To Control Emissions of Hydrofluorocarbon-23

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that the U.S. Environmental Protection Agency (EPA) granted a request for a six-month extension of the October 1, 2022, compliance date for a facility to control emissions of hydrofluorocarbon-23. The requestor submitted a timely and complete request with a credible rationale for an extension and a reasonable plan to meet compliance requirements and reduce emissions of this potent greenhouse gas. The Agency granted the request in a letter dated September 13, 2022.

FOR FURTHER INFORMATION CONTACT: John Feather, U.S. Environmental Protection Agency, Stratospheric Protection Division; telephone number 202–564–1230; or email address: *feather.john@epa.gov.* You may also visit our website at *https://www.epa.gov/climate-hfcs-reduction/control-HFC-23-emissions* for further information.

SUPPLEMENTARY INFORMATION: Throughout this document, whenever ''we,'' ''us,'' ''the Agency,'' or ''our'' is used, we mean EPA. Acronyms that are used in this rulemaking that may be helpful include:

AIM Act—American Innovation and Manufacturing Act
CFR—Code of Federal Regulations
EPA—Environmental Protection Agency
FR—Federal Register
GWP—Global Warming Potential
HCFC—hydrochlorofluorocarbon
HFC—hydrofluorocarbon
HFO—hydrofluoroolefin

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I. General Information

A. Why is EPA issuing this notice?

This notice is directed to the public to announce an action that EPA has taken. On September 13, 2022, EPA issued a letter granting a request for a six-month extension of the October 1, 2022, compliance date for a facility to control emissions of hydrofluorocarbon (HFC)-23, which has been posted to EPA's website (*https://www.epa.gov/climate-hfcs-reduction/control-HFC-23-emissions*) and can be found in the docket for this notice (Docket ID No. EPA–HQ–OAR–2022–0755).

B. Background

HFC-23 is a very potent greenhouse gas with a 100-year global warming potential (GWP) of 14,800.[1] While EPA is also aware of limited instances where HFC-23 is captured, purified, and used for commercial purposes such as fire suppression, very low temperature refrigeration, and semiconductor manufacturing, the majority of HFC-23 is unintentionally created as a byproduct during the production of

[1] Exchange values of regulated substances, including for HFC-23, are listed in 40 CFR part 84, appendix A. These exchange values are identical to the 100-year GWPs included in IPCC (2007). In this notice, EPA uses the terms ''global warming potential'' and ''exchange value'' interchangeably.

certain fluorinated compounds, including hydrochlorofluorocarbon (HCFC)-22.[2] Unless sold for a consumptive use, controlled, or captured and destroyed, such creation of HFC-23 is ultimately vented to the atmosphere where it contributes to climate change. HFC-23 is not an air toxic and does not pose a direct risk to local communities, but, as described in sections III and IV of a rulemaking published last year, climate change threatens the public health of the U.S. population and especially those that may be vulnerable based on their characteristics or circumstances (86 FR 55116, October 5, 2021).

HFC-23 is a regulated substance under the American Innovation and Manufacturing Act of 2020 (AIM Act) enacted December 27, 2020, as section 103 in Division S, Innovation for the Environment, of the Consolidated Appropriations Act, 2021 (42 U.S.C. 7675). Under the implementing regulations at 40 CFR part 84, subpart A, EPA established, among other things, HFC-23 emission control requirements and a process for chemical producers to request limited extensions of the compliance date. These provisions were intended to ensure that high-GWP emissions of HFC-23 are promptly controlled, while allowing limited discretion to account for individual circumstances where that timeline may not be practicable. EPA estimates that from 2022 through 2050 these HFC-23 emission control requirements will have abated cumulative emissions from the Chemours Louisville Works facility of more than 7,000 metric tons of HFC-23, or more than 3.7 million metric tons of carbon dioxide equivalent annually, and result in net present cumulative benefits of $6.4 billion in 2020 dollars at a three percent discount rate (see *Regulatory Impact Analysis for Phasing Down Production and Consumption of Hydrofluorocarbons (HFCs)* available at *https://www.epa.gov/climate-hfcs-reduction/final-rule-phasedown-hydrofluorocarbons-establishing-allowance-allocation*).

To reduce emissions of this potent greenhouse gas, the Agency requires in 40 CFR 84.27(a) that ''[n]o later than October 1, 2022, as compared to the amount of chemical intentionally produced on a facility line, no more than 0.1 percent of HFC-23 created on the line may be emitted.'' After such point, emissions of HFC-23 byproduct that exceed the 0.1 percent will be treated as violations of an applicable emissions limitation in violation of federal law and subject to any appropriate enforcement action. In 40 CFR 84.27(b), EPA further specifies that if captured HFC-23 is destroyed at a different facility than where it was produced, then HFC-23 emissions during the transportation to and destruction at the different facility are calculated into whether the producer meets the 0.1 percent HFC-23 limit.

EPA recognized that individual circumstances could arise that may warrant a six-month deferral of the compliance date, subject to a one-time additional six-month extension. Requests for an extension of the HFC-23 emission control requirements were due to EPA by August 1, 2022, and requests had to contain information including a description of the specific actions the facility has taken to improve their HFC-23 control, capture, and destruction and the facility's plans to meet the 0.1 percent HFC-23 limit.

II. What action was taken?

By August 1, 2022, one company, Chemours Company FC, LLC, submitted a request for a six-month extension of the HFC-23 control requirements for its Chemours Louisville Works facility in Louisville, Kentucky. It is EPA's understanding that the delays in installing new emission control technology were due in part to supply chain issues which prevented Chemours Louisville Works from physically taking possession of all necessary parts until July 2022. However, Chemours reported that the facility intends to have the new control technology operational and effective by October 1, 2022, such that the facility should be able to meet the emissions limit on the required timeline. The primary purpose of Chemours requesting the extension is to allow time to measure, validate, and optimize the effectiveness of the process change at the facility. Chemours expects to complete this validation by the end of the year, three months in advance of the extended compliance deadline.

EPA determined that the requestor submitted a timely and complete request with a credible rationale for an extension and a reasonable plan to meet compliance requirements. The Agency granted this extension with the understanding that Chemours will have all necessary equipment onsite, operational, and effective by October 1, 2022, and will be running that equipment from that date onwards. With this understanding and EPA's review of the submitted information, the Agency granted the request in a letter dated September 13, 2022.

EPA will monitor the facility's progress on meeting the emission control requirements and intends to post status updates to its website at *https://www.epa.gov/climate-hfcs-reduction/control-HFC-23-emissions* as information becomes available for public release. This will help ensure interested stakeholders are aware of the facility's current status and progress toward meeting the HFC-23 emission limit.

Cynthia A. Newberg,

Director, Stratospheric Protection Division.

[FR Doc. 2022–20473 Filed 9–21–22; 8:45 am]

BILLING CODE 6560–50–P

[2] HCFC-22 is an ozone-depleting substance that has been phased out domestically under the Clean Air Act in line with the international phase out occurring under the Montreal Protocol on Substances that Deplete the Ozone Layer. While HCFC-22 has been phased out of production and consumption, the chemical can still be produced for use as a feedstock to make other chemicals, such as low-GWP hydrofluoroolefins (HFOs). HFOs can be used in many of the same applications as high-GWP HFCs, so transitioning to them from HFCs can reduce emissions of greenhouse gases.

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0698; FR ID 105278]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control

number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before November 21, 2022. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0698.

Title: Section 25.203(i) and 73.1030(a)(2), Radio Astronomy Coordination Zone in Puerto Rico.

Form No: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, Not-for-profit institutions, and State, Local, or Tribal Government.

Number of Respondents and Responses: 1,200 respondents; 10,500 responses.

Estimated Time per Response: 20 minutes (.0333 hours).

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154(i), 303(f), 303(r), and 309(j)(13).

Total Annual Burden: 3,500 hours.

Total Annual Costs: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this 60 day comment period to obtain the three-year clearance from them.

On October 15, 1997, the FCC released a Report and Order, ET Docket No. 96–2, RM–8165, FCC 97–347, that established a Coordination Zone for new and modified radio facilities in various communications services that cover the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra within the Commonwealth of Puerto Rico. The coordination zone and notification procedures enable the Arecibo Radio Astronomy Observatory to receive information needed to assess whether an applicant's proposed operations will cause harmful interference to the Arecibo Observatory's operations, which also promotes efficient resolution of coordination problems between the applicants and the Arecibo Observatory.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–20550 Filed 9–21–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

TIME AND DATE: 10:03 a.m. on Tuesday, September 20, 2022.

PLACE: The meeting was held in the Board Room located on the sixth floor of the FDIC Building located at 550 17th Street NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Board of Directors of the Federal Deposit Insurance Corporation met to consider matters related to the Corporation's supervision, corporate, and resolution activities. In calling the meeting, the Board determined, on motion of Director Michael J. Hsu (Acting Comptroller of the Currency), seconded by Director Rohit Chopra (Director, Consumer Financial Protection Bureau), and concurred in by Acting Chairman Martin J. Gruenberg, that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10).

CONTACT PERSON FOR MORE INFORMATION: Requests for further information concerning the meeting may be directed to Debra A. Decker, Executive Secretary of the Corporation, at 202–898–8748.

Dated this the 20th day of September, 2022.

Federal Deposit Insurance Corporation.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2022–20676 Filed 9–20–22; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Privacy Act of 1974; System of Records

Correction

In notice document 2022–17379 appearing on pages 49836 through 49838 in the issue of Friday, August 12, 2022, make the following corrections:

1. On page 49836, in the second column, first full paragraph, lines ten and eleven, under **FOR FURTHER INFORMATION CONTACT**, change ''*582aishvid.b.husband@frb.gov*'' to read ''*david.b.husband@frb.gov.*''

2. On page 49837, in the second column, fifth paragraph, line twenty-nine, under ''System Manager(s),'' change ''*586586aishaliali.d.sack@frb.gov*'' to read ''*vaishali.d.sack@frb.gov.*''

3. On page 49838, in the third column, first paragraph, lines six and seven, under ''Notification Procedures,'' change ''5 U.S.C. 5I(c).'' to read ''5 U.S.C. 552a(c).''

4. On page 49838, in the third column, second paragraph, lines ten through thirteen, under ''Exemptions Promulgated for the System,'' change the last three lines to read ''5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).''

[FR Doc. C1–2022–17379 Filed 9–21–22; 8:45 am]

BILLING CODE 0099–10–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at

https://www.federalreserve.gov/foia/request.htm. Interested persons may express their views in writing on whether the proposed transaction complies with the standards enumerated in the HOLA (12 U.S.C. 1467a(e)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than October 21, 2022.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204, or electronically to *BOS.SRC.Applications.Comments@bos.frb.org*:

1. *First Seacoast Bancorp, MHC, Dover, New Hampshire;* to convert from mutual to stock form. As part of the conversion, First Seacoast Bancorp, MHC, and First Seacoast Bancorp, Inc., also of Dover, New Hampshire, an existing mid-tier savings and loan holding company, will cease to exist and First Seacoast Bank, Dover, New Hampshire, will become a wholly-owned subsidiary of First Seacoast Bancorp, Inc., Dover, New Hampshire, a newly-formed Maryland corporation, which has applied to become a savings and loan holding company, pursuant to section 10(e) of the HOLA, by acquiring First Seacoast Bank.

B. Federal Reserve Bank of Dallas (Karen Smith, Director, Applications) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Homeland Bancshares, Inc., Columbia, Louisiana;* to acquire Beauregard Bancshares, Inc., and thereby indirectly acquire Beauregard Federal Savings Bank, both of DeRidder, Louisiana.

C. Federal Reserve Bank of Cleveland (Bryan S. Huddleston, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566, or *Comments.applications@clev.frb.org*:

1. *First Mutual Holding Company, Lakewood, Ohio;* to form a nonbank subsidiary, AlloBaaS, LLC, to provide management services such as negotiating, entering into, and providing third-party information technology (core and data processing) and digital services related to financial and banking activities for the saving bank subsidiaries, pursuant to section 238.53 of the Board's Regulation LL.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–20485 Filed 9–21–22; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–C0A–2022–01; Docket No. 2022–0002; Sequence No. 19]

Office of Human Resources Management; SES Performance Review Board

AGENCY: Office of Human Resources Management (OHRM), General Services Administration (GSA).

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of new members to the GSA Senior Executive Service Performance Review Board. The Performance Review Board assures consistency, stability, and objectivity in the performance appraisal process.

DATES: *Applicable:* September 22, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Shonna James, Human Resources Specialist, Executive Resources Division, Office of Human Resources Management, GSA, 1800 F Street NW, Washington, DC 20405, or via telephone at 703–887–2571.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of title 5 U.S.C. requires each agency to establish, in accordance with regulation prescribed by the Office of Personnel Management, one or more SES performance review board(s). The board is responsible for making recommendations to the appointing and awarding authority on the performance appraisal ratings and performance awards for employees in the Senior Executive Service.

The following have been designated as members of the Performance Review Board of GSA:

- Katy Kale, Deputy Administrator—PRB Chair
- Christopher Bennethum, Assistant Commissioner for Assisted Acquisition Services, Federal Acquisition Service
- Lesley Briante, Associate CIO for Enterprise Planning & Governance, Office of GSA IT
- Krystal Brumfield, Associate Administrator for Government-wide Policy, Office of Government-wide Policy
- Traci DiMartini, Chief Human Capital Officer, Office of Human Resources Management
- Tiffany Hixson, Regional Commissioner, Federal Acquisition Service, Northwest/Arctic Region
- Flavio Peres, Assistant Commissioner for Real Property Utilization and Disposal, Public Buildings Service
- Joanna Rosato, Regional Commissioner, Public Buildings Service, Mid-Atlantic Region
- Kevin Rothmier, Regional Commissioner, Public Buildings Service, The Heartland Region
- Camille Sabbakhan, Deputy General Counsel, Office of the General Counsel

Robin Carnahan,

Administrator, General Services Administration.

[FR Doc. 2022–20479 Filed 9–21–22; 8:45 am]

BILLING CODE 6820–FM–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Racial and Ethnic Disparities in Human Services Analysis Execution Project (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) is proposing to collect data to explore how one state's changes to Temporary Assistance for Needy Families (TANF) policies and services in response to the COVID–19 pandemic were experienced by different racial and ethnic groups in that state. The goal is to obtain an in-depth understanding of how TANF participants of different racial and ethnic backgrounds experienced these policy and programmatic changes by comparing those experiences within one state, and to assess whether those changes may have helped to ameliorate challenges around program and benefit access for different populations or potentially created new challenges.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *OPREinfocollection@acf.hhs.gov*. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The Racial and Ethnic Disparities in Human Services Analysis Execution project is proposing to collect information for a qualitative study to explore how families of different ethnic and racial backgrounds have experienced changes that one state made to TANF policies and services in response to the COVID–19 pandemic. We will explore policies such as job-search and other participation requirements, virtual resources and services, and the provision of tablet computers to TANF participants.

We will collect information at the state level and from three purposively selected sites in one state, selected to represent the racial and ethnic diversity within the state. The state-level data collection will include (1) TANF program administrators and (2) representatives from the program partnering with the state in the provision of tablet computers to TANF program participants. Information collection at each of the three sites will include semi-structured interviews or focus groups with: (1) TANF program administrators, frontline staff, and participants; and (2) community partner organizations that serve TANF-eligible families and individuals served by those organizations. Site visits will be conducted in-person or virtually, depending on the state of the COVID–19 pandemic at the time of the site visits.

This study is part of a larger project to help ACF identify racial and ethnic disparities in related to the delivery of human services.

This study is intended to present an internally-valid description of how different racial and ethnic groups experience TANF policies, practices, and service delivery in one state at selected sites, not to promote statistical generalization to other sites or service populations.

Respondents: (1) State and regional TANF agency administrators, (2) TANF frontline staff at the site-level, (3) staff at community agencies that serve TANF-eligible families, (4) staff from the computer tablet program and from program partner organizations, (5) TANF participants, (6) tablet program participants, and (7) individuals who are eligible for TANF but not enrolled.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Instrument A: State and Regional TANF Administrators Guide (Interviews)	8	1	1	8	4
Instrument B: Local Frontline Staff Guide (Interviews)	10	1	1	10	5
Instrument B: Local Frontline Staff Guide (Focus Groups)	10	1	1.5	15	8
Instrument C: Community-Based Organizations Guide (Interviews)	6	1	1	6	3
Instrument D: Tablet Providers and Program Partners Guide (Interviews)	6	1	1	6	3
Instrument E: TANF Participants Guide (Interviews)	40	1	1	40	20
Instrument E: TANF Participants Guide (Focus Groups)	20	1	1.5	30	15
Instrument F: Tablet Program Participants Guide (Focus Groups)	10	1	1.5	15	8
Instrument G: Individuals Eligible but Not Receiving TANF Guide (Interviews)	15	1	1	15	8
Instrument G: Individuals Eligible but Not Receiving TANF Guide (Focus Groups)	15	1	1.5	23	12

Estimated Total Annual Burden Hours: 86.

Authority: Section 413 of the Social Security Act, as amended by the FY 2017 Consolidated Appropriations Act, 2017 (Pub. L. 115–31).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–20571 Filed 9–21–22; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Evaluation of Resources To Support the Identification and Care of Children With Prenatal Substance or Alcohol Exposure in the Child Welfare System (New Collection)

AGENCY: Children's Bureau, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Children's Bureau, Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to collect data for an evaluation of a set of resources that are being developed to support the identification and care of children with prenatal substance or alcohol exposure in the child welfare system.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act (PRA) of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The proposed information collection effort will gather data from end users of a toolkit of resources sponsored by the Children's Bureau in collaboration with the Centers for Disease Control and Prevention under an interagency agreement. The toolkit is intended to support child welfare agency staff in the identification and support of children living with prenatal exposure to alcohol and other substances. The data collected will be used in a formative evaluation of the toolkit, which will be guided by three research questions: (1) To what degree do agency staff find toolkit resource to be relevant and applicable to their work? (2) To what degree do toolkit resources change agency staff attitudes and increase staff knowledge? (3) What implementation approaches and organizational supports facilitate toolkit use by child welfare agencies? Proposed data sources for this effort include five surveys: (1) a survey to measure users' reactions to the toolkit; (2) a survey of users' attitudes toward Prenatal Alcohol Exposure (PAE)-related issues; (3) a survey of users' knowledge about PAE-related issues; and (4 and 5) two versions of a survey of transfer potential and perceived competence, which measures users' sense of competence in PAE-related knowledge and skills and the extent to which users believe they will transfer knowledge/skills to their work. One version of this instrument contains the full survey and will be administered after users have been exposed to the full toolkit and its resources. The second version contains a smaller selection of key items from the survey, tailored to collect information from users after their exposure to each of five key modules of the toolkit. All data will be collected over the course of 6–9 months in 2023.

Respondents: Child welfare professionals, including state and/or county-level directors of child welfare agencies; supervisors; program staff (*e.g.,* investigation/intake, case management, foster care/adoption/permanency, etc.); staff working in specialist roles that align with toolkit resources (*e.g.,* data/quality improvement specialists); local or state agency managers involved in determining agency strategic plans and practice guidance (*e.g.,* substance-exposed newborn program manager); training system lead staff. All data will be collected over the course of 6–9 months in 2023.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total/annual burden hours
Survey of reactions to the toolkit	32	1	.05	2
Survey of attitudes	32	2	.17	11
Survey of PAE-related knowledge	32	3	.27	26
Survey of transfer potential and perceived competency	32	1	.09	3
Module-specific transfer potential and perceived competency items	32	5	.03	5

Estimated Total Annual Burden Hours: 47.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Child Abuse Prevention and Treatment Act Reauthorization Act, 42 U.S.C. 5105, (2010).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–20546 Filed 9–21–22; 8:45 am]

BILLING CODE 4184–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–0008]

Advisory Committee; Arthritis Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of Federal advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Arthritis Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Arthritis Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the April 5, 2024, expiration date.

DATES: Authority for the Arthritis Advisory Committee will have expired on April 5, 2022, unless the Commissioner had formally determined that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Jessica Seo, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–7699, *AAC@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department and Health and Human Services and by the General Services Administration, FDA is announcing the renewal of the Arthritis Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which the FDA has regulatory responsibility.

The Committee reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of arthritis, rheumatism, and related diseases, and

makes appropriate recommendations to the Commissioner of Food and Drugs.

The Committee shall consist of a core of 11 voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of arthritis, rheumatology, orthopedics, epidemiology or statistics, analgesics, and related specialties. Members will be invited to serve for overlapping terms of up to 4 years. Non-Federal members of this committee will serve as Special Government Employees, representatives or Ex-Officio members. Federal members will serve as Regular Government Employees or Ex-Officios. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one non-voting representative member who is identified with industry interests. There may also be an alternate industry representative.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/advisory-committees/human-drug-advisory-committees/arthritis-advisory-committee* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

This document is issued under the Federal Advisory Committee Act (5 U.S.C. app.). For general information related to FDA advisory committees, please visit us at *https://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: September 16, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–20516 Filed 9–21–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–2174]

Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

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

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Oncologic Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on November 22, 2022, from 10 a.m. to 3 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2022–N–2174. The docket will close on November 21, 2022. Either electronic or written comments on this public meeting must be submitted by November 21, 2022. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 21, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before November 7, 2022, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is canceled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2022–N–2174 for ''Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your

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

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

FOR FURTHER INFORMATION CONTACT: Joyce Frimpong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–7973, Fax: 301–847–8533, email: *ODAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. The committee will hear an update on supplemental new drug application 208447/S–025, for ZEJULA (niraparib) capsules, submitted by GlaxoSmithKline, LLC., for the maintenance treatment of adult patients with recurrent epithelial ovarian, fallopian tube, or primary peritoneal cancer who are in a complete or partial response to platinum-based chemotherapy. The update includes the final overall survival data from the NOVA trial. Based on the information provided, the committee will consider whether the indication should remain in the U.S. labeling.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before November 7, 2022, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 28, 2022. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 31, 2022.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Joyce Frimpong (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 15, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–20524 Filed 9–21–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–1517]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Abbreviated New Animal Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by October 24, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted 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 OMB control number for this information collection is 0910–0669. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Rachel Showalter, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–994–7399, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Abbreviated New Animal Drug Applications—Section 512(b)(2) and (n)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(b)(2) and (n)(1))

OMB Control Number 0910–0669—Extension

Under section 512(b)(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), any person may file an abbreviated new animal drug application (ANADA) seeking approval of a generic copy of an approved new animal drug. The information required to be submitted as part of an ANADA is described in section 512(n)(1) of the FD&C Act. Among other things, an ANADA is required to contain information to show that the proposed generic drug is bioequivalent to, and has the same labeling as, the approved new animal drug. We allow applicants to submit a complete ANADA or to submit information in support of an ANADA for phased review. Applicants may submit Form FDA 356v with a complete ANADA or a phased review submission to ensure efficient and accurate processing of information. Form FDA 356v is approved under OMB control number 0910–0032. We use the information submitted, among other things, to assess bioequivalence to the originally approved drug and thus, the safety and effectiveness of the generic new animal drug.

The information collection also includes applicant requests to waive the requirement to establish bioequivalence through in vivo studies (biowaiver requests) for soluble powder oral dosage form products or certain Type A medicated articles based upon either of two methods. We use the information submitted by applicants in the biowaiver request as the basis for our decision whether to grant the request. Therefore, the information collection references the guidance document GFI #171 ''Demonstrating Bioequivalence for Soluble Powder Oral Dosage Form Products and Type A Medicated Articles Containing Active Pharmaceutical Ingredients Considered to Be Soluble in Aqueous Media'' (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cvm-gfi-171-demonstrating-bioequivalence-soluble-powder-oral-dosage-form-products-and-type-medicated*) (May 2021), which discusses statutory bioequivalence requirements as well as qualifications for requesting a waiver from the requirements. The guidance document was developed consistent with the Agency's Good Guidance Practice regulations in 21 CFR 10.115, which provide for comment at any time.

The reporting associated with ANADAs and related submissions is necessary to ensure that new animal drugs are in compliance with section 512(b)(2) of the FD&C Act. We use the information submitted, among other things, to assess bioequivalence to the originally approved drug and thus, the safety and effectiveness of the generic new animal drug.

Description of Respondents: The respondents for this collection of information are veterinary pharmaceutical manufacturers.

In the **Federal Register** of March 18, 2022 (87 FR 15436), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received and considered one comment requesting the posting of new animal drug applications for public access. While FDA posts a summary of the safety and effectiveness data and information submitted in the application, which supports the basis for FDA's approval (*https://www.fda.gov/animal-veterinary/approved-animal-drug-products-green-book/freedom-information-foi-summaries-approved-animal-drugs*), we are prohibited from disclosing commercial confidential information contained in an ANADA.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
ANADA	356v	20	1	20	159	3,180
Phased review with administrative ANADA	356v	6	5	30	31.8	954
Biowaiver request for soluble powder oral dosage form product, using same formulation/manufacturing process approach	N/A	1	1	1	5	5
Biowaiver request for soluble powder oral dosage form product, using same API/solubility approach	N/A	5	1	5	10	50
Biowaiver request for Type A medicated article, using same formulation/manufacturing process approach	N/A	2	1	2	5	10
Biowaiver request for Type A medicated article, using same API/solubility approach	N/A	5	1	5	20	100
Total				63		4,299

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

We base our estimates on our records of generic animal drug applications. We estimate that we will receive 26 ANADA submissions per year over the next 3 years and that 6 of those submissions will request phased review. We estimate that each applicant that uses the phased review process will have approximately five phased reviews per application. We estimate that an applicant will take approximately 159 hours to prepare either an ANADA or the estimated five ANADA phased review submissions and the administrative ANADA. Our estimates of the burden of biowaiver requests for generic soluble powder oral dosage form products and Type A medicated articles differ based on the type of product and the basis for the request, as shown in table 1. We estimate that an applicant will take between 5 and 20 hours to prepare a biowaiver request.

Our estimated burden for the information collection reflects an overall increase of 695 hours and a corresponding increase of 12 responses. Based on a review of the information collection since our last request for OMB renewal, the increase in the burden hours estimate is attributable to an increase in the number of respondents submitting generic drug applications.

Dated: September 16, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–20521 Filed 9–21–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–P–3232]

Determination That Prescription NIX (Permethrin) 1% Topical Creme Rinse Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) has determined that prescription NIX (permethrin) 1% topical creme rinse was not withdrawn from sale for reasons of safety or effectiveness. However, because NIX (permethrin) 1% topical creme rinse has been approved for nonprescription use, NIX and any generic product referencing prescription NIX would be misbranded under FDA regulations if marketed with the ''Rx only'' symbol. Moreover, FDA will not approve abbreviated new drug applications (ANDAs) referencing prescription NIX (permethrin) 1% topical creme rinse.

FOR FURTHER INFORMATION CONTACT: Linda Jong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6288, Silver Spring, MD 20993–0002, 301–796–3977, *Linda.Jong@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

Prescription NIX (permethrin) 1% topical creme rinse (Prescription NIX) is the subject of NDA 019435, held by GlaxoSmithKline, and initially approved on March 31, 1986. Prescription NIX is indicated for the treatment of head lice.

On May 2, 1990, FDA approved a second NDA (NDA 019918) submitted by GlaxoSmithKline, removing its NIX (permethrin) 1% topical creme rinse for the treatment of head lice from the prescription dispensing requirements of section 503(b) of the FD&C Act (21 U.S.C. 353(b)). When it submitted NDA 019918, GlaxoSmithKline stated that it would no longer market the prescription product. GlaxoSmithKline later informed FDA that it had discontinued marketing of the prescription product on June 14, 1990. NDA 019918 is now held by MedTech Products, which continues to use the trade name NIX for this nonprescription product. The approval of NDA 019918 resulted in what is commonly referred to as a ''full Rx to OTC switch'' for NIX (permethrin) 1% topical creme rinse. In a letter dated April 12, 2002, and an amendment to that letter dated July 31, 2020, GlaxoSmithKline requested withdrawal of approval of NDA 019435 for prescription NIX (permethrin) 1% topical creme rinse. In the **Federal Register** of December 23, 2020 (85 FR 83973), FDA announced that it was withdrawing approval of NDA 019435, effective January 22, 2021.

Lachman Consultants submitted a citizen petition dated July 2, 2019 (Docket No. FDA–2019–P–3232), under 21 CFR 10.30, requesting that the Agency determine whether prescription NIX (permethrin) 1% topical creme rinse (NDA 019435) was withdrawn from sale for reasons of safety or effectiveness.

II. FDA Has Determined That Prescription NIX Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that prescription NIX (permethrin) 1% topical creme rinse (NDA 019435) was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that prescription NIX (permethrin) 1% topical creme rinse (NDA 019435) was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of prescription NIX (permethrin) 1% topical creme rinse (NDA 019435) from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have reviewed the available evidence and determined that this drug product was not withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list prescription NIX (permethrin) 1% topical creme rinse (NDA 019435) in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness.

III. Under Section 503 of the FD&C Act, NIX and Any Generic Product Referencing Prescription NIX Would Be Misbranded if Marketed as Prescription Drugs

According to section 503(b)(4)(B) of the FD&C Act, a drug not required to be dispensed with a prescription under section 503(b)(1) of the FD&C Act shall be deemed to be misbranded if at any time prior to dispensing the label of the drug bears the ''Rx only'' symbol. Likewise, per section 503(b)(4)(A) of the

FD&C Act, drugs that must be dispensed with a prescription under section 503(b)(1) of the FD&C Act must bear the ''Rx only'' symbol; if not, they become misbranded. FDA has long interpreted these provisions to mean that section 503(b) of the FD&C Act does not permit the same active ingredient to be simultaneously marketed in both a prescription drug product and a nonprescription drug product unless a meaningful difference exists between the two that makes the prescription product safe only under the supervision of a licensed practitioner.

In this instance, based on studies submitted by the sponsor, FDA determined that the original prescription NIX product no longer met the criteria in section 503(b)(1) of the FD&C Act for prescription use (see 21 CFR 310.200(b)). Therefore, FDA changed NIX's status from prescription to nonprescription. This is commonly referred to as a ''full Rx to OTC switch.'' The permethrin 1% topical creme rinse product (NDA 019918) continued to use the trade name NIX when it switched from prescription to nonprescription. Because FDA concluded that there is no meaningful difference between the currently marketed nonprescription NIX product and its previous prescription version, NIX would be misbranded under section 503(b)(4)(B) of the FD&C Act if it were to bear the symbol ''Rx only.'' Similarly, any generic product referencing prescription NIX (NDA 019435) would also be misbranded under section 503(b)(4)(B) of the FD&C Act, because it would necessarily bear the same labeling as that approved under NDA 019435, including the ''Rx only'' symbol. Moreover, FDA will not approve an ANDA referencing prescription NIX (NDA 019435).

Dated: September 14, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–20520 Filed 9–21–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–1358]

How To Obtain a Covered Product Authorization; Draft Guidance for Industry; Availability; Agency Information Collection Activities; Proposed Collection; Comment Request

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

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''How To Obtain a Covered Product Authorization.'' This guidance describes how eligible product developers can obtain a Covered Product Authorization (CPA) from FDA under the law widely known as the CREATES Act. The CREATES Act provides a pathway for eligible product developers to obtain access to the product samples they need to fulfill testing and other regulatory requirements to support their applications. As described in further detail below, to make use of this pathway, an eligible product developer seeking to develop a product subject to a Risk Evaluation and Mitigation Strategies (REMS) with elements to assure safe use (ETASU) must obtain a CPA from the Agency. This guidance replaces the December 2014 draft guidance for industry ''How To Obtain a Letter From FDA Stating That Bioequivalence Study Protocols Contain Safety Protections Comparable to Applicable REMS for RLD,'' which has been withdrawn. This draft guidance is not final nor is it in effect at this time.

DATES: Submit either electronic or written comments on the draft guidance by November 21, 2022 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance. Submit electronic or written comments on the proposed collection of information in the draft guidance by November 21, 2022.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2022–D–1358 for ''How To Obtain a Covered Product Authorization.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available

for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Rana Carroll, Center for Drug Evaluation and Research, Food and Drug Administration, Building 51, Rm. 6218, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–6135.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''How To Obtain a Covered Product Authorization.'' In December 2019, the law widely known as CREATES (referred to herein as ''CREATES'' or ''the CREATES Act'') was enacted as part of the Further Consolidated Appropriations Act of 2020.[1] CREATES makes available a pathway for developers of potential drug and biological products to obtain samples of brand products that they need to support their applications. CREATES establishes a private right of action that allows eligible developers to sue brand companies that refuse to sell them product samples needed to support their applications. If the product developer prevails, the court will order the sale of samples, award attorneys' fees and litigation costs to the product developer, and may impose a monetary penalty on the brand company (21 U.S.C. 355–2(b)(4)).

The product developer must take several specific steps (outlined in the CREATES Act) before the brand company must sell them product samples. One of these steps—if the brand product for which samples are sought is subject to a REMS with ETASU—is that the product developer must first obtain a CPA from FDA (21 U.S.C. 355–2(b)(2)). CREATES does not require this step for products that are not subject to REMS with ETASU. This guidance describes how an eligible product developer can obtain a CPA from FDA.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''How To Obtain a Covered Product Authorization.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

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

Guidance for Industry: How To Obtain a Covered Product Authorization

OMB Control Number 0910–0014—Revision

The revised information collection described in this guidance supports FDA Center for Drug Evaluation and Research's implementation of the law widely known as the CREATES Act, which was enacted as part of the Further Consolidated Appropriations Act of 2020. As described above, the CREATES Act establishes a pathway for eligible product developers to obtain samples of brand products needed to support their applications.

FDA applications referenced in this guidance include abbreviated new drug applications (ANDAs) submitted under section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)), new drug applications (NDA) submitted pursuant to section 505(b)(2) of the FD&C Act (21 U.S.C. 355(b)(2)), and applications for biosimilar products submitted under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)).

Product developers typically need brand product samples to, among other things, conduct testing comparing their proposed version of a product to the brand product. For example, an ANDA applicant generally needs to show that its proposed generic drug product is bioequivalent to the brand product (see section 505(j)(2)(A) of the FD&C Act). Bioequivalence is generally demonstrated by conducting studies comparing the proposed generic drug product to the brand product and generic applicants are required to retain samples of the brand product used in testing after a study is complete. Developers of 505(b)(2) and biosimilar

[1] See Public Law 116–94 (Further Consolidated Appropriations Act, 2020, enacting Division N, Title I, Subtitle F, Section 610—Actions for Delays of Generic Drugs and Biosimilar Biological Products (Dec. 20, 2019)). The provisions of this law related to access to product samples were codified at 21 U.S.C. 355–2 and 355–1(l).

products must also typically conduct comparative testing requiring access to brand product samples.

Under the CREATES Act, the product developer must take several specific steps (outlined in the CREATES Act) before the brand company is required to sell them product samples. If the brand product for which samples are sought is subject to a REMS with ETASU, the product developer must first obtain a CPA from FDA (21 U.S.C. 355–2(b)(2)). (CPAs are only available for products that are subject to a REMS with ETASU. To prevail in the private right of action established by CREATES, an eligible product developer seeking samples of a product that is *not* subject to a REMS with ETASU does not need to obtain a CPA.)

This information collection enables eligible product developers to obtain CPAs from FDA so that they can utilize the pathway made available by the CREATES Act. An ANDA, 505(b)(2), or biosimilar product developer's use of the CREATES pathway is voluntary, as is the product developer's request for a CPA. Accordingly, under this information collection, FDA will collect information voluntarily provided by eligible product developers in the form of requests for CPAs and supporting documentation. Requests for CPAs for samples of brand products used for purposes of development and testing that involve human clinical trials should be accompanied by study protocols, informed consent documents, and informational materials for testing demonstrating that safety protections comparable to those in the REMS for the brand product will be provided for in the study(ies) for which the samples are sought.

For generic drug products, a request for a CPA is submitted through the CDER NextGen collaboration Portal as complex controlled correspondence to an ANDA. For 505(b)(2) applications and biosimilar applications, the request for a CPA is submitted to the pre-investigational new drug application (pIND) or investigational new drug application (IND) file, and a copy is sent to any existing marketing application for the product and to *ONDCommunications@fda.hhs.gov.*

Respondents for this information collection are drug and biological product developers that are seeking to use the CREATES pathway to obtain samples of brand products needed to support their applications.

For ANDA, 505(b)(2), and biosimilar products, the burden of requesting a CPA is being added to OMB Control No. 0910–0014.

Based on prior experience, FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance Section IV.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (hours)	Total hours
CPA Requests for NDA/Biologics License Application products	1	1	1	5	5
CPA Requests for ANDA products	11	2	22	5	110
Total					115

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

III. Electronic Access

Persons with access to the internet may obtain an electronic version of the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Dated: September 15, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–20523 Filed 9–21–22; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–D–0872]

Electronic Submission Template for Medical Device 510(k) Submissions; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Electronic Submission Template for Medical Device 510(k) Submissions.'' This final guidance is intended to represent one of several steps in meeting FDA's commitment to the development of electronic submission templates to serve as guided submission preparation tools for industry to improve submission consistency and enhance efficiency in the review process. This guidance document provides further standards for the submission of 510(k)s by electronic format, a timetable for establishment of these further standards, and criteria for waivers of and exemptions from the requirements.

DATES: The announcement of the guidance is published in the **Federal Register** on September 22, 2022.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2021–D–0872 for ''Electronic Submission Template for Medical Device 510(k) Submissions.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

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

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

You may submit comments on any guidance at any time (see § 10.115(g)(5) (21 CFR 10.115(g)(5))).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Electronic Submission Template for Medical Device 510(k) Submissions'' to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Rebecca Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1540, Silver Spring, MD 20993–0002, 301–796–6527; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

Section 745A(b) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 379k–1(b)), amended by section 207 of the FDA Reauthorization Act of 2017 (Pub. L. 115–52), requires that presubmissions and submissions for devices under section 510(k), 513(f)(2)(A), 515(c), 515(d), 515(f), 520(g), 520(m), or 564 of the FD&C Act (21 U.S.C. 360(k), 360c(f)(2)(A), 360e(c), 360e(d), 360e(f), 360j(g), 360j(m), or 360bbb–3) or section 351 of the Public Health Service Act (42 U.S.C. 262) and any supplements to such presubmissions or submissions, including appeals of those submissions, be submitted in electronic format specified by FDA beginning on such date as specified by FDA in final guidance. It also mandates that FDA issue a draft guidance not later than October 1, 2019, providing for further standards for the submission by electronic format, a timetable for establishment of these further standards, and criteria for waivers of and exemptions from the requirements.

In addition, in the Medical Device User Fee Amendments of 2017 (MDUFA IV) Commitment Letter [1] from the Secretary of Health and Human Services to Congress, FDA committed to developing ''electronic submission templates that will serve as guided submission preparation tools for industry to improve submission consistency and enhance efficiency in the review process'' and ''[b]y FY [fiscal year] 2020, the Agency will issue a draft guidance document on the use of the electronic submission templates.'' In addition, the Commitment Letter states that ''[n]o later than 12 months after the close of the public comment period, the Agency will issue a final guidance.'' FDA's guidance document ''Providing Regulatory Submissions for Medical Devices in Electronic Format—Submissions Under Section 745A(b) of the Federal Food, Drug, and Cosmetic Act'' issued July 15, 2020, (the ''parent guidance'') [2] was intended to satisfy the final guidance documents referenced in section 745A(b)(3) of the FD&C Act and the MDUFA IV Commitment Letter. A notice of availability of the parent guidance appeared in the **Federal Register** of July 15, 2020 (85 FR 42864).

In the parent guidance, the Agency concluded that it is not feasible to describe and implement the electronic format(s) that would apply to all the submissions covered by section 745A(b) of the FD&C Act in one guidance document. Accordingly, the parent guidance describes how FDA interprets and plans to implement the requirements of section 745A(b)(3) of the FD&C Act, while individual guidances will be developed to specify the formats for specific submissions and corresponding timetables for implementation.

This final guidance ''Electronic Submission Template for Medical Device 510(k) Submissions'' is the first of these individual guidances that provides further standards for the submission of 510(k)s by electronic format, a timetable for establishment of these further standards, and criteria for waivers of and exemptions from the requirements. At this time, the electronic Submission Template And

[1] Available at: *https://www.fda.gov/media/102699/download.*

[2] ''Providing Regulatory Submissions for Medical Devices in Electronic Format—Submissions Under Section 745A(b) of the Federal Food, Drug, and Cosmetic Act; Guidance for Industry and Food and Drug Administration Staff'' available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/providing-regulatory-submissions-medical-devices-electronic-format-submissions-under-section-745ab.*

Resource (eSTAR) is the only electronic submission template available to prepare a complete 510(k) electronic submission using the guided prompts for the collection of structured and unstructured data.

All 510(k) submissions, including original submissions for Traditional, Special, and Abbreviated 510(k)s, and subsequent Supplements and Amendments (amendments include add-to-files and appeals), and any other subsequent submissions to an original submission unless exempted in this final guidance, will be required to be submitted as electronic submissions as specified in the guidance. Section 745A(b)(2) of the FD&C Act allows for FDA to set forth criteria for exemptions and waivers from electronic submission requirements. FDA has identified such criteria in the final guidance document. FDA is identifying October 1, 2023, as the date on which the 510(k) electronic submission requirements will take effect.

A notice of availability of the draft guidance appeared in the **Federal Register** of September 29, 2021 (86 FR 53965). FDA considered comments received and revised the guidance as appropriate in response to the comments, including updated criteria for exemptions; clarification of the technical screening hold; and description of the transition period and effective date on which 510(k) electronic submissions will be required.

In section 745A(b) of the FD&C Act, Congress granted explicit statutory authorization to FDA to specify in guidance the statutory requirement for electronic submissions solely in electronic format by providing standards, a timetable, and criteria for waivers and exemptions. To the extent that this final guidance provides such requirements under section 745A(b)(3) of the FD&C Act (*i.e.,* standards, timetable, criteria for waivers of and exemptions), indicated by the use of the mandatory words, such as must or required, this document is not subject to the usual restrictions in FDA's good guidance practice regulations, such as the requirement that guidances not establish legally enforceable responsibilities. (See § 10.115(d).)

To the extent that this final guidance describes recommendations that are not standards, timetable, criteria for waivers of, or exemptions under section 745A(b)(3) of the FD&C Act, it is being issued in accordance with FDA's good guidance practices regulation (§ 10.115). This guidance represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This final guidance contains both binding and nonbinding provisions.

II. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics.* Persons unable to download an electronic copy of ''Electronic Submission Template for Medical Device 510(k) Submissions'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 19006 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no new collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in the following FDA regulations and forms have been approved by OMB as listed in the following table:

21 CFR part or FDA form	Topic	OMB control No.
807 subpart E, including forms FDA 4062 eSTAR and FDA 4078 eSTAR (for In Vitro Diagnostic (IVD) 510(k) submissions).	Premarket Notification Submission, including submissions via eSTAR.	0910–0120
800, 801, and 809	Medical Device Labeling Regulations	0910–0485

Dated: September 16, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–20512 Filed 9–21–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: HRSA Ryan White HIV/AIDS Program HIV Quality Measures Module, OMB No. 0906–0022—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this Notice has closed.

DATES: Comments on this ICR should be received no later than October 24, 2022.

ADDRESSES: Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov,* or call (301) 443–9094.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: HIV Quality Measures (HIVQM) Module OMB No. 0906–0022—Extension.

Abstract: HRSA's Ryan White HIV/AIDS Program (RWHAP) funds and coordinates with cities, states, and local clinics/community-based organizations to deliver efficient and effective HIV care, treatment, and support services to low-income people with HIV. Since 1990, the RWHAP has developed a comprehensive system of safety net providers who deliver high quality direct health care and support services to over half a million people with HIV—more than 50 percent of all people diagnosed with HIV in the United States. Nearly two-thirds of clients live at or below 100 percent of the federal poverty level and approximately three-quarters of RWHAP clients are racial/ethnic minorities.[1]

RWHAP Parts A, B, C and D recipients and subrecipients must follow the legislative requirements for the establishment of clinical quality management programs to assess the extent to which their HIV services are consistent with the most recent HHS Clinical Treatment guidelines. In support of these requirements, HRSA created the RWHAP HIVQM Module as an online tool to assist recipients in meeting the clinical quality management program requirement by allowing recipients to input data for the HRSA performance measures. HRSA maintains over 40 performance measures across the following categories: (1) core, (2) all ages, (3) adolescent/adult, (4) HIV-infected children, (5) HIV-exposed children, (6) medical case management, (7) oral health, (8) AIDS drug assistance program, and (9) systems-level. The RWHAP HIVQM Module also supports the requirement imposed by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Award (45 CFR 75.301) that recipients relate performance accomplishments of their federal awards. The RWHAP HIVQM Module helps recipients set goals and monitor performance measures and quality improvement projects. The use of the RWHAP HIVQM Module is voluntary for RWHAP recipients but strongly encouraged.

A 60-day notice published in the **Federal Register**, 87 FR 34887–88 (June 8, 2022). There were were no public comments.

Need and Proposed Use of the Information: The RWHAP HIVQM Module supports recipients and sub-recipients in their clinical quality management programs, performance measurement, service delivery, and monitoring of client health outcomes and quality HIV services. The RWHAP HIVQM Module is accessible via the RWHAP Services Report, an existing online portal that RWHAP recipients use for required data collection of their services. Recipients may enter performance measures data into the RWHAP HIVQM Module four times a year and then generate reports to assess their performance. Recipients have the option to enter data for specific populations for a subset of performance measures based on age, gender, race/ethnicity, and risk factor. Recipients may also compare their performance against other recipients in their state, regionally, and nationally. Additionally, recipients can choose the performance measures they want to monitor and enter data accordingly. For recipients and sub-recipients participating in the Centers for Medicare & Medicaid Incentive Programs, such as the Medicare Promoting Interoperability Program and the Merit-based Incentive Payment System, the RWHAP HIVQM Module may be used to monitor the HRSA measures that qualify and comply with the requirements to receive incentives from these programs.

Likely Respondents: RWHAP Part A, Part B, Part C, and Part D recipients and their sub-recipients.

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. There is a decrease in burden due to improved burden calculation obtained through conducting a pilot program.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
HIVQM Report	2,063	4	8,252	* .216/60	1,788
Total	2,063		8,252		1,788

* Exact number is .216674745.

[1] HRSA. Ryan White HIV/AIDS Program Data Report (RSR) 2020.

HRSA specifically requests comments on (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.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2022–20572 Filed 9–21–22; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Secretary's Centers for Disease Control and Prevention (CDC)/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHAC) has scheduled a public meeting. Information about CHAC and the agenda for this meeting can be found on the CHAC website at *https://www.cdc.gov/maso/facm/facmCHACHSPT.html* and the meeting website at *https://targethiv.org/ta-org/chac*.

DATES:

- November 1, 2022, 12:30 p.m.–5:00 p.m. Eastern Time (ET);
- November 2, 2022, 12:30 p.m.–5:30 p.m. ET; and
- November 3, 2022, 12:30 p.m.–4:00 p.m. ET.

ADDRESSES: This meeting will be held virtually. Advance registration is required to attend. Please visit the meeting website to register. The registration deadline is Friday, October 28, 2022, at 12:00 p.m. ET. Prior to the meeting, each individual registrant will receive a registration confirmation along with an access link to the virtual meeting location.

- Meeting website link: *https://targethiv.org/ta-org/chac*.

FOR FURTHER INFORMATION CONTACT: Theresa Jumento, Senior Public Health Advisor, HIV/AIDS Bureau, HRSA, 301–443–5807; or *CHACAdvisoryComm@hrsa.gov*.

SUPPLEMENTARY INFORMATION: CHAC provides advice and recommendations to the Secretary of HHS (Secretary) on policy, program development, and other matters of significance concerning the activities under Section 222 of the Public Health Service Act, 42 U.S.C. 217a.

The purpose of the CHAC is to advise the Secretary of HHS, the Director of CDC, and the HRSA Administrator regarding objectives, strategies, policies, and priorities for the prevention and treatment of HIV, viral hepatitis, and other STDs, including: surveillance, epidemiologic, behavioral, health services, and laboratory research, identification of policy issues related to professional eduction, patient healthcare delivery, and prevention services; Agency policies regarding health care delivery, research and training; strategic issues influencing the ability of CDC and HRSA to fulfill their missions programmatic efforts to prevent and treat HIV, viral hepatitis, and other STDs; and support to the CDC and HRSA in their development of responses to emerging health needs related to these issues.

During the November 1–3, 2022, meeting, CHAC will discuss issues related to HIV and the workforce, including non-traditional partnerships to address people with HIV who are out of care, AIDS Education and Training Center program and integrating innovative programs to address HIV workforce challenges into the Ryan White HIV/AIDS Program, and how to more effectively use community health workers and disease intervention specialists in HIV and STD prevention, care, and treatment, along with a federal update on Monkeypox. Agenda items are subject to change as priorities dictate. Refer to the CHAC meeting information page for any updated information concerning the meeting.

Members of the public will have the opportunity to provide comments. Public participants may also submit written statements as further described below. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to CHAC should be sent via the meeting website at *https://targethiv.org/ta-org/chac*. Requests for oral comment must be received by October 25, 2022, at 5 p.m. ET to be considered. Written comments may be submitted to Theresa Jumento at the email address and/or phone number listed above prior to and up to ten business days after the meeting. Visit the meeting information page for additional details: *https://targethiv.org/ta-org/chac*.

Individuals who plan to attend and need special assistance or another reasonable accommodation should notify Theresa Jumento at the email address and/or phone number listed above at least 10 business days prior to the meeting.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2022–20528 Filed 9–21–22; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0004]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before October 24, 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: Sagal Musa, *sagal.musa@hhs.gov* or (202) 205–2634. When submitting comments or requesting information, please include the document identifier 4040–0004–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: Application for Federal Assistance (SF–424).

Type of Collection: Renewal.

OMB No.: 4040–0004.

Abstract: The Application for Federal Assistance (SF–424) form provides the Federal grant-making agencies with a common and standard form for organizations to apply for financial assistance.

Type of respondent: Organizations seeking financial assistance. This form is submitted to the Federal grant-making agencies for evaluation and review. The IC expires on December 31, 2022. *Grants.gov* seeks a three-year clearance of these collections.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Application for Federal Assistance (SF–424).	Grant Applicants	20,803	1	1	20,803
Total		20,803	1	1	20,803

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–20497 Filed 9–21–22; 8:45 am]

BILLING CODE 4151&ndashAE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0001]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, Department of Health and Human Services (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 Information Collection Request (ICR) must be received on or before October 24, 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: Sagal Musa, *sagal.musa@hhs.gov* or (202) 205–2634. When submitting comments or requesting information, please include the document identifier 4040–0001–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: Application for Federal Assistance SF 424 R&R forms.

Type of Collection: Renewal.

OMB No. 4040–0001.

Abstract:

The SF–424 Research and Related Forms provides the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use the SF–424 R&R forms for grant programs not required to collect all the data that is required on the SF–424 core data set and form. This 4040–0001 collection encompasses 18 forms.

Type of respondent: The SF–424 R&R family of forms are used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review. The IC expires on December 31, 2022. *Grants.gov* seeks a three-year clearance of these collections.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
SF–424 R&R Multi-Project Cover	Grant Applicants	1,519	1	1	1,519
SF424 (R&R)	Grant Applicants	109,455	1	1	109,455
SBIR/STTR Information	Grant Applicants	6,376	1	1	6,377
RR FedNonFed Budget	Grant Applicants	0	1	1	0
Research and Related Senior/Key Person Profile (Expanded).	Grant Applicants	108,543	1	1	108,543
Research and Related Other Project Information.	Grant Applicants	37,603	1	1	37,603
Research & Related Budget	Grant Applicants	63,909	1	1	63,909
Research & Related Subaward Budget (Total Fed + Non-Fed) Attachment(s) Form.	Grant Applicants	0	1	1	0
Research & Related Subaward Budget (Total Fed + Non-Fed) 5 YR 30 ATT.	Grant Applicants	0	1	1	0

ANNUALIZED BURDEN HOUR TABLE—Continued

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Research & Related Senior/Key Person Profile.	Grant Applicants	695	1	1	695
Research & Related Personal Data	Grant Applicants	0	1	1	0
Research & Related Multi-Project 10 Year Budget.	Grant Applicants	3,847	1	1	3,847
Research & Related Budget 10YR	Grant Applicants	0	1	1	0
R&R Subaward Budget Attachment(s) Form 5 YR 30 ATT.	Grant Applicants	59,767	1	1	59,767
R&R Subaward Budget Attachment(s) Form 10 YR 30 ATT.	Grant Applicants	1,023	1	1	1,023
R&R Subaward Budget Attachment(s) Form 10 YR 10 ATT.	Grant Applicants	0	1	1	0
R&R Subaward Budget Attachment(s) Form	Grant Applicants	271	1	1	271
R&R R Multi-Project Subaward Budget Attachment(s) Form 10 YR 30 ATT.	Grant Applicants	1,023	1	1	1,023
Total		394,031	1	1	394,032

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–20496 Filed 9–21–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Neurological, Mental and Behavioral Health Study Section.

Date: October 17–18, 2022.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gianina Ramona Dumitrescu, Ph.D., MPH Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4193–C, Bethesda, MD 28092, 301–827–0696, *dumitrescurg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Vision Imaging, Bioengineering and Low Vision Technology Development.

Date: October 19–20, 2022.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Tysons, 1960 Chain Bridge Road, McLean, VA 22101.

Contact Person: Susan Gillmor, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 762–3076, *susan.gillmor@nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Muscle and Exercise Physiology Study Section.

Date: October 20–21, 2022.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda MD, 20814.

Contact Person: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, (301) 496–8551, *ingrahamrh@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Academic Industrial Partnerships for Translation of Medical Technologies.

Date: October 20–21, 2022.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Steven Anthony Ripp, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3010, *steven.ripp@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative Applications: Clinical Studies of Mental Illness.

Date: October 20, 2022.

Time: 3:00 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Benjamin Greenberg Shapero, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892, (301) 402–4786, *shaperobg@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 19, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–20564 Filed 9–21–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Health, Aging and Dementia in South Africa.

Date: October 20, 2022.

Time: 1:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carmen Moten, Ph.D., MPH, Scientific Review Officer, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7703, *cmoten@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *www.nia.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 19, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–20555 Filed 9–21–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Non-Coding RNA and Alzheimer's Disease: R01s.

Date: October 24, 2022.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Maurizio Grimaldi, MD, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Room 2C218, Bethesda, MD 20892, 301–496–9374, *grimaldim2@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *www.nia.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 19, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–20559 Filed 9–21–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; ''Multi-Component Application.''

Date: October 25, 2022.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dario Dieguez, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institutes of Health, National Institute on Aging, Bethesda, MD 20814, (301) 827–3101, *dario.dieguez@nih.gov.*

Information is also available on the Institute's/Center's home page: *www.nia.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 19, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–20558 Filed 9–21–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Analytics and Statistics for Population Research Panel B Study Section.

Date: October 20–21, 2022.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Crystal City, 2399 Jefferson Davis Hwy, Arlington, VA 22202.

Contact Person: Allison Nicole Kurti, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007J, Bethesda, MD 20892, (301) 594–1814, *kurtian@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Autoimmunity, Immunotherapy and Transplantation.

Date: October 20, 2022.

Time: 1:00 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shiv A Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group; Mechanisms of Cancer Therapeutics A Study Section.

Date: October 24–25, 2022.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, 1 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Careen K Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–3504, *tothct@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiology of Eye Disease—1 Study Section.

Date: October 24–25, 2022.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Afia Sultana, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4189, Bethesda, MD 20892, (301) 827–7083, *sultanaa@mail.nih.gov*.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Virology—B Study Section.

Date: October 25–26, 2022.

Time: 8:00 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco, 700 F Street NW, Washington, DC 20001.

Contact Person: Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435–1742, *kaushikbasun@csr.nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function A Study Section.

Date: October 25–26, 2022.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: American Inn of Bethesda, 8130 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Ian Frederick Thorpe, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 903K, Bethesda, MD 20892, (301) 480–8662, *ian.thorpe@nih.gov*.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Integrative Myocardial Physiology/Pathophysiology B Study Section.

Date: October 25–26, 2022.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kirk E Dineley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 806E, Bethesda, MD 20892, (301) 867–5309, *dineleyke@csr.nih.gov*.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Gene and Drug Delivery Systems Study Section.

Date: October 25–26, 2022.

Time: 9:00 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jain Krotz, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 672–8670, *jain.krotz@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 19, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–20563 Filed 9–21–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; ''ADRD Proteinopathies''.

Date: November 1, 2022.

Time: 11:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dario Dieguez, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institutes of Health, National Institute on Aging, Bethesda, MD 20814, (301) 827–3101, *dario.dieguez@nih.gov.*

Information is also available on the Institute's/Center's home page: *www.nia.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 19, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–20557 Filed 9–21–22; 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 Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Accelerating the Pace of Drug Abuse Research Using Existing Data.

Date: October 27–28, 2022.

Time: 11 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Li Rebekah Feng, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–7245, *rebekah.feng@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Increasing Immediate Engagement and Retention in HIV Treatment with Substance Users.

Date: October 27, 2022.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marisa Srivareerat, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 435–1258, *marisa.srivareerat@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Coordinating Center for the HIV/AIDS and Substance Use Cohorts Program.

Date: November 2, 2022.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Brian Stefan Wolff, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 480–1448, *brian.wolff@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Avenir Award Program for Chemistry and Pharmacology of Substance Use Disorders (DP1—Clinical Trial Allowed).

Date: November 29, 2022.

Time: 9:45 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marisa Srivareerat, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 435–1258, *marisa.srivareerat@nih.gov.*

(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: September 16, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–20529 Filed 9–21–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2022–0047]

Homeland Security Advisory Council

AGENCY: Office of Partnership and Engagement (OPE), Department of Homeland Security (DHS).

ACTION: Notice of partially closed federal advisory committee meeting.

SUMMARY: The Homeland Security Advisory Council (HSAC or Council) will meet virtually via teleconference on Thursday, October 6, 2022. The meeting will be partially closed to the public.

DATES: The meeting will take place from 1:30 p.m. to 3:00 p.m. ET on Thursday, October 6, 2022. The meeting will be closed to the public from 1:45 p.m. to 3:00 p.m. EDT. The meeting will be open to the public from 1:30 p.m. to 1:45 p.m. EDT. The meeting may end early if the Council has completed its business.

Public Participation: Members of the public will be in listen-only mode. The public may register to participate in the open session of this meeting via teleconference through the following procedures. Each person must provide their full legal name and email address no later than 5:00 p.m. EDT on Tuesday, October 4, 2022 to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section. The conference call details will be provided to interested members of the public after the public registration period closes and prior to the start of the meeting. For information on services for individuals with disabilities, or to request special assistance, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible. Written public comments prior to the meeting must be received by 5:00 p.m. EDT on Tuesday, October 4, 2022, and must be identified by Docket No. DHS–2022–0047. Written public comments after the meeting must be identified by Docket No. DHS–2022–0047 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: HSAC@hq.dhs.gov.* Include Docket No. DHS–2022–0047 in the subject line of the message.
- *Mail:* Rebecca Sternhell, Executive Director of Homeland Security Advisory Council, Office of Partnership and Engagement, Mailstop 0385, Department of Homeland Security, 2707 Martin Luther King Jr Ave SE, Washington, DC 20528.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and ''DHS–2022–0047,'' the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may wish to review the Privacy and Security Notice which is available via a link on the homepage of *http://www.regulations.gov.*

Docket: You may provide your comments and read comments received by the Council, by going to *http://www.regulations.gov,* searching ''DHS–2022–0047,'' and selecting ''Open Docket Folder.''

FOR FURTHER INFORMATION CONTACT: Rebecca Sternhell at 202–891–2876 or *HSAC@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under Section 10(a) of the Federal Advisory Committee Act (FACA), Public Law 92–463 (5 U.S.C. appendix), which requires a portion of each FACA committee meeting to be open to the public unless the President, or the head of the agency to which the advisory committee reports, determines that a portion of the meeting may be closed to the public in accordance with 5 U.S.C. 552b(c).

The Council provides organizationally independent, strategic, timely, specific, actionable advice, and recommendations to the Secretary of Homeland Security on matters related to homeland security. The Council consists of senior executives from government, the private sector, academia, law enforcement, and non-governmental organizations.

The Council will meet in an open session between 1:30 p.m. to 1:45 p.m. ET. During the open session, the Council will receive a progress report from the Customer Experience and Service Delivery subcommittee.

The Council will meet in a closed session from 1:45 p.m. to 3:00 p.m. ET to participate in a sensitive discussion with DHS Secretary Alejandro N. Mayorkas regarding DHS operations.

Basis for Partial Closure: In accordance with Section 10(d) of FACA, the Secretary of Homeland Security has determined this meeting must be closed during this session as the disclosure of the information relayed would be detrimental to the public interest for the following reasons:

The Council will participate in a sensitive operational discussion containing For Official Use Only and Law Enforcement Sensitive information. This discussion will include information regarding threats facing the

United States and how DHS plans to address those threats. The session is closed pursuant to 5 U.S.C. 552b(c)(9)(B) because the disclosure of this information could significantly frustrate implementation of proposed agency actions.

Michael J. Miron,

Deputy Executive Director, Homeland Security Advisory Council, Department of Homeland Security.

[FR Doc. 2022–20565 Filed 9–21–22; 8:45 am]

BILLING CODE 9112–FN–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7062–N–07]

Privacy Act of 1974; Rescindment of a System of Record Notice

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Rescindment of system of records notice (SORN).

SUMMARY: Pursuant to the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A–108, the Department of Housing and Urban Development, Finance and Budget, Office of Financial Services purposes to rescind existing systems of records ''Title I Insurance and Claims System'' and, ''Property Improvement and Manufactured Mobile Home Loan-Default.'' The Notice of Rescindment identifies the system of records, explains why the SORN is being rescinded, and provides an account of what happened to the records previously maintained in the system.

DATES: This notice action shall be effective immediately.

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

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365.

Email: www.privacy@.gov.

Mail: Attention: Privacy Office; Ladonne White, Chief Privacy Officer The Executive Secretariat; 451 Seventh Street SW, Room 10139; Washington, DC 20410.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. 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.*

FOR FURTHER INFORMATION CONTACT: LaDonne White, Chief Privacy Officer; 451 Seventh Street SW, Room 10139; Washington, DC 20410; telephone number 202–708–3054 (this is not a toll-free number). Individuals who are hearing- or speech-impaired may access this telephone number via TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: Two systems are being provided for rescindment from the HUD Housing, Finance and Budget, Office of Financial Services system of records inventory. SORNs were identified for rescindment for one of four reasons: the records (1) are not Privacy Act records; (2) are maintained as part of a new or modified system of records; (3) are duplicative, and covered by another HUD system of records; or (4) are obsolete and no longer maintained by the HUD. A description of each rescindment justification, the applicable SORNs, and an account of what happened to the records is as follows:

1. Not a Privacy Act System of Records

Mere maintenance of personal information about an individual is not enough to create a Privacy Act system of records. To satisfy the elements of a system of records, there must be (1) a group of records; (2) under the control of a government agency; and (3) those records must be retrieved by a name or other personal identifier. When one condition is no longer met, the collection ceases to qualify as a system of records. Accordingly, the following SORN was identified for rescindment as is no longer meet the definition of a Privacy Act system of records:

Title I Insurance and Claims System. SORN filed pursuant to regulations implementing the Title I loan program, 24 CFR 201.1 through 200.63. HUD's statutory authority for implementing the regulations supporting HUD programs is found at 42 U.S.C 3532(a) and (b) and at 12 U.S.C. 1701(a) and (c). During 2006, this SORN published and during June 2019 the Office upgraded their busines practice to no longer retrieve records by a personal unique identifier, such as name. Records maintained and used by system are no longer retrieved by unique personal identifier.

2. Maintained as Part of a New or Modified Systems of Records

Property Improvement and Manufactured [Mobile] Home Loan-Default SORN filed pursuant to Title I, Sec. 2, National Housing Act, 12 U.S.C. 1703; Federal Claims Collection Act of 1966 (Sec. 1, Pub. L 89–506). Records maintained and used by the Office of Housing Albany Financial Operations Center were consolidated and migrated into modified Debt Collection Asset Management (DCAMS) SORN, HUD/HS–55, August 2005. Records maintained and used by system of records are retrieved by Name and Social Security Number.

HISTORY:

HUD/HS–54, 71 FR 36351 (June 26, 2006); HUD/DEPT–28, 46 FR 54878 (November 4, 1981).

LaDonne White,

Departmental Privacy Officer.

[FR Doc. 2022–20515 Filed 9–21–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L14400000 PN0000 HQ350000 212; OMB Control No. 1004–0009]

Agency Information Collection Activities; Land Use Application and Permit

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 21, 2022.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to *BLM_HQ_PRA_Comments@blm.gov.* Please reference Office of Management and Budget (OMB) Control Number 1004–0009 in the subject line of your comments. Please note that the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Grace M. Wagstaff by email at *gwagstaff@blm.gov,* or by

telephone at (279) 202–4627. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

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

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

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

(4) How the agency might minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BLM uses the information to determine whether private citizens, State and local governments, and businesses are qualified to use, occupy, or develop the public lands under certain conditions. The land uses that may be authorized are agricultural development, residential, recreation concessions, business, industrial, and commercial. This OMB Control Number is currently scheduled to expire on June 30, 2023. The BLM plans to request that OMB renew this OMB Control Number for an additional three years.

Title of Collection: Land Use Application and Permit (43 CFR part 2920).

OMB Control Number: 1004–0009.

Form Numbers: Form 2920–1.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, State and local governments, and businesses that wish to use public lands.

Total Estimated Number of Annual Respondents: 407.

Total Estimated Number of Annual Responses: 407.

Estimated Completion Time per Response: Varies from 1 to 120 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 2,455.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $145,760.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2022–20541 Filed 9–21–22; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–COMP–NPS0033688; PPWOCOPP0, PPMPSD1YM0000 (222); OMB Control Number 1024–0279]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; National Park Service Lost and Found Report

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 24, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments NPS Information Collection Clearance Officer (ADIR–ICCO), 12201 Sunrise Valley Drive, (MS–242) Reston, VA 20191 (mail); or to *phadrea_ponds@nps.gov* (email). Please reference OMB Control Number 1024–0279 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Marlene Haynes, Acting Bureau Office of Property and Fleet Management, National Park Service, 13461 Sunrise Valley Drive, Herndon, VA 20171–3272; or by email at *marlene_haynes@nps.gov* or by telephone 703–480–1768. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we

provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on February 16, 2022 (87 FR 8877). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

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

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Each year, more than 7,000 visitors to the various units of the National Park System file reports for lost or found items. Reporting of lost or found personal property in national parks is governed by 36 CFR 2.22, ''Disposition of Property'' which requires the unattended property to be impounded and deemed to be abandoned unless claimed by the owner or an authorized representative within 60 days. The 60-day period commences upon notification to the rightful owner of the property, if the owner can be identified, or from the time the property was placed in the superintendent's custody if the owner cannot be identified. Unclaimed property shall be deemed abandoned and disposed of in accordance with Title 41 Code of Federal Regulations.

In order to comply with the requirements of 36 CFR 2.22, the NPS uses Form 10–166, ''Lost—Found Report,'' to allow the park to properly identify and return found items to the legitimate owner. NPS Form 10–166 collects the following information from the visitor filing the report:

- Park name, receiving station (if appropriate), and date item was lost or found,
- name, address, city, state, zip code, email address, and contact phone numbers (cell and home),
- type, detailed description, and location where the item was last seen/found, and
- photograph of item (if available).

Title of Collection: National Park Service Lost and Found Report, 36 CFR 2.22.

OMB Control Number: 1024–0279.

Form Number: NPS Form 10–166, ''Lost—Found Report.''

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Visitors of NPS units who file reports of lost or found items.

Total Estimated Number of Annual Respondents: 7,500.

Total Estimated Number of Annual Responses: 7,500.

Estimated Completion Time per Response: 5 minutes.

Total Estimated Number of Annual Burden Hours: 625.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2022–20549 Filed 9–21–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–34551; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before September 10, 2022, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by October 7, 2022.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before September 10, 2022. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

Key: State, County, Property Name, Multiple Name(if applicable), Address/Boundary, City, Vicinity, Reference Number.

ARKANSAS

Desha County

Old Piney Cemetery, US 278, approx. 2.7 mi. west of jct. with Cty. Rd. 74, ⅛ mi. north of US 287, Monticello, SG100008278

IDAHO

Ada County

Meridian Speedway, 355 South Main St., Meridian, SG100008284

Buckner, Aurelius and Dorothy, House (African American Civil Rights in Idaho MPS), 1012 North 19th St., Boise, MP100008287

LOUISIANA

Lafayette Parish

Arceneaux, Louis J. and Marie Amelia, House, 134 Rose Ln., Lafayette, SG100008285

Natchitoches Parish

Kisatchie School, 1811 LA 118 West, Provencal, SG100008286

TEXAS

Smith County

Tyler Downtown Historic District, Roughly bounded by West Front St., Border Ave., Cotton Belt RR tracks, and Fannin Ave., Tyler, SG100008283

Additional documentation has been received for the following resources:

MARYLAND

Frederick County

Brunswick Historic District, Roughly bounded by Potomac River, Central, Park and 10th Aves., and C St., Brunswick, AD79001128

WEST VIRGINIA

Mercer County

Bramwell Additions Historic District (Boundary Increase) (Additional Documentation), Parts of Bluestone Ave., Clifton St., Renova St., Simmons Ave., Simmons St. and Spring St., Bramwell, AD05000400

Nomination submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

TEXAS

Howard County

Big Spring Veterans Administration Hospital (United States Third Generation Veterans Hospitals, 1946–1958 MPS), 300 Veterans Blvd., Big Spring, MP100008282

(Authority: Section 60.13 of 36 CFR part 60)

Dated: September 13, 2022.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2022–20566 Filed 9–21–22; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1295 (Sanctions)]

Certain Integrated Circuit Products and Devices Containing the Same; Notice of a Commission Determination Not To Review an Order Denying Respondent Realtek Semiconductor Corporation's Motion for Sanctions; Termination of the Sanctions Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an order (Order No. 11) issued by the presiding administrative law judge (''ALJ'') denying Respondent Realtek Semiconductor Corp.'s (''Realtek'') motion for sanctions. This sanctions proceeding is hereby terminated.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 31, 2022, based on a complaint, as supplemented, filed on behalf of Future Link Systems, LLC (''Future Link'') of Santa Clara, California. 87 FR 4915 (Jan. 31, 2022). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain integrated circuit products and devices containing the same that infringe one of more of claims 1–6 of U.S. Patent No. 7,685,439 and claims 1–9 of U.S. Patent No. 8,099,614. *Id.* at 4916. The complaint also alleged the existence of a domestic industry. *Id.* The Commission's notice of investigation named seventeen respondents, including Realtek of Taiwan. *Id.* The Office of Unfair Import Investigations (''OUII'') was also named as a party in this investigation. *Id.*

On April 4, 2022, Realtek filed a motion for sanctions against Future Link and its counsel. The ALJ held a teleconference on April 6, 2022, to discuss Realtek's motion for sanctions. The ALJ directed Future Link and OUII not to file a response to the motion. On April 12, 2022, the ALJ issued Order No. 11, denying Realtek's motion for sanctions. On April 22, 2022, Realtek requested leave to apply for interlocutory review of Order No. 11. The ALJ denied Realtek's request on May 3, 2022. *See* Order No. 14 (May 3, 2022).

On April 28, 2022, Future Link filed a motion to terminate the investigation as to Realtek based on withdrawal of the complaint. On May 6, 2022, Future Link filed a motion to terminate the investigation as to all remaining respondents based on settlement. On May 31, 2022, the ALJ issued an initial determination (''ID'') (Order No. 17), granting Future Link's motions to terminate. On June 9, 2022, the Commission determined not to review Order No. 17 and the investigation was terminated in its entirety. 87 FR 35995–996 (Jun. 14, 2022).

Following termination of the investigation, on June 15, 2022, the Commission set a briefing schedule in connection with Order No. 11. *See* Comm'n Notice (June 15, 2022). Thereafter, on June 23, 2022, Realtek filed a petition for review of Order No. 11. On June 27, 2022, Realtek filed a motion for leave to file a corrected petition. Future Link and OUII filed responses to the petition on June 30, 2022.

Having considered Order No. 11, the parties' submissions, and the evidence of record, the Commission has determined not to review Order No. 11. The Commission has also determined to deny Realtek's motion for leave to file a corrected petition because Realtek failed to provide good cause for its allegedly mistaken omission of a footnote. The sanctions proceeding is hereby terminated.

The Commission vote for this determination took place on September 16, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: September 16, 2022.

Katherine Hiner, Acting Secretary to the Commission.

[FR Doc. 2022–20510 Filed 9–21–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0091]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; National Response Team Customer Satisfaction Survey

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 1140–0091 (National Response Team Customer Satisfaction Survey) is being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until November 21, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact: Jennifer George, Fire Investigations & Arson Enforcement Division, either by mail at ATF NCETR, Corporal Road, Building 3750, Redstone Arsenal, Huntsville, AL 35898, by email at *Jennifer.George@atf.gov,* or by telephone at 256–261–7614.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Extension without Change of a Currently Approved Collection.

2. *The Title of the Form/Collection:* National Response Team Customer Satisfaction Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): None.

Sponsor: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local or Tribal Government.

Other (if applicable): None.

Abstract: The National Response Team Customer Satisfaction Survey is used to obtain feedback regarding services provided by the ATF National Response Team.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 32 respondents will utilize the survey, and it will take each respondent approximately 15 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is eight (8) hours, which is equal to 32 (# of respondents) * 1 (# of responses per respondent) * .25 (15 minutes).

If additional information is required contact: Robert Houser, Department Clearance Officer, Policy and Planning Staff, Office of the Chief Information Officer, United States Department of Justice, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–206, Washington, DC 20530.

Dated: September 16, 2022.

Robert Houser,

Department Clearance Officer, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.

[FR Doc. 2022–20494 Filed 9–21–22; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1123–0013]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; United States Victims of State Sponsored Terrorism Fund Application Form

AGENCY: Criminal Division, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The United States Victims of State Sponsored Terrorism Fund, Criminal Division, U.S. Department of Justice, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** on May 31, 2022, allowing for a 60-day comment period. No comments were received.

DATES: Comments are encouraged and will be accepted for 30 days until October 24, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact either Mary Patrice Brown, Special Master, United States Victims of State Sponsored Terrorism Fund, or Jennifer Bickford, Chief, Program Management and Training Unit, Money Laundering and Asset Recovery Section, Criminal Division, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530–0001, telephone (202) 353–2046. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION:

Written comments and suggestions from the public and affected agencies concerning the proposed collection of

information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the United States Victims of State Sponsored Terrorism Fund, Criminal Division, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Application Form for the United States Victims of State Sponsored Terrorism Fund (USVSST Fund).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is the Criminal Division, USVSST Fund.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Abstract: The USVSST Fund was established to provide compensation to certain individuals who were injured as a result of acts of international terrorism by a state sponsor of terrorism. Under the Justice for United States Victims of State Sponsored Terrorism Act (Act), 34 U.S.C. 20144(c), as amended, an eligible claimant is (1) a U.S. person, as defined in 34 U.S.C. 20144(j)(8), with a final judgment issued by a U.S. district court under state or federal law against a state sponsor of terrorism and arising from an act of international terrorism, for which the foreign state was found not immune under provisions of the Foreign Sovereign Immunities Act, codified at 28 U.S.C. 1605A or 1605(a)(7) (as such section was in effect on January 27, 2008); (2) a U.S. person, as defined in 34 U.S.C. 20144(j)(8), who was taken and held hostage from the United States Embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981; or the spouse and child of that U.S. person at that time, who is also identified as a member of the proposed class in case number 1:00–CV–03110 (EGS) of the United States District Court for the District of Columbia; or (3) the personal representative of a deceased individual in either of those two categories.

The information collected from the USVSST Fund's Application Form will be used to determine whether applicants are eligible for compensation from the USVSST Fund, and if so, the amount of compensation to be awarded. The Application Form consists of parts related to eligibility and compensation. The eligibility parts seek the information required by the Act to determine whether a claimant is eligible for payment from the USVSST Fund, including information related to participation in federal lawsuits against a state sponsor of terrorism under the Foreign Sovereign Immunities Act. The compensation parts seek the information required by the Justice for United States Victims of State Sponsored Terrorism Act, as amended, to determine the amount of compensation for which the claimant is eligible. Specifically, the compensation parts seek information regarding the amount of compensatory damages awarded the claimant in a final judgment as well as any payments from sources other than the USVSST Fund, as defined in 34 U.S.C. 20144(j)(6), that the claimant received, is entitled to receive, or is scheduled to receive, as a result of the act of international terrorism by a state sponsor of terrorism. The Application Form was revised with formatting changes and removal of certain information requests to minimize respondents' collection burden. There are changes in the revised Application Form, but it contains the same information regarding eligibility and compensation.

The USVSST Fund may require an eligible claimant to supplement his or her application by submitting additional forms. These additional supplementary forms include information related to: (1) An acknowledgment and certification by applicants and their attorneys regarding the statutory provision on the amount of attorneys' fees; (2) an authorization for the USVSST Fund to communicate with individuals identified by an applicant regarding his or her claim; (3) a certification of the personal representative of a deceased individual regarding the USVSST Fund award for the decedent's estate; (4) a claimant's decision to change an attorney or representative; (5) a hearing request upon receipt of a decision denying the claim in whole or in part; and (6) electronic payment information.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 700 respondents may complete the Application Form. It is estimated that respondents will complete the paper form or the electronic form in an average of 1.25 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 875 hours.

If additional information is required contact: Robert Houser, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 3E.206, Washington, DC 20530.

Dated: September 16, 2022.

Robert Houser,

Department Clearance Officer, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.

[FR Doc. 2022–20507 Filed 9–21–22; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under Clean Air Act

On September 19, 2022, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Puerto Rico in the lawsuit entitled *United States* v. *TotalEnergies Marketing Puerto Rico Corporation,* Civil Action No. 3:22–cv–1454.

In that action, the United States sought, pursuant to the Clean Air Act, 42 U.S.C. 7401, *et seq.,* injunctive relief and recovery of a civil penalty regarding TotalEnergies' petroleum storage and distribution facility in Guaynabo, PR (''Facility''). TotalEnergies operated some of the Facility's storage tanks in a manner that created a risk of fire, and operated its truck loading rack in a manner that allowed excess petroleum vapors to escape to the atmosphere. The proposed Consent Decree requires TotalEnergies to upgrade its tanks and loading rack and implement maintenance measures to ensure that the Facility is in compliance with the Clean Air Act and its implementing regulations. The proposed Consent

Decree also requires TotalEnergies to pay a $500,000 civil penalty.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *TotalEnergies Marketing Puerto Rico Corporation,* Civil Action No. 3:22–cv–1454, D.J. Ref. No. 90–5–1–1–10983/1. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
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 amended consent decree 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 proposed amended consent decree 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 $10.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2022–20532 Filed 9–21–22; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; Account Management Profile

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register**, and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAmain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

Comments: Comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information on respondents; and (d) 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 should be addressed to the points of contact in the **FOR FURTHER INFORMATION CONTACT** section.

Copies of the submission may be obtained by calling 703–292–7556. NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number, and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: Account Management Profile.

OMB Control No.: 3145–NEW.

Type of Request: Intent to seek approval to establish an information collection for three years.

Abstract: The purpose of the National Science Foundation's (NSF) Account Profile is to collect information (contact information, demographic information, and academic/professional information) on *Research.gov.* This profile will assist the NSF in maintaining a centralized registration and profile management process for individuals. NSF may track information provided over time to review and evaluate NSF programs, facilitate proposal submission, simplify reviewer activities, and provide data for the selection and management of reviewers and related merit review functions. Collecting this information supports the program officers across each directorate by improving efficiencies for internal staff, leveraging consolidated profile data, and creating a seamless user experience for the scientific community. This process will also provide researchers with a consolidated profile and access to their information in the *Research.gov* system, with the ability to easily access and update their information as necessary over the course of their respective research career and in all official interactions with NSF, as applicant, awardee (Fellow, Principal Investigator (PI), co-PI, subawardee, consultant), institutional representative, reviewer, or in other roles. In addition, the Biden Administration has made it a priority to deliver services more equitably and effectively via Executive Order 14058, *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.* The President directed heads of agencies to integrate activities to improve customer experience and identify means by which their respective agencies can improve transparency and accessibility for their customers. This expansion effort will allow users, including those with a Principal Investigator role, a Reviewer role, or those applying to the Graduate Research Fellowship Program (GRFP), or those designated as current Fellow with GRFP, to self-report and self-manage demographic and academic/professional information over the course of their respective research careers.

Use of the Information: Information collected as part of the NSF Account Profile (contact information, demographic information, and academic/professional information) on *Research.gov* will enable program officials to select diverse panels and expand opportunities to increase participation from underrepresented groups and diverse institutions throughout the United States in all NSF activities and programs. The information provided over time will

also be used by administrative support professionals to review and evaluate NSF programs, facilitate proposal submission, simplify reviewer activities, and provide data for the selection and management of reviewers and related merit review functions. This information will provide NSF with the necessary data to create dashboards across business applications that allow users to easily access and update their data over time and enable administrators to report on efforts to broaden participation. Additionally, the information collected as part of the NSF Account profile will align with the precedent set by the Department of State with the option to select a third gender marker for non-binary, intersex, and gender non-conforming individuals. This additional gender response option is based on the two-part qualitative study coordinated between the Department of State and the Centers for Disease Control and Prevention. The results concluded that ''unspecified or another gender identity'' is the most appropriate definition. ''Unspecified'' is also the International Civil Aviation Organization's (ICAO) standard for third gender markers, aligning efforts with that of the international community, public commenters, and all U.S. citizens regardless of their gender identity.

Expected Respondents: Researchers and administrative support professionals, including those with a Principal Investigator role, a Reviewer role, or those applying to the Graduate Research Fellowship Program (GRFP), or those designated as current Fellow with GRFP.

Estimated Number of Annual Respondents: 587,776.

Burden on the Public: It should be noted that burden estimates associated with the NSF Account Profile amount to 5 minutes to fill out the contact information, demographic information, and academic/professional information, including the collection of data to fill in the fields. This assumption includes users who have filled out information in the past and do not wish to update their information. The demographic information should be readily available as the selection fields are available on *Research.gov* today and the professional information can be gathered from external data sources. The estimated number of annual respondents considers all users in *Research.gov*, regardless of role and demographic information completion status, all unique reviewers for NSF, all current GRFP Fellows, and the estimated annual number of GRFP applicants. The estimated burden time is 48,981 hours.

Dated: September 19, 2022.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2022–20522 Filed 9–21–22; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

National Artificial Intelligence Research Resource Task Force; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: National Artificial Intelligence Research Resource Task Force (84629).

Date and Time: October 21, 2022, 1:00 p.m. to 3:00 p.m. EDT.

Place: NSF 2415 Eisenhower Avenue, Alexandria, VA 22314/Virtual.

Virtual meeting attendance only; to attend the virtual meeting, please send your request for the virtual meeting link to the following email: *cmessam@nsf.gov.*

Type of Meeting: Open.

Contact Person: Brenda Williams, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: 703–292–8900; email: *bwilliam@nsf.gov.*

Purpose of Meeting: The Task Force shall investigate the feasibility and advisability of establishing and sustaining a National Artificial Intelligence Research Resource; and propose a roadmap detailing how such resource should be established and sustained.

Agenda: In this meeting, the Task Force will deliberate on the implementation plan and roadmap for the NAIRR that will be submitted as the Task Force's final report to the President and Congress.

Dated: September 16, 2022.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2022–20478 Filed 9–21–22; 8:45 am]

BILLING CODE 7555–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Virtual Public Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: According to the provisions of section 10 of the Federal Advisory Committee Act, notice is hereby given that a virtual meeting of the Federal Prevailing Rate Advisory Committee will be held on Thursday, October 20, 2022. There will be no in-person gathering for this meeting.

DATES: The virtual meeting will be held on October 20, 2022, beginning at 10:00 a.m. (ET).

ADDRESSES: The meeting will convene virtually.

FOR FURTHER INFORMATION CONTACT: Ana Paunoiu, 202–606–2858, or email *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: The Federal Prevailing Rate Advisory Committee is composed of a Chair, five representatives from labor unions holding exclusive bargaining rights for Federal prevailing rate employees, and five representatives from Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

Annually, the Chair compiles a report of pay issues discussed and concluded recommendations. These reports are available to the public. Reports for calendar years 2008 to 2020 are posted at *http://www.opm.gov/fprac.* Previous reports are also available, upon written request to the Committee.

The public is invited to submit material in writing to the Chair on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee at Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 7H31, 1900 E Street NW, Washington, DC 20415, (202) 606–2858.

This meeting is open to the public, with an audio option for listening. This notice sets forth the agenda for the meeting and the participation guidelines.

Meeting Agenda. The tentative agenda for this meeting includes the following Federal Wage System items:

- The definition of Monroe County, PA.
- The definition of San Joaquin County, CA.
- The definition of the Salinas-Monterey, CA, wage area.
- The definition of the Puerto Rico wage area.

Public Participation: The October 20, 2022, meeting of the Federal Prevailing

Rate Advisory Committee is open to the public through advance registration. Public participation is available for the meeting. All individuals who plan to attend the virtual public meeting to listen must register by sending an email to *pay-leave-policy@opm.gov* with the subject line ''October 20 FPRAC Meeting'' no later than Tuesday, October 18, 2022.

The following information must be provided when registering:

- Name.
- Agency and duty station.
- Email address.
- Your topic of interest.

Members of the press, in addition to registering for this event, must also RSVP to *media@opm.gov* by October 18, 2022.

A confirmation email will be sent upon receipt of the registration. Audio teleconference information for participation will be sent to registrants the morning of the virtual meeting.

Office of Personnel Management.

Stephen Hickman,

Federal Register Liaison.

[FR Doc. 2022–20540 Filed 9–21–22; 8:45 am]

BILLING CODE 6325–39–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–107 and CP2022–111; MC2022–108 and CP2022–112; MC2022–109 and CP2022–113; MC2022–110 and CP2022–114; MC2022–111 and CP2022–115; MC2022–112 and CP2022–116; MC2022–113 and CP2022–117; MC2022–114 and CP2022–118]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 23, 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
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2022–107 and CP2022–111; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 21 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 15, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* September 23, 2022.

2. *Docket No(s).:* MC2022–108 and CP2022–112; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 22 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 15, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* September 23, 2022.

3. *Docket No(s).:* MC2022–109 and CP2022–113; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 23 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 15, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* September 23, 2022.

4. *Docket No(s).:* MC2022–110 and CP2022–114; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 24 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 15, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 23, 2022.

5. *Docket No(s).:* MC2022–111 and CP2022–115; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 25 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 15, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 23, 2022.

6. *Docket No(s).:* MC2022–112 and CP2022–116; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 26 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 15, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 23, 2022.

7. *Docket No(s).:* MC2022–113 and CP2022–117; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 27 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 15, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 23, 2022.

8. *Docket No(s).:* MC2022–114 and CP2022–118; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 28 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 15, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* September 23, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–20537 Filed 9–21–22; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–115 and CP2022–119; MC2022–116 and CP2022–120; MC2022–117 and CP2022–121; MC2022–118 and CP2022–122; MC2022–119 and CP2022–123]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 26, 2022.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
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I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

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II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2022–115 and CP2022–119; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 29 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 16, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* September 26, 2022.

2. *Docket No(s).:* MC2022–116 and CP2022–120; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 30 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 16, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* September 26, 2022.

3. *Docket No(s).:* MC2022–117 and CP2022–121; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 31 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 16, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* September 26, 2022.

4. *Docket No(s).:* MC2022–118 and CP2022–122; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 32 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 16, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* September 26, 2022.

5. *Docket No(s).:* MC2022–119 and CP2022–123; *Filing Title:* USPS Request to Add Priority Mail Contract 762 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 16, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* September 26, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–20539 Filed 9–21–22; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95814; File No. SR–MIAX–2022–29]

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange LLC To Amend Its Fee Schedule

September 16, 2022.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 8, 2022, Miami International Securities Exchange, LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Exchange Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend footnote 14 referenced in Section (1)(a)(iii) of the Fee Schedule to amend the list of MIAX Select Symbols[3] contained in the Priority Customer Rebate Program (''PCRP'')[4] to replace the reference to the symbol ''FB'' with ''META.''

The Exchange initially created the list of MIAX Select Symbols on March 1, 2014,[5] and has added, removed and amended symbol names of option classes from that list since that time.[6] Select Symbols are rebated slightly higher in certain PCRP tiers and segment than non-Select Symbols. The Exchange notes that historically, Select Symbols generally include a subset of classes of options that are included in the Penny Interval Program, an industry-wide program that provides for the quoting and trading of certain option classes in penny increments (the ''Penny Program'').[7]

On June 8, 2022, the Exchange issued an alert that Meta Platforms, Inc. would begin trading under its new stock symbol, ''META'', replacing its previous ticker symbol, ''FB,'' beginning June 9, 2022.[8] The Exchange now proposes to replace references to the symbol ''FB'' with ''META'' in Footnote 14 of Section (1)(a)(iii) of the Fee Schedule. The Exchanges notes that this is the same change that Nasdaq ISE, LLC made recently.[9] The Exchange notes that it is continuing to apply the higher MIAX Select Symbol rebate rate, notwithstanding the symbol change from ''FB'' to ''META'' in June. The proposed change is immediately effective.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[10] in general, and furthers the objectives of Section 6(b)(4) of the Act[11] in particular, in that it is an equitable allocation of reasonable fees and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes the proposal to amend the symbol name from ''FB'' to ''META'' in the list of MIAX Select Symbols contained in the PCRP is consistent with Section 6(b)(4) of the Act because the proposed change will allow for continued benefit to investors by providing them an updated list of MIAX Select Symbols contained in the PCRP on the Fee Schedule. The proposed change will provide clarity in the Fee Schedule that the symbol ''META'' continues to be subject to the MIAX Select Symbols pricing.

The Exchange also believes that its proposal is consistent with Section 6(b)(5) of the Act because it will apply equally to all similarly situated Priority Customer orders in MIAX Select Symbols in the PCRP. All similarly situated Priority Customer orders in MIAX Select Symbols are subject to the same rebate schedule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal to update references to the symbol ''FB'' to ''META'' within the Fee Schedule does

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''MIAX Select Symbols'' means options overlying AAL, AAPL, AMAT, AMD, AMZN, BA, BABA, BB, BIDU, BP, C, CAT, CLF, CVX, DAL, EBAY, EEM, [FB,]FCX, GE, GILD, GLD, GM, GOOGL, GPRO, HAL, INTC, IWM, JNJ, JPM, KMI, KO, MO, META, MRK, NFLX, NOK, ORCL, PBR, PFE, PG, QCOM, QQQ, RIG, SPY, T, TSLA, USO, VALE, WBA, WFC, WMB, X, XHB, XLE, XLF, XLP, XOM and XOP.

[4] *See* section (1)(a)(iii) of the Fee Schedule for a complete description of the PCRP.

[5] *See* Securities Exchange Act Release No. 71700 (March 12, 2014), 79 FR 15188 (March 18, 2014) (SR–MIAX–2014–13).

[6] *See, e.g.,* Securities Exchange Act Release Nos. 89530 (August 12, 2020), 85 FR 50845 (August 18, 2020) (SR–MIAX–2020–26); 88850 (May 11, 2020), 85 FR 29497 (May 15, 2020) (SR–MIAX–2020–09); 87964 (January 14, 2020), 85 FR 3435 (January 21, 2020) (SR–MIAX–2020–01); 87790 (December 18, 2019), 84 FR 71037 (December 26, 2019) (SR–MIAX–2019–49); 85314 (March 14, 2019), 84 FR 10359 (March 20, 2019) (SR–MIAX–2019–07; 81998 (November 2, 2017), 82 FR 51897 (November 8, 2017) (SR–MIAX–2017–45); 81019 (June 26, 2017), 82 FR 29962 (June 30, 2017) (SR–MIAX–2017–29); 79301 (November 14, 2016), 81 FR 81854 (November 18, 2016) (SR–MIAX–2016–42); 74291 (February 18, 2015), 80 FR 9841 (February 24, 2015) (SR–MIAX–2015–09); 74288 (February 18, 2015), 80 FR 9837 (February 24, 2015) (SR–MIAX–2015–08); 73328 (October 9, 2014), 79 FR 62230 (October 16, 2014) (SR–MIAX–2014–50); 72567 (July 8, 2014), 79 FR 40818 (July 14, 2014) (SR–MIAX–2014–34); 72356 (June 10, 2014), 79 FR 34384 (June 16, 2014) (SR–MIAX–2014–26); 71700 (March 12, 2014), 79 FR 15188 (March 18, 2014) (SR–MIAX–2014–13).

[7] *See* Securities Exchange Act Release No. 88988 (June 2, 2020), 85 FR 35153 (June 8, 2020) (SR–MIAX–2020–13). *See also* Exchange Rule 510(c).

[8] *See* MIAX Listing Alert (June 8, 2022), *available at https://www.miaxoptions.com/sites/default/files/alert-files/FB_Symbol_Change_50536.pdf.*

[9] *See* Securities Exchange Act Release No. 95238 (July 11, 2022), 87 FR 42515 (July 15, 2022) (SR–ISE–2022–14).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

not impose an undue burden on competition as the proposal does not amend the current pricing. This proposed change is a not a competitive proposal but rather is designed to update the list of MIAX Select Symbols contained in the PCRP in order to avoid potential confusion on the part of market participants and other competing options exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[12] and Rule 19b–4(f)(2)[13] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File SR–MIAX–2022–29 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2022–29. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2022–29 and should be submitted on or before October 13, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20505 Filed 9–21–22; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95808; File No. SR–LCH SA–2022–005]

Self-Regulatory Organizations; LCH SA; Notice of Filing and Immediate Effectiveness of Proposed Rule Change, as Modified by Amendment No. 1, Relating to the CDSClear CCP Switch Programme

September 16, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder[2] notice is hereby given that on September 9, 2022, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared primarily by LCH SA. LCH SA filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(2)[4] thereunder, so that the proposal was effective upon filing with the Commission. On September 14, 2022, LCH SA filed Amendment No. 1 to the proposed rule change.[5] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1 (hereafter, the ''proposed rule change change''), from interested persons.[6]

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

(a) LCH SA is proposing to offer an incentive fee programme to existing and new potential clearing member and clients of CDSClear service (the ''Proposed Rule Change'').

The text of the Proposed Rule Change is in Exhibit 5 [sic].[7]

The implementation of the Proposed Rule Change will be contingent on LCH SA's receipt of all necessary regulatory approvals.

(b) Not applicable.

(c) Not applicable.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

Following an announcement made at the end of June by an alternate credit CCP that it would cease clearing all

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

[5] In Amendment No. 1, LCH SA deleted a sentence from Item II.B that was not applicable to the filing.

[6] References to the proposed rule change from this point forward refer to the proposed rule change as modified by Amendment No. 1.

[7] All capitalized terms not defined herein have the same definition as in the CDS Clearing Rule Book, Supplement or Procedures, as applicable.

classes of CDS contracts by the end of March 2023,[8] but also in light of the upcoming extension of CDSClear products, LCH SA CDSClear expects a number of clients and clearing members of alternate credit CCPs to choose to move their CDS portfolios to LCH SA CDSClear.

Within this context, the purpose of the Proposed Rule Change is for CDSClear to offer Clearing Members and clients acting through a Clearing Member, who have, directly or through a Clearing Member as applicable, signed up to the CCP Switch Programme [9] as specified in Exhibit 5 [sic], the opportunity to move their cleared index and single name credit default swap (''CDS'') or Index Swaption transactions from alternate credit CCPs to LCH SA at no cost (the ''CCP Switch Programme'').

As detailed in the CDSClear Circular attached as Exhibit 5 [sic] and also to be published on the LCH website, LCH SA CDSClear is proposing to implement the CCP Switch Programme that would be offered to all CDSClear Clearing Members and clients (the ''Switch Programme Participants'') once effective.

The CCP Switch Programme will apply to all ''Eligible Cleared Transactions'' which include cleared transactions where there is no unlimited tariff available for the Switch Programme Participant or the cleared transaction would attract a non-zero clearing fee. This includes all CDS transactions for Select Members, but not Index Swaption transactions where an unlimited tariff is available. It includes all CDS transactions for clients of Clearing Members, but not Index Swaption transactions in 2022, where a full discount of client variable fees is being applied. It currently does not include any transactions for General Members. General Members have an unlimited tariff available for CDS apart from sovereign single names. Sovereign single names are subject to a full discount of clearing fees for General Members for 1 year from the go-live date. An unlimited tariff is available to General Members for Index Swaptions, which excludes these from being an Eligible Cleared Transaction also.

To assist Switch Programme Participants in efficiently closing positions at alternate credit CCPs and reopening the same positions at the LCH SA CDSClear service, LCH SA is proposing to allow Switch Programme Participants to complete these transactions for zero CCP clearing fees.

In order to facilitate this, LCH SA CDSClear would charge no clearing fees to enter into the Eligible Cleared Transaction on CDSClear, known as the ''the CDSClear Transaction Leg''. Correspondingly, LCH SA would provide a Credit Note for the Assumed Cost of entering into the close out transaction at the alternate CDS CCP, known as the ''Alternate CCP Transaction Leg.

The Credit Note would be applied to all non-CCP Switch Eligible Cleared Transactions of a Switch Programme Participant for a period of six (6) months beginning at the ''Programme Entry Date'', mentioned in the relevant Switch Programme registration form provided to LCH SA. This will effectively make the CCP Switch free of any clearing fees at either CCP. At the end of the six months period, any unused portion of the Credit Note would be forfeited.

Fees for both the CCP Switch and any transactions which would have the Credit Note applied would be charged as normal, then rebated at the end of each month.

(b) Statutory Basis

Section 17A(b)(3)(D) of the Act requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges.[10]

LCH SA believes that its clearing fee change proposal is consistent with the requirements of Section 17A of the Act [11] and the regulations thereunder applicable to it, and in particular provides for the equitable allocation of reasonable fees, dues, and other charges among clearing members and market participants by ensuring that clearing members and clients pay reasonable fees and dues for the services provided by LCH SA, within the meaning of Section 17A(b)(3)(D) of the Act.[12]

Indeed, there is no change on the tariffs on which LCH SA CDSClear has existing activity (*i.e.* Corporates and Financials Index and Single Names, General Members Unlimited and Introductory tariffs for Index Options). Rather the Proposed Rule Change provides for a fee rebate to Switch Programme Participants who choose to switch CDS positions from an alternate CCP to the LCH SA CDSClear service, effectively allowing these switch transactions to have no cost impact to Switch Programme Participants. Additionally, in no case will the Proposed Rule Change cause an increase to any fees charged by LCH SA. As such, LCH SA believes that the Proposed Rule Change consistent with Section 17A(b)(3)(D) and is designed to offer Clearing Members and clients with cleared CDS and Index Swaption positions, especially those that may become ineligible to remain at their current CCP, the ability to move their positions to LCH SA free of charge. LCH SA does not plan to offer the CCP Switch Programme for cleared transactions where there is an unlimited tariff available to Switch Programme Participants or where cleared transactions would not attract a fee.

For all the reasons stated above, LCH SA believes that the proposed changes to the LCH SA fee grid are reasonable and appropriate.

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[13]

LCH SA does not believe that the Proposed Rule Change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because the CCP Switch Programme is meant to facilitate competition and movement between CCPs by accommodating such positions transfers and reducing the barrier potentially created by high fees associated with transferring corresponding positions between clearing houses. LCH SA is offering the possibility for all CDSClear Clearing Members and clients to utilize the CCP Switch Programme without prejudice and on identical terms. The Proposed Rule Change would not affect the ability of Clearing Members or other market participants generally to engage in cleared transactions or to access clearing services.

Additionally, the clearing fee conditions remain transparent and equally applicable to any eligible participant wishing to access the CDSClear clearing service including those transactions that are not mandatory for clearing.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. LCH SA will

[8] Circular C22/076 ''*Cessation of clearing of CDS Contracts*'' published by ICE Clear Europe on 30 June 2022 (C22076.pdf (*theice.com*).

[9] Clearing Members and clients will be able to enter into the CCP Switch Programme by completing a written form.

[10] 15 U.S.C. 78q–1(b)(3)(D).

[11] 15 U.S.C. 78q–1.

[12] 15 U.S.C. 78q–1(b)(3)(D).

[13] 15 U.S.C. 78q–1(b)(3)(I).

notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)[14] of the Act and Rule 19b–4(f)(2)[15] thereunder because it establishes a fee or other charge imposed by LCH SA on its Clearing Members. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such proposed rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–LCH SA–2022–005 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–LCH SA–2022–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of LCH SA and on LCH SA's website at: *https://www.lch.com/resources/rulebooks/proposed-rule-changes.* All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–LCH SA–2022–005 and should be submitted on or before October 13, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20501 Filed 9–21–22; 8:45 am]

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[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95807; File No. SR–MRX–2022–16]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Certain Rules in Connection With a Technology Migration to Enhanced Nasdaq Functionality

September 16, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on September 9, 2022, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend certain rules in connection with a technology migration to enhanced Nasdaq, Inc. (''Nasdaq'') functionality.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In connection with a technology migration to enhanced Nasdaq functionality that will result in higher performance, scalability, and more robust architecture, the Exchange proposes to amend its rules to adopt certain trading functionality currently utilized at Nasdaq BX, Inc. (''BX''). As further discussed below, the Exchange is proposing to adopt such functionality substantially in the same form as currently on BX, while retaining certain intended differences between it and its affiliates.

The Exchange intends to begin implementation of the proposed rule change in Q4 2022. MRX would commence its implementation with a limited symbol migration and continue to migrate symbols over several weeks. The Exchange will issue an Options Trader Alert to Members to provide notification of the symbols that will migrate and the relevant dates.

Re-Pricing

In connection with the technology migration, the Exchange proposes to adopt re-pricing functionality in Options 3, Section 4 and Section 5 for certain orders and quotes that lock or cross an away market's price. The proposed functionality will be materially identical to current BX

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

functionality.[3] As further described below, the Exchange proposes a number of corresponding amendments throughout Options 2 and Options 3 in connection with adopting the re-pricing mechanism.

The Exchange notes that today, it would cancel any unexecuted balances of non-routable orders that cannot be placed on the order book.[4] With the technology migration, any unexecuted balances may rest on the order book as the Exchange would re-price an order that locks or crosses another market as described in this proposal.

As proposed, the System will re-price certain orders to avoid locking or crossing an away market's price. Orders that are designated as non-routable and that lock or cross an away market price will be automatically re-priced to the current national best offer (for bids) or the current national best bid (for offers) as non-displayed and displayed one minimum price variance (''MPV'') above (for offers) or below (for bids) the national best price.[5] Upon re-pricing in this manner, such order will be displayed on OPRA at one MPV above (for offers) or below (for bids) the national best price. The order will remain on the Exchange's order book and will be accessible at the non-displayed price. For example, a non-displayed limit order may be accessed on the Exchange by a Member if the limit order is priced better than the NBBO. The following example illustrates how the proposed re-pricing mechanism would work:

Symbol ABCD in a Non-Penny name
CBOE BBO at 1.00 × 1.20
DNR order to buy ABCD for 1.30 arrives
DNR buy order books at 1.20 (current national best offer) and displays at 1.15 (one MPV below national best offer)*
*OPRA will show the displayed price, not the booked non-displayed price

In order to effectuate the foregoing changes, the Exchange proposes to amend Options 3, Section 5(c), which currently provides that the System automatically executes eligible orders using the Exchange's displayed best bid and offer (''BBO''). As amended, Options 3, Section 5(c) would provide that the System automatically executes eligible orders using the Exchange's displayed best bid and offer (*i.e.,* BBO) or the Exchange's non-displayed order book (''internal BBO'') [6] if the best bid and/or offer on the Exchange has been re-priced pursuant to Options 3, Section 5(d). The proposed definition of an internal BBO, which will be identical to BX's definition of internal BBO in BX Options 3, Section 5(c), will cover re-priced orders that remain on the order book and are available at non-displayed prices while resting on the order book. The proposed re-pricing itself will be described in Options 3, Section 5(d). Currently, Options 3, Section 5(d) describes Trade-Through Compliance and Locked or Crossed Market behavior, and further provides that an order that is designated by the Member as routable would be routed in compliance with applicable Trade-Through and Locked and Crossed Markets restrictions.[7] The Exchange proposes to add rule text within Options 3, Section 5(d) to describe the manner in which a non-routable order would be re-priced. Specifically, the Exchange proposes to state, ''An order that is designated by a Member as non-routable will be re-priced in order to comply with applicable Trade-Through and Locked and Crossed Markets restrictions. If, at the time of entry, an order that the entering party has elected not to make eligible for routing [8] would cause a locked or crossed market violation or would cause a trade-through violation, it will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) as non-displayed, and displayed at one minimum price variance above (for offers) or below (for bids) the national best price.'' The Exchange believes that the addition of this language, substantially similar to language within BX Options 3, Section 5(d),[9] will provide Members with additional information as to the manner in which orders are handled by the System when those orders would lock or cross an away market. Identical to BX, the Exchange is specifying that the re-price would occur ''at the time of entry'' to avoid a locked or crossed market violation or a trade-through violation.[10]

With respect to quotes, today as set forth in Options 3, Section 4(b)(6), if, at the time of entry, a quote would cause a locked or crossed market violation or would cause a trade-through violation, it will either be re-priced and displayed at one MPV above (for offers) or below (for bids) the national best price or immediately cancelled, as configured by the Member. The Exchange now proposes to amend the quote re-pricing mechanism currently described in MRX Options 3, Section 4(b)(6) by harmonizing it with BX Options 3, Section 4(b)(6).[11] As amended, the quote

[3] Today, BX re-prices certain orders and quotes to avoid locking and crossing away markets, consistent with its Trade-Through compliance and Locked or Crossed Markets obligations. *See* BX Options 3, Sections 4(b)(6) and 5(d). *See also* Securities Exchange Act Release No. 89476 (August 4, 2020), 85 FR 48274 (August 10, 2020) (SR–BX–2020–017) (describing BX re-pricing mechanism in BX Options 3, Section 5). In addition to re-pricing, MRX also permits Members to cancel their quotes by configuration.

[4] Today, this would include cancelling unexecuted balances of non-routable orders after following the procedures set forth in Supplementary Material .02 to Options 5, Section 2.

[5] The Exchange notes that other rules may cause a routable or non-routable order to re-price in the manner described above. For example, the Exchange will introduce a FIND routing strategy with the technology migration. Orders marked as FIND (*i.e.,* ''FIND Orders'') are routable in nature but could, in certain specified scenarios, re-price and be treated as a non-routable order in such cases. *See e.g.,* Options 5, Section 4(a)(iii)(B)(4) (effective but not yet operative), which provides that a FIND Order received after an Opening Process that is marketable against the BBO when the ABBO is inferior to the BBO will be traded on the Exchange at or better than the BBO price. If the FIND Order has size remaining after exhausting the BBO, it may: (1) trade at the next BBO price (or prices) if the order price is locking or crossing that price (or prices) up to and including the ABBO price, (2) be entered into the Order Book at its limit price, or (3) if locking or crossing the ABBO, be entered into the Order Book at the ABBO price and displayed one MPV away from the ABBO. The FIND Order will be treated as DNR for the remainder of the trading day, even in the event that there is a new Opening Process after a trading halt. *See also* Securities Exchange Act Release No. 94897 (May 12, 2022), 87 FR 30294 (May 18, 2022) (SR–ISE–2022–11) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Routing Functionality in Connection With a Technology Migration, including to adopt FIND Orders) (''Routing Filing''). The changes proposed in the Routing Filing will become operative at the same time as this proposal.

[6] A non-displayed order price is not visible to any market participants other than the submitting market participant until such order executes and becomes visible at that time to all market participants.

[7] Options 3, Section 5(d) also currently provides that orders that are not automatically executed will be handled as provided in Supplementary Material .02 to Options 5, Section 2; provided that Members may specify that a Non-Customer order should instead be cancelled automatically by the System at the time of receipt.

[8] As noted above, FIND Orders (which are inherently routable but could then become non-routable in specified circumstances) may also be re-priced. *See supra* note 5.

[9] Currently, BX Options 3, Section 5(d), in relevant part, provides that ''[I]f, at the time of entry, an order that the entering party has elected not to make eligible for routing would cause a locked or crossed market violation or would cause a trade-through violation, it will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) and displayed at one minimum price variance above (for offers) or below (for bids) the national best price.'' BX intends to make a clarifying change in a separate rule filing to align its rule text with proposed MRX Options 3, Section 5(d) to also indicate that BX will re-price to the current national best price *as non-displayed.*

[10] After the re-price under Options 3, Section 5(d), continuous re-pricing could take place pursuant to Options 5, Section 4 if the away market price fades to inferior prices and the re-priced order can move closer to its original limit price. *See supra* note 5.

[11] BX Options 3, Section 4(b)(6) provides that a quote will not be executed at a price that trades through another market or displayed at a price that would lock or cross another market. If, at the time

re-pricing language in Options 3, Section 4(b)(6) would provide: ''If, at the time of entry, a quote would cause a locked or crossed market violation or would cause a trade-through violation, it will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) as non-displayed, and displayed at one minimum price variance above (for offers) or below (for bids) the national best price, or immediately cancelled, as configured by the Member.'' As reflected in the foregoing, the difference between the current and proposed re-pricing is that the Exchange will re-price to the current national best price under the proposal and book non-displayed at this price (*i.e.,* the current national best price). Upon re-pricing in this manner, the order would then be displayed one MPV inferior to the national best price. In contrast, today, the Exchange re-prices and books as displayed one MPV inferior to the national best price. The proposed process is identical to how BX quote re-pricing works today.[12]

In connection with the introduction of the BX-like quote re-pricing mechanism, the Exchange also proposes to add the definition of internal BBO (similar to the proposed definition of internal BBO for order re-pricing) in new subsection (7) of Options 3, Section 4(b) for quote re-pricing. Specifically, subsection (7) will provide that the System automatically executes eligible quotes using the Exchange's displayed best bid and offer (*i.e.,* BBO) or the Exchange's non-displayed order book (*i.e.,* internal BBO) if the best bid and/or offer on the Exchange has been re-priced pursuant to Options 3, Section 5(d) and Options 3, Section 4(b)(6). The proposed addition is intended to make clear that quotes may now be executed using either the BBO or internal BBO, similar to how orders may now be executed with the proposed re-pricing changes.[13] The Exchange will also make a technical amendment to renumber current subsection (7) of Options 3, Section 4(b) to new subsection (8).

In connection with the foregoing changes, the Exchange proposes to add references to ''internal BBO'' throughout its rules to closely conform with the concept of re-pricing at an internal BBO as proposed in Options 3, Sections 4(b)(6), 4(b)(7), 5(c) and 5(d). First, the Exchange proposes to add references to the internal BBO in Options 2, Section 10(a), which currently describes Preferred Market Makers [14] and Preferenced Orders.[15] The Exchange proposes to amend paragraph (a)(3) of Options 2, Section 10, which currently stipulates that a Preferred Market Maker must be quoting at the NBBO at the time the Preferenced Order is received in order to be entitled to the Preferred Market Maker allocation set forth in Options 3, Section 10(c)(1)(C). As amended, the Rule will provide that if the Preferred Market Maker is quoting at the *better of the internal BBO or the NBBO* at the time the Preferenced Order is received, the allocation procedure described in Options 3, Section 10(c)(1)(C) shall be applied to the execution of the Preferenced Order. The proposal to use the term ''better of the internal BBO or the NBBO'' will conform to the concept of re-pricing at an internal BBO as proposed in Options 3, Sections 4(b)(6), 4(b)(7), 5(c) and 5(d), and will make clear that the Preferred Market Maker must now be quoting at the better of the NBBO or internal BBO to be entitled to the Preferred Market Maker allocation.[16] Today, BX has similar language governing its Directed Market Makers (''DMMs'') (analogous to the Exchange's Preferred Market Makers), which requires Directed Market Makers to be quoting at the better of the internal BBO or the NBBO in order to receive the Directed Market Maker allocation entitlement.[17] The Exchange also proposes a corresponding change in paragraph (a)(2) of Options 2, Section 10, which currently states that if the Preferred Market Maker is not quoting at a price equal to the NBBO at the time the Preferenced Order is received, the allocation procedure described in Options 3, Section 10(c)(1)(C) shall not be applied to the execution of the Preferenced Order. Specifically, the Exchange proposes that the Preferred Market Maker will not be entitled to the allocation in Options 3, Section 10(c)(1)(C) if the Preferred Market Maker is not quoting at a price equal to *or better than the better of the internal BBO or the NBBO* at the time the Preferenced Order is received.

Second, the Exchange proposes to add the concept of ''better of the internal BBO or the NBBO'' in Options 3, Section 10(c)(1)(B), which currently sets forth an enhanced Primary Market Maker allocation entitlement. As amended, Options 3, Section 10(c)(1)(B) will provide that after all Priority Customer orders have been fully executed, provided the Primary Market Maker's quote is at the *better of the internal BBO or the NBBO,* the Primary Market Maker shall be entitled to receive the allocation described in Options 3, Section 10(c)(1)(B)(i), unless the incoming order to be allocated is a Preferenced Order and the Primary Market Maker is not the Preferred Market Maker, in which case allocation would be pursuant to (c)(1)(C). The proposed changes will conform to the concept of re-pricing at an internal BBO as proposed in Options 3, Sections 4(b)(6), 4(b)(7), 5(c) and 5(d), and will make clear that the Primary Market Maker must now be quoting at the better of the NBBO or internal BBO to be entitled to the enhanced Primary Market Maker allocation. The Exchange notes that Nasdaq Phlx LLC (''Phlx'') has similar language in Phlx Options 3, Section 10 governing Lead Market Maker (''LMM'') (analogous to the Exchange's Primary Market Maker) allocation.[18] The Exchange also proposes to correct a citation in Options 3, Section 10(c)(1)(B)(i)(b) from subparagraph (a)(1)(E) to subparagraph (c)(1)(E).

Third, the Exchange proposes to add the concept of ''better of the internal BBO or the NBBO'' in Options 3, Section 10(c)(1)(C), which currently sets forth Preferred Market Maker allocation entitlement. As amended, Options 3, Section 10(c)(1)(C) will provide that after all Priority Customer orders have been fully executed, upon receipt of a Preferenced Order pursuant to Supplementary .01 to Options 3, Section 10, provided the Preferred Market Maker's quote is at the *better of the internal BBO or the NBBO,* the Preferred

of entry, a quote would cause a locked or crossed market violation or would cause a trade-through, violation, it will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) and displayed at one minimum price variance above (for offers) or below (for bids) the national best price. BX intends to make a clarifying change in a separate rule filing to align its rule text with proposed MRX Options 3, Section 4(b)(6) to also indicate that it will re-price to the current national best price *as non-displayed.*

[12] *See supra* note 11.

[13] While BX's quote re-pricing rule does not explicitly reference the term ''internal BBO,'' BX describes the re-pricing of quotes in BX Options 3, Section 4(b)(6) and also currently operates identically to how MRX is proposing for quotes in MRX Options 3, Section 4(b)(7) (the BX system automatically executes eligible quotes using BX's displayed best bid and offer (*i.e.,* BX BBO) or BX's non-displayed order book (*i.e.,* internal BX BBO) if the best bid and/or offer on BX has been re-priced pursuant to BX Options 3, Section 5(d) and BX Options 3, Section 4(b)(6). BX intends to file a separate rule change to add this clarification in BX Options 3, Section 4.

[14] A Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class. *See* Options 2, Section 10(a).

[15] A Preferenced Order is an order designated to a Preferred Market Maker. *See* Options 2, Section 10.

[16] As discussed below, the Exchange is proposing corresponding changes in the Preferred Market Maker allocation rule in Options 3, Section 10(c)(1)(C).

[17] *See* BX Options 2, Section 10(a)(1).

[18] *See* Phlx Options 3, Section 10(a)(1)(B).

Market Maker will be afforded a participation entitlement. The proposed changes will conform to the concept of re-pricing at an internal BBO as proposed in Options 3, Sections 4(b)(6), 4(b)(7), 5(c) and 5(d), and will make clear that the Preferred Market Maker must now be quoting at the better of the NBBO or internal BBO to be entitled to the Preferred Market Maker allocation. The Exchange notes that Phlx has similar language in Phlx Options 3, Section 10 governing DMM allocation.[19]

Fourth, the Exchange proposes to add the concept of ''better of the internal BBO or the NBBO'' throughout Options 3, Section 10(c)(1)(D), which currently sets forth the Primary Market Maker allocation entitlement for orders of five (5) contracts or fewer. As amended, subparagraph (i) of Options 3, Section 10(c)(1)(D) will provide that a Primary Market Maker is entitled to priority with respect to Orders of 5 Contracts or Fewer if the Primary Market Maker has a quote at the *better of the internal BBO or the NBBO* with no other Priority Customer or Preferenced Market Maker interest present which has a higher priority, including when the Primary Market Maker is also the Preferred Market Maker. As amended, subparagraph (ii) of Options 3, Section 10(c)(1)(D) will provide that if the Primary Market Maker is quoting at the *better of the internal BBO or the NBBO* and the Primary Market Maker is also the Preferred Market Maker or there is no Preferred Market Maker quoting at the *better of the internal BBO or the NBBO,* and a Priority Customer has a higher priority at the time of execution, the Priority Customer will be allocated the Orders of 5 Contracts or Fewer up to their displayed size pursuant Options 3, Section 10(c)(1)(A) and if contracts remain, the Primary Market Maker will be allocated the remainder. As amended, subparagraph (iii) of Options 3, Section 10(c)(1)(D) will provide that if the Primary Market Maker is quoting at the *better of the internal BBO or the NBBO* and no Priority Customer has a higher priority at the time of execution and a Preferred Market Maker, who is not a Primary Market Maker, is quoting at *the better of the internal BBO or the NBBO* then allocation shall proceed according to Section 10(c)(1)(C). The proposal will conform to the concept of re-pricing at an internal BBO as proposed in Options 3, Sections 4(b)(6), 4(b)(7), 5(c) and 5(d). The Exchange notes that BX has similar language in BX Options 3, Section 10 governing LMM allocation entitlement for orders of five (5) contracts or fewer.[20]

Opening Process

In connection with the technology migration, the Exchange proposes to amend its Opening Process in Options 3, Section 8 to adopt language that conforms to the proposed re-pricing structure. The Exchange proposes to amend Options 3, Section 8(j)(6)(i) to reflect the new BX-like re-pricing that it is proposing to adopt, as described in the re-pricing section above. Currently, Section 8(j)(6)(i) stipulates that for contracts that are not routable, pursuant to Options 3, Section 8(j)(6), the System would cancel (1) any portion of the DNR order that would otherwise have to be routed to the exchange(s) disseminating the ABBO for an opening to occur, or (2) any order or quote that is priced through the Opening Price.[21] All other interest would remain in the System and be eligible for trading after opening. As it relates to DNR order handling, this reflects current System behavior where the Exchange would cancel any unexecuted balances of a non-routable order that cannot be placed on the order book because the residual interest would lock or cross an away market. With the technology migration, such unexecuted balances may rest on the order book as the Exchange would instead re-price the non-routable order that locks or crosses an away market to align to current BX re-pricing functionality. Accordingly, the Exchange proposes to replace the current rule text in Section 8(j)(6)(i) with the following: ''Pursuant to Options 3, Section 8(j)(6), the System will re-price DNR Orders (that would otherwise have to be routed to the exchange(s) disseminating the ABBO for an opening to occur) to the current away best offer (for bids) or the current away best bid (for offers) as non-displayed, and display at a price that is one minimum trading increment inferior to the ABBO, and disseminate such DNR Order as part of the new BBO.'' Proposed Section 8(j)(6)(i) will further provide that the System will cancel any order or quote that is priced through the Opening Price, and that all other interest will be eligible for trading after the opening. This would reflect that the Exchange will continue to cancel any interest priced through the Opening Price, and to keep all other interest in the System for trading after opening. Proposed Options 3, Section 8(j)(6)(i) is substantially similar to BX Options 3, Section 8(k)(4) and (5), and will bring greater transparency in how non-routable orders will be handled in the Opening Process.[22]

Auction Mechanisms

Facilitation and Solicited Order Mechanisms

The Exchange proposes to amend Options 3, Section 11 (Auction Mechanisms) to modify the entry checks for the Exchange's Facilitation Mechanism[23] and Solicited Order Mechanism[24] to reflect the BX-like re-pricing changes under this proposal by introducing the concept of an internal BBO.[25] As discussed in the re-pricing section above, the Exchange proposes to re-price orders that would otherwise lock or cross an away market.[26] Specifically, an order will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) as non-displayed and displayed at one MPV above (for offers) or below (for bids) the national best price.[27] With this re-pricing, an Exchange order could be available at a price that is better than the NBBO, but is non-displayed (*i.e.,* the Exchange's non-displayed order book or ''internal BBO''). Accordingly, the Exchange proposes to add the concept of ''internal BBO'' in the order entry checks for the Facilitation and Solicited Order Mechanisms in Options 3,

[19] *See* Phlx Options 3, Section 10(a)(1)(C).

[20] *See* BX Options 3, Section 10(a)(1)(C)(2)(iii).

[21] The Opening Price is described in Options 3, Sections 8(h) and (j).

[22] BX Options 3, Sections 8(k)(4) and (5) provide that ''[P]ursuant to Options 3, Section 8(k)(3)(F), the System will re-price Do Not Route Orders (that would otherwise have to be routed to the exchange(s) disseminating the ABBO for an opening to occur) to a price that is one minimum trading increment inferior to the ABBO, and disseminate the re-priced DNR Order as part of the new BBO. The System will cancel any order or quote that is priced through the Opening Price. All other interest will be eligible for trading after opening.'' BX intends to align its rule to proposed MRX Options 3, Section 8(j)(6)(i) in a separate rule filing to clarify that DNR Orders in the BX opening process can re-price *to the current ABBO as non-displayed,* and *display at* a price that is one MPV inferior to the ABBO.

[23] The Facilitation Mechanism is a process by which an Electronic Access Member can execute a transaction wherein the Electronic Access Member seeks to facilitate a block-size order it represents as agent, and/or a transaction wherein the Electronic Access Member solicited interest to execute against a block-size order it represents as agent. *See* Options 3, Section 11(b).

[24] The Solicited Order Mechanism is a process by which an Electronic Access Member can attempt to execute orders of 500 or more contracts it represents as agent against contra orders that it solicited. *See* Options 3, Section 11(d).

[25] As discussed later in the filing, while BX does not have a Facilitation or Solicited Order Mechanism like MRX, BX currently considers the internal BBO in its price improvement auction (''PRISM'') in a similar manner as being proposed for the MRX Facilitation and Solicited Order Mechanisms.

[26] *See supra* notes 5 and 8.

[27] *See* proposed Options 3, Section 5(d). *See supra* notes 5 and 8.

Sections 11(b)(1) and (d)(1), respectively, to account for a non-displayed better price that may be available on the Exchange order book.

In particular, the Exchange proposes to add the concept of ''internal BBO'' in Options 3, Section 11(b)(1), which currently sets forth the entry checks for the Exchange's Facilitation Mechanism. As amended, the Rule will provide that orders must be entered into the Facilitation Mechanism at a price that is (A) equal to or better than the NBBO *and the internal BBO* on the same side of the market as the agency order unless there is a Priority Customer order on *the BBO or the internal BBO on the same side of the market as the agency order,* in which case the order must be entered at an improved price *over the Priority Customer order;* and (B) equal to or better than the ABBO on the opposite side.[28] The proposal will make clear that with the introduction of the re-pricing mechanism in proposed Options 3, Section 5(d), the System will now check orders entered into the Facilitation Mechanism against the internal BBO as well. In addition, the proposed changes will clarify that the Facilitation order must be entered at an improved price over the Priority Customer order where there is a Priority Customer order on the same side BBO or internal BBO. By way of example, the below examples demonstrates how the internal BBO would operate in the Facilitation Mechanism.

Facilitation Passes Entry Validation Equal to or Better Than the NBBO and Internal BBO on the Same Side of the Market

Assume the following:

MIAX BBO: 3.10 × 3.20

MRX BBO 3.05 × 3.25

Non-Priority Customer DNR order to buy for 3.25 arrives at MRX; books at 3.20 non-displayed and re-prices/displays at 3.15

MRX Internal BBO: 3.20 × 3.25

NBBO: 3.15 × 3.20

Facilitation to buy @ 3.20 arrives and is able to begin because the Facilitation Agency side price is at or better than the NBBO and internal BBO on the same side of the market and at or better than the ABBO on the opposite side of the market.

[28] The Facilitation Mechanism does not check the Exchange best bid or offer on the opposite side of the market because any interest that is available on the opposite side of the market would allocate against the Facilitation Agency Order and provide price improvement.

Facilitation Fails Entry Validation Equal to or Better Than the NBBO and Internal BBO on the Same Side of the Market

Assume the following:

MIAX BBO: 3.10 × 3.20

MRX BBO 3.05 × 3.25

Non-Priority Customer DNR order to buy for 3.25 arrives at MRX; books at 3.20 non-displayed and re-prices/displays at 3.15

MRX Internal BBO: 3.20 × 3.25

NBBO: 3.15 × 3.20

Facilitation to buy @ 3.15 arrives and is rejected because the Facilitation Agency side price is not at or better than the internal BBO on the same side of the market.

Similarly, the Exchange proposes to add the concept of ''internal BBO'' in Options 3, Section 11(d)(1), which currently sets forth the entry checks for the Exchange's Solicited Order Mechanism. As amended, the Rule will provide that orders must be entered into the Solicited Order Mechanism at a price that is equal to or better than the NBBO *and the internal BBO* on both sides of the market; provided that, if there is a Priority Customer order on the *BBO or internal BBO,* the order must be entered at an improved price *over the Priority Customer order.* Similar to the proposed changes for the Facilitation Mechanism, the proposal will make clear that with the introduction of the re-pricing mechanism in proposed Options 3, Section 5(d), the System will now check orders entered into the Solicited Order Mechanism against the internal BBO as well. In addition, the proposed changes will clarify that the order entered into the Solicited Order Mechanism must be entered at an improved price over the Priority Customer order where there is a Priority Customer order on either side of the BBO or internal BBO. By way of example, the below examples demonstrates how the internal BBO would operate in the Solicited Order Mechanism.

Solicitation Passes Entry Validation Equal to or Better Than the NBBO and Internal BBO on Both Sides of the Market

MIAX BBO: 3.10 × 3.20

MRX BBO 3.05 × 3.25

Non-Priority Customer DNR order to sell for 3.05 arrives at MRX; books at 3.10 non-displayed and re-prices/displays at 3.15

MRX Internal BBO: 3.05 × 3.10

NBBO: 3.10 × 3.15

Solicitation to buy @ 3.10 arrives and is able to begin because the Solicitation Agency side price is at or better than the NBBO and internal BBO on both sides of the market.

Solicitation Fails Entry Validation Equal to or Better Than the NBBO and Internal BBO on Both Sides of the Market

MIAX BBO: 3.10 × 3.20

MRX BBO 3.05 × 3.25

Non-Priority Customer DNR order to sell for 3.05 arrives at MRX; books at 3.10 non-displayed and re-prices/displays at 3.15

MRX Internal BBO: 3.05 × 3.10

NBBO: 3.10 × 3.15

Solicitation to buy @ 3.15 arrives and is rejected because the Solicitation Agency side price is not at or better than the internal BBO on both sides of the market.

Lastly, the Exchange proposes a clarifying change in Options 3, Section 11(b)(1), which governs the entry checks for the Facilitation Mechanism. Specifically, the Exchange proposes to amend the provision as follows: ''Orders must be entered into the Facilitation Mechanism at a price that is (A) equal to or better than the NBBO and the internal BBO on the same side of the market as the agency order unless there is a Priority Customer order on the same side *of the market as the agency order . . .*'' The proposed change does not change current System behavior, and is meant to align the language in the Priority Customer order clause relating to the same side of the market as the agency order more closely with similar language in the preceding clause.

Price Improvement Mechanism

The Exchange proposes to amend Options 3, Section 13 (Price Improvement Mechanism for Crossing Transactions) to modify the entry checks for the Exchange's Price Improvement Mechanism (''PIM'') to reflect the BX-like re-pricing changes under this proposal.[29] The Exchange proposes to amend Options 3, Section 13(b)(1) to provide, ''If the Agency Order is for less than 50 option contracts, and if the difference between the National Best Bid and National Best Offer (''NBBO'') *or the difference between the internal best bid and internal best offer* is $0.01, the Crossing Transaction must be entered at *$0.01* better than the NBBO *and the internal BBO* on the opposite side of the market from the Agency Order and better than the limit order or quote on the Nasdaq MRX order book on the same side of the

[29] BX intends to file a rule change to amend BX Options 3, Section 13 to similarly refer to an ''internal BBO.''

Agency Order.'' [30] The addition of ''internal BBO'' herein is similar to the changes proposed for the Facilitation and Solicited Order Mechanisms discussed above in that the Exchange is reflecting the proposed re-pricing changes in its PIM rule as illustrated by the example below.

Today, an Agency Order for less than 50 contracts could begin a PIM if the difference between the NBBO is $0.01. With this change, an Agency Order for less than 50 contracts could begin a PIM if the difference between the NBBO or between the internal BBO is $0.01. Below is an example of the how the System would treat an order for less than 50 contracts where the internal BBO is greater than the NBBO with respect to the rule text within Options 3, Section 13(b)(1).

Assume MRX Market Maker quotes an option series at 1.09 (10) × 1.15 (10)
Next assume ABBO quotes that option series at 1.10 (10) × 1.11 (10)
Assume an order locks the ABBO quote with a buy order in that options series of 5 @ 1.11

With the proposed repricing, this order would book at 1.11 and display 1 MPV (penny in this case) away at 1.10 on the order book.

In this scenario:

- the PIM to buy 49 @1.10 would be rejected;
- the PIM to buy 49 @1.11 would be rejected;
- the PIM to sell 49 @1.10 would be rejected; and
- the PIM to sell 49 @1.11 would be rejected.

This proposed new rule text accounts for a non-displayed better price that may be available on the order book. A similar change is proposed for the Crossing Transaction within that same paragraph. Additionally, in lieu of stating ''one minimum price improvement increment'' the Exchange proposes to replace that rule text with ''$0.01.'' Amending the rule text to $0.01 does not amend the current System operation, rather it more simply states what that minimum increment is today. The Exchange proposes similar changes within Options 3, Section 13(b)(2) to add references to ''difference between the internal BBO'' and ''$0.01.'' [31] Below is an example of the how the System would treat an order for 50 contracts or more where the internal BBO is greater than the NBBO with respect to the rule text within Options 3, Section 13(b)(2).

Assume MRX Market Maker quotes an option series at 1.09 (10) × 1.15 (10)
Next assume ABBO quotes that option series at 1.10 (10) × 1.11 (10)
Assume an order locks the ABBO quote with a buy order in that option series at 5 @ 1.11

With the proposed repricing this order would book at 1.11 and display 1 MPV (penny in this case) away at 1.10 on the order book.

In this scenario:

- the PIM to buy 50 @ 1.10 would be rejected;
- the PIM to buy 50 @ 1.11 would be rejected;
- the PIM to sell 50 @ 1.10 would be rejected; and
- the PIM to sell 50 @ 1.11 would be accepted and would begin a PIM auction.

Assuming no other interest arrives during the PIM auction timer, this order would trade at the end of the auction timer, thereby filling the order 5 @ 1.11 and the remainder would allocate to the contra side/counter side order.

Acceptable Trade Range

As set forth in Options 3, Section 15(a)(2)(A), the Exchange currently offers an Acceptable Trade Range (''ATR'') risk protection that sets dynamic boundaries within which quotes and orders may trade. ATR is designed to guard against the System from experiencing dramatic price swings by preventing the immediate execution of quotes and orders beyond the thresholds set by the protection. With the proposed adoption of the BX-like re-pricing mechanism described above, the Exchange proposes to introduce an iterative process for ATR wherein the Exchange will attempt to execute interest that exceeds the outer limit of the ATR for a brief period of time while that interest is automatically re-priced in the manner discussed below. The Exchanges notes that today, it would cancel rather than re-price any interest that exceeds the outer limit of the ATR. The proposed changes will harmonize the Exchange's ATR with BX's ATR.[32]

Currently, subparagraph (i) of Options 3, Section 15(a)(2)(A) provides that the System will calculate an ATR to limit the range of prices at which an order or quote will be allowed to execute. The ATR is calculated by taking the reference price, plus or minus a value to be determined by the Exchange (*i.e.,* the reference price—(x) for sell orders and the reference price + (x) for buy orders).[33] ATR is not available for All-or-None Orders. Subparagraph (ii) provides that the reference price is the National Best Bid (''NBB'') for sell orders/quotes and the National Best Offer (''NBO'') for buy orders/quotes.[34] The reference price is calculated upon receipt of a new order or quote, provided that if the applicable NBB or NBO price is improved at the time an order is routed to an away market, a new reference price is calculated based on the NBB or NBO at that time. Today, as set forth in subparagraph (iii), if an order or quote reaches the outer limit of the ATR without being fully executed, then any unexecuted balance will be cancelled.

The Exchange now proposes to amend this rule to adopt an iterative process like BX wherein an order/quote that reaches its ATR boundary will be paused for a brief period of time to allow more liquidity to be collected, before the order/quote is automatically re-priced and a new ATR is calculated. Specifically, the Exchange proposes to amend subparagraph (iii) of Options 3, Section 15(a)(2)(A) to provide that if an order or quote reaches the outer limit of the ATR (''Threshold Price'') without being fully executed, it will be posted at the Threshold Price for a brief period, not to exceed one second (''Posting Period''), to allow the market to refresh and determine whether or not more liquidity will become available (on the Exchange or any other exchange if the order is designated as routable) within the posted price of the order or quote before moving on to a new Threshold Price. Upon posting, either the current Threshold Price of the order/quote or an updated NBB for buy orders/quotes or the NBO for sell orders/quotes (whichever is higher for a buy order/quote or lower for a sell order/quote) then becomes the reference price for calculating a new ATR. If the order/quote remains unexecuted after the Posting Period, a new Acceptable Trade

[30] Currently, Options 3, Section 13(b)(1) provides, ''If the Agency Order is for less than 50 option contracts, and if the difference between the National Best Bid and National Best Offer (''NBBO'') is $0.01, the Crossing Transaction must be entered at one minimum price improvement increment better than the NBBO on the opposite side of the market from the Agency Order and better than the limit order or quote on the Nasdaq MRX order book on the same side of the Agency Order.''

[31] *See supra* note 29.

[32] *See* BX Options 3, Section 15(b)(1). As discussed further below, the Exchange will also add references to ''internal BBO'' in the ATR reference price description. BX intends to file a similar rule change to clarify this behavior.

[33] The ATR settings values are tied to the option premium and will be set out in the ATR table in the MRX system settings document on a publicly available website. The MRX settings will be identical to BX ATR. The Exchange would notify all Members through an Options Trader Alert if it determined to amend that value and also publish the settings on a publicly available website.

[34] In the event of a crossed ABBO, ATR will use the NBO instead of the NBB for incoming sell orders and the NBB instead of the NBO for incoming buy orders as the reference price.

Range will be calculated and the order/quote will execute, route, or post up to the new Threshold Price. This process will repeat until either (1) the order/quote is executed, cancelled, or posted at its limit price or (2) the order/quote has been subject to a configurable number of instances of the ATR as determined by the Exchange [35] (in which case it will be returned).[36] The proposed changes will be functionally identical to BX's ATR, as set forth in BX Options 3, Section 15(b)(1)(A).

In light of the foregoing changes, the Exchange also proposes to update the reference price definition in subparagraph (ii) to provide that upon receipt of a new order or quote, the reference price will now be the *better of the* NBB *or internal best bid* for sell orders/quotes and the *better of the* NBO *or internal best offer* for buy orders/quotes *or the last price at which the order/quote is posted, whichever is higher for a buy order/quote or lower for a sell order/quote.*[37]

This will be functionally identical to BX's ATR reference price, as set forth in BX Options 3, Section 15(b)(1).[38]

In addition, the Exchange proposes in new subparagraph (iv) [39] that during the Posting Period, the Exchange will disseminate as a quotation: (1) the Threshold Price for the remaining size of the order/quote triggering the ATR and (2) on the opposite side of the market, the best price will be displayed using the ''non-firm'' indicator message in accordance with the specifications of the network processor. This would allow the order or quote setting the ATR Threshold Price to retain priority in the Exchange book and also prevent any later-entered order from accessing liquidity ahead of it. If the Exchange were to display trading interest available on the opposite side of the market, that trading interest would be automatically accessible to later-entered orders during the period when the order triggering the ATR is paused. This is identical to how BX currently disseminates such interest during the ATR Posting Period.[40] Identical to BX, following the Posting Period, the Exchange will return to a normal trading state and disseminate its best bid and offer.[41]

Importantly, the ATR is neutral with respect to away markets. The order may route to other destinations to access liquidity priced within the ATR provided the order is designated as routable, as shown in the example below.[42] With the proposed changes, if the order still remains unexecuted, this process will repeat [43] until the order is executed, cancelled, or posted at its limit price. Pursuant to Options 5, Section 4, if after an order is routed to the full size of an away exchange and additional size remains available for the routed order, the remaining contracts will be posted on the Exchange's order book at a price that assumes the away market has been fully executed and exhausted by the routed order.[44] This practice of routing and then posting is consistent with the national market system plan governing trading and routing of options orders and the Exchange policies and procedures that implement that plan.[45]

The following examples illustrate the proposed ATR functionality.

Example 1

Assume that the Acceptable Trade Range is set for $0.05 and the following quotations are posted in all markets:

Away Exchange Quotes:

Exchange	Bid size	Bid price	Offer price	Offer size
ISE	10	$0.75	$0.90	10
AMEX	10	0.75	0.92	10
PHLX	10	0.75	0.94	10

MRX Price Levels:

Exchange	Bid size	Bid price	Offer price	Offer size
MRX	10	$0.75	$0.90	10
MRX			0.95	10
MRX			0.97	10
MRX			1.00	20

[35] The Exchange intends to initially set the configurable number to 5 iterations, similar to BX. The Exchange would issue an Options Trader Alert if it determined to amend that timeframe and also publish the settings on a publicly available website.

[36] Under this proposal, DNR orders that are locked against the ABBO will pause their ATR iterations (*i.e.,* a new ATR will not be calculated based on the reference price at that time) and will remain this way until the ATR process can be completed. This will be the same as BX DNR order handling. Returning an order to the customer means that the order would be cancelled.

[37] The additions of ''internal BBO'' in this rule text are consistent with the proposed re-pricing described above.

[38] BX Options 3, Section 15(b)(1) states, in relevant part, that ''[t]he system will calculate an Acceptable Trade Range to limit the range of prices at which an order will be allowed to execute. The Acceptable Trade Range is calculated by taking the reference price, plus or minus a value to be determined by the Exchange. (*i.e.,* the reference price − (x) for sell orders and the reference price + (x) for buy orders). Upon receipt of a new order, the reference price is the NBB for sell orders and the NBO for buy orders or the last price at which the order is posted whichever is higher for a buy order or lower for a sell order.'' The Exchange notes that BX's rule does not reference ''quotes,'' but BX's ATR currently applies to both orders and quotes like the Exchange's ATR. The Exchange further notes that BX's rule does not refer to an ''internal BBO'' but that today, BX's ATR reference price also takes the the better of the NBB (NBO) or internal best bid (best offer) for sell (buy) orders/quotes, or the last price at which the order/quote is posted.

[39] The Exchange will make a related change to update current subparagraph (iv) to subparagraph (v).

[40] *See* BX Options 3, Section 15(b)(1)(B). Like BX today, with the proposed changes, route timers pursuant to Options 5, Section 4(a), will continue to run on the Exchange during ATR iterations and ''firm'' quote posting can occur if, for example, the order is re-priced to one MPV away from the ABBO pursuant to proposed Options 3, Section 5(d) to comply with the trade-through and locked or crossed market restrictions pursuant to Options 5, Section 2. In such cases, the quotation will disseminate as a ''firm'' quote.

[41] *See* BX Options 3, Section 15(b)(1)(B).

[42] When a Threshold Price is calculated, an order can route and execute at away venues at multiple prices that are at or better than the calculated Threshold Price.

[43] As proposed in Options 3, Section 15(a)(2)(A)(iii)(2), the Exchange will establish a maximum number of ATR iterations until the order or quote is returned back to the Member.

[44] *See* Options 5, Section 4(a)(iii) (effective but not yet operative).

[45] *See* Options Order Protection and Locked/Crossed Markets Plan, Securities Exchange Act Release No. 60405 (July 30, 2009), 74 FR 39362 (August 6, 2009).

MRX receives a routable order to buy 70 contracts at $1.10. The Acceptable Trade Range is $0.05 and the reference price is the National Best Offer − $0.90. The Acceptable Trade Range threshold is then $0.90 + $0.05 = $0.95 which is the Threshold Price. The order is allowed to execute up to and including $0.95.

- 10 contracts will be executed at $0.90 against MRX,
- 10 contracts will be executed at $0.90 against ISE,
- 10 contracts will be executed at $0.92 against AMEX,
- 10 contracts will be executed at $0.94 against PHLX,
- 10 contracts will be executed at $0.95 against MRX,
- Then, after executing at multiple price levels, the order is posted at the Threshold Price of $0.95 for a brief period not to exceed one second (''Posting Period'') to determine whether additional liquidity will become available.
- During the Posting Period, a new Acceptable Trade Range Threshold Price of $1.00 is determined (new reference price of $0.95 + $0.05 = $1.00).
- If, during the Posting Period (brief pause not to exceed 1 second), no liquidity becomes available within the order's posted price of $0.95, then at the conclusion of the Posting Period, the System will execute 10 contracts at $0.97, and 10 contracts at $1.00 [46]

Similarly, if a new order is received when a previous order has reached the Acceptable Trade Range threshold, the Threshold Price will be used as the reference price for the new Acceptable Trade Range threshold. Both orders would then be allowed to execute up (down) to the new Threshold Price.

Example 2

Away Exchange Quotes:

Exchange	Bid size	Bid price	Offer price	Offer size
ISE	10	$0.75	$0.90	10
AMEX	10	0.75	0.92	10
PHLX	10	0.75	0.94	10

MRX Price Levels:

Exchange	Bid size	Bid price	Offer price	Offer size
MRX	10	$0.75	$0.90	10
MRX			0.95	10
MRX			1.05	20

MRX receives a routable order to buy 60 contracts at $1.10. The Acceptable Trade Range is $0.05 and the reference price is the National Best Offer − $0.90. The Acceptable Trade Range Threshold Price is then $0.90 + $0.05 = $0.95 which is the Threshold Price. The order is allowed to execute up to and including $0.95.

- 10 contracts will be executed at $0.90 against MRX,
- 10 contracts will be executed at $0.90 against ISE,
- 10 contracts will be executed at $0.92 against AMEX,
- 10 contracts will be executed at $0.94 against PHLX,
- 10 contracts will be executed at $0.95 against MRX,
- Then, after executing at multiple price levels, the order is posted at $0.95 for a Posting Period (brief period not to exceed one second) to determine whether additional liquidity will become available.
- No new liquidity was received during the Posting Period. A new Acceptable Trade Range Threshold Price of $1.00 is determined (new reference price of $0.95 + $0.05 = $1.00)
- If, during the previous Posting Period, a second order is received to buy 10 contracts at $1.25, the two orders would then post at the new Acceptable Trade Range Threshold price of $1.00 for another Posting Period (brief period not to exceed one second) to determine whether additional liquidity will become available.
- A new Acceptable Trade Range Threshold Price of $1.05 will be calculated.
- If no additional liquidity becomes available within the posted price of the orders ($1.00) during the Posting Period, the orders would execute 10 contracts each against the order on the MRX book at $1.05 at the conclusion of the Posting Period.

Example 3

Assume the following:

Acceptable Trade Range is configured to $0.07
ABBO 1.91 (10) × 2.01 (10)
Buy order 1 @ 2.00
DNR Order to Buy 1 @ 2.01—slides back to display at 2.00
MM1 Quote 1.99 (10) × 2.12 (10)
Order1 Buy 10 @ 1.94
Order2 Buy 10 @ 1.93
Order3 Buy 5 @ 1.92
Order4 Buy 5 @ 1.91
Order to Sell 100 @ 1.90 comes in

- First trades 1 @ 2.01 with slid DNR order
- Then trades 1 @ 2.00 with other buy order
- Then trades 10 @ 1.99 with MM quote (then quote purges since bid side volume has been exhausted)
- Then trades with Order1 (10 @ 1.94)
- Then posts 78 @ 1.94, the ATR Threshold (calculated by taking the initial reference price of 2.01 (*i.e.,* the better of the internal best bid and NBB) minus the 0.07 Acceptable Trade Range)

After the ATR Posting Period completes:

- Trades 10 @ 1.93 with Order2
- Trades 5 @ 1.92 with Order3
- Trades 5 @ 1.91 with Order4
- Posts to book at 1.91 non-displayed and re-prices to display 1 MPV (penny) from ABBO at 1.92, exposes 58 @ 1.91

After route timer passes:

- Routes 10 @ 1.91 to ABBO
- Posts to book at its limit with remaining 48 @ 1.90 [47]

Finally, the Exchange proposes to add clarifying language in the first sentence of subparagraph (i) of Options 3, Section 15(a)(2)(A) that the System will

[46] The brief pause described above will not disadvantage customers seeking the best price in any market. For example, if in the example above an NYSE ARCA quote of $0.75 × $0.96 with size of 10 × 10 is received, a routable order would first route to NYSE ARCA at $0.96, then execute against MRX at $0.97.

[47] *See supra* note 40 regarding route timer.

calculate the ATR after the Opening Process.[48] This is a clarifying change that does not amend current functionality. ATR does not apply until after the Opening Process because the order book (and the ATR reference price) is established once options series are open for trading.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[49] in general, and furthers the objectives of Section 6(b)(5) of the Act,[50] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Generally, the Exchange's proposal is intended to add or align certain System functionality with functionality currently offered on BX in order to provide a more consistent technology offering across affiliated Nasdaq options exchanges. A more harmonized technology offering, in turn, will simplify technology implementation, changes, and maintenance by market participants of the Exchange that are also participants on Nasdaq affiliated options exchanges. The Exchange's proposal also seeks to provide greater harmonization between the rules of the Exchange and BX, which would result in greater uniformity, and less burdensome and more efficient regulatory compliance by market participants. As such, the proposal would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that more consistent rules will increase the understanding of the Exchange's operations for market participants that are also participants on the Nasdaq affiliated options exchanges, thereby contributing to the protection of investors and the public interest. The Exchange believes that such changes would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes would promote transparency in Exchange rules and reducing potential confusion, thereby ensuring that Members, regulators, and the public can more easily navigate the Exchange's rulebook and better understand how options trading is conducted on the Exchange.

Re-Pricing

The Exchange believes that re-pricing quotes and orders that would otherwise lock or cross an away market, as proposed in Options 3, Sections 4(b)(6), 5(c) and (d), is consistent with the Act. Today, BX re-prices such quotes and orders by re-pricing them to the current national best price as non-displayed, and displaying them one MPV away from the best bid or offer.[51] This behavior is consistent with the protection of investors and the general public because it affords Members the ability to obtain the best price offered among the various options markets while not locking or crossing an away market. With the proposed changes, the Exchange will continue to not trade through an away market. As a result, the Exchange's proposal would be consistent with the Options Order Protection and Locked/Crossed Market Plan. Any quote or non-routable order that locks or crosses an away market on the Exchange would be re-priced as a result of this amendment. The proposed changes to Options 3, Section 4(b)(6) will clearly articulate the proposed re-pricing mechanism, and will provide Members with additional information as to how quotes will be handled by the System when those quotes would lock or cross an away market. As discussed above, the difference between the current and proposed quote re-pricing is that the Exchange will re-price to the current national best price under the proposal as non-displayed (instead of re-pricing and displaying one MPV inferior as it does today). The Exchange will continue to display one MPV inferior to the national best price under this proposal. As such, the proposed quote re-pricing mechanism will continue to prevent the Exchange from disseminating a price that locks or crosses another market. This process is identical to how BX quote re-pricing functions today, as described in BX Options 3, Section 4(b)(6).

In connection with the introduction of the BX-like quote re-pricing mechanism, the Exchange also proposes to add the definition of internal BBO (similar to the proposed definition of internal BBO for order re-pricing) in Options 3, Section 4(b)(7). As discussed above, the proposed addition is intended to make clear that quotes may now be executed using either the BBO or internal BBO if the Exchange best bid or offer has been re-priced pursuant to the order re-pricing mechanism proposed in Options 3, Section 5(d) and the quote re-pricing mechanism proposed in Options 3, Section 4(b)(6). As noted above, BX handles quotes in the same manner as proposed for MRX Options 3, Section 4(b)(7).[52]

The proposed changes to Options 3, Section 5(c) will allow the Exchange to define an internal BBO in its Rules when describing re-priced orders that remain on the order book and are available at non-displayed prices while resting on the order book. The proposed changes to Options 3, Section 5(d) will clearly articulate the proposed re-pricing mechanism itself, and provide Members with additional information as to how orders are handled by the System when those orders would lock or cross an away market. The Exchange notes that allocation priority for re-priced orders would be consistent with the current rules in Options 3, Section 10(c).

The Exchange also believes that the related proposals to add references to internal BBO in Options 2, Section 10 and Options 3, Section 10 are consistent with the Act. Overall, the proposed addition of internal BBO will ensure that the rules conform to the concept of re-pricing at an internal BBO as proposed in Options 5(c) and (d) and will make clear that a re-priced order is accessible on the Exchange's order book at the non-displayed price. Specifically, the Exchange believes that adding references to the internal BBO in the allocation rules for Preferred Market Makers and Primary Market Makers will make clear that in connection with the proposed re-pricing mechanism, such market participants must now be quoting at the better of the NBBO or the internal BBO in order to be entitled to the applicable allocations set forth in their respective rules. The introduction of the internal BBO would have no impact on a Primary Market Maker's quoting obligations as Primary Market Makers do not need to be at the NBBO today, or as proposed, the better of NBBO or the internal BBO in order to meet their quoting obligations.[53] The Exchange also notes that the proposed quote re-pricing mechanism described above will allow the Primary Market Maker or Preferred Market Maker to re-price to the internal BBO and receive their enhanced allocation when the

[48] While BX's ATR does not have this clarification today, BX's ATR likewise applies after the Opening Process.

[49] 15 U.S.C. 78f(b).

[50] 15 U.S.C. 78f(b)(5).

[51] *See* BX Options 3, Sections 4(b)(6), 5(c) and (d).

[52] *See supra* note 13.

[53] Quoting obligations include, for example, a Market Maker's continuous quoting obligations. *See* Options 2, Section 5(e).

internal BBO is better than the NBBO.[54] In addition, by not providing the enhanced allocation for Market Makers that are not at the internal BBO when it is better than the NBBO, the Exchange is protecting investors with more aggressively priced interest by allocating to them first. The Exchange does not believe that Market Makers should be entitled to enhanced allocations in the foregoing instance given that there are better available internal BBO prices on the market. Like BX, the Exchange believes that the overall benefit to the marketplace is that market participants will be able to obtain the best price offered among the various options markets while avoiding a trade-through or locked or cross market violation.

Opening Process

The Exchange believes that the proposed changes to the Opening Process in Options 3, Section 8 are consistent with the Act. Specifically, the Exchange believes that the proposed changes to Options 3, Section 8(j)(6)(i) will bring greater transparency as to how non-routable orders will be handled during the Opening Process. As discussed above, the Exchange proposes to no longer cancel any unexecuted portions of a DNR Order that locks or crosses an away market, and instead will re-price the DNR Order to the current away best offer (for bids) or the current away best bid (for offers) as non-displayed, and display a price that is one minimum trading increment inferior to the ABBO, and disseminate such DNR Order as part of the new BBO. The proposed changes reflect the new BX-like re-pricing mechanism that the Exchange is proposing to adopt as part of the technology migration. The Exchange believes that the proposed re-pricing of DNR Orders during the Opening Process is consistent with the protection of investors and the general public because it affords Members the ability to obtain the best price offered among the various options markets while not locking or crossing an away market. As discussed above, proposed Options 3, Section 8(j)(6)(i) will also continue to reflect that the Exchange will cancel any interest that is priced through the opening price and keep all other interest in the System for trading after opening. The Exchange notes with the proposed changes, Options 3, Section 8(j)(6)(i) will be substantially similar to BX Options 3, Section 8(k)(4) and (5), thereby promoting greater consistency among the rules of Nasdaq affiliated options exchanges.[55] Finally, the proposed changes to the Opening Process attempts to maximize the number of contracts executed on the Exchange during such Opening Process, while taking into consideration away market interests and ensuring that better away prices are not traded through.

Auction Mechanisms

Facilitation and Solicited Order Mechanisms

The Exchange believes that the proposed addition of ''or the internal BBO'' in the entry check provisions for the Facilitation and Solicited Order Mechanisms at Options 3, Sections 11(b)(1) and (d)(1), respectively, is consistent with the Act. The proposed changes will account for BX-like re-pricing, which would result in an Exchange order being available at a price that is better than the NBBO but is non-displayed. The proposed changes to add ''or the internal BBO'' will make clear that the System will now check orders entered into those auction mechanisms against a non-displayed order book priced better than the NBBO as well the NBBO.[56] As a result, the proposed changes would ensure that Members submitting an order through the Facilitation Mechanism or Solicited Order Mechanism submit such orders at the best price, which (i) for the Facilitation Mechanism, must be at a price that is equal to or better than the displayed NBBO and the non-displayed BBO (*i.e.,* the internal BBO) on the same side of the market as the agency order, and (ii) for the Solicited Order Mechanism, must be at a price that is equal to or better than the NBBO and the internal BBO on both sides of the market.[57]

The Exchange also believes that the clarifying changes in Options 3, Section 11(b)(1) relating to Facilitation order entry checks are consistent with the Act as the proposed changes seek to align the language in the Priority Customer order clause relating to the same side of the market as the agency order more closely with similar language in the preceding clause and clarify current System behavior. Similarly, the Exchange believes that the clarifying changes in Options 3, Section 11(d)(1) relating to Solicited Order Mechanism order entry checks are consistent with the Act as the proposed changes seek to align the language in the Priority Customer order clause with the preceding clause and clarify current System behavior. The Exchange believes that the proposed changes will promote transparency in the Rulebook, and reduce potential confusion by Members and investors.

Price Improvement Mechanism

Similarly, the Exchange's proposal to amend Options 3, Section 13(b)(1) and (b)(2) to account for re-pricing, which would result in an MRX order being available at a price which is better than the NBBO but is non-displayed, is consistent with the Act. The addition of ''or the internal BBO'' will make clear that a non-displayed order book priced better than the NBBO would cause a PIM auction to initiate. Stating ''$0.01'' in lieu of ''one minimum price improvement increment'' is consistent with the Act as this non-substantive amendment more simply states the current minimum increment.[58] Similar to the changes described above for the Facilitation and Solicited Order Mechanisms, the proposed changes for PIM would ensure that Members submitting an order through PIM submit such orders at the best price, which must be (i) better than the displayed NBBO and non-displayed BBO (*i.e.,* the internal BBO) on the Exchange's order book when the PIM is less than 50 contracts and the difference between the NBBO or the difference between the internal BBO is $0.01 wide or (ii) equal to or better than the displayed NBBO and internal BBO when the PIM is 50 contracts or more, or if the difference between the NBBO or the difference between the internal BBO is greater than $0.01.[59]

[54] Market Makers are incentivized to quote at the internal BBO as there is sufficient market information provided to quote accordingly. BX and Phlx also allow their Lead Market Makers and Directed Market Makers to re-price to the internal BBO and receive their enhanced allocation when the internal BBO is better than the NBBO. *See* BX and Phlx Options 3, Section 10. The Nasdaq Options Market LLC (''NOM'') also re-prices orders and quotes but does not have the concept of a Lead Market Makers or Directed Market Markers.

[55] *See supra* note 22.

[56] Today, BX and Phlx similarly consider the internal BBO when initiating their price improvement auctions, BX PRISM and Phlx PIXL. The Exchange would continue to abide by the rules approved by the Commission and not commence an auction in the Facilitation or Solicited Order Mechanisms or in PIM if better priced interest was resting on the book.

[57] As proposed, for the Facilitation Mechanism, if there is a Priority Customer order on the BBO or internal BBO on the same side of the market as the agency order, the order must be entered at an improved price over the Priority Customer order. For the Solicited Order Mechanism, if there is a Priority Customer order on the BBO or internal BBO on either side of the market, the order must be entered at an improved price over the Priority Customer order.

[58] *See supra* note 55.

[59] Provided they are better than any limit order or quote on the same side of the Nasdaq MRX order book as the PIM agency order for both scenarios.

Acceptable Trade Range

The Exchange believes that the proposed changes to its ATR risk protection in Options 3, Section 15(a)(2)(A) are consistent with the Act. The Exchange is proposing to introduce an iterative process for ATR wherein an order/quote that reaches the outer limit of the ATR (*i.e.,* the Threshold Price) without being fully executed will be paused for a brief Posting Period to allow more liquidity to be collected and determine whether or not more liquidity will become available (on the Exchange or an away market if the order is designated as routable) within the posted price of the order/quote before moving on to a new Threshold Price. The Threshold Price, at which the order is posted, would then become the new reference price,[60] and a new ATR would be calculated. The Exchange notes that the proposed iterative ATR process is identical to current BX ATR functionality in BX Options 3, Section 15(b)(1), and therefore is not new or novel.

The Exchange believes that with the proposed changes, ATR will continue to reduce the negative impacts of sudden, unanticipated volatility in individual Exchange options, serve to preserve an orderly market in a transparent manner, increase overall market confidence, and promote fair and orderly markets and the protection of investors. The proposed ATR iterative process should also continue to result in greater continuity in prices as it is designed to prevent immediate or rapid executions at far away prices, thereby protecting investors and the public interest. As discussed above, the Exchange is bounding how far interest can trade into the depth of the Exchange's book based on the best prices that are available to the market. The Exchange therefore believes that its proposal protects investors and the public interest by basing the ATR reference price on the best available prices.

The Exchange also believes that the addition of configurable instances of iterations when the ATR would apply will provide Members with more certainty as to the application of the rule.[61]

The Exchange believes that disseminating a ''non-firm'' indicator message during the Posting Period, as discussed above, is consistent with its obligations under the SEC Quote Rule.[62] As discussed above, this would allow the order or quote setting the ATR Threshold Price to retain priority in the Exchange book and also prevent any later-entered order from accessing liquidity ahead of it. If the Exchange were to display trading interest available on the opposite side of the market, that trading interest would be automatically accessible to later-entered orders during the period when the order triggering the ATR is paused. The ''non-firm'' indicator is meant to relieve eligible exchanges from having to apply locked and crossed rules to the quotation of the market.[63] Since the opposite side interest is likely to be traded through at the completion of the Posting Period, the Exchange would display that interest as ''non-firm'' to alleviate away exchanges from having to apply lock/crossed violation protections (when routing) against this price.[64]

The fact that the Exchange is experiencing volatility that is strong enough to trigger the ATR mechanism qualifies as an unusual market condition. The Exchange expects such situations to be rare, and it has set the current parameters of the mechanism at levels that ensures that it is triggered quite infrequently. In addition, the proposed ATR mechanism will cause the market to pause for no more than one second to try to dampen volatility, the same pause that currently exists on BX. Importantly, the brief pause occurs only after the Exchange has already executed transactions—potentially at multiple price levels—rather than pausing before executing any transactions in the hopes of attracting initial liquidity.

Finally, the Exchange believes that the proposed clarifying language to add that the System will calculate ATR after the Opening Process will better articulate current System behavior. ATR does not apply until after the opening because the order book (and the ATR reference price) is established once options series are open for trading.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a competitive market and regularly competes with other options exchanges for order flow. As discussed above, the Exchange is re-platforming its System in connection with the technology migration to enhanced Nasdaq functionality, which the Exchange believes would promote competition among options exchanges by potentially attracting additional order flow to the Exchange with the enhanced trading platform. The basis for the majority of the proposed rule changes are the rules of the Nasdaq affiliated options exchanges, which have been previously filed with the Commission as consistent with the Act.

The quote re-pricing proposal in Options 3, Section 4(b)(6) and (7) will be functionally identical to BX quote re-pricing in Options 3, Section 4(b)(6).[65] The order re-pricing proposal in Options 3, Section 5(c) and (d) will be functionally identical to BX order re-pricing in BX Options 3, Section 5(c) and (d).[66] Also, the proposed ATR enhancement in Options 3, Section 15(a)(2)(A) will be functionally identical to BX ATR in BX Options 3, Section 15(b)(1).

The Exchange reiterates that the proposed rule change is being proposed in the context of the technology migration to enhanced Nasdaq functionality. As such, the Exchange believes that this proposed rule change is necessary to permit fair competition among options exchanges because the proposed rule changes will permit MRX to re-price orders and quotes similar to BX. Additionally, with this proposal, MRX would be able to offer its Members the same ATR functionality currently available to BX Participants. The Exchange further believes the proposed rule change will benefit Members by providing a more consistent technology offering, as well as consistent rules, for market participants on the Nasdaq affiliated options exchanges.

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the majority of the proposed changes will apply to all Members. ATR allows Members to potentially receive better prices for their aggressive orders or quotes as they work through the ATR Threshold Prices and look to

[60] As described above, if a new NBB is received that is greater than a buy order posted at the Threshold Price, or a new NBO is received that is lower than a sell order posted at the Threshold Price, the new NBB (for buy orders) or NBO (for sell orders) would become the new reference price.

[61] *See supra* notes 33 and 35.

[62] *See* 17 CFR 242.602(a)(3).

[63] To the away venue, this quotation is simply the top of book quotation on MRX (which could be made of orders and/or quotes).

[64] In addition, Options 5, Section 1(k) defines ''Non-Firm'' as, with respect to Quotations, that Members of a Eligible Exchange are relieved of their obligation to be firm for their Quotations pursuant to Rule 602 under the Exchange Act.

[65] *See supra* note 13.

[66] The re-pricing rule changes impact the following rule provisions: Options 2, Section 10; Options 3, Section 8(j)(6)(i); Options 3, Section 10(c)(1)(B), (C) and (D)(i)-(iii); Options 3, Section 11(b)(1) and (d)(1); and Options 3, Section 13(b)(1) and (2).

accumulate additional interest at each posted price during the Posting Periods. Re-pricing affords Members the ability to obtain the best price offered among the various options markets while continuing to be consistent with the Options Order Protection and Locked/Crossed Market Plan, as discussed above. The ability to leverage these mechanisms to achieve better prices for market participants will drive competition from Members to provide tighter markets and more liquidity in order to participate in the trading opportunities while still being bound by reasonable risk protections.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[67] and Rule 19b–4(f)(6) thereunder.[68]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MRX–2022–16 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–MRX–2022–16. 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–MRX–2022–16 and should be submitted on or before October 13, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[69]

J. Matthew DeLesDernier,

Deputy Secretary.

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[67] 15 U.S.C. 78s(b)(3)(A).

[68] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[69] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95810; File No. SR–EMERALD–2022–28]

Self-Regulatory Organizations; MIAX Emerald LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 519, MIAX Emerald Order Monitor

September 16, 2022.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 9, 2022, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 519, MIAX Emerald Order Monitor.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald* at MIAX Emerald's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 519, MIAX Emerald Order Monitor to (i) establish an

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange default Threshold Setting for market orders [3] to sell an option when the national best bid is zero; (ii) provide that a Member [4] may supply their own pre-set value to be used as the Threshold Setting; (iii) reorganize the rule text for ease of reference; and (iv) adopt new rule text to add additional detail regarding the Exchange's process for evaluating and reevaluating market orders to sell. The Exchange notes that its proposal harmonizes the operation of Rule 519 to that of its affiliate exchanges, MIAX Options and MIAX Pearl that have recently amended this rule.[5]

Background

Currently, in order to avoid the occurrence of potential obvious or catastrophic errors on the Exchange the MIAX Emerald Order Monitor will prevent certain orders from executing or being placed on the Book [6] at prices outside pre-set standard limits. Beginning after the Opening Process [7] is complete, the MIAX Emerald Order Monitor is operational each trading day until the close of trading.[8] Exchange Rule 519(a)(1)(i) provides that if the Exchange upon initial receipt or reevaluation [9] evaluates a market order to sell an option when the national best bid is zero and the Exchange's disseminated offer is equal to or less than $0.10, the System [10] will convert the market order to sell to a limit order to sell with a limit price of one minimum trading increment.[11] In this case, such sell orders will automatically be placed on the Book in time priority and will be displayed at the appropriate Minimum Price Variation.[12] Exchange Rule 519(a)(1)(ii) provides that if the Exchange upon initial receipt or reevaluation evaluates a market order to sell an option when the national best bid is zero and the national best offer is greater than $0.10, the System will cancel the market order to sell.

Proposal

The Exchange now proposes to allow Members to determine their own pre-set value to be used as the threshold setting (''Threshold Setting'') that the Exchange will use when evaluating market orders to sell when the national best bid is zero and the national best offer is less than, equal to, or greater than, the Threshold Setting. Members are not constrained by the Exchange in determining their Threshold Setting and may set the threshold at any value in accordance to their business and risk tolerances. Members will communicate their desired threshold value to the Exchange's Help Desk.[13]

Specifically, the Exchange proposes to adopt new subparagraph (i) to paragraph (a)(1) of Rule 519 to provide that, ''[f]or the purposes of this Rule a Member may establish a pre-set value to be used as the Threshold Setting by communicating its value to the Exchange's Help Desk in a form and manner to be determined by the Exchange and communicated via Regulatory Circular.[14] The Exchange will establish a default Threshold Setting of $0.10 [15] and communicate its value to Members via Regulatory Circular. If a Member does not establish a Threshold Setting the Exchange default value will be used.'' Currently, the Exchange uses a value of $0.10 as its threshold value for purposes of evaluating or reevaluating market orders to sell when the national best bid is zero.[16]

The Exchange proposes to adopt new subparagraph (ii) to paragraph (a)(1) of Rule 519 to provide that, if the Exchange receives a market order to sell an option when the national best bid is zero and the national best offer is less than or equal to the Threshold Setting, the System will convert the market order to sell, to a limit order to sell, with a limit price of one minimum trading increment.[17] The Exchange proposes to use the national best offer as the reference price in determining how to handle a market order to sell when the national best bid is zero as the national best offer better represents the current market conditions.[18] This provision is consistent with the operation of the current rule, however the Threshold Setting used for evaluation purposes under the Exchange's proposal may now be either the Exchange's default setting of $0.10 or the Member's Threshold Setting.

The Exchange proposes to adopt new subparagraph (iii) to paragraph (a)(1) of Rule 519 to provide that, if the Exchange reevaluates a market order to sell an option when the resulting national best bid is zero and either the trade price, route price, or national best offer is less than or equal to the Threshold Setting, the System will convert the market order to sell, to a limit order to sell, with a limit price of one minimum trading increment.[19] For the purposes of this rule, the execution price of a trade in the subject series is considered the ''trade price.'' In the event the Exchange receives a market order to sell and the Exchange is zero bid but an away market is not, the Exchange will route the order to that away exchange at the away market price, the ''route price.'' The Exchange uses the route price, trade price, or national best offer to determine the proper disposition of a market order to sell when the national best bid becomes zero.

Current paragraph (i) describes the initial evaluation and reevaluation process of a market order to sell whereas each process is given separate treatment under this proposal. Specifically, new proposed paragraph (ii) describes the initial evaluation process of a market order to sell when the national best bid is zero and new proposed paragraph (iii) describes the reevaluation process of a market order to sell when the national best bid becomes zero. The Exchange believes this format provides additional clarity to the Exchange's rules regarding its order handling process when the Exchange reevaluates a market order to sell when the national best bid becomes zero.

[3] A market order is an order to buy or sell a stated number of option contracts at the best price available at the time of execution. *See* Exchange Rule 516(a).

[4] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[5] *See* Securities Exchange Act Release Nos. 95001 (May 27, 2022), 87 FR 33854 (June 3, 2022) (SR–MIAX–2022–22); and 95000 (May 27, 2022), 87 FR 33862 (June 3, 2022) (SR–PEARL–2022–22).

[6] The term ''Book'' means the electronic book of buy and sell orders and quotes maintained by the System. *See* Exchange Rule 100.

[7] *See* Exchange Rule 503.

[8] *See* Exchange Rule 519(a).

[9] A reevaluation of an order occurs when an order has been partially filled on the Exchange, or has been routed to an away exchange and is returned to the Exchange partially or completely unfilled, and the resulting national best bid is zero.

[10] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[11] *See* Exchange Rule 510.

[12] *See* Exchange Rule 510(a).

[13] The term ''Help Desk'' means the Exchange's control room consisting of Exchange staff authorized to make certain determinations on behalf of the Exchange. The Help Desk shall report to and be supervised by a senior executive of the Exchange. *See* Exchange Rule 100.

[14] Requests to establish a Threshold Setting are received by the Help Desk and are processed for implementation on the next trading day.

[15] The Exchange proposes to convert its current $0.10 threshold setting to the Exchange default Threshold Setting.

[16] *See* Exchange Rule 519(a)(1)(i) and (ii).

[17] *See* Exchange Rule 510, Minimum Price Variations and Minimum Trading Increments.

[18] The Exchange notes that its current rule uses the Exchange's disseminated offer for evaluation purposes however the Exchange proposes to use the national best offer for consistency and uniform application of the proposed rule.

[19] Market orders converted to limit orders under Rule 519 are posted to the Book with a time in force of Day.

The Exchange proposes to adopt new subparagraph (iv) to paragraph (a)(1) of Rule 519 to provide that, in either case of (ii) or (iii) above, such sell orders will automatically be placed on the Book in time priority and will be displayed at the appropriate Minimum Price Variation.[20] The Exchange notes that this language is substantially similar to the current rule text.[21]

The Exchange proposes to adopt new subparagraph (v) to paragraph (a)(1) of Rule 519 to provide that, if the Exchange receives a market order to sell an option when the national best bid is zero and the national best offer is greater than the Threshold Setting, the System will reject[22] the order. This provision is consistent with the operation of the current rule, however under the Exchange's proposal the Threshold Setting used for evaluation purposes may now be either the Exchange default setting of $0.10 or the Member's Threshold Setting.

The Exchange proposes to adopt new subparagraph (vi) to paragraph (a)(1) of Rule 519 to provide that, if the Exchange reevaluates a market order to sell an option when the resulting national best bid is zero and both (A) the trade price or route price, and (B) the national best offer, are greater than the Threshold Setting, the System will reject the order or cancel any unexecuted balance of the order. The Exchange uses the route price or trade price, in conjunction with the national best offer to determine the proper disposition of a market order to sell when the national best bid becomes zero.

Proposed paragraphs (iii) and (vi) both address the reevaluation process. A market order to sell may be partially executed on the Exchange and reevaluated by the Exchange, and may also be routed to an away Exchange and then reevaluated by the Exchange. The first scenario occurs when the Exchange receives a market order to sell and the Exchange is not zero bid, but away exchanges are. In this scenario, the Exchange will execute the order on the Exchange and the execution price will be the ''trade price.'' In the event that there is still interest remaining of the order, and the national best bid is zero, the Exchange will reevaluate the order using the trade price. If the trade price or the national best offer price is less than or equal to the Threshold Setting, the System will convert the market order to sell, to a limit order to sell, with a limit price of one minimum increment.[23] If the trade price and the national best offer price are greater than the Threshold Setting, the System will cancel any unexecuted balance of the order.[24]

The second scenario occurs when the Exchange receives a market order to sell and the Exchange is zero bid but away exchanges are not. The Exchange will route the order to the away exchange, if the order is returned to the Exchange and the national best bid becomes zero, the Exchange will reevaluate the order using the route price. If the route price or national best offer is less than or equal to the Threshold Setting, the System will convert the market order to sell, to a limit order to sell, with a limit price of one minimum trading increment.[25] If the route price and the national best offer are greater than the Threshold Setting, the System will reject the order or cancel any unexecuted balance of the order.[26]

In proposed paragraph (vi) the Exchange believes considering both the route price or trade price, and the national best offer, provides a clear indication of the current market conditions when either the route price or trade price and the national best offer is greater than the Threshold Setting and allows the Exchange to make the proper determination regarding the disposition of the order.

The proposed rule text provides additional detail regarding the System's behavior when the Exchange reevaluates a market order to sell and the national best bid has become zero. Example 1 below describes the System processing when the national best offer is below the Threshold Setting, and Example 2 describes the System processing when the national best offer is above the Threshold Setting.

Example 1

MPV: $0.05
Exchange default Threshold Setting: $0.10
Member selected Threshold Setting: $0.25
EBBO[27] (0) 0.00 × 5.00 (10)
ABBO[28] (10) 0.10 × 0.15 (10)
NBBO[29] (10) 0.10 × 0.15 (10)

Market order to sell 20 contracts is received by the Exchange.

The Exchange routes the order to the away exchange by sending a limit order to sell 10 contracts at $0.10 (the route price).

The order is executed on the away exchange, sell 10 at $0.10, and the away market becomes zero bid.

EBBO: (0) 0.00 × 5.00 (10)
ABBO: (0) 0.00 × 0.15 (10)
NBBO: (0) 0.00 × 0.15 (10)

Using the Member selected Threshold Setting of $0.25 to reevaluate the order, the remainder of the order (10 contracts) would be converted to a limit order to sell with a time in force of day, and placed on the Exchange as the national best offer ($0.15) (and the route price of $0.10) is less than or equal to the Member selected Threshold Setting of $0.25. The 10 contracts would then be displayed on the Exchange at an offer price of one minimum trading increment or $0.05.

EBBO: (0) 0.00 × 0.05 (10)
ABBO: (0) 0.00 × 0.15 (10)
NBBO: (0) 0.00 × 0.05 (10)

If the Exchange default Threshold Setting ($0.10) was used for the reevaluation, the remainder of the order (10 contracts) would be converted to a limit order to sell with a time in force of day, and placed on the Exchange, as the route price of $0.10 is equal to the Exchange Threshold Setting of $0.10. The 10 contracts would then be displayed on the Exchange at an offer price of one minimum trading increment or $0.05.

Example 2

MPV: $0.05
Exchange default Threshold Setting: $0.10
Member selected Threshold Setting: $0.25
EBBO (0) 0.00 × 5.00 (10)
ABBO (10) 0.40 × 0.50 (10)
NBBO (10) 0.40 × 0.50 (10)

Market order to sell 20 contracts is received by the Exchange. The Exchange is zero bid for that series and routes the order to the away exchange by sending a limit order to sell 10 at $0.40 (the route price).

The order is executed on the away exchange, sell 10 at $0.40, and the away market becomes zero bid.

EBBO: (0) 0.00 × 5.00 (10)

[20] *See* Exchange Rule 510(a).

[21] *See* Exchange Rule 519(a)(1)(i).

[22] The current rule provides that the Exchange will cancel the order however the Exchange is proposing to provide additional clarity to distinguish order handling in the rule text in this proposal. An order that is rejected has not been accepted by the System, whereas an order that is cancelled has been accepted by the System.

[23] *See* proposed Rule 519(a)(1)(iii).

[24] *See* proposed Rule 519(a)(1)(vi).

[25] *See* proposed Rule 519(a)(1)(iii).

[26] *See* proposed Rule 519(a)(1)(vi).

[27] The term ''EBBO'' means the best bid or offer on the Exchange. *See* Exchange Rule 100.

[28] The term ''ABBO'' or ''Away Best Bid or Offer'' means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. *See* Exchange Rule 100.

[29] The term ''NBBO'' means the national best bid or offer as calculated by the Exchange based on market information received by the Exchange from OPRA. *See* Exchange Rule 100.

ABBO: (0) 0.00 × 0.50 (10)
NBBO: (0) 0.00 × 0.50 (10)

Using the Member selected Threshold Setting of $0.25 to reevaluate the order, the remainder of the order (10 contracts) would be cancelled as both (i) the route price ($0.40) and (ii) the national best offer ($0.50) are greater than the Threshold Setting ($0.25).

Implementation Date

The Exchange plans to implement the proposed rule change in Q4 of 2022 and will announce the implementation date to its Members via Regulatory Circular.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act [30] in general, and furthers the objectives of Section 6(b)(5) of the Act [31] 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes its proposal promotes just and equitable principles of trade, removes impediments to and perfects the mechanisms of a free and open market and a national market system, and in general, protects investors and the public interest by allowing Members to establish the Threshold Setting for the evaluation of market orders to sell when the national best bid is zero. The Exchange believes that allowing Members to determine the Threshold Setting provides greater flexibility and allows the Member to tailor the Threshold Setting to the business and risk tolerances of the Member. Providing Members with the flexibility to determine their own Threshold Setting may increase the opportunity for investors to receive an execution, to the benefit of investors; or, if an order that is evaluated under the proposed evaluation and reevaluation criteria in the proposal is rejected, investors are protected from receiving an execution at a potentially unwanted price.

The Exchange believes its proposal to allow Members the flexibility to establish their own pre-set value to be used for evaluation purposes of market orders to sell when the national best bid is zero allows Members to align their risk protections with their risk tolerance. Members have the discretion to set their pre-set value to whatever value best aligns to their risk profile, which may be as low as $0.00.[32] The Exchange provides Members the ability to tailor risk protection functionality to the risk profile of the Member, and has allowed Members to customize their risk protection settings for other risk protections. Specifically, the Exchange allows Members to set the maximum size of an order for the purposes of the MIAX Emerald Order Monitor Order Size Protection,[33] and if the maximum size of an order is not designated by the Member, the Exchange provides an Exchange defined default value.[34] Additionally, the Exchange provides Members the option to set a price protection limit on a per order basis,[35] and orders received without a price protection limit specified receive the Exchange defined default value.[36] The current proposal to allow Members to determine a pre-set value to be used as the Threshold Setting continues the Exchange's approach of allowing a Member to customize its risk protections to better align to the risk tolerance of the Member.

The Exchange believes its proposal to reorganize the current rule text to describe each scenario separately (*i.e.,* evaluation of a market order to sell when the national best bid is zero and the national best offer is less than or equal to the Threshold Setting (proposed paragraph (ii)); reevaluation of a market order to sell when the national best bid becomes zero and either the trade price, route price, or national best offer is less than or equal to the Threshold Setting (proposed paragraph (iii)); initial evaluation of a market order to sell when the national best bid is zero and the national best offer is greater than the Threshold Setting (proposed paragraph (v)); and reevaluation of a market order to sell when the national best bid becomes zero and the national best offer is greater than the Threshold Setting (proposed paragraph (vi))) better organizes the rule text. The Exchange believes discussing each scenario separately and describing the evaluations that are performed by the System to determine the proper disposition of the order provides transparency and clarity in the Exchange's rules.

The Exchange believes its proposal promotes just and equitable principles of trade, removes impediments to and perfects the mechanisms of a free and open market and a national market system, and in general, protects investors and the public interest by providing additional detail regarding the Exchange's process for reevaluating market orders to sell when the national best bid becomes zero. The Exchange believes it is in the interest of investors and the public to accurately describe the behavior of the Exchange's System in its rules as this information may be used by investors to make decisions concerning the submission of their orders. Transparency and clarity are consistent with the Act because it removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest by accurately describing how market orders to sell in zero bid series are handled on the Exchange. It is in the public interest for rules to be accurate and concise so as to eliminate the potential for confusion.

Additionally, the Exchange believes its proposal promotes just and equitable principles of trade, removes impediments to and perfects the mechanisms of a free and open market and a national market system, and in general, protects investors and the public interest by re-organizing the rule text for ease of reference. The Exchange believes that Exchange rules should be clear and transparent so as to avoid the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that its proposal will impose any burden on

[30] 15 U.S.C. 78f(b).

[31] 15 U.S.C. 78f(b)(5).

[32] The Exchange notes that the Nasdaq Phlx Zero-Bid Option Series rule, does not have a threshold evaluation and provides that, ''[i]n the case where the bid price for any options series is $0.00, a Market Order accepted into the System to sell that series shall be considered a Limit Order to sell at a price equal to the minimum trading increment as defined in [Nasdaq Phlx] Options 3, Section 3. Orders will be placed on the Limit Order book in the order in which they were received by the System. With respect to Market Orders to sell which are submitted prior to the Opening Process and persist after the Opening Process, those orders are posted at a price equal to the minimum trading increment as defined in Options 3, Section 3.'' *See* Nasdaq Phlx Options 3, Section 10(b).

[33] *See* Exchange Rule 519(b).

[34] *See* MIAX Emerald Regulatory Circular 2019–20, Mandatory Usage of MIAX Order Monitor Protections (February 28, 2019) available at *https://www.miaxoptions.com/sites/default/files/circular-files/MIAX_Emerald_RC_2019_20.pdf.*

[35] *See* Exchange Rule 515(c)(1).

[36] *See* MIAX Emerald Regulatory Circular 2019–17, MIAX Emerald Price Protection Process (February 28, 2019) available at *https://www.miaxoptions.com/sites/default/files/circular-files/MIAX_Emerald_RC_2019_17.pdf.*

intra-market competition as all Members that submit market orders to the Exchange will be treated equally and the Rules of the Exchange apply equally to all Exchange Members. Additionally, the proposal allows each Member to determine the pre-set value to be used as the Threshold Setting and allows each Member to align their Threshold Setting to their risk tolerance. The Exchange's proposal does not impose a burden on intra-market competition as all Members have the flexibility to determine their own Threshold Setting and the application of the rule is applied uniformly to all Members.

The Exchange does not believe that its proposal will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal is not a competitive filing but one that provides Members the flexibility to determine their own Threshold Setting and also provides additional detail regarding the Exchange's process for reevaluating market orders to sell when the national bid becomes zero. Other options exchanges have an equal opportunity to modify their systems to offer similar functionality.

Additionally, the non-substantive changes proposed by the Exchange will have no impact on competition as they provide additional clarity and detail in the Exchange's rules and are not changes made for any competitive purpose.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [37] and Rule 19b–4(f)(6) [38] thereunder.

[37] 15 U.S.C. 78s(b)(3)(A).

[38] 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.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EMERALD–2022–28 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–EMERALD–2022–28. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EMERALD–2022–28 and should be submitted on or before October 13, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20502 Filed 9–21–22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95813; File No. SR–NYSEAMER–2022–40]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend Its Equities Price List

September 16, 2022.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 2, 2022, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Equities Price List (''Price List'') to reflect the fee for Directed Orders routed directly by the Exchange to an alternative trading system (''ATS''). The proposed 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.

[39] 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.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Price List to reflect the fee for Directed Orders routed directly by the Exchange to an ATS. The Exchange proposes to implement the fee change effective September 2, 2022.

Background

The Exchange operates in a highly competitive market. The Securities and Exchange Commission (''Commission'') has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [4]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [5] Indeed, equity trading is currently dispersed across 16 exchanges,[6] numerous alternative trading systems,[7] and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange currently has more than 17% market share.[8] Therefore, no exchange possesses significant pricing power in the execution of cash equity order flow. More specifically, the Exchange currently has less than 1% market share of executed volume of cash equities trading.[9]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products. While it is not possible to know a firm's reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which a firm routes order flow. Accordingly, competitive forces constrain exchange transaction fees because market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

Proposed Rule Change

Pursuant to Commission approval, the Exchange adopted a new order type known as Directed Orders.[10] A Directed Order is a Limit Order [11] with instructions to route on arrival at its limit price to a specified ATS with which the Exchange maintains an electronic linkage. Under Exchange rules, the ATS to which a Directed Order is routed would be responsible for validating whether the order is eligible to be accepted, and if such ATS determines to reject the order, the order would be cancelled. Directed Orders must be designated with a Time in Force modifier of Day [12] or IOC [13] and are eligible to be designated for the Core Trading Session [14] only. Directed Orders that are the subject of this proposed rule change would be routed to OneChronos LLC (''OneChronos'').

In anticipation of the scheduled implementation of routing functionality to One Chronos,[15] the Exchange proposes to amend the Price List to state that the Exchange will not charge a fee for Directed Orders routed to OneChronos. To reflect the no fee, the Exchange proposes to amend current Section III. Fees for Routing for all ETP Holders—to state ''No fee for Directed Orders routed to OneChronos LLC'' for securities priced at or above $1.00. The Exchange also proposes to amend rule text regarding the current routing fee of $0.0030 per share to state that the fee would apply to ''all other executions''. Additionally, the Exchange proposes to adopt a definition of the term ''Directed Orders'' on the Price List. As proposed, ''Directed Orders'' would mean a Limit Order with instructions to route on arrival at its limit price to a specified alternative trading system (''ATS'') with which the Exchange maintains an electronic linkage.

The Exchange believes that the Directed Orders functionality would facilitate additional trading opportunities by offering ETP Holders the ability to designate orders submitted to the Exchange to be routed to OneChronos for execution. The Exchange believes the functionality could create efficiencies for ETP Holders that choose to use the functionality by enabling them to send orders that they wish to route to OneChronos through the Exchange by leveraging order entry protocols already configured for their interaction with the Exchange. ETP Holders that choose not to utilize Directed Orders would continue to be able to trade on the Exchange as they currently do.

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[6] *See* Cboe U.S. Equities Market Volume Summary, available at *https://markets.cboe.com/us/equities/market_share. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[7] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[8] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[9] *See id.*

[10] *See* Rule 7.31E(f)(4). *See also* Securities Exchange Act Release No. 95424 (August 4, 2022), 87 FR 48716 (August 10, 2022) (SR–NYSEAMER–2022–19).

[11] A Limit Order is defined in Rule 7.31E(a)(2) as an order to buy or sell a stated amount of a security at a specified price or better.

[12] Pursuant to Rule 7.31E(b)(1), any order to buy or sell designated Day, if not traded, will expire at the end of the designated session on the day on which it was entered.

[13] Pursuant to Rule 7.31E(b)(2), a Limit Order may be designated with an Immediate-or-Cancel (''IOC'') modifier.

[14] The Core Trading Session for each security begins at 9:30 a.m. Eastern Time and ends at the conclusion of Core Trading Hours. *See* Rule 7.34E(a)(2). The term ''Core Trading Hours'' means the hours of 9:30 a.m. Eastern Time through 4:00 p.m. Eastern Time or such other hours as may be determined by the Exchange from time to time. *See* Rule 1.1E.

[15] *See https://www.nyse.com/publicdocs/nyse/notifications/trader-update/110000456275/OneChronos_August_2022_Trader_Update_Final.pdf.*

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[17] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [18]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

In particular, the Exchange believes the proposed rule change is a reasonable means to incent ETP Holders to utilize the Directed Orders functionality and allow ETP Holders to evaluate its efficacy. The proposed routing of orders to OneChronos is provided by the Exchange on a voluntary basis and no rule or regulation requires that the Exchange offer it. Nor does any rule or regulation require market participants to send orders to an ATS generally, let alone to OneChronos. The routing of orders to OneChronos would operate similarly to the Primary Only Order already offered by the Exchange, which is an order that is routed directly to the primary listing market on arrival, without interacting with the interest on the Exchange Book.[19]

The Exchange believes its proposal equitably allocates its fees among its market participants. The Exchange believes that the proposal represents an equitable allocation of fees because it would apply uniformly to all ETP Holders, in that all ETP Holders will have the ability to designate orders submitted to the Exchange to be routed to OneChronos, and each such ETP Holder would not be charged a fee when utilizing the new functionality. While the Exchange has no way of knowing whether this proposed rule change would serve as an incentive to utilize the new order type, the Exchange expects that a number of ETP Holders will utilize the new functionality because it would create efficiencies for ETP Holders by enabling them to send orders that they wish to route to OneChronos through the Exchange, thereby enabling them to leverage order entry protocols already configured for their interactions with the Exchange.

The Exchange believes that the proposal is not unfairly discriminatory. The Exchange believes it is not unfairly discriminatory as the proposal to not charge a fee would be assessed on an equal basis to all ETP Holders that use the Directed Order functionality. The proposal to not charge a fee would also enable ETP Holders to evaluate the efficacy of the new functionality. Moreover, this proposed rule change neither targets nor will it have a disparate impact on any particular category of market participant. The Exchange believes that this proposal does not permit unfair discrimination because the changes described in this proposal would be applied to all similarly situated ETP Holders. Accordingly, no ETP Holder already operating on the Exchange would be disadvantaged by the proposed allocation of fees. The Exchange further believes that the proposed rule change would not permit unfair discrimination among ETP Holders because the Directed Order functionality would be available to all ETP Holders on an equal basis and each such participant would not be charged a fee for using the functionality.

Finally, the submission of orders to the Exchange is optional for ETP Holders in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard. The Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[20] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [21]

Intramarket Competition. The Exchange believes the proposed amendment to its Price List would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed rule change is a reasonable means to incent ETP Holders to utilize the Directed Orders functionality and allow ETP Holders to evaluate its efficacy. The Directed Orders functionality would be available to all ETP Holders and all ETP Holders that use the Directed Orders functionality to route their orders to OneChronos will not be charged a routing fee. The proposed routing of orders to OneChronos is provided by the Exchange on a voluntary basis and no rule or regulation requires that the Exchange offer it. ETP Holders have the choice whether or not to use the Directed Orders functionality and those that choose not to utilize it will not be impacted by the proposed rule change. The Exchange also does not believe the proposed rule change would impact intramarket competition as the proposed rule change would apply to all ETP Holders equally that choose to utilize the Directed Orders functionality, and therefore the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange's market share of intraday trading is currently less than 1%. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(4) and (5).

[18] *See supra* note 4.

[19] *See* Rule 7.31E(f)(1).

[20] 15 U.S.C. 78f(b)(8).

[21] *See supra* note 4.

modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket 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

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [22] of the Act and subparagraph (f)(2) of Rule 19b–4 [23] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [24] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2022–40 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2022–40. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2022–40, and should be submitted on or before October 13, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20504 Filed 9–21–22; 8:45 am]

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[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(2).

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95811; File No. SR–NASDAQ–2022–027]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 2, To Modify Certain Pricing Limitations for Companies Listing in Connection With a Direct Listing With a Capital Raise

September 16, 2022.

On March 21, 2022, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') 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 proposed rule change to allow companies to modify certain pricing limitations for companies listing in connection with a Direct Listing with a Capital Raise in which the company will sell shares itself in the opening auction on the first day of trading on Nasdaq. The proposed rule change was published for comment in the **Federal Register** on April 8, 2022.[3] On May 19, 2022, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to either approve or disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5]

On May 23, 2022, the Exchange filed Amendment No. 1 to the proposed rule change, which superseded the proposed rule change as originally filed. Amendment No. 1 was published for comment in the **Federal Register** on June 2, 2022.[6] On July 7, 2022, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [7] to determine whether to approve or disapprove the proposed rule change.[8]

On May 23, 2022, the Exchange filed Amendment No. 1 to the proposed rule change, which superseded the proposed rule change as originally filed. Amendment No. 1 to the proposed rule change is described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify certain pricing limitations for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 94592 (April 4, 2022), 87 FR 20905 (April 8, 2022).

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 94947 (May 19, 2022), 87 FR 31915 (May 25, 2022). The Commission designated July 7, 2022, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] *See* Securities Exchange Act Release No. 94989 (May 26, 2022), 87 FR 33558 (June 2, 2022).

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 95220 (July 7, 2022), 87 FR 41780 (July 13, 2022). Comments received on the proposal are available on the Commission's website at: *https://www.sec.gov/comments/sr-nasdaq-2022-027/srnasdaq2022027.htm.*

companies listing in connection with a Direct Listing with a Capital Raise on the Nasdaq Global Select Market in which the company will sell shares itself in the opening auction on the first day of trading on Nasdaq. This Amendment No. 2 supersedes the original filing, as modified by Amendment No. 1, in its entirety.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is filing this amendment to SR–NASDAQ–2022–027 [9] to address the issues the Commission raised in the OIP and make other modifications to clarify the proposed rule language. This Amendment No. 2 supersedes and replaces Amendment No. 1 in its entirety.

In this Amendment No. 2 (the ''Amendment'') Nasdaq proposes to modify the Initial Proposal, as modified by Amendment No. 1,[10] to require that a company offering securities for sale in connection with a Direct Listing with a Capital Raise must retain an underwriter with respect to the primary sales of shares by the company and identify the underwriter in its effective registration statement.[11]

Also in this Amendment, Nasdaq proposes to modify the Pricing Range Limitation, as defined below, such that, provided other requirements are satisfied, a Direct Listing with a Capital Raise can be executed in the Cross at a price that is above the highest price of the price range established by the issuer in its effective registration statement only if the execution price is at or below the price that is 80% above the highest price of the price range.[12]

Description of Proposed Rule, as Amended

In 2021, Nasdaq adopted Listing Rule IM–5315–2 to permit a company to list on the Nasdaq Global Select Market in connection with a primary offering in which the company will sell shares itself in the opening auction on the first day of trading on the Exchange (a ''Direct Listing with a Capital Raise''); [13] created a new order type (the ''CDL Order''), which is used during the Nasdaq Halt Cross (the ''Cross'') for the shares offered by the company in a Direct Listing with a Capital Raise; and established requirements for disseminating information, establishing the opening price and initiating trading through the Cross in a Direct Listing with a Capital Raise.[14] For a Direct Listing with a Capital Raise, Nasdaq rules currently require that the actual price calculated by the Cross be at or above the lowest price and at or below the highest price of the price range established by the issuer in its effective registration statement (the ''Pricing Range Limitation'').

Nasdaq now proposes to modify the Pricing Range Limitation [15] such that, provided other requirements are satisfied, a Direct Listing with a Capital Raise can also be executed in the Cross at a price that is at or above the price that is as low as 20% below the lowest price in the price range established by the issuer in its effective registration statement; [16] or at a price above the highest price of such price range but only if the execution price is at or below the price that is 80% above the highest price of the price range. Specifically, to execute at a price outside of the price range, the company's registration statement must contain a sensitivity analysis explaining how the company's plans would change if the actual proceeds from the offering were less than or exceeded the amount assumed in such price range and the company has publicly disclosed and certified to Nasdaq that the company does not expect that such price would materially change the company's previous disclosure in its effective registration statement. Nasdaq also proposes to make related conforming changes.

Current Direct Listing With a Capital Raise Requirements

Currently, a Direct Listing with a Capital Raise must begin trading on Nasdaq following the initial pricing through the Cross, which is described in Rules 4120(c)(9) and 4753.[17]

Currently, in addition to pricing within the Pricing Range Limitation,[18] Rule 4120(c)(9) requires that in the case

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[9] Securities Exchange Act Release No. 94592 (April 4, 2022), 87 FR 20905 (April 8, 2022) (the ''Initial Proposal''). On May 23, 2022, the Exchange filed Amendment No. 1 to the proposed rule change, which superseded the proposed rule change as originally filed. Securities Exchange Act Release No. 94989 (May 26, 2022), 87 FR 33558 (June 2, 2022). The Commission issued an Order Instituting Proceedings to Determine Whether To Approve or Disapprove the Initial Proposal, as modified by Amendment No. 1. *See* Securities Exchange Act Release No. 95220 (July 7, 2022), 87 FR 41780 (July 13, 2022) (the ''OIP'').

[10] Nasdaq submitted Amendment No. 1 in order to: (i) clarify Nasdaq's view of the applicability of Securities Act Rule 430A and mechanics of complying with the disclosures required under federal securities laws by a company listing in connection with a Direct Listing with a Capital Raise in circumstances where the actual price calculated by the Cross is outside of the price range established by the issuer in its effective registration statement; (ii) specify that if the company's certification to Nasdaq (that the company does not expect that an offering price above the price range would materially change the company's previous disclosure in its effective registration statement) includes an upside limit, Nasdaq will not execute the cross if it results in an offering price above such limit; and (iii) make minor technical changes to improve the structure, clarity and readability of the proposed rules.

[11] Nasdaq believes that this proposal addresses the issues raised by the Commission in the OIP related to the potential lack of a named underwriter in a Direct Listing with a Capital Raise, as explained below. Nasdaq also believes that this proposal addresses concerns raised in the comment letter submitted by the Council of Institutional Investors (CII), dated August 8, 2022. Nasdaq believes that the CII letter raises concerns that are substantively the same as the concerns raised by the Commission in the OIP.

[12] Nasdaq believes that this proposal addresses the issues raised by the Commission in the OIP related to the usefulness and reliability of price range disclosure provided to investors, as explained below.

[13] A Direct Listing with a Capital Raise includes situations where either: (i) only the company itself is selling shares in the opening auction on the first day of trading; or (ii) the company is selling shares and selling shareholders may also sell shares in such opening auction.

[14] *See* Securities Exchange Act Release No. 91947 (May 19, 2021), 86 FR 28169 (May 25, 2021) (the ''Approval Order'').

[15] On February 24, 2022, the Commission issued an order disapproving a similar proposal by Nasdaq. Securities Exchange Act Release No. 94311 (February 24, 2022), 87 FR 11780 (March 2, 2022) (the ''Disapproval Order''). Nasdaq believes that this proposal addresses the issues raised by the Commission in the Disapproval Order.

[16] References in this proposal to the price range established by the issuer in its effective registration statement are to the price range disclosed in the prospectus in such registration statement. Separately, as explained in more details below, Nasdaq proposes to prescribe that the 20% threshold below the lowest price in the price range will be calculated based on the maximum offering price set forth in the registration fee table, consistent with the Instruction to paragraph (a) of Securities Act Rule 430A.

[17] *See* Listing Rule IM–5315–2.

[18] *See* Rule 4120(c)(9)(B).

of a Direct Listing with a Capital Raise, for purposes of releasing securities for trading on the first day of listing, Nasdaq, in consultation with the financial advisor to the issuer, will make the determination of whether the security is ready to trade. In addition, under Rule 4120(c)(9)(B) Nasdaq will release the security for trading only if all market orders will be executed in the Cross. If there is insufficient buy interest to satisfy the CDL Order and all other market orders, or if the Pricing Range Limitation is not satisfied, the Cross would not proceed and such security would not begin trading. In such event, because the Cross cannot be conducted, the Exchange would postpone and reschedule the offering and notify market participants via a Trader Update that the Direct Listing with a Capital Raise scheduled for that date has been cancelled and any orders for that security that have been entered on the Exchange would be cancelled back to the entering firms.[19]

Proposed Change to Rule 4120(c)(9)

While many companies are interested in alternatives to traditional IPOs, based on conversations with companies and their advisors Nasdaq believes that there may be a reluctance to use the existing Direct Listing with a Capital Raise rules because of concerns about the Pricing Range Limitation.

One potential benefit of a Direct Listing with a Capital Raise as an alternative to a traditional IPO is that it could maximize the chances of more efficient price discovery of the initial public sale of securities for issuers and investors. Unlike an IPO where the offering price is informed by underwriter engagement with potential investors to gauge interest in the offering, but ultimately decided through negotiations between the issuer and the underwriters for the offering, in a Direct Listing with a Capital Raise the initial sale price is determined based on market interest and the matching of buy and sell orders in an auction open to all market participants. In that regard, in the Approval Order the Commission stated that:

> The opening auction in a Direct Listing with a Capital Raise provides for a different price discovery method for IPOs which may reduce the spread between the IPO price and subsequent market trades, a potential benefit to existing and potential investors. In this way, the proposed rule change may result in additional investment opportunities while providing companies more options for becoming publicly traded.[20]

A successful initial public offering of shares requires sufficient investor interest. If an offering cannot be completed due to lack of investor interest, there is likely to be a substantial amount of negative publicity for the company and the offering may be delayed or cancelled. The Pricing Range Limitation imposed on a Direct Listing with a Capital Raise (but not on a traditional IPO) increases the probability of such a failed offering because the offering cannot proceed without some delay not only for the lack of investor interest, but also if investor interest is greater than the company, its underwriter, and other advisors anticipated. In the Approval Order, the Commission noted a frequent academic observation of traditional firm commitment underwritten offerings that the IPO price, established through negotiation between the underwriters and the issuer, is often lower than the price that the issuer could have obtained for the securities, based on a comparison of the IPO price to the closing price on the first day of trading.[21] Nasdaq believes that the price range in a company's effective registration statement for a Direct Listing with a Capital Raise would similarly be determined by the company, its underwriter, and other advisors and, therefore, there may be instances of offerings where the price determined by the Nasdaq opening auction will exceed the highest price of the price range in the company's effective registration statement.

As explained above, under the existing rule a security subject to a Direct Listing with a Capital Raise cannot be released for trading by Nasdaq if the actual price calculated by the Cross is above the highest price of the price range established by the issuer in its effective registration statement. In this case, Nasdaq would have to cancel or postpone the offering until the company amends its effective registration statement. At a minimum, such a delay exposes the company to market risk of changing investor sentiment in the event of an adverse market event. In addition, as explained above, the determination of the public offering price of a traditional IPO is not subject to limitations similar to the Pricing Range Limitation for a Direct Listing with a Capital Raise, which, in Nasdaq's view, could make companies reluctant to use this alternative method of going public despite its expected potential benefits. This reluctance could result in denying investors and companies the benefits of this different price discovery method.

Accordingly, Nasdaq proposes to modify the Pricing Range Limitation such that in the case of the Direct Listing with a Capital Raise, a security could be released for trading by Nasdaq if the actual price at which the Cross would occur is as much as 20% below the lowest price of the price range established by the issuer in its effective registration statement. In addition, a security could be released for trading by Nasdaq if the actual price at which the Cross would occur was above the highest price in the price range established by the issuer in its effective registration statement but only if the execution price is at or below the price that is 80% above the highest price of the price range.[22] In such cases (whether lower or higher than the price range) the company will be required to specify the quantity of shares registered in its registration statement, as permitted by Securities Act Rule 457,[23] and that registration statement will be required to contain a sensitivity analysis (the company must also certify to Nasdaq in that regard) explaining how the company's plans would change if the actual proceeds from the offering are less than or exceed the amount assumed in the price range established by the issuer in its effective registration statement.[24] In addition, the company will be required to publicly disclose and certify to Nasdaq prior to beginning of the Display Only Period that the company does not expect that such offering price would materially change the company's previous disclosure in its effective registration statement. If the company's certification submitted to Nasdaq in that regard includes a price limit that is below the price that is 80% above the highest price of the price

[19] Nasdaq will postpone and reschedule the offering only if either or both such conditions are not met.

[20] *See* Approval Order, 86 FR 28177.

[21] *See* Approval Order, footnote 91.

[22] In the prior proposal, Nasdaq proposed different requirements based on whether the Cross would occur at a price that was within 20% of the price range. *See* Disapproval Order. Nasdaq is eliminating this proposed distinction and is proposing herein to treat all prices outside of the price range the same.

[23] Securities Act Rule 457 permits issuers to register securities either by specifying the quantity of shares registered, pursuant to Rule 457(a), or the proposed maximum aggregate offering amount. Nasdaq proposes to require that companies selling shares through a Direct Listing with a Capital Raise will register securities by specifying the quantity of shares registered and not a maximum offering amount. *See also* Compliance & Disclosure Interpretation of Securities Act Rules #227.03 at *https://www.sec.gov/divisions/corpfin/guidance/securitiesactrules-interps.htm.*

[24] The price range in the preliminary prospectus included in the effective registration statement must be a bona fide price range in accordance with Item 501(b)(3) of Regulation S–K.

range (the ''Upside Limit''), Nasdaq will not execute the Cross if it results in the offering price above such limit. The goal of these requirements is to have disclosure that allows investors to see how changes in share price ripple through critical elements of the disclosure.[25]

Nasdaq believes that this approach is consistent with SEC Rule 430A and question 227.03 of the SEC Staff's Compliance and Disclosure Interpretations, which generally allow a company to price a public offering 20% outside of the disclosed price range without regard to the materiality of the changes to the disclosure contained in the company's registration statement. Nasdaq believes such guidance also allows deviation above the price range beyond the 20% threshold if such change or deviation does not materially change the previous disclosure. Accordingly, Nasdaq believes that a company listing in connection with a Direct Listing with a Capital Raise can specify the quantity of shares registered, as permitted by Securities Act Rule 457, and, when an auction prices outside of the disclosed price range, use a Rule 424(b) prospectus, rather than a post-effective amendment, when either (i) the 20% threshold noted in the instructions to Rule 430A is not exceeded, regardless of the materiality or non-materiality of resulting changes to the registration statement disclosure that would be contained in the Rule 424(b) prospectus, or (ii) when there is a deviation above the price range beyond the 20% threshold noted in the instructions to Rule 430A if such deviation would not materially change the previous disclosure, in each case assuming the number of shares issued is not increased from the number of shares disclosed in the prospectus. For purposes of this rule, the 20% threshold will be calculated based on the maximum offering price set forth in the registration fee table, consistent with the Instruction to paragraph (a) of Securities Act Rule 430A.[26]

Nasdaq notes that the Commission previously stated that while Securities Act Rule 430A permits companies to omit specified price-related information from the prospectus included in the registration statement at the time of effectiveness, and later file the omitted information with the Commission as specified in the rule, it neither prohibits a company from conducting a registered offering at prices beyond those that would permit a company to provide pricing information through a Securities Act Rule 424(b) prospectus supplement nor absolves any company relying on the rule from any liability for potentially misleading disclosure under the federal securities laws.[27] Accordingly, the burden of complying with the disclosures required under federal securities laws, including providing any disclosure necessary to avoid any material misstatements or omissions, remains with the issuer. In that regard, Nasdaq believes that the Post-Pricing Period, applicable in circumstances where the actual price calculated by the Cross is outside of the price range established by the issuer in its effective registration statement, as described below, provides the company an opportunity, prior to the completion of the offering, to provide any necessary additional disclosures that are dependent on the price of the offering, if any; and/or determine and confirm to Nasdaq that no additional disclosures are required under federal securities laws based on the actual price calculated by the Cross.

Nasdaq believes that an underwriter plays an important role in a traditional IPO and, therefore, proposes to require that a company listing securities on Nasdaq in connection with a Direct Listing with a Capital Raise must retain an underwriter with respect to the primary sales of shares by the company and identify the underwriter in its effective registration statement. Describing the role and responsibilities of an underwriter, the Commission recently explained that:

> [a]s intermediaries between an issuer and the investing public, underwriters play a critical role as ''gatekeepers'' to the public markets. Historically, in initial public offerings, where the investing public might be unfamiliar with a particular issuer, financial firms that act as underwriters would lend their well-known name to support that issuer's offering. Where public investors may not have been inclined to invest with the company seeking to conduct a public offering, they could take comfort in the fact that a large, well-known financial institution, acting as underwriter, was including its name on the first page of the issuer's prospectus . . .
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> An underwriter's participation in an issuer's offering also exposes the underwriter to potential liability under the Securities Act. The civil liability provisions of the Securities Act reflect the unique position underwriters occupy in the chain of distribution of securities and provide strong incentives for underwriters to take steps to help ensure the accuracy of disclosure in a registration statement. Section 11 of the Securities Act imposes on underwriters, among other parties identified in Section 11(a), civil liability for any part of the registration statement, at effectiveness, which contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein or necessary to make the statements therein not misleading, to any person acquiring such security. Similarly, Section 12(a)(2) imposes liability upon anyone, including underwriters, who offers or sells a security, by means of a prospectus or oral communication, which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading, to any person purchasing such security from them. These provisions provide significant investor protections to those who acquire securities sold pursuant to a registration statement by providing tools to hold companies, underwriters, and other parties accountable for misstatements and omissions in connection with public offerings of securities. As a result, anyone who might be named as a potential defendant in these suits has strong incentives to take the necessary steps to avoid such liability.
>
> One defense available to an underwriter in a distribution is the ''due diligence'' defense, which shields an underwriter from liability if it can establish that, after reasonable investigation, the underwriter had reasonable ground to believe and did believe, at the time the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading.[28]

Nasdaq believes that these significant investor protections provisions are necessary in a Direct Listing with a Capital Raise if an offering can price outside the price range established in the issuer's effective registration statement, subject to proposed limitations, because such provisions

[25] Sensitivity analysis disclosure may include but is not limited to: use of proceeds; balance sheet and capitalization; and the company's liquidity position after the offering. An example of this disclosure could be: We will apply the net proceeds from this offering first to repay all borrowings under our credit facility and then, to the extent of any proceeds remaining, to general corporate purposes.

[26] Nasdaq believes that applying additional protections related to the disclosure requirements in the registration statement and the certifications to Nasdaq, as described above, to all instances where the Cross is executed outside the disclosed price range addresses an issue the Commission raised in the Disapproval Order. *See* footnote 15 above. For brevity, proposed rules define the ''Price Range'' as the price range established by the issuer in its preliminary prospectus included in the effective registration statement, including the maximum and the minimum prices of such range; and ''DLCR Price Range'' as the price range that includes any price that is below the Price Range and at or above the price that is 20% below the lowest price of the Price Range, or is above the highest price of the Price Range. If the company's certification includes an upside limit, the DLCR Price Range is as defined in the preceding sentence, but subject to the upper limit provided by the company in its certification.

[27] Securities Exchange Act Release No. 93119 (September 24, 2021), 86 FR 54262 (September 30, 2021).

[28] Special Purpose Acquisition Companies, Shell Companies, and Projections, 87 FR 29,458 (May 13, 2022).

allow investors to make reasonable pricing decisions with clarity that the company's underwriter would face statutory liability, as described above. Accordingly, Nasdaq proposes to require that a company listing securities on Nasdaq in connection with a Direct Listing with a Capital Raise must retain an underwriter with respect to the primary sales of shares by the company and identify the underwriter in its effective registration statement.

Nasdaq also believes that the requirement to retain a named underwriter, as described above, may mitigate concerns, raised by the Commission in the OIP, regarding challenges to bringing claims under Section 11 of the Securities Act due to the potential assertion of tracing defenses because an underwriter may choose to impose lock-up arrangements, as described below.

As a preliminary matter, Nasdaq notes that in the Approval Order the Commission explained that the issue of traceability:

> is potentially implicated anytime securities that are not the subject of a recently effective registration statement trade in the same market as those that are so subject. Where a registration statement, at the time of effectiveness, contains an untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, Section 11(a) of the Securities Act provides a cause of action to ''any person acquiring such security,'' unless it is proved that at the time of the acquisition the person ''knew of such untruth or omission.'' In the context of conventional public offerings, courts have interpreted this statutory provision to permit aftermarket purchasers (*i.e.,* those who acquire their securities in secondary market transactions rather than in the initial distribution from the issuer or underwriter) to recover damages under Section 11, but only if they can trace the acquired shares back to the offering covered by the false or misleading registration statement. Tracing is not set forth in Section 11 and is a judicially-developed doctrine. The application of this doctrine and, in particular, the pleading standards and factual proof that potential claimants must satisfy vary depending on the particular facts of the distribution and judicial district, and may be affected by pending litigation.[29]

The Commission then reaffirmed its position that ''concerns regarding shareholders' ability to pursue claims pursuant to Section 11 of the Securities Act due to traceability issues are not exclusive to nor necessarily inherent in a [ ] Direct Listing with a Capital Raise.'' The Commission further stated that it ''is not aware of any precedent to date in the direct listing context which prohibits plaintiffs from pursuing Section 11 claims. The Commission is actively monitoring this issue and will be able to respond to such concerns when and if they arise.'' [30] Nasdaq believes that no such precedent exists as of the date of this Amendment and that the modifications to the Pricing Range Limitation in this proposal do not, in any way, exacerbate the tracing issues.

However, as stated above, Nasdaq believes that the requirement to retain a named underwriter may mitigate traceability concerns that may arise in a Direct Listing with a Capital Raise. As in a traditional firm commitment underwritten IPO, in which lock-up arrangements are often imposed, an underwriter retained in connection with a Direct Listing with a Capital Raise, as required by the Amendment, will be able to impose lock-up arrangements for the same reasons that make lock up agreements common in an IPO.

Nasdaq also believes that the requirement to retain a named underwriter, as described above, mitigates concerns, raised by the Commission in the OIP, regarding the usefulness of price range disclosure provided to investors in a Securities Act registration statement filed in connection with a Direct Listing with a Capital Raise. Nasdaq believes that an underwriter retained in connection with a Direct Listing with a Capital Raise will perform substantially similar functions, including those related to establishing and adjusting the price range, to those performed by an underwriter in a typical IPO because the underwriter will be subject to similar liability and reputational risk.

To further mitigate concerns regarding the usefulness of price range disclosure provided to investors, Nasdaq proposes to require that the securities of a company listing in connection with a Direct Listing with a Capital Raise cannot price above the Upside Limit. The Upside Limit will incentivize the company and its underwriter to set the disclosed price range to avoid a failed offering consequences described above. The Upside Limit would also help assure that an issuer would adjust the price range disclosed in their registration statements prior to effectiveness in light of pricing feedback received from market analysts and potential investors.

To determine an appropriate Upside Limit, Nasdaq analyzed operating companies IPOs on the Nasdaq Global Select Market and the NYSE for the past five years where an IPO opened on an exchange at a price that is above the highest price of the price range in the issuer's effective registration statement.[31] This analysis indicated that some IPOs opened on an exchange at a price that was more than 100% above the highest price of the price range. Based on the same data, more than half of these IPOs opened at a price that was 30% or more above the highest price of the price range. However, about 90% of these IPOs opened at a price that was no more than the Upside Limit. Based on this data Nasdaq believes that, on balance, capital formation and investor protection goals would be best served by a pricing limitation equal to the Upside Limit.

Nasdaq also proposes to adopt a new Price Volatility Constraint and disseminate information about whether the Price Volatility Constraint has been satisfied, which will indicate whether the security may be ready to trade. Prior to releasing a security for trading, Nasdaq allows a ''Pre-Launch Period'' of indeterminate length, during which price discovery takes place. The Price Volatility Constraint requires that the Current Reference Price has not deviated by 10% or more from any Current Reference Price during the Pre-Launch Period within the previous 10 minutes. The Pre-Launch Period will continue until at least five minutes after the Price Volatility Constraint has been satisfied. Nasdaq will also introduce the Near Execution Price which is the Current Reference Price at the time the Price Volatility Constraint has been satisfied; and set the Near Execution Time as such time. This change will provide investors with notice that the Cross nears execution and allows a period of at least five minutes for investors to modify their orders, if needed, based on the Near Execution Price, prior to the execution of the Cross and the pricing of the offering. Further, to assure that the Near Execution Price is a meaningful benchmark for investors, and that the offering price does not deviate substantially from the Near Execution Price, Nasdaq proposes to require, in addition to other the existing conditions stated in proposed Rule 4120(c)(9)(B)(vii), that the Cross may execute only if the actual price calculated by the Cross is no more than 10% below or above the Near Execution Price (the ''10% Price Collar'').

Nasdaq notes that imbalance between the buy and sell orders could sometimes cause the Current Reference Price to fall outside the 10% Price Collar after the Price Volatility Constraint has been satisfied. Such price fluctuations could

[29] The Approval order, 86 FR 28176

[30] The Approval order, 86 FR 28177

[31] This data set included over 400 records and covers a period from January 2017 to July 2022.

be temporary, and the Current Reference Price may return to and remain within the 10% Price Collar. The price fluctuation could also be lasting such that the Current Reference Price remains outside the 10% Price Collar. Given this, Nasdaq proposes to assess the Current Reference Price vis-à-vis the 10% Price Collar 30 minutes after the Near Execution Time. If at that time the Current Reference Price is outside the 10% Price Collar, all requirements of the Pre-Launch Period shall reset and must be satisfied again.[32] Once the Price Volatility Constraint has been satisfied anew, the Current Reference Price at such time will become the updated Near Execution Price and such time will become the updated Near Execution Time. This process will continue iteratively, if new resets are triggered, until the Cross is executed, or the offering is postponed.

If the Current Reference Price 30 minutes after the Near Execution Time is within the 10% Price Collar, price formation may continue without limitations until Nasdaq, in consultation with the financial advisor to the issuer, makes the determination that the security is ready to trade (and certain existing conditions restated in proposed Rule 4120(c)(9)(B)(vii) are met). However, if at any time 30 minutes after the Near Execution Time the Current Reference Price is outside the 10% Price Collar, all requirements of the Pre-Launch Period shall reset and must be satisfied again, in the same manner as described in the immediately preceding paragraph.

Given that, as proposed, there may be a Direct Listing with a Capital Raise that could price outside the price range of the company's effective registration statement, subject to the Upside Limit above which the Cross could not proceed,[33] Nasdaq proposes to enhance price discovery transparency by providing readily available, real time pricing information to investors. To that end Nasdaq will disseminate, free of charge, the Current Reference Price on a public website, such as Nasdaq.com, during the Pre-Launch Period and indicate whether the Current Reference Price is within the price range established by the issuer in its effective registration statement. Once the Price Volatility Constraint has been satisfied, Nasdaq will also disseminate the Near Execution Price, the Near Execution Time and the 30-minute countdown from such time. The disclosure will indicate that the Near Execution Price and the Near Execution Time may be reset, as described above, if the security is not released for trading within 30 minutes of the Near Execution Time and the Current Reference Price at such time (or at any time thereafter) is more than 10% below or more than 10% above the Near Execution Price.

In this way, investors interested in participating in the opening auction will be informed when volatility has settled to a range that will allow the open to take place and they will be informed of the price range at which the auction would take place. If the price moves outside, and remains outside this range, 30 minutes after the original range was set they will be informed of the new range and will have at least five minutes to reevaluate their investment decision.[34]

Nasdaq also proposes to prohibit market orders (other than by the Company through its CDL Order) from the opening of a Direct Listing with a Capital Raise. This will protect investors by assuring that investors only purchase shares at a price at or better than the price they affirmatively set, after having the opportunity to review the company's effective registration statement including the sensitivity analysis describing how the company will use any additional proceeds raised. Accordingly, an investor participating in a Direct Listing with a Capital Raise will make their initial investment decision prior to the launch of the offering by setting the price in their limit order above which they will not buy shares in the offering, but will also have an opportunity to reevaluate their initial investment decision during the price formation process of the Pre-Launch Period based on the Near Execution Price. Under the proposed rule, such investor will have at least five minutes once the Near Execution Price has been set and before the offering may be priced by Nasdaq to modify their order, if needed. As described above, all relevant price formation information will be disseminated by Nasdaq on a public website in real time.

In addition, to protect investors and assure that they are informed about the attributes of a Direct Listing with a Capital Raise, Nasdaq proposes to impose specific requirements on Nasdaq members with respect to a Direct Listing with a Capital Raise. These rules will require members to provide to a customer, before that customer places an order to be executed in the Cross, a notice describing the mechanics of pricing a security subject to a Direct Listing with a Capital Raise in the Cross, including information regarding the location of the public website where Nasdaq will disseminate the Current Reference Price.

To assure that members have the necessary information to be provided to their customers, Nasdaq proposes to distribute, at least one business day prior to the commencement of trading of a security listing in connection with a Direct Listing with a Capital Raise, an information circular to its members that describes any special characteristics of the offering, and Nasdaq's rules that apply to the initial pricing through the mechanism outlined in Nasdaq Rule 4120(c)(9)(B) and Nasdaq Rule 4753 for the opening auction, including information about the notice they must provide customers and other Nasdaq requirements that:

- members use reasonable diligence in regard to the opening and maintenance of every account, to know (and retain) the essential facts concerning every customer and concerning the authority of each person acting on behalf of such customer; and
- members in recommending transactions for a security subject to a Direct Listing with a Capital Raise have a reasonable basis to believe that: (i) the recommendation is suitable for a customer given reasonable inquiry concerning the customer's investment objectives, financial situation, needs, and any other information known by such members, and (ii) the customer can evaluate the special characteristics, and is able to bear the financial risks, of an investment in such security.

[32] For the avoidance of doubt, while the Price Volatility Constraint cannot initially be satisfied sooner than ten minutes after the beginning of the Pre-Launch Period, if it is subsequently reset, the Price Volatility Constraint can be satisfied again in less than ten minutes because it would look back at prior pricing during the Pre-Launch Period (including pricing prior to the reset) to determine if the Current Reference Price has deviated by 10% or more from any Current Reference Price within the previous 10 minutes.

[33] In addition to the Upside Limit, if the company's certification submitted to Nasdaq pursuant to proposed Listing Rule 4120(c)(9)(B)(vii)d.2. includes a price limit that is lower than the Upside Limit and the actual price calculated by the Cross exceeds such lower limit, Nasdaq will postpone and reschedule the offering.

[34] Nasdaq believes that the introduction, as described above, of the 10% Price Collar, the Near Execution Price, the Near Execution Time, the 30-minute reset and the five minute prohibition on executing the Cross after the Price Volatility Constraint has been satisfied addresses concerns the Commission raised in the Disapproval Order. *See* footnote 15 above. Specifically, in the Disapproval Order, the Commission stated that, as previously proposed, ''investors could be misled that the opening cross 'nears execution' and that the disseminated Current Reference Price will likely be close to the opening auction price when, in fact, the auction may not occur for a considerable time and the opening auction price may differ substantially.'' As revised, the opening auction price must remain within 10% of the price publicly announced as the Near Execution Price for the auction to occur and investors will have enhanced disclosure about the possibility that the Price Volatility Constraint could be reset.

These member requirements are intended to remind members of their obligations to ''know their customers,'' increase transparency of the pricing mechanisms of a Direct Listing with a Capital Raise, and help assure that investors have sufficient price discovery information.

In each instance of a Direct Listing with a Capital Raise, Nasdaq's information circular [35] will inform the market participants that the auction could price up to 20% below the lowest price of the price range in the company's effective registration statement and specify what that price is. Nasdaq will also indicate in such circular a statement that the Cross cannot proceed at a price in excess of the Upside Limit and whether or not there is a lower price limit above which the Cross could not proceed, based on the company's certification, as described above. Nasdaq will also remind the market participants that Nasdaq prohibits market orders (other than by the company) from the opening of a Direct Listing with a Capital Raise.

To assure that the issuer has the ability, prior to the completion of the offering, to provide any necessary additional disclosures that are dependent on the price of the offering, Nasdaq proposes to introduce to the operation of the Cross a brief Post-Pricing Period, in circumstances where the actual price calculated by the Cross is outside of the price range established by the issuer in its effective registration statement. Specifically, in such circumstances, Nasdaq will initiate a Post-Pricing Period following the calculation of the actual price. During the Post-Pricing Period the issuer must confirm to Nasdaq that no additional disclosures are required under federal securities laws based on the actual price calculated by the Cross. During the Post-Pricing Period no additional orders for the security may be entered in the Cross and no existing orders in the Cross may be modified. The security shall be released for trading immediately following the Post-Pricing Period. If the company cannot provide the required confirmation, then Nasdaq will postpone and reschedule the offering.

Proposed Conforming Changes to Listing Rule IM–5315–2

Listing Rule IM–5315–2 allows a company that has not previously had its common equity securities registered under the Act to list its common equity securities on the Nasdaq Global Select Market at the time of effectiveness of a registration statement pursuant to which the company itself will sell shares in the opening auction on the first day of trading on the Exchange.

Listing Rule IM–5315–2 provides that in determining whether a company listing in connection with a Direct Listing with a Capital Raise satisfies the Market Value of Unrestricted Publicly Held Shares [36] for initial listing on the Nasdaq Global Select Market, the Exchange will deem such company to have met the applicable requirement if the amount of the company's Unrestricted Publicly Held Shares before the offering along with the market value of the shares to be sold by the company in the Exchange's opening auction in the Direct Listing with a Capital Raise is at least $110 million (or $100 million, if the company has stockholders' equity of at least $110 million).

Listing Rule IM–5315–2 further provides that, for this purpose, the Market Value of Unrestricted Publicly Held Shares will be calculated using a price per share equal to the lowest price of the price range disclosed by the issuer in its effective registration statement.

Because Nasdaq proposes to allow the opening auction to price up to 20% below the lowest price of the price range established by the issuer in its effective registration statement, Nasdaq proposes to make a conforming change to Listing Rule IM–5315–2 to provide that the price used to determine such company's compliance with the Market Value of Unrestricted Publicly Held Shares is the price per share equal to the price that is 20% below the lowest price of the price range disclosed by the issuer in its effective registration statement. Nasdaq proposes to clarify in Listing Rule IM–5315–2 that the 20% threshold below the price range will be calculated based on the maximum offering price set forth in the registration fee table. Nasdaq will determine that the company has met the applicable bid price and market capitalization requirements based on the same per share price. This price is the minimum price at which the company could sell its shares in the Direct Listing with a Capital Raise transaction and so assures that the company will satisfy these requirements at any price at which the auction successfully executes.

Any company listing in connection with a Direct Listing with a Capital Raise would continue to be subject to, and required to meet, all other applicable initial listing requirements, including the requirements to have the applicable number of shareholders and at least 1,250,000 Unrestricted Publicly Held Shares outstanding at the time of initial listing, and the requirement to have a price per share of at least $4.00 at the time of initial listing.[37]

Proposed Conforming Changes to Rules 4753(a)(3)(A) and 4753(b)(2)

Nasdaq proposes to amend Rules 4753(a)(3)(A) and 4753(b)(2) to conform the requirements for disseminating information and establishing the opening price through the Cross in a Direct Listing with a Capital Raise to the proposed amendment to allow the opening auction to price as much as 20% below the lowest price of the price range established by the issuer in its effective registration statement.

Specifically, Nasdaq proposes changes to Rules 4753(a)(3)(A) and 4753(b)(2) to make adjustments to the calculation of the Current Reference Price, which is disseminated in the Nasdaq Order Imbalance Indicator, in the case of a Direct Listing with a Capital Raise and for how the price at which the Cross will execute. These rules currently provide that where there are multiple prices that would satisfy the conditions for determining a price, the fourth tie-breaker for a Direct Listing with a Capital Raise is the price that is closest to the lowest price of the price range disclosed by the issuer in its effective registration statement.[38]

To conform these rules to the modification of the Pricing Range Limitation change, as described above, Nasdaq proposes to modify the fourth tie-breaker for a Direct Listing with a Capital Raise, to use the price closest to the price that is 20% below (calculated as provided for in Listing Rule IM–5315–2) the lowest price of the price range disclosed by the issuer in its effective registration statement.[39]

Lastly, Nasdaq proposes to clarify several provisions of the existing rules

[35] The information circular is an industry wide free service provided by Nasdaq.

[36] *See* Listing Rules 5005(a)(23) and 5005(a)(45).

[37] *See* Listing Rules 5315(f)(1), (e)(1) and (2), respectively. Rule 5315(f)(1) requires a security to have: (A) at least 550 total holders and an average monthly trading volume over the prior 12 months of at least 1,100,000 shares per month; or (B) at least 2,200 total holders; or (C) a minimum of 450 round lot holders and at least 50% of such round lot holders must each hold unrestricted securities with a market value of at least $2,500.

[38] To illustrate: The bottom of the range is $10. More than one price exists within the range under the previous set of tie-breakers such that both $10.15 and $10.25, satisfy all other requirements. The operation of the fourth tie-breaker will result in the auction price of $10.15 because it is the price that is closest to $10.

[39] Note that using the price that is 20% below the lowest price of the price range disclosed by the issuer in its effective registration statement as a tie-breaker (rather than the price representing the bottom of the range) does not change the outcome in the example in footnote 38 above because $10.15 is the price that is closest to either.

by restating the provisions of Rules 4120(c)(8)(A) and (c)(9)(A) in a clear and direct manner without substantively changing them. Specifically, Nasdaq proposes to clarify the mechanics of the Cross by specifying that Nasdaq will initiate a 10-minute Display Only Period only after the CDL Order had been entered. This clarification simply states what is already implied by the rule because the Cross and the offering may not proceed without the company's order to sell the securities in a Direct Listing with a Capital Raise. Similarly, Nasdaq proposes to clarify without changing the existing rule that Nasdaq shall select price bands for purposes of applying the price validation test in the Cross in connection with a Direct Listing with a Capital Raise. Under the price validation test, the System compares the Expected Price with the actual price calculated by the Cross to ascertain that the difference, if any, is within the price bands. Nasdaq shall select an upper price band and a lower price band. The default for an upper and a lower price band is set at zero. If a security does not pass the price validation test, Nasdaq may, but is not required to, select different price bands before recommencing the process to release the security for trading.[40] Nasdaq also proposes to clarify that the ''actual price,'' as the term is used in the rule, is the Current Reference Price at the time the system applies the price bands test.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[41] in general, and furthers the objectives of Section 6(b)(5) of the Act,[42] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Nasdaq believes that the proposed amendment to modify the Pricing Range Limitation is consistent with the protection of investors because this approach is similar to the pricing of an IPO where an issuer is permitted to price outside of the price range disclosed by the issuer in its effective registration statement in accordance with the SEC's Staff guidance, as described above.[43] Specifically, Nasdaq believes that a company listing in connection with a Direct Listing with a Capital Raise can specify the quantity of shares registered, as permitted by Securities Act Rule 457, and, when an auction prices outside of the disclosed price range, use a Rule 424(b) prospectus, rather than a post-effective amendment, when either (i) the 20% threshold noted in the instructions to Rule 430A is not exceeded, regardless of the materiality or non-materiality of resulting changes to the registration statement disclosure that would be contained in the Rule 424(b) prospectus, or (ii) when there is a deviation above the price range beyond the 20% threshold noted in the instructions to Rule 430A if such deviation would not materially change the previous disclosure, in each case assuming the number of shares issued is not increased from the number of shares disclosed in the prospectus. As a result, Nasdaq will allow the Cross to take place as low as 20% below the lowest price of the price range disclosed by the issuer in its effective registration statement, but no lower, and so this is the minimum price at which the company could be listed. In addition, to better inform investors and market participants, Nasdaq will issue an industry wide circular to inform the participants that the auction could price up to 20% below the lowest price of the price range in the company's effective registration statement and specify what that price is. Nasdaq will also indicate in such circular that the Cross cannot proceed at a price in excess of the Upside Limit and whether or not there is a lower price limit above which the Cross could not proceed, based on the company's certification, as described above. Nasdaq will also remind the market participants that Nasdaq prohibits market orders (other than by the company) from the opening of a Direct Listing with a Capital Raise.

To assure that the issuer has the ability, prior to the completion of the offering, to provide any necessary additional disclosures that are dependent on the price of the offering, Nasdaq proposes to introduce to the operation of the Cross a brief Post-Pricing Period, in circumstances where the actual price calculated by the Cross is at or above the price that is 20% below the lowest price and below the lowest price of the price range established by the issuer in its effective registration statement; or is above the highest price of the price range established by the issuer in its effective registration statement but below the Upside Limit (and below the high end price limit, if any, set in the company's certification submitted to Nasdaq pursuant to proposed Listing Rule 4120(c)(9)(B)(vii)d.2., if any). Specifically, in such circumstances, Nasdaq will initiate a Post-Pricing Period following the calculation of the actual price. During the Post-Pricing Period the issuer must confirm to Nasdaq that no additional disclosures are required under federal securities laws based on the actual price calculated by the Cross, with such confirmation ending the Post-Pricing Period. During the Post-Pricing Period no additional orders for the security may be entered in the Cross and no existing orders in the Cross may be modified. The security shall be released for trading immediately following the Post-Pricing Period. If the company cannot provide the required confirmation, then Nasdaq will postpone and reschedule the offering. Nasdaq believes that this modification is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market because it will help assure that a company listing in connection with a Direct Listing with a Capital Raise complies with the disclosure requirements under federal securities laws and that investors receive all required information.

Nasdaq believes that the proposal to allow a Direct Listing with a Capital Raise to price above the price range of the company's effective registration statement but below the Upside Limit is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market investors because this approach is similar to, but more stringent than, that of pricing a traditional IPO. In addition, to protect investors Nasdaq proposes to enhance price discovery transparency by providing readily available, real time pricing information to investors. To that end Nasdaq will disseminate, free of charge, the Current Reference Price on a public website (such as Nasdaq.com) during the Pre-Launch Period and indicate whether the Current Reference Price is within the price range established by the issuer in its effective registration statement.

Nasdaq believes that a proposed requirement that a company offering securities for sale in connection with a

[40] This function is provided by the underwriter in an IPO and by a Financial Advisor in a Direct Listing when the company is not selling shares in a primary offering. The Commission previously approved Nasdaq performing this function. *See* Approval Order.

[41] 15 U.S.C. 78f(b).

[42] 15 U.S.C. 78f(b)(5).

[43] In a recent speech, SEC Chair Gary Gensler emphasized that an overarching principle of regulation is that like activities ought to be treated alike. *See https://www.sec.gov/news/speech/gensler-healthy-markets-association-conference-120921.*

Direct Listing with a Capital Raise must retain an underwriter with respect to the primary sales of shares by the company and identify the underwriter in its effective registration statement is designed to protect investors and the public interest because these provisions provide significant investor protections to those who acquire securities sold pursuant to a registration statement by providing tools to hold underwriters accountable for misstatements and omissions in connection with a Direct Listing with a Capital Raise.

Nasdaq believes that the requirement that the securities of a company listing in connection with a Direct Listing with a Capital Raise cannot price above the Upside Limit is designed to protect investors and the public interest because it would incentivize the company and its underwriter to avoid a failed offering by taking steps to help ensure the accuracy of price range disclosure in a registration statement. In addition, as described above, an underwriter has strong incentives to take the necessary steps to avoid statutory liability.

Nasdaq believes that the provision prohibiting market orders (other than by the company) from the opening of a Direct Listing with a Capital Raise is designed to protect investors because this provision will assure that investors only purchase shares at a price that is at, or better than, the price they affirmatively set, after having the opportunity to review the company's effective registration statement including the sensitivity analysis describing how the company will use any additional proceeds raised.

Nasdaq also proposes to adopt a new Price Volatility Constraint and disseminate information about whether the Price Volatility Constraint has been satisfied, which will indicate whether the security may be ready to trade. The Price Volatility Constraint requires that the Current Reference Price has not deviated by 10% or more from any Current Reference Price within the previous 10 minutes. The Pre-Launch Period will continue until at least five minutes after the Price Volatility Constraint has been satisfied. Nasdaq will also introduce the Near Execution Price which is the Current Reference Price at the time the Price Volatility Constraint has been satisfied; and set the Near Execution Time at such time. This change will provide investors with notice that the Cross nears execution and a period of at least five minutes to modify their orders, if needed, based on the Near Execution Price, prior to the execution of the Cross and the pricing of the offering. Further, to help assure that the offering price does not deviate substantially from the Near Execution Price, Nasdaq proposes to require, in addition to other conditions described above, that the Cross may execute only if the actual price calculated by the Cross is within the 10% Price Collar. Nasdaq believes that these changes are designed to protect investors and the public interest because an investor participating in a Direct Listing with a Capital Raise will make their initial investment decision prior to the launch of the offering by setting the price in their limit order above which they will not buy shares in the offering, but will also have an opportunity to reevaluate their initial investment decision during the price formation process of the Pre-Launch Period based on the Near Execution Price. Under the proposed rule, such investor will have at least five minutes once the Near Execution Price has been set and before the offering may be priced by Nasdaq to modify their order, if needed. While the auction may take longer than this five minute period to complete, investors are protected during this time because the Price Volatility Constraint will reset if the actual price calculated by the Cross is more than 10% below or above the Near Execution Price. Once the Price Volatility Constraint has been satisfied, Nasdaq proposes to disseminate the Near Execution Price and the Near Execution Time on a public website, such as *Nasdaq.com*.

Nasdaq believes that the proposal to reset the Price Volatility Constraint, the Near Execution Price and the Near Execution Time in the circumstances described above is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market investors because in certain circumstances an imbalance between the buy and sell orders could sometimes cause the Current Reference Price to fall outside the 10% Price Collar after the Price Volatility Constraint has been satisfied. These provisions will protect investors by increasing the information available to them in connection with the price formation process during the opening auction.

To protect investors and increase transparency, Nasdaq also proposes to disseminate on a public website, such as Nasdaq.com, the 30-minute countdown from the Near Execution Time and indicate that the Near Execution Price and the Near Execution Time may be reset, as described above, if the security is not released for trading within 30 minutes of the Near Execution Time and the Current Reference Price at such time (or at any time thereafter) is outside the 10% Price Collar.

In addition, to protect investors and assure that they are informed about the attributes of a Direct Listing with a Capital Raise, Nasdaq proposes to impose specific requirements on Nasdaq members with respect to a Direct Listing with a Capital Raise. These rules will require members to provide to a customer, before that customer places an order to be executed in the Cross, a notice describing the mechanics of pricing a security subject to a Direct Listing with a Capital Raise in the Cross, including information regarding the dissemination of the Current Reference Price on a public website such as Nasdaq.com.

To assure that members have the necessary information to be provided to their customers, Nasdaq proposes to distribute, at least one business day prior to the commencement of trading of a security listing in connection with a Direct Listing with a Capital Raise, an information circular to its members that describes any special characteristics of the offering, and Nasdaq's rules that apply to the initial pricing through the mechanism outlined in Nasdaq Rule 4120(c)(9)(B) and Nasdaq Rule 4753 for the opening auction, including information about the notice they must provide customers and other Nasdaq requirements that:

- members use reasonable diligence in regard to the opening and maintenance of every account, to know (and retain) the essential facts concerning every customer and concerning the authority of each person acting on behalf of such customer; and
- members in recommending transactions for a security subject to a Direct Listing with a Capital Raise have a reasonable basis to believe that: (i) the recommendation is suitable for a customer given reasonable inquiry concerning the customer's investment objectives, financial situation, needs, and any other information known by such members, and (ii) the customer can evaluate the special characteristics, and is able to bear the financial risks, of an investment in such security.

These member requirements are consistent with the protection of investors because they are designed to remind members of its obligations to ''know their customers,'' increase transparency of the pricing mechanisms of a Direct Listing with a Capital Raise, and help assure that investors have sufficient price discovery information.

Nasdaq believes that the Commission Staff has already concluded that pricing up to 20% below the lowest price and at a price above the highest price of the

price range in the company's effective registration statement is appropriate for a company conducting an initial public offering notwithstanding it being outside of the range stated in an effective registration statement, and investors have become familiar with this approach at least since the Commission Staff last revised Compliance and Disclosure Interpretation 227.03 in January 2009.[44] Allowing Direct Listings with a Capital Raise to similarly price up to 20% below the lowest price and at a price above the highest price of the price range in the company's effective registration statement but below the Upside Limit would be consistent with Chair Gensler's recent call to treat ''like cases alike.'' [45]

Nasdaq believes that the proposed amendments to Listing Rule IM–5315–2 and Rules 4753(a)(3)(A) and 4753(b)(2) to conform these rules to the modification of the Pricing Range Limitation is consistent with the protection of investors. These amendments would simply substitute Nasdaq's reliance on the price equal to the lowest price of the price range disclosed by the issuer in its effective registration statement to the price that is 20% below such lowest price, making it more difficult to meet the requirements. In the case of Listing Rule IM–5315–2, a company listing in connection with a Direct Listing with a Capital Raise would still need to meet all applicable initial listing requirements based on the price that is 20% below the lowest price of the price range disclosed by the issuer in its effective registration statement. In the case of the Rules 4753(a)(3)(A) and 4753(b)(2) such price, which is the minimum price at which the Cross will occur, will serve as the fourth tie-breaker where there are multiple prices that would satisfy the conditions for determining the auction price, as described above. Nasdaq believes that this proposal to resolve a potential tie among the prices that satisfy all other requirements in the Cross, by choosing the price that is closest to the price that is 20% below the range, is consistent with Section 6(b)(5) of the Act because it is designed to protect investors by providing them with the most advantageous offering price among possible alternative prices.

Nasdaq also believes that the proposal, by eliminating an impediment to companies using a Direct Listing with a Capital Raise, will help removing potential impediments to free and open markets consistent with Section 6(b)(5) of the Exchange Act while also supporting capital formation.

Finally, Nasdaq believes that the proposal to clarify several provisions of the existing rules without changing them is designed to remove impediments to and perfect the mechanism of a free and open market because such changes make the rules easier to understand and apply without changing their substance.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendments would not impose any burden on competition, but would rather increase competition. Nasdaq believes that allowing listing venues to improve their rules enhances competition among exchanges. Nasdaq also believes that this proposed change will give issuers interested in this pathway to access the capital markets additional flexibility in becoming a public company, and in that way promote competition among service providers, such as underwriters and other advisors, to such companies.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. 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–NASDAQ–2022–027 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–NASDAQ–2022–027. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2022–027, and should be submitted on or before October 13, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[46]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20503 Filed 9–21–22; 8:45 am]

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[44] *https://www.sec.gov/divisions/corpfin/guidance/securitiesactrules-interps.htm.*

[45] *See https://www.sec.gov/news/speech/gensler-healthy-markets-association-conference-120921.*

[46] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95806; File No. SR–FICC–2022–006]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change To Increase the Minimum Required Fund Deposit for GSD Netting Members and Sponsoring Members, and Make Other Changes

September 16, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 9, 2022, Fixed Income Clearing Corporation (''FICC'') filed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of modifications to FICC's Government Securities Division (''GSD'') Rulebook (''GSD Rules'') and Mortgage-Backed Securities Division (''MBSD'') Clearing Rules (''MBSD Rules,'' and collectively with the GSD Rules, the ''Rules'') [3] in order to increase the minimum Required Fund Deposit for GSD Netting Members and Sponsoring Members (collectively, ''members''), as well as make certain clarifying and technical changes, as described in greater detail below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

FICC is proposing to increase the minimum Required Fund Deposit for members, as described in greater detail below.

Background

As part of its market risk management strategy, FICC manages its credit exposure to members by determining the appropriate Required Fund Deposit to the Clearing Fund and monitoring its sufficiency, as provided for in the Rules.[4] The Required Fund Deposit serves as each member's margin. The objective of a member's Required Fund Deposit is to mitigate potential losses to FICC associated with liquidation of member's portfolio in the event FICC ceases to act for that member (hereinafter referred to as a ''default'').[5] The aggregate of all member's Required Fund Deposits, together with certain other deposits required under the Rules, constitutes the Clearing Fund, which FICC would access, among other instances, should a defaulting member's own Clearing Fund deposit be insufficient to satisfy losses to FICC caused by the liquidation of that member's portfolio.

Pursuant to the Rules, each member's Required Fund Deposit amount consists of a number of applicable components, each of which is designed to address specific risks faced by FICC, as identified within GSD Rule 4.[6] Currently, FICC requires a minimum Required Fund Deposit of $100,000 be made and maintained in cash.[7] The same requirement applies to the GSD Sponsoring Members; [8] however, for GSD Repo Brokers, the minimum Required Fund Deposit amount is $5 million.[9]

FICC's margining methodologies are designed to mitigate market, liquidity and other risks. FICC regularly assesses its margining methodologies to evaluate whether margin levels are commensurate with the particular risk attributes of each relevant product, portfolio, and market. In connection with such reviews, FICC has determined that there are circumstances where the current minimum Required Fund Deposit amount at GSD is insufficient to manage FICC's risk in the event of an abrupt or sudden increase in a member's activity.

FICC employs daily backtesting to determine the adequacy of each member's Required Fund Deposit.[10] FICC compares the Required Fund Deposit [11] for each member with the simulated liquidation gains/losses using the actual positions in the member's portfolio, and the actual historical security returns. A backtesting deficiency occurs when a member's Required Fund Deposit would not have been adequate to cover the projected liquidation losses estimated from a member's settlement activity based on the backtesting results. FICC investigates the cause(s) of any backtesting deficiencies. As part of this investigation, FICC pays particular attention to members with backtesting deficiencies that bring the coverage for that member below the 99% confidence target (*i.e.,* if the member had more than two backtesting deficiency days in a rolling twelve-month period) to determine if there is an identifiable cause of repeat backtesting deficiencies.[12] FICC also evaluates whether multiple members may experience backtesting deficiencies for the same underlying reason. Backtesting deficiencies highlight exposure that could subject FICC to potential losses in the event that a member defaults.

While multiple factors may contribute to a member's backtesting deficiency, a position increase by a member after the calculation of each member's Required Fund Deposit may be a factor that leads to the member incurring backtesting

[3] Terms not defined herein are defined in the GSD Rules, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_gov_rules.pdf,* and the MBSD Rules, *available at www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_mbsd_rules.pdf.*

[4] *See* GSD Rule 4 (Clearing Fund and Loss Allocation), *supra* note 3. FICC's market risk management strategy is designed to comply with Rule 17Ad–22(e)(4) under the Act, where these risks are referred to as ''credit risks.'' 17 CFR 240.17–Ad–22(e)(4).

[5] The Rules identify when FICC may cease to act for a member and the types of actions FICC may take. For example, GSD is permitted to cease to act for (i) a Member pursuant to GSD Rule 22A (Procedures for When the Corporation Ceases to Act), (ii) a Sponsoring Member pursuant to Section 14 of GSD Rule 3A (Sponsoring Members and Sponsored Members), and (iii) a Sponsored Member pursuant to Section 13 of GSD Rule 3A (Sponsoring Members and Sponsored Members). *Supra* note 3.

[6] GSD Rule 4. *Supra* note 3.

[7] GSD Rule 4, Section 3. *Supra* note 3.

[8] GSD Rule 3A, Section 10(d). *Supra* note 3.

[9] GSD Rule 4, Section 1b. *Supra* note 3. Currently, if a Repo Broker has two Margin Portfolios, with Broker Account(s) in one Margin Portfolio and Dealer Account(s) in the other Margin Portfolio, the total minimum Required Fund Deposit applicable to the Repo Broker would be $5.1 million, *i.e.,* $5 million minimum Required Fund Deposit for the Margin Portfolio with Broker Account(s) and $100,000 minimum Required Fund Deposit for the Margin Portfolio with Dealer Account(s).

[10] The Model Risk Management Framework (''Model Risk Management Framework'') sets forth the model risk management practices of FICC and states that Value at Risk (''VaR'') and Clearing Fund requirement coverage backtesting would be performed on a daily basis or more frequently. *See* Securities Exchange Act Release Nos. 81485 (August 25, 2017), 82 FR 41433 (August 31, 2017) (SR–FICC–2017–014), 84458 (October 19, 2018), 83 FR 53925 (October 25, 2018) (SR–FICC–2018–010), 88911 (May 20, 2020), 85 FR 31828 (May 27, 2020) (SR–FICC–2020–004), 92380 (July 13, 2021), 86 FR 38140 (July 19, 2021) (SR–FICC–2021–006), and 94271 (February 17, 2022), 87 FR 10411 (February 24, 2022) (SR–FICC–2022–001).

[11] Members may be required to post additional collateral to the Clearing Fund in addition to their Required Fund Deposit amount. *See e.g.,* Section 7 of GSD Rule 3 (Ongoing Membership Requirements), *supra* note 3 (providing that adequate assurances of financial responsibility of a member may be required, such as increased Clearing Fund deposits). For backtesting comparisons, FICC uses the Required Fund Deposit amount, without regard to the actual, total collateral posted by the member to the Clearing Fund.

[12] The 99% confidence target is consistent with Rule 17Ad–22(e)(6)(iii) which requires FICC to calculate margin to cover its ''potential future exposure'' which is defined in Rule 17Ad–22(a)(13) to mean the ''maximum exposure estimated to occur at a future point in time with an established single-tailed confidence level of at least 99 percent with respect to the estimated distribution of future exposure.'' 17 CFR 240.17Ad–22(a)(13) and (e)(6)(iii).

deficiencies due to the additional exposure that is not mitigated until the collection of the Required Fund Deposit occurs intraday, or on the next Business Day. This factor is heightened for those members that have a low or minimum Required Fund Deposit because there are less deposits to mitigate any abrupt change in their portfolio exposure.

Typical examples where a member's required Clearing Fund deposit amount is the same as the current minimum Required Fund Deposit amount of $100,000 include (1) when a new member has activated its clearing accounts at FICC and is growing its business, (2) when a member has limited or infrequent clearing activity, and (3) when a member is winding down its business and is in the process of retiring its FICC membership. In each of these circumstances, an abrupt increase in clearing activity following a period of low or no clearing activity could cause FICC to be under-margined with respect to the member and may result in backtesting deficiencies. This is because if a member with low or no clearing activity were to have an abrupt increase in clearing activity after the calculation of the member's Required Fund Deposit (which would have been calculated based on a period of low or no clearing activity), it could lead to the member incurring backtesting deficiencies due to the additional exposure to FICC from the increase in clearing activity that may not be mitigated until the collection of the Required Fund Deposit either intraday or on the next Business Day. Therefore, FICC is proposing to increase the GSD minimum Required Fund Deposit amount in order to address the risk that FICC becomes under-margined in circumstances when a member's required Clearing Fund deposit amount is the same as the current GSD minimum Required Fund Deposit amount, *i.e.,* $100,000.

In determining the appropriate minimum Required Fund Deposit amount, FICC reviewed different minimum Required Fund Deposit amounts to determine the anticipated effects of increasing the minimum Required Fund Deposits on Clearing Fund coverage and on backtesting results, *i.e.,* $500,000 versus $1 million. FICC also conducted a review of minimum deposit requirements of registered clearing agencies and foreign central counterparty clearing houses (''CCPs'') to compare FICC/GSD's minimum Required Fund Deposit amount with the deposits required by registered clearing agencies and foreign CCPs. Based on the results of the reviews and the comparison of other registered clearing agencies and foreign CCPs, FICC believes that a proposed minimum Required Fund Deposit amount of $1 million for GSD would provide an appropriate balance of improving member backtesting results and FICC/GSD's Clearing Fund coverage while minimizing the impact to members.

To assess the impact on GSD backtesting coverage if the GSD minimum Required Fund Deposit amount were increased from $100,000 to $1 million, FICC conducted a backtesting impact study for the 12-month period ended June 30, 2022 (''Backtesting Impact Study''). The result of the Backtesting Impact Study indicates that using $1 million as GSD's minimum Required Fund Deposit amount would have reduced the number of members with backtesting coverage below 99%.[13] The Backtesting Impact Study shows 70 members below 99% backtesting coverage as of June 30, 2022 with a collective 396 backtesting deficiencies in GSD. Approximately 21% (*i.e.,* 85 out of 396) of the backtesting deficiencies occurred with members that had a Required Fund Deposit of less than $1 million on the relevant deficiency day(s). If the proposed changes had been in place during the Backtesting Impact Study period, approximately 16% (*i.e.,* 65 out of 396) of the backtesting deficiencies incurred by the members would have been eliminated, and the total number of members that were below the 99% confidence target as of June 30, 2022 would have been reduced by 8. Overall, a $1 million minimum requirement would have increased GSD's 12-month backtesting coverage 0.22%, eliminated 65 backtesting deficiencies, and improved the rolling twelve-month backtesting coverage for 8 members to above 99% confidence target. In contrast, if a $500,000 minimum Required Fund Deposit had been applied during the same study period, GSD's 12-month backtesting coverage would have increased by 0.13%, 38 backtesting deficiencies would have been eliminated, and the rolling twelve-month backtesting coverage for 3 members would have been improved to above 99% confidence target. In summary, if the minimum Required Fund Deposit at GSD during the study period had been set to $1 million compared to $500,000, there would have been 27 more backtesting deficiencies eliminated (*i.e.,* 65 instead of 38 or an approximately 71% increase in the number of backtesting deficiencies that could have been eliminated), 5 more members would be brought back to above 99% confidence target (*i.e.,* 8 instead of 3 or an approximately 166% increase in the number of members brought back to above 99% confidence target), and the overall GSD backtesting coverage would have increased an additional 0.09%.

FICC's review of the requirements of other clearing agencies and foreign CCPs indicated that FICC/GSD's current minimum Required Fund Deposit requirement of $100,000 was significantly lower than minimum deposits or equivalent required by such other entities.[14] While the minimum required fund deposits of such other entities is not dispositive as to the risk borne by FICC or the proper fund deposit amounts to offset such risk, it is indicative of the amounts that users of other similarly situated entities can expect to pay as a minimum required fund deposit to use the services of the clearing agencies and foreign CCPs and the impact to such users. The comparison shows that entities using other clearing agencies and foreign CCPs pay significantly more in minimum

[13] Backtesting percentages indicate the risk that a minimum Required Fund Deposit would be insufficient to manage risk in the event of a member's default. A backtesting coverage that is below the 99% confidence target for a member means that the member has had more than two backtesting deficiency days in a rolling twelve-month period, *i.e.,* assuming the member had a full year of trading history. As indicated above, consistent with Rule 17Ad–22(e)(6)(iii), FICC pays particular attention to members with backtesting deficiencies that bring the results for that member below the 99% confidence target to determine if there is an identifiable cause of repeat backtesting deficiencies. *Supra* note 12.

[14] For example, the minimum initial contribution for The Options Clearing Corporation (''OCC'') is $500,000. *See* Rule 1002(d) of the OCC Rules, *available at https://www.theocc.com/getmedia/9d3854cd-b782-450f-bcf7-33169b0576ce/occ_rules.pdf.* The minimum guaranty fund deposit for Chicago Mercantile Exchange (''CME'') is $500,000 or $2.5 million depending on the product types being cleared. *See* Rule 816 of the CME Rulebook, *available at https://www.cmegroup.com/content/dam/cmegroup/rulebook/CME/I/8/8.pdf.* The minimum Required Fund Deposit for National Securities Clearing Corporation (''NSCC'') is $250,000. *See* Rule 4 of NSCC Rulebook, *available at https://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.* The minimum default fund contribution for LCH Limited is GBP 500,000 (approximately $579,000 based on current foreign currency exchange rate). *See* definition of ''Minimum Contribution'' in the LCH Limited Default Rules, *available at https://www.lch.com/system/files/media_root/210609_Default%20Rules_Clean_0.pdf.* The minimum RepoClear default fund contribution for LCH Ltd. is GBP 2,000,000 (approximately $2.3 million based on the current foreign currency exchange rate). *See* definition of ''Minimum RepoClear Contribution'' in the LCH Limited Default Rules, *available at https://www.lch.com/system/files/media_root/210609_Default%20Rules_Clean_0.pdf.* The minimum contribution to Ice Clear U.S. Guaranty Fund is $2 million. *See* Rule 301 of ICE Clear U.S., Inc. Rules, *available at https://www.ice.com/publicdocs/rulebooks/clear/ICE_Clear_US_Rules.pdf.*

fund deposits to use similar services than the current minimum Required Fund Deposit amount at GSD.

FICC also conducted a Clearing Fund requirement impact study for the period of July 1, 2021 to June 30, 2022 (''CFR Impact Study''). The result of the CFR Impact Study indicates that if the proposed changes had been in place during the CFR Impact Study period, approximately 47% (81 out of a total of 174) of the current members' Margin Portfolios would have been impacted, with an average and a weighted average (with weights based on number of impacted days) additional Required Fund Deposit of approximately $686,000 and $792,000, respectively, for each such Margin Portfolio per impacted day. However, when comparing the actual, total Clearing Fund deposit of the current members' Margin Portfolios with the proposed minimum Required Fund Deposit amount, only approximately 13% (23 out of a total 174) of such members' Margin Portfolios would have been impacted, requiring an average and a weighted average (with weights based on number of impacted days) additional cash deposit of approximately $649,000 and $715,000, respectively, for each such Margin Portfolio per impacted day. The result of the CFR Impact Study also shows one Repo Broker that would have been impacted, requiring additional Clearing Fund deposit of approximately $392,000 in either cash or Eligible Clearing Fund Securities per impacted day. Overall, the proposed changes would have resulted in an average increase in daily Required Fund Deposit of $31.4 million (or 0.17%) at GSD during the CFR Impact Study period.

Based on the Backtesting Impact Study and the CFR Impact Study results discussed above, FICC believes that $1 million is the appropriate minimum Required Fund Deposit amount at GSD that would minimize the financial impact to its members while improving member backtesting results and FICC/GSD's Clearing Fund coverage.

As is currently provided for in the Rules, FICC/GSD is proposing to continue to require that members deposit in cash an amount not less than the minimum Required Fund Deposit.[15] FICC permits members to satisfy their Required Fund Deposit obligations through a combination of cash and open account indebtedness secured by Eligible Clearing Fund Securities.[16] Cash deposits are fungible. FICC would therefore be further strengthening its liquidity resources by requiring each member (including Repo Brokers) to deposit at least $1 million in cash to the GSD Clearing Fund.

Proposed Rule Changes

In order to implement the proposed increase in the minimum Required Fund Deposit amount to $1 million for the Sponsoring Members, Section 10(c) of GSD Rule 3A (Sponsoring Members and Sponsored Members) would be revised to state that the Sponsoring Member Omnibus Account Required Fund Deposit shall be equal to the greater of: (i) $1 million or (ii) the sum of the following: (1) the sum of the VaR Charges for all of the Sponsored Members whose activity is represented in the Sponsoring Member Omnibus Account as derived pursuant to Section 1b(a)(i) of GSD Rule 4 (Clearing Fund and Loss Allocation), and (2) all amounts derived pursuant to the provisions of GSD Rule 4 other than pursuant to Section 1b(a)(i) of GSD Rule 4 computed at the level of the Sponsoring Member Omnibus Account. In addition, Section 10(d) of GSD Rule 3A would be revised to replace the minimum cash amount from $100,000 to $1 million to match the proposed increased minimum Required Fund Deposit amount for the Sponsoring Members.

In order to implement the proposed increase in the minimum Required Fund Deposit amount to $1 million for the GSD Netting Members, Section 2(a) of GSD Rule 4 would be revised to state that each Netting Member shall be required to make a Required Fund Deposit to the Clearing Fund equal to the greater of (i) the Minimum Charge or (ii) the Total Amount. FICC is also proposing to add a sentence to Section 2(a) of GSD Rule 4 that makes it clear that the Minimum Charge applicable to each Netting Member, other than a Repo Broker, shall be no less than $1 million. In addition, for better organization of the subject matter and clarity, FICC is proposing to move two sentences in GSD Rule 4 from Section 1b to Section 2(a) with revisions: one stipulates that the Minimum Charge applicable to each Repo Broker shall be no less than $5 million for each Margin Portfolio with Broker Account(s) and no less than $1 million for each Margin Portfolio with Dealer Account(s) and the other refers to additional payments, charges and premiums being applied by FICC after application of Minimum Charges, which replaces ''minimum Clearing Fund amounts''. Lastly, Section 3 of GSD Rule 4 would be revised to replace the minimum cash amount from $100,000 to $1 million to match the proposed increased minimum Required Fund Deposit amount.

Although FICC is not proposing to increase the minimum Required Fund Deposit for MBSD at this time, for clarity and transparency, FICC is proposing to add a sentence to Section 2 of MBSD Rule 4 (Clearing Fund and Loss Allocation) that would make it clear the Minimum Charge for each margin portfolio of a Clearing Member shall be no less than $100,000. To enhance clarity in Section 2 of MBSD Rule 4, FICC is also proposing to replace (i) ''Clearing Fund requirement'' with ''Minimum Charge for each margin portfolio'' and (ii) ''minimum Clearing Fund amounts'' with ''Minimum Charges''. Furthermore, FICC is proposing a technical change to correct a reference to the non-Unregistered Investment Pool Clearing Member in Section 2 of MBSD Rule 4.

Implementation Timeframe

Subject to approval by the Commission, FICC would implement the proposed changes by no later than 60 Business Days after such approval and would announce the effective date of the proposed changes by an Important Notice posted to its website.

2. Statutory Basis

FICC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. Specifically, FICC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[17] and Rules 17Ad–22(e)(4)(i) and (e)(6)(iii),[18] each as promulgated under the Act, for the reasons described below.

Section 17A(b)(3)(F) of the Act requires that the Rules be designed to, among other things, assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible.[19] FICC believes the proposed rule changes are designed to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible because they are designed to enable FICC to require the necessary margin for members who have a minimum Required Fund Deposit to limit its exposure to such members in the event of a member default. Having adequate margin for such members would help ensure that FICC does not

[15] Currently, all members (including Repo Brokers) are required to have at least $100,000 of the Required Fund Deposit in cash. *See* GSD Rule 4, Section 3. *Supra* note 3.

[16] *Id.*

[17] 15 U.S.C. 78q–1(b)(3)(F).

[18] 17 CFR 240.17Ad–22(e)(4)(i) and (e)(6)(iii).

[19] 15 U.S.C. 78q–1(b)(3)(F).

need to use its own resources, or the Eligible Clearing Fund Securities and funds of non-defaulting members, to cover losses in the event of a default of such members. Specifically, the proposed rule change seeks to remedy potential situations that are described above where FICC could be under-margined. By ensuring that members that have the minimum Required Fund Deposit amount are adequately covering FICC's risk of loss, FICC would be reducing the risk of losses, which would need to be addressed by using non-defaulting members' securities or funds, or FICC's funds. In addition, by requiring that members pay an amount not less than the minimum Required Fund Deposit amount in cash, FICC would be making available additional collateral that is easier to access upon a member's default, further reducing the risk of losses and using non-defaulting members' securities or funds, or FICC's funds, for liquidity. Therefore, FICC believes the proposed rule change enhances the safeguarding of securities and funds that are in the custody or control of FICC, consistent with Section 17(b)(3)(F) of the Act.[20]

Rule 17Ad–22(e)(4)(i) under the Act requires that FICC establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to members and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each member fully with a high degree of confidence.[21] As described above, FICC believes that the proposed changes would enable it to better identify, measure, monitor, and, through the collection of members' Required Fund Deposits, manage its credit exposures to members by maintaining sufficient resources to cover those credit exposures fully with a high degree of confidence. More specifically, as indicated by the Backtesting Impact Study results, raising the minimum Required Fund Deposit amount to $1 million at GSD would decrease the number of backtesting deficiencies and help ensure that FICC maintains the coverage of credit exposures for more members at a confidence level of at least 99%. In addition, by requiring members pay an amount not less than the minimum Required Fund Deposit amount in cash, FICC would be making available collateral that is easier to access when members default, thus further reducing the potential risk of loss from having to use non-defaulting members' securities or funds, or FICC's funds, for liquidity. Therefore, FICC believes that the proposed changes would enhance FICC's ability to effectively identify, measure, monitor and manage its credit exposures and would enhance its ability to maintain sufficient financial resources to cover its credit exposure to each member fully with a high degree of confidence. As such, FICC believes the proposed changes are consistent with Rule 17Ad–22(e)(4)(i) under the Act.[22]

Rule 17Ad–22(e)(6)(iii) under the Act requires that FICC establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its members by establishing a risk-based margin system that, at a minimum, calculates margin sufficient to cover its potential future exposure to members in the interval between the last margin collection and the close out of positions following a member default.[23] FICC employs daily backtesting to determine the adequacy of each member's Required Fund Deposit, paying particular attention to members that have backtesting deficiencies below the 99% confidence target. Such backtesting deficiencies highlight exposure that could subject FICC to potential losses if a member defaults. As discussed above, FICC has determined that approximately 16% (*i.e.,* 65 out of 396) of the backtesting deficiencies would have been eliminated during the Backtesting Impact Study period if the minimum Required Fund Deposit were $1 million. By raising the minimum Required Fund Deposit amount to $1 million at GSD, FICC believes it can decrease the backtesting deficiencies by members, and thus decrease its exposure to such members in the event of a default. FICC believes that the increase in margin for those members that currently have a Required Fund Deposit of less than $1 million would improve the probabilities that the margin required of such members is sufficient to cover FICC's potential future exposure to members in the interval between the last margin collection and the close out of positions following a member default. Therefore, FICC believes the proposed change is consistent with Rule 17Ad–22(e)(6)(iii) under the Act.[24]

Section 17A(b)(3)(F) of the Act requires, in part, that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions.[25] FICC believes the proposed clarifying and technical changes to the GSD and MBSD Rules would allow FICC to help promote prompt and accurate clearance and settlement of securities transactions. This is because the proposed changes to the Rules would clarify and improve the transparency of the Rules. Enhancing the clarity and transparency of the Rules would help members to better understand their rights and obligations regarding FICC's clearance and settlement services. FICC believes that when members better understand their rights and obligations regarding FICC's clearance and settlement services, they can act in accordance with the Rules. FICC believes that better enabling members to comply with the Rules would promote the prompt and accurate clearance and settlement of securities transactions by FICC. As such, FICC believes the proposed clarifying and technical changes are consistent with Section 17A(b)(3)(F) of the Act.[26]

(B) Clearing Agency's Statement on Burden on Competition

FICC believes that the proposed changes to increase the minimum Required Fund Deposit could have an impact on competition. Specifically, FICC believes that the proposed changes could burden competition because they would result in larger Required Fund Deposits for certain members, *e.g.,* members that currently have lower Required Fund Deposits would have to deposit additional cash and/or Eligible Clearing Fund Securities, as applicable, to their Clearing Fund deposits. The proposed changes could impose more of a burden on those members that have lower operating margins, lower cash reserves or higher costs of capital compared to other members. Nonetheless, FICC believes that any burden on competition imposed by the proposed changes would not be significant and would be both necessary and appropriate in furtherance of FICC's efforts to mitigate risks and meet the requirements of the Act, as described in this filing and further below.

FICC believes that any burden on competition presented by the proposed changes to increase the minimum Required Fund Deposit amount would not be significant. As discussed above, if the minimum Required Fund Deposit at GSD had been increased to $1 million during the CFR Impact Study period, approximately 47% (81 out of a total of 174) of the current members' Margin Portfolios would have been impacted,

[20] *Id.*

[21] 17 CFR 240.17Ad–22(e)(4)(i).

[22] *Id.*

[23] 17 CFR 240.17Ad–22(e)(6)(iii).

[24] *Id.*

[25] 15 U.S.C. 78q–1(b)(3)(F).

[26] *Id.*

with an average and a weighted average additional Required Fund Deposit of approximately $686,000 and $ 792,000, respectively, for each such Margin Portfolio per impacted day. However, when comparing the actual, total Clearing Fund deposit of the current members' Margin Portfolios with the proposed minimum Required Fund Deposit amount, only approximately 13% (23 out of a total of 174) of such members' Margin Portfolios would have to deposit additional cash to the Clearing Fund, with an average and a weighted average cash deposit of approximately $649,000 and $715,000, respectively, for each such Margin Portfolio per impacted day. Furthermore, when comparing the average additional cash deposit amounts that members would be required to make if the minimum Clearing Fund cash deposit at GSD had been increased to $1 million with their respective average Net Capital [27] during the CFR Impact Study period, the largest average additional cash deposit amount represented approximately 0.49% of the affected member's average Net Capital.[28] Similarly, when comparing the average additional Clearing Fund deposit that members would be required to make, either in cash or Eligible Clearing Fund Securities, if the minimum Required Fund Deposit amount at GSD had been increased as proposed with their respective average Net Capital during the CFR Impact Study period, the largest average additional Clearing Fund deposit amount represented approximately 1.46% of the affected member's average Net Capital.[29]

In addition, FICC believes that the increase to $1 million is comparable with what users of other similarly situated registered clearing agencies and foreign CCPs are expected to pay as a minimum required deposit for similar services.[30] Furthermore, by limiting the proposed Required Fund Deposit to $1 million rather than a higher minimum Required Fund Deposit, FICC would be minimizing the financial impact to its members while improving member backtesting results and FICC/GSD's Clearing Fund coverage.

While raising the minimum Required Fund Deposit to $500,000 would also reduce backtesting deficiencies, it would not reduce them to the same extent that raising the minimum Required Fund Deposit to $1 million would have. If the minimum Required Fund Deposit were raised to $1 million rather than $500,000, FICC would have observed 27 fewer backtesting deficiencies at GSD, which represents an approximately 71% increase (*i.e.,* 65 instead of 38) in the number of deficiencies that could have been eliminated. Backtesting deficiencies highlight exposure that could subject FICC to potential losses in the event that a member defaults. FICC believes that the additional reduction in exposure that would occur if the minimum Required Fund Deposit at GSD were raised to $1 million rather than $500,000 justifies the potential additional burden for members who currently have a Required Fund Deposit of less than $1 million.

Even if the burden were deemed significant with respect to certain members, FICC believes that the above-described burden on competition that may be created by the proposed changes would be necessary in furtherance of the Act, specifically Section 17A(b)(3)(F) of the Act,[31] because, as described above, the Rules must be designed to assure the safeguarding of securities and funds that are in FICC's custody or control or which it is responsible.

As described above, FICC believes the proposed changes are designed to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible because they are designed to enable FICC to require the necessary margin for members who have a minimum Required Fund Deposit to limit its exposure to such members in the event of a member default. Having adequate margin for such members would help ensure that FICC does not need to use its own resources, or the Eligible Clearing Fund Securities and funds of non-defaulting members, to cover losses in the event of a default of such members. Specifically, the proposed changes seek to remedy potential situations where FICC could be under-margined. By ensuring that members that have the minimum Required Fund Deposit amount are adequately covering FICC's risk of loss, FICC would be reducing the risk of losses, which would need to be addressed by using non-defaulting members' securities or funds, or FICC's funds. In addition, by requiring that members pay an amount equal to the minimum Required Fund Deposit amount in cash, FICC would be making available additional collateral that is easier to access upon a member's default, further reducing the risk of losses and using non-defaulting members' securities or funds, or FICC's funds, for liquidity. Therefore, FICC believes the proposed changes are necessary in furtherance of Section 17A(b)(3)(F) of the Act.[32]

In addition, FICC believes these proposed changes are necessary to support FICC's compliance with Rules 17Ad–22(e)(4)(i) and 17Ad–22(e)(6)(iii) under the Act,[33] which require FICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to (x) effectively identify, measure, monitor, and manage its credit exposures to members and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each member fully with a high degree of confidence; and (y) cover its credit exposures to its members by establishing a risk-based margin system that, at a minimum, calculates margin sufficient to cover its potential future exposure to members in the interval between the last margin collection and the close out of positions following a member default.

As described above, FICC believes increasing the minimum Required Fund Deposit amount at GSD to $1 million would decrease the number of backtesting deficiencies and ensure that FICC maintains the coverage of credit exposures for more members at a confidence level of at least 99%. This outcome is consistent with Rule 17Ad–22(e)(4)(i) which requires that FICC maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[34] This outcome is also consistent with Rule 17Ad–22(e)(6)(iii) which requires that FICC calculate sufficient margin to cover its ''potential future exposure'' which is defined as the ''maximum exposure estimated to occur at a future point in time with an established single-tailed confidence level of at least 99 percent with respect to the estimated distribution of future exposure.'' [35] FICC believes that the increase in margin for those members that currently have a Required Fund Deposit of less than $1 million at GSD would help ensure that FICC maintain sufficient financial resources to cover its

[27] As defined in GSD Rule 1 (Definitions), the term ''Net Capital'' means, as of a particular date, the amount equal to the net capital of a broker or dealer as defined in SEC Rule 15c3–1(c)(2), or any successor rule or regulation thereto. *Supra* note 3.

[28] The affected member would have had to deposit an additional $900,000 in cash each impacted day during the CFR Impact Study period.

[29] The affected member would have had to deposit an additional $392,000 in either cash or Eligible Clearing Fund Securities each impacted day during the CFR Impact Study period.

[30] *Supra* note 14.

[31] 15 U.S.C. 78q–1(b)(3)(F).

[32] *Id.*

[33] 17 CFR 240.17Ad–22(e)(4)(i) and (e)(6)(iii).

[34] 17 CFR 240.17Ad–22(e)(4)(i).

[35] 17 CFR 240.17Ad–22(e)(6)(iii).

credit exposure to each participant fully with a high degree of confidence and that the margin deposited by such members is sufficient to cover FICC's potential future exposure in the interval between the last margin collection and the close out of positions following a member default. Therefore, FICC believes that these proposed changes are necessary to support FICC's compliance with Rules 17Ad–22(e)(4)(i) and 17Ad–22(e)(6)(iii) under the Act.[36]

FICC believes that the above-described burden on competition that could be created by the proposed changes would be appropriate in furtherance of the Act because such changes have been appropriately designed to assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible, as described in detail above. The proposal would enable FICC to produce margin levels more commensurate with the risks it faces as a central counterparty. The proposed increase in minimum Required Fund Deposit at GSD would be in relation to the credit exposure risks presented by the class of members that currently have a Required Fund Deposit of less than $1 million, and each member's Required Fund Deposit would continue to be calculated with the same parameters and at the same confidence level for each member. Therefore, members that present similar risk, regardless of the type of member, would have similar impact on their Required Fund Deposit amounts.

In addition, based on the comparison with other registered clearing agencies and foreign CCPs, FICC believes that the increase to $1 million is comparable with what users of other similarly situated registered clearing agencies and foreign CCPs are expected to pay and would not be a significant burden on Members.[37] Furthermore, based on the results of the Backtesting Impact Study and CFR Impact Study, as discussed above, FICC believes that a proposed minimum Required Fund Deposit of $1 million at GSD would provide an appropriate balance of improving member backtesting results while minimizing the impact to members by not raising the minimum Required Fund Deposit above $1 million. Therefore, because the proposed changes are designed to provide FICC with a more appropriate and balanced method of managing the risks presented by each member while minimizing the impact to members, FICC believes the proposed changes are appropriately designed to meet its risk management goals and regulatory obligations.

FICC believes that it has designed the proposed changes in a way that is both necessary and appropriate to meet compliance with its obligations under the Act. Specifically, the proposal to increase the minimum Required Fund Deposit amount to $1 million at GSD would better limit FICC's credit exposures to its members. In addition, by continuing to require that members pay an amount equal to the minimum Required Fund Deposit amount in cash, FICC would be making available additional collateral that is easier for FICC to access upon a member's default, further limiting its credit exposure to members. Therefore, as described above, FICC believes the proposed changes are necessary and appropriate in furtherance of FICC's obligations under the Act, specifically Section 17A(b)(3)(F) of the Act[38] and Rules 17Ad–22(e)(4)(i) and 17Ad–22(e)(6)(iii) under the Act.[39] For these reasons, the proposed changes are not designed to be an artificial barrier to entry but a necessary and appropriate change to address specific risks.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

FICC has not received or solicited any written comments relating to this proposal. If any additional written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at *https://www.sec.gov/regulatory-actions/how-to-submit-comments*. General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the SEC's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

FICC reserves the right not to respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–FICC–2022–006 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–FICC–2022–006. 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

[36] 17 CFR 240.17Ad–22(e)(4)(i) and (e)(6)(iii).

[37] *Supra* note 14.

[38] 15 U.S.C. 78q–1(b)(3)(F).

[39] 17 CFR 240.17Ad–22(e)(4)(i) and (e)(6)(iii).

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 FICC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–FICC–2022–006 and should be submitted on or before October 13, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20499 Filed 9–21–22; 8:45 am]

BILLING CODE 8011–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at September 15, 2022 Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on September 15, 2022, Baltimore, Maryland, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: September 15, 2022.

ADDRESSES: Susquehanna River Basin Commission, 4423 N Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238–0423, ext. 1312, fax: (717) 238–2436; email: *joyler@srbc.net*. Regular mail inquiries may be sent to the above address. See also Commission website at *www.srbc.net*.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above these actions were also taken: (1) adoption of a revised Civil Penalty Matrix and a revised Policy and Guidance Statement for the Settlement of Civil Penalties/Enforcement Actions; (2) adoption of the Commission's Fiscal Year 2024 Budget; (3) adoption of member jurisdictions allocation for FY2024; (4) and approval of contracts, grants and agreements.

Project Applications Approved:

1. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Monroe Manor System, Monroe Township, Snyder County, Pa. Application for groundwater withdrawal of up to 0.482 mgd (30-day average) from Well 8.

2. Project Sponsor: Brunner Island, LLC. Project Facility: Brunner Island Steam Electric Station (Susquehanna River), East Manchester Township, York County, Pa. Applications for renewal of surface water withdrawal of up to 835.000 mgd (peak day) and consumptive use of up to 23.100 mgd (peak day) (Docket No. 20070908).

3. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Chemung River), Athens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20170902).

4. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Sugar Creek), Burlington Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20170903).

5. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Towanda Creek), Leroy Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20170905).

6. Project Sponsor and Facility: Coterra Energy Inc. (Meshoppen Creek), Springville Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20170901).

7. Project Sponsor and Facility: Edgewood by Sand Springs, LLC, Butler Township, Luzerne County, Pa. Modification to extend the approval term of the surface water withdrawal and consumptive use approval (Docket No. 19980102) by 2 years to allow the project to complete planning and permitting to redevelop the property and cease golf course operations.

8. Project Sponsor: Lancaster County Solid Waste Management Authority. Project Facility: Frey Farm and Creswell Landfills, Manor Township, Lancaster County, Pa. Modification to increase consumptive use (peak day) by an additional 0.030 mgd, for a total consumptive use of up to 0.095 mgd, addition of approved sources of water for consumptive use, and General Permit GP–01 Notice of Intent for groundwater remediation (Docket No. 20061208).

9. Project Sponsor: Maplemoor, Inc. Project Facility: Huntsville Golf Club, Lehman Township, Luzerne County, Pa. Application for renewal of consumptive use of up to 0.499 mgd (30-day average) (Docket No. 19920909).

10. Project Sponsor and Facility: Pennsylvania Grain Processing LLC (West Branch Susquehanna River), Clearfield Borough, Clearfield County, Pa. Applications for renewal of surface water withdrawal of up to 2.505 mgd (peak day) and for consumptive use of up to 2.000 mgd (peak day) (Docket No. 20070904).

11. Project Sponsor and Facility: Seneca Resources Company, LLC (Elk Run), Sullivan Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.646 mgd (peak day) (Docket No. 20170909).

12. Project Sponsor and Facility: Shrewsbury Borough, Shrewsbury Township and Shrewsbury Borough, York County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.099 mgd from the Meadow Well and 0.180 mgd from the Village Well (Docket Nos. 19890501 and 19900105).

13. Project Sponsor and Facility: South Middleton Township Municipal Authority, Monroe Township, Cumberland County, Pa. Application for renewal of groundwater withdrawal with increase from 0.624 mgd to up to 0.936 mgd (30-day average) from Well 3 (Docket No. 19880404).

14. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 0.145 mgd (peak day) (Docket No. 20170908).

15. Project Sponsor and Facility: SWN Production Company, LLC (Wyalusing Creek), Wyalusing Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20170910).

16. Project Sponsor and Facility: Town of Conklin, Broome County, N.Y. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.350 mgd from Well 5 and up to 0.350 mgd from Well 6 (Docket Nos. 20070601 and 20031001, respectively).

17. Project Sponsor: Town of Oneonta. Project Facility: Southside Water System, Town of Oneonta, Otsego County, N.Y. Applications for groundwater withdrawals (30-day averages) of up to 0.720 mgd from Well PW–1 and up to 0.720 mgd from Well PW–2.

18. Project Sponsor and Facility: Village of Horseheads, Town of

[40] 17 CFR 200.30–3(a)(12).

Horseheads, Chemung County, N.Y. Application for renewal of groundwater withdrawal of up to 1.440 mgd (30-day average) from Well 5 (Docket No. 19870302).

Projects Tabled:

19. Project Sponsor and Facility: Dover Township, York County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.360 mgd from Well 8 and up to 0.088 mgd from Well 10 (Docket No. 19911104)

20. Project Sponsor: Pine Grove Borough. Project Facility: Pine Grove Borough Water System, Tremont Township, Schuylkill County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.499 mgd from Well 16 and up to 0.097 mgd from Well 17.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: September 19, 2022.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2022–20547 Filed 9–21–22; 8:45 am]

BILLING CODE 7040–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Technical Correction to the Harmonized Tariff Schedule of the United States

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Pursuant to authority delegated to the U.S. Trade Representative, the Office of the United States Trade Representative (USTR) is making a technical correction to the Harmonized Tariff Schedule of the United States (HTSUS).

DATES: The changes made by this notice are applicable as of September 22, 2022.

FOR FURTHER INFORMATION CONTACT: Braeden Young, Director for Mexico and the Caribbean, Office of the Western Hemisphere, at *Braeden.P.Young@ustr.eop.gov* or (202) 395–9620; or Deborah Birnbaum, Assistant General Counsel, at *Deborah.E.Birnbaum@ustr.eop.gov* or (202) 395–9588.

SUPPLEMENTARY INFORMATION:

I. Background

In Presidential Proclamation 9072 of December 23, 2013 (78 FR 80415), the President designated Curaçao as a beneficiary country for purposes of the Caribbean Basin Economic Recovery Act (CBERA) and the Caribbean Basin Trade Partnership Act (Title II of the Trade and Development Act of 2000, Pub. L. 106–200) (CBTPA). In that Proclamation, the President also delegated authority to the U.S. Trade Representative to determine if Curaçao is meeting the customs criteria of the CBERA. In August 2015, USTR published a notice in the **Federal Register** (80 FR 51650) announcing the U.S. Trade Representative's determination that Curaçao met the CBERA customs criteria and USTR therefore was modifying general note 17(a) and U.S. note 1 to subchapter XX of chapter 98 of the HTSUS. The August 2015 notice omitted a modification to U.S. note 7(b) to subchapter II of chapter 98 of the HTSUS.

II. Technical Corrections

Presidential Proclamation 6969 of January 27, 1997 (62 FR 4415), authorizes the U.S. Trade Representative to exercise the authority provided to the President under section 604 of the Trade Act of 1974 (19 U.S.C. 2483) to embody rectifications, technical or conforming changes, or similar modifications in the HTSUS. Pursuant to this delegated authority, the U.S. Trade Representative is modifying the HTSUS to correct to 2015 omission and make the following technical changes:

Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the effective date of this notice, U.S. note 7(b) to subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified by inserting in alphabetical sequence in the list of eligible CBTPA beneficiary countries ''Curaçao.''

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2022–20477 Filed 9–21–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advanced Aviation Advisory Committee (AAAC); Notice of Public Meeting

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Notice of Advanced Aviation Advisory Committee (AAAC) meeting.

SUMMARY: This notice announces a meeting of the AAAC.

DATES: The meeting will be held on October 20, 2022, between the hours of 10 a.m. and 3 p.m. Eastern Time.

Requests for accommodations for a disability must be received by October 13, 2022.

Requests to submit written materials to be reviewed during the meeting must be received no later than October 13, 2022.

ADDRESSES: The meeting will be held at the Hilton Garden Inn, Arlington, VA. In-person attendance is limited to Advanced Aviation Advisory Committee members and selected FAA support staff. Members of the public who wish to observe the meeting through virtual means can access the livestream on the following FAA social media platforms on the day of the event, *https://www.facebook.com/FAA* or *https://www.youtube.com/FAAnews.* For copies of meeting minutes along with all other information please visit the AAAC internet website at *https://www.faa.gov/uas/programs_partnerships/advanced_aviation_advisory_committee/.*

FOR FURTHER INFORMATION CONTACT: Gary Kolb, Advanced Aviation Advisory Committee Manager, Federal Aviation Administration, U.S. Department of Transportation, at *gary.kolb@faa.gov* or 202–267–4441. Any committee related request or reasonable accommodation request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The AAAC was created under the Federal Advisory Committee Act (FACA), in accordance with Title 5 of the United States Code (5 U.S.C. App. 2) to provide the FAA with advice on key drone and advanced air mobility (AAM) integration issues by helping to identify challenges and prioritize improvements.

II. Agenda

At the meeting, the agenda will cover the following topics:

- Official Statement of the Designated Federal Officer
- Approval of the Agenda and Minutes
- Opening Remarks
- FAA Update
- Industry-Led Technical Topics
- New Business/Agenda Topics
- Closing Remarks
- Adjourn

Additional details will be posted on the AAAC internet website address listed in the **ADDRESSES** section at least 5 days in advance of the meeting.

III. Public Participation

The meeting will be open to the public via a livestream. Members of the public who wish to observe the virtual meeting can access the livestream on the following FAA social media platforms on the day of the event, *https://www.facebook.com/FAA* or *https://www.youtube.com/FAAnews.* The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

The FAA is not accepting oral presentations at this meeting due to time constraints. Written statements submitted by the deadline will be provided to the AAAC members before the meeting. Any member of the public may submit a written statement to the committee at any time.

Issued in Washington, DC.

Todd Allen Newman,

Acting Manager, Executive Office, AUS–10 Federal Aviation Administration.

[FR Doc. 2022–20519 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Railroad Crossing Elimination Grant Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of funding opportunity (NOFO or notice); extension of application submittal period.

SUMMARY: FRA is extending the application submittal period for its NOFO for the Railroad Crossing Elimination Grant Program (RCE Program) published on July 6, 2022 from October 4, 2022 to October 11, 2022.

DATES: FRA extends the NOFO application period and applications are now due by 5 p.m. ET on October 11, 2022.

FOR FURTHER INFORMATION CONTACT: For further information related to this notice and the RCE Program, please contact Deborah Kobrin, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W33–311, Washington, DC 20590; email: or telephone:202–420–1281.

SUPPLEMENTARY INFORMATION: FRA amends its NOFO for the Railroad Crossing Elimination Grants Program published on July 6, 2022 (87 FR 40335) by extending the period for submitting applications to 5 p.m. ET on October 11, 2022. The reason for the extension is the scheduled downtime and cloud migration of *Grants.gov*, which will be offline from September 23, 2022 through September 29, 2022.

Issued in Washington, DC.

Amitabha Bose,

Administrator.

[FR Doc. 2022–20475 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2010–0061]

Union Pacific Railroad's Request To Amend Its Positive Train Control Safety Plan and Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on September 9, 2022, Union Pacific Railroad (UP) submitted a request for amendment (RFA) to its FRA-approved Positive Train Control Safety Plan (PTCSP). As this RFA may involve a request for FRA's approval of proposed material modifications to an FRA-certified positive train control (PTC) system, FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTCSP.

DATES: FRA will consider comments received by October 12, 2022. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0061. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/train-control/ptc/ptc-annual-and-quarterly-reports.* All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) Section 20157(h) requires FRA to certify that a host railroad's PTC system complies with Title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal and train control system. Accordingly, this notice informs the public that, on September 9, 2022, UP submitted an RFA to its PTCSP for its Interoperable Electronic Train Management System (I–ETMS) and that RFA is available in Docket No. FRA–2010–0061.

Interested parties are invited to comment on UP's RFA to its PTCSP by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCSP at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See *https://www.regulations.gov/privacy-notice* for the privacy notice of regulations.gov. To facilitate comment

tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2022–20492 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2010–0036]

Southeastern Pennsylvania Transportation Authority's Request To Amend Its Positive Train Control Implementation Plan, Including a Request for Approval of a Discontinuance or Modification of a Railroad Signal System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on July 27, 2022, and supplemented on August 4, 2022, the Southeastern Pennsylvania Transportation Authority (SEPTA) submitted a request for amendment (RFA) to its FRA-approved Positive Train Control Implementation Plan (PTCIP). The RFA includes a petition seeking approval to discontinue or modify a signal system. On August 17, 2022, FRA approved, in part, SEPTA's RFA to its PTCIP; however, FRA did not provide a decision on SEPTA's request to discontinue or modify a portion of its signal system at that time, as FRA must seek public comment on that aspect before issuing a decision.

DATES: FRA will consider comments received by November 7, 2022. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a signal system.

ADDRESSES:

Comments: Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for the host railroad that filed this RFA to its PTCIP is Docket No. FRA–2010–0036. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/train-control/ptc/ptc-annual-and-quarterly-reports.* All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In general, title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCIP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCIP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a discontinuance or material modification of a signal and train control system. Accordingly, this notice informs the public that, on July 27, 2022, 2022, SEPTA submitted an RFA to its PTCIP for its Advanced Civil Speed Enforcement System II (ACSES II) and that RFA is available in Docket No. FRA–2010–0036.

Specifically, under 49 CFR 236.1021(c), SEPTA requested approval to discontinue the MB and 6N signals at Control Point (CP) South Elwyn located at milepost (MP) 15.9 and the 1660 automatic signal located at MP 16.6 in approach to CP South Elwyn on its West Chester Line. SEPTA also proposed to make the method of operation between CP Elwyn (MP 15.3) and CP Wawa (MP 18.07) by signal indication of a traffic control system, without fixed automatic block signals, supplemented by a cab signal and ACSES II PTC system. SEPTA states that the signals at CP South Elwyn are no longer needed as new signals have been installed at CP Lenni North, located at MP 17.59, which will now control the direction of the signal system traffic. In addition, with the extension of passenger service to Wawa station, SEPTA will no longer have an operational need to turn or hold trains at CP South Elwyn. With the installation of a cab signal and ACSES II PTC system between CP Elwyn and CP Wawa, SEPTA's 1660 automatic signal is no longer required.

As this RFA involves a request for FRA's approval to discontinue or modify a signal system, FRA is publishing this notice and inviting public comment on the railroad's request to discontinue or modify a signal system.

Interested parties are invited to comment on SEPTA's RFA to its PTCIP by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCIP at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.* To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2022–20509 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY 2022 Competitive Funding Opportunity: Advanced Driver Assistance Systems (ADAS) for Transit Buses Demonstration and Automated Transit Bus Maintenance and Yard Operations Demonstration

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of Funding Opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for funding for transit bus automation demonstration projects under the Public Transportation Innovation Program. FTA is exploring the use of driving automation technologies in bus transit operations as described in the Strategic Transit Automation Research (STAR) Plan. As part of this research agenda, FTA is funding a number of demonstrations in real-world settings. These projects will create a testbed for study of technical issues, user acceptance, operational and maintenance costs, workforce training and transition, and institutional issues, and will further assess the needs for standards development.

DATES: Complete applications must be submitted electronically through the *GRANTS.GOV* ''APPLY'' function by 11:59 p.m. Eastern time on November 21, 2022.

FOR FURTHER INFORMATION CONTACT: Steve Mortensen, Senior ITS Engineer, 202–493–0459, or *transitautomation@dot.gov.*

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A. Program Description

This Notice (Federal Assistance Listing: 20.530) seeks to fund demonstrations in two areas under the Public Transportation Innovation Program (49 U.S.C. 5312): (1) Advanced Driver Assistance Systems (ADAS) for Transit Buses and (2) Automated Transit Bus Maintenance and Yard Operations—identified as demonstrations #1 and #3 respectively in the STAR Plan (available at *https://www.transit.dot.gov/research-innovation/strategic-transit-automation-research-plan*). These demonstrations address one of the primary goals of the STAR Plan, which is to demonstrate transit bus automation technologies in real-world settings. The demonstrations will help establish the feasibility of ADAS and Automated Transit Bus Maintenance and Yard Operations use cases and improve understanding of the impacts. A total of up to $6.5 million is available for demonstration projects:

1. $5 million for ADAS for Transit Buses; and

2. $1.5 million for an initial phase of Automated Transit Bus Maintenance and Yard Operations and, subject to availability, additional funding may be provided to implement a second phase of the Automated Transit Bus Maintenance and Yard Operations Demonstration.

1. Program Overview

Automation capabilities have grown rapidly in recent years and have changed the dialogue around all aspects of the surface transportation system. Transit bus automation could deliver many potential benefits, but transit agencies need additional research and practical information to make informed deployment decisions. To support the development and deployment of automated bus transit services and to advance transit readiness for automation and help move the transit industry forward, FTA developed the STAR Plan to outline FTA's research agenda on transit bus automation technologies. FTA's efforts aim to help determine the potential benefits and costs of transit bus automation, and to provide transit agencies with the resources, guidance, and tools they need to make informed deployment decisions. See FTA's Transit Automation Research website for more information (*https://www.transit.dot.gov/automation-research*).

The demonstrations align with the Department's Innovation Principles and Strategic Goals: Safety, Economic Strength and Global Competitiveness, Equity, Climate and Sustainability, Transformation, and Organizational Excellence. ADAS has the potential to increase safety, provide a more accessible service, and/or improve driving and operational performance in terms of fuel economy, network efficiency, or other metrics. Automated maintenance and yard operations have the potential to increase efficiency in transit agency facilities and improve safety of operations within the yard for the transit agency workforce.

ADAS can assist bus operators, reduce collisions, and increase safety, including safety for vulnerable road users, and has the potential to provide a more accessible service (*e.g.,* precision docking) and improve driving and operational performance in terms of fuel economy and network efficiency (*e.g.,* smooth acceleration and deceleration, platooning, narrow lane/shoulder operations). Automated maintenance and yard operations can increase efficiency in transit agency maintenance and yard facilities (*e.g.,* precision movement of fueling, service bays, and bus washing; automated parking and recall) and improve safety of operations within these facilities for the transit agency workforce (*e.g.,* bus disinfection, injury reduction).

2. Research Scope

Advanced Driver Assistance Systems (ADAS) for Transit Buses Demonstration: FTA is seeking innovative projects to demonstrate market-ready or near market-ready ADAS technologies for use in revenue service to assess technology readiness and effectiveness, address technical issues, identify benefits and costs, and measure impacts. Demonstrations should be conducted with technologies and vehicles that are currently on the market and can be adapted or retrofitted to the purpose relatively quickly. Use cases may include smooth acceleration and deceleration; automatic emergency braking and pedestrian collision avoidance; curb avoidance; precision docking; narrow lane/shoulder operations; and platooning. Eligible activities include applicable systems engineering activities leading to the demonstration of ADAS use cases, such as requirements, architecture, and design development; equipment installation and integration; and pre-demonstration testing. Workforce engagement, training, and skills development activities related to the demonstration are also eligible. Projects will consist of a minimum 12-month operational demonstration in revenue service. Eligible projects must propose to demonstrate at least one ADAS use case.

Automation for Maintenance and Yard Operations Demonstration: FTA is seeking innovative projects to execute the first phase and, if funding becomes available, the second phase of Automation for Maintenance and Yard Operations demonstrations. Demonstrations should be conducted with vehicles that are broadly representative of those currently comprising the agency's fleet in terms of size and passenger capacity. Use cases

may include precision movement for fueling/recharging, maintenance, disinfection, and/or bus wash; and automated parking and recall. Eligible activities include applicable systems engineering activities leading to the proof-of-concept demonstration, such as requirements, architecture, and design development; equipment installation and integration; and testing. Workforce engagement, training, and skills development activities related to the demonstration are also eligible.

Phase 1 will result in one or more concepts of operations and limited proof of concept demonstrations, which must be conducted within 12 months of project award. Phase 2 is envisioned to result in a longer-term (12–24 month) operational demonstration on a transit property and additional functionality (for example, expanding the number of equipped vehicles, locations within the yard, or expanded automation of functions). Applicants should identify the proposed location and duration of the Phase 1 proof-of-concept test, noting that an active bus yard is preferred, but offsite facilities and test tracks will be considered. Phase 2, if funded, should be located in an active bus yard. The Automation for Maintenance and Yard Operations Demonstration will assist the transit industry in assessing technology readiness and effectiveness, addressing technical issues, identifying benefits and costs, and measuring impacts of automated operations in transit agency bus yards and maintenance facilities.

Details of the demonstrations will vary according to the applicants and projects selected, but all proposed projects should address a broad range of factors related to transit, such as:

- System performance, capabilities, limitations, and effectiveness
- Transit operations and maintenance
- Service quality
- Safety and security, including cybersecurity
- Human factors, including operator training and human-machine interface
- Transit agency staff experience and acceptance
- Passenger experience, comfort, acceptance, and willingness to use, including passengers with disabilities
- Perceptions and acceptance by other road users, such as bicyclists and pedestrians
- Communication and equipment needs and costs
- Overall cost-effectiveness
- Transferability
- Accessibility
- Input from labor

Applicants are encouraged to elaborate on these factors and to identify and discuss any additional factors as appropriate in their application under this NOFO.

The awardees of both demonstrations will be required to produce a report for publication at the end of the project, documenting the project approach, results, lessons learned, conclusions and potential next steps, and include training materials produced by the project. The awardees of both demonstrations will also be required to work with an FTA-selected independent evaluator to evaluate the respective projects.

3. Alignment With Policy Priorities

These demonstrations are closely aligned with US DOT's Strategic Goals and Innovation Principles. Examples include the following:

- Improve Safety—ADAS technologies can include lane-keeping, automatic emergency braking, pedestrian avoidance systems, and other collision avoidance capabilities; and automated maintenance and yard operations could reduce the number of conflicts between vehicles and maintenance staff, pedestrians, fixed objects, or other vehicles. Both demonstrations will help show the possible safety implications of these technologies.
- Serve Equity—ADAS includes precision docking technologies, which can make boarding and alighting easier and faster for all passengers, but particularly those with mobility challenges. Additionally, other ADAS technologies can help increase throughput, resulting in faster trips and improved reliability—generally, improvements in transit service have positive implications for equity outcomes.
- Reduce Climate Impacts—Certain automated vehicle technologies may have the potential to improve efficiency in ways that reduce overall fuel consumption, which accordingly result in a reduction in emissions. These demonstrations can provide valuable data to help quantify the possible fuel savings and emission reduction.
- Promote American Competitiveness and Economic Development—The transit industry benefits from Federal investment in new technologies, supporting domestic manufacturing as well as economic development through improvements to safety and mobility.
- Support Workers and Workforce—Safety improvements from ADAS could enhance operator safety. Automation of maintenance and yard operations can streamline the start and end of operator shifts, increasing safety and reducing the workload on operators. The participation of labor representatives in project design and implementation will enhance project learning with respect to safety and workforce impacts.

B. Federal Award Information

Federal public transportation law (49 U.S.C. 5312) authorizes FTA's Public Transportation Innovation Program. Through this program, FTA may support research, development, demonstration, and deployment projects, and evaluation of research and technology of national significance to public transportation that the Secretary determines will improve public transportation service. FTA anticipates competitively selecting up to three projects for each demonstration for a total of up to $6.5 million of FTA Public Transportation Innovation Program demonstration funds.

An applicant whose proposal is selected for funding will receive a cooperative agreement with FTA. FTA will have substantial involvement in the administration of the cooperative agreement. FTA's role includes the right to participate in decisions to redirect and reprioritize project activities, goals, and deliverables.

FTA may, at its discretion, provide additional funds for selections made under this announcement or for additional meritorious applications. FTA may cap the amount a single recipient or State may receive as part of the selection process. Due to funding limitations, applicants that are selected for funding may receive less than the amount requested. Only applications from eligible recipients for eligible activities will be considered for funding.

Projects under this competition are for demonstration projects, including documentation and evaluation efforts and, as such, FTA Circular 6100.1E, ''Research, Technical Assistance and Training Program Guidance'' (available at *https://www.fta.dot.gov/regulations-and-guidance/fta-circulars/research-technical-assistance-and-training-program*), guidance will apply in administering the program.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants under this Notice include the following:

- Public transit agencies;
- State/local government entities;
- Metropolitan planning organizations (MPOs);
- Federally recognized Indian tribes; and
- Institutions of higher education, particularly those with Minority Serving Institution status.

Applications must clearly identify the eligible applicant and all project partners on the project team. Eligible project partners under this program may include, but are not limited to:

- Bus manufacturers;
- Technology system suppliers, developers, and integrators;
- Operators of transportation services, such as employee shuttle services, airport connector services, university transportation systems, or parking and tolling authorities;
- State or local government entities;
- Labor unions and other workforce representatives; and
- Other organizations, including consultants, research consortia, and not-for-profit industry organizations.

In the application, eligible applicants are encouraged to identify one or more project partners with a substantial interest and involvement in the project activities or objectives to participate in the implementation of the project.

If an application that involves such a partnership is selected for funding, the competitive selection process will be deemed to satisfy the requirement for a competitive procurement under 49 U.S.C. 5325(a) for the named entities. Applicants are advised that any changes from the proposed partnership after selection will require FTA's written approval, must be consistent with the scope of the approved project, and may require competitive procurement unless an exception applies.

To be considered eligible, applicants must be able to demonstrate the requisite legal, financial, and technical capabilities to receive and administer Federal funds under this program.

2. Cost Sharing or Matching

The maximum Federal share of project costs under this program is limited to 80 percent. Applicants may seek a lower Federal contribution. The applicant must provide the non-Federal share of the net project cost in cash, or in-kind, and must document in its application the source of the non-Federal match. Eligible sources of non-Federal match are detailed in FTA Circular 6100.1E.

3. Eligible Projects

Eligible activities for the ADAS for Transit Buses Demonstration include applicable systems engineering activities leading to the demonstration of ADAS use cases, such as requirements, architecture, and design development; equipment installation and integration; and pre-demonstration testing. Workforce engagement, training, and skills development activities related to the demonstration are also eligible. Projects will consist of a minimum 12-month operational demonstration in revenue service. Eligible projects must propose to demonstrate at least one ADAS use case.

Eligible activities for the Automation for Maintenance and Yard Operations Demonstration include applicable systems engineering activities leading to the proof-of-concept demonstration, such as requirements, architecture, and design development; equipment installation and integration; and testing. Workforce engagement, training, and skills development activities related to the demonstration are also eligible.

Projects will not include the demonstration, deployment, or evaluation of a vehicle that is in revenue service unless the project makes significant technological advancements in the vehicle.

D. Application and Submission Information

1. Address To Request Application

Applications must be submitted electronically through *GRANTS.GOV*. General information for submitting applications through *GRANTS.GOV* can be found at *http://www.transit.dot.gov/howtoapply* along with specific instructions for the forms and attachments required for submission. A complete proposal submission consists of two forms and an attachment. Forms are a standard form 424 (SF–424), ''Application for Federal Assistance,'' which can be downloaded from *GRANTS.GOV* and the supplemental form for the FY22 Advanced Driver Assistance Systems (ADAS) for Transit Buses Demonstration and Automated Transit Bus Maintenance and Yard Operations Demonstration, which can be downloaded from the FTA website at *https://www.transit.dot.gov/notices-funding/fiscal-year-2022-advanced-driver-assistance-systems-adas-transit-buses.* The funding opportunity ID is FTA–2022–015–TRI–STAR. The attachment shall provide the project approach and proposed scope of work.

2. Content and Form of Application Submission

A completed application consists of the SF–424, the supplemental form, and the project approach and proposed scope of work attachment. The application must include responses to all sections of the SF–424 Application for Federal Assistance and the supplemental form, unless indicated as optional. The supplemental form and required project approach and proposed scope of work attachment must be added to the ''Attachments'' section of the SF–424. The project approach and proposed scope of work attachment, limited to 15 pages, should be a short project proposal that describes the following:

- Project background;
- Technical information including proposed impact and outcomes;
- Project approach including major tasks and milestones/deliverables, overall workflow and timeline, roles and responsibilities, anticipated project risks and mitigation strategies, knowledge transfer activities, and proposed costs/budget; and the
- Team organizational capacity and staff experience.

FTA will accept only one supplemental form and project approach and proposed scope of work attachment per SF–424 submission. Applicants may also attach additional supporting information and other materials or information relevant to the demonstration such as letters of support from key stakeholders, which are not subject to the 15-page limit of the project approach and proposed scope of work attachment.

Any supporting documentation must be described and referenced by file name in the appropriate response section of the supplemental form, or it may not be reviewed. The information on the supplemental form will be used to determine applicant and project eligibility for the program.

Information such as applicant name, Federal amount requested, and local match amount may be requested on both the SF–424 and supplemental form. Applicants must fill in all fields unless stated otherwise on the forms. If information is copied into the supplemental form from another source, applicants should verify that pasted text is fully captured on the supplemental form and has not been truncated by the character limits built into the form. Applicants should use both the ''Check Package for Errors'' and the ''Validate Form'' validation buttons on both forms to check all required fields on the forms and ensure that the Federal and local amounts specified are consistent.

The SF–424 Application for Federal Assistance and the supplemental form will prompt applicants for the required information, including:

1. Applicant name.
2. Unique Entity Identifier (UEI) number.
3. Key contact information (including name, address, email address, and phone).
4. Congressional district(s) where project will take place.
5. Project information (including title, and an executive summary).

6. A description of the project and how it will (a) design, test, and evaluate the relevant technologies and their practical application; and (b) document results and share lessons learned in a format suitable for publication.

7. Information on any project partners, their role, and anticipated contributions.

8. A description of the technical, legal, and financial capacity of the applicant and partners.

9. A detailed project budget, specifying Federal and local share when applicable.

10. A detailed project timeline.

Refer to Section E.1 for information on the application review criteria.

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) be registered in SAM before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. These requirements do not apply if the applicant has an exception approved by FTA or the U.S. Office of Management and Budget under 2 CFR 25.110(c) or (d). SAM registration takes approximately 3–5 business days, but FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit *https://www.sam.gov/.*

4. Submission Dates and Times

Project applications must be submitted electronically through *GRANTS.GOV* by 11:59 p.m. Eastern time on November 21, 2022. *GRANTS.GOV* attaches a time stamp to each application at the time of submission. Applications submitted after the deadline will only be considered if lateness was due to extraordinary circumstances not under the applicant's control. Mail and fax submissions will not be accepted.

FTA urges applicants to submit applications at least 72 hours prior to the due date to allow time to receive the validation messages and to correct any problems that may have caused a rejection notification. *GRANTS.GOV* scheduled maintenance and outage times are announced on the *GRANTS.GOV* website. Deadlines will not be extended due to scheduled website maintenance.

Within 48 hours after submitting an electronic application, the applicant should receive an email message from *GRANTS.GOV* with confirmation of successful transmission to *GRANTS.GOV*. If a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

Applicants are encouraged to begin the process of registration on the *GRANTS.GOV* site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered applicants may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) registration in SAM is renewed annually, and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in *GRANTS.GOV* by the AOR to make submission.

5. Funding Restrictions

Refer to Section C.3., Eligible Projects, for information on activities that are allowable. Allowable direct and indirect expenses must be consistent with the Governmentwide Uniform Administrative Requirements and Cost Principles (2 CFR part 200) and FTA Circular 5010.1E.

Funds available under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA issuing pre-award authority for selected projects.

6. Other Submission Requirements

Applicants are encouraged to identify scaled funding options in case funding is not available to fund a project at the full requested amount. If an applicant indicates that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FTA may award a lesser amount regardless of whether a scalable option is provided.

All applications must be submitted via the *GRANTS.GOV* website. FTA does not accept applications on paper, by fax machine, email, or other means. For information on application submission requirements, please see Section D.1., Address to Request Application.

E. Application Review Information

1. Criteria

Projects will be evaluated on the project approach and proposed scope of work attachment and responses provided in the supplemental form. Additional information may be provided to support the responses; however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found. FTA will evaluate applications based on the criteria described below.

a. Project Impact and Outcomes

FTA seeks projects that increase the transit community's knowledge about the feasibility, effectiveness, benefits, and costs of driving automation technologies for transit buses. Strong applications will present a clear plan for how these factors will be identified and measured. Under this criterion, FTA will prioritize projects that demonstrate a clear understanding and presentation of the technology to be demonstrated, its maturity today, the expected maturity at the conclusion of the project, and potential impacts on the workforce as a result of technology implementation. Projects that address transit applications that are generalizable across agencies and geographies and that are scalable to wider and expanded use will be given priority for funding. This includes an emphasis on commonly available commercial products rather than custom-built solutions, wherever possible, as well as consideration of the project's applicability to other locations and types of transit buses and service models.

b. Project Approach

Applications should present a realistic and detailed description of the overall project workflow and the content of each task or step mentioned in the workflow, including any major dependencies and milestones/deliverables. Applicants should clearly

describe how they plan to engage the workforce, develop and administer needed training, and assess the effectiveness of that training. They should clearly delineate project roles and responsibilities and present information on potential project risks and how the risks will be mitigated. Applicants should include a proposed list of milestones and/or deliverables and timelines and describe how these deliverables will be shared with peers and the public. At a minimum, the final report will be published and posted on the FTA website, but applicants are encouraged to identify potential conferences, journals, etc. which may be appropriate. The project budget should be supported by documentation that allows FTA to assess the source and credibility of the estimates. The source of local matching funds should be clearly identified and any potential restrictions or limitations of those funds should be discussed. FTA may consider projects that will provide more than the minimum 20 percent local match more favorably, as this allows FTA to leverage its limited funding to support a greater number of projects.

c. Organizational Capacity and Staff Experience

The applicant should discuss successful completion of similar or relevant projects. Additionally, the application should note the staff who will be involved in the project, their qualifications, and how the applicant will ensure they will have enough time to devote to the project.

d. Technical, Legal, and Financial Capacity

Applicant must demonstrate the financial and organizational capacity and managerial experience to successfully oversee and implement this project. FTA may review relevant oversight assessments and records to determine whether there are any outstanding legal, technical, or financial issues with the applicant that would affect the outcome of the proposed project. Applicants with outstanding legal, technical, or financial compliance issues from an FTA compliance review or Federal Transit Administration grant-related Single Audit finding must explain how corrective actions will mitigate negative impacts on the proposed project.

For applications that include named project partners, FTA will also consider the technical, legal, and financial capacity of the proposed partners.

2. Review and Selection Process

A technical evaluation committee will evaluate applications based on the evaluation criteria. Members of the technical evaluation committee may request additional information from applicants, if necessary. Based on the review of the technical evaluation committee, the FTA Administrator will determine the final selection for program funding.

After applying the evaluation criteria, in support of the President's January 20, 2021, Executive Order 13900 on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, the selecting official will consider applications that may provide other air quality benefits as part of the application review. Applicants should identify any nonattainment or maintenance areas under the Clean Air Act in the proposed service area. Nonattainment or maintenance areas should be limited to the following applicable National Ambient Air Quality Standards criteria pollutants: carbon monoxide, ozone, and particulate matter 2.5 and 10. The U.S. Environmental Protection Agency's Green Book (available at *https://www.epa.gov/green-book*) is a publicly available resource for nonattainment and maintenance area data. This consideration will further the goals of the Executive Order, including the goal to prioritize environment justice (EJ), and historically disadvantaged communities.

In support of Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, FTA will give priority consideration to applications that create significant community benefits relating to the environment, including those projects that address greenhouse gas emissions and climate change impacts. FTA encourages applicants to demonstrate whether they have considered climate change and environmental justice in terms of the transportation planning process or anticipated design components with outcomes that address climate change (*e.g.,* resilience or adaptation measures). The application should describe what specific climate change or environmental justice activities have been incorporated, including whether a project supports a Climate Action Plan, whether an equitable development plan has been prepared, and whether tools such as EPA's EJSCREEN have been applied in project planning. The application should also describe specific and direct ways the project will mitigate or reduce climate change impacts including any components that reduce emissions, promote energy efficiency, incorporate electrification or low emission or zero emission vehicle infrastructure, increase resiliency, or recycle or redevelop existing infrastructure.

In addition, FTA will consider benefits to EJ communities when reviewing applications received under this program. Applicants should identify any EJ populations located within the proposed service area and describe anticipated benefits to that population(s) should the applicant receive a grant under this program. A formal EJ analysis that is typically included in transportation planning or environmental reviews is not requested. Among the factors, in determining the allocation of program funds FTA may consider geographic diversity, diversity in the size of the grantees receiving funding, or the applicant's receipt of other competitive awards. Respectively, FTA will evaluate the proposals to determine the extent that the proposed project will address affordable housing needs, provide equitable housing choices for environmental justice populations, and avoid displacement of low-income households.

In support of Executive Order 14008, and consistent with OMB's Interim Guidance for the Justice40 Initiative, Historically Disadvantaged Communities include (a) certain qualifying census tracts, (b) any Tribal land, or (c) any territory or possession of the United States. DOT is providing a mapping tool to assist applicants in identifying whether a project is located in a Historically Disadvantaged Community: (*https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a*). Use of this map tool is optional; applicants may provide an image of the map tool outputs, or alternatively, consistent with OMB's Interim Guidance, applicants can supply quantitative, demographic data of their ridership demonstrating the percentage of their ridership that meets the criteria described in Executive Order 14008 for disadvantage. Examples of Disadvantaged Communities that an applicant could address using geographic or demographic information include low income, high and/or persistent poverty, high unemployment and underemployment, racial and ethnic residential segregation, linguistic isolation, or high housing cost burden and substandard housing. Additionally, in support of the Justice40 Initiative, the applicant also should provide evidence of strategies that the applicant has used in the planning process to seek out and

consider the needs of those traditionally disadvantaged and underserved by existing transportation systems. For technical assistance using the mapping tool, please contact *GMO@dot.gov.*

3. Integrity and Performance Review

Prior to making an award, FTA is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS), accessible through SAM. An applicant may review and comment on any information about itself that a Federal awarding agency previously entered. FTA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's and proposed partners' integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in the Office of Management and Budget's Uniform Requirements for Federal Awards (2 CFR 200.206).

F. Federal Award Administration Information

1. Federal Award Notices

FTA will announce the final project selections on the FTA website. Due to funding limitations, applicants that are selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate that the proposed projects are still viable and can be completed with the amount awarded.

2. Administrative and National Policy Requirements

a. Pre-Award Authority

At the time the project selections are announced, FTA may extend pre-award authority for the selected projects. There is no blanket pre-award authority for these projects before announcement. FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. FTA does not provide pre-award authority for competitive funds until projects are selected, and even then, there are Federal requirements that must be met before costs are incurred. For more information about FTA's policy on pre-award authority, please see the most recent Apportionments, Allocations and Program Information Notice at *https://www.transit.dot.gov/regulations/federal-register-documents/2022-09143.*

Pre-award authority is subject to FTA approval and is only available for costs incurred after the announcement of project selections on FTA's website. A request for pre-award authority must be submitted to FTA and approved in writing in advance of any costs being incurred.

b. Cooperative Agreement Requirements

If selected, awardees will apply for a cooperative agreement through TrAMS and adhere to the customary FTA grant requirements of 49 U.S.C. 5312, Public Transportation Innovation, including those of FTA Circular 6100.1E. Successful applicants must be prepared to submit a complete statement of work and application in TrAMS within 45 days of notification of award, and should include any goals, targets, and indicators in the TrAMS application Executive Summary. Technical assistance regarding these requirements will be available from the appointed FTA project manager who will be identified upon project selection.

c. Safety Requirements

Applicants must comply with applicable safety requirements, including those administered by the National Highway Traffic Safety Administration (NHTSA) and Federal Motor Carrier Safety Administration (FMCSA). Specifically, the proposed project must comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carrier Safety Regulations (FMCSR). If the vehicles do not comply, the application should either (1) show that the vehicles and their proposed operations are within the scope of an exemption or waiver that has already been granted by NHTSA, FMCSA, or both agencies, or (2) directly address whether the project will require exemptions or waivers from the FMVSS, FMCSR, or any other regulation and, if the project will require exemptions or waivers, present a plan for obtaining them.

d. Made in America

All capital procurements must meet FTA's Buy America requirements (49 U.S.C. 5323(j) and 49 CFR part 661) and the Build America, Buy America Act's domestic preference requirements for infrastructure projects (§§ 70901–70927 of the Infrastructure Investment and Jobs Act, Pub. L. 117–58), which together require that all iron, steel, manufactured goods, and construction materials be produced in the United States, and set minimum domestic content and final assembly requirements for rolling stock. The U.S. Department of Transportation issued a temporary public interest waiver for construction materials for a period of 180 days beginning on May 14, 2022 and expiring on November 10, 2022.

Any proposal that will require a waiver of any domestic preference standard must identify the items for which a waiver will be sought in the application. Applicants should not proceed with the expectation that waivers will be granted.

e. Disadvantaged Business Enterprises

Recipients receiving planning, capital, or operating assistance that will award prime contracts exceeding $250,000 in FTA funds in a Federal fiscal year must comply with the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) program regulations (49 CFR part 26). Applicants should expect to include any funds awarded, excluding those to be used for vehicle procurements, in setting their overall DBE goal.

f. Standard Assurances

If an applicant receives an award, the applicant must assure that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA award. The applicant acknowledges that it will be under a continuing obligation to comply with the terms and conditions of the agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The most recent Federal requirements will apply to the project unless FTA issues a written determination otherwise. The applicant must submit the most recent FTA Certifications and Assurances before receiving an award if it does not have current certifications on file.

g. External Communications

Recipients must communicate with their FTA project manager prior to engaging in any external communications regarding their project. This includes any work developing news or magazine stories with media organizations, including print, video, online, or otherwise. Additionally, the FTA project manager must be notified if project information, including results and metrics, will be shared during a webinar or other presentation open to the public produced either by the recipient itself or another organization. Recipients should consult with their FTA project manager at the beginning of their agreement to discuss and plan any

external communications about their project.

h. Data Access and Data Sharing

FTA seeks to improve public transportation for America's communities by sharing digital data or source code collected or developed through its research with the public. This allows research organizations, transit agencies, and other stakeholders to learn from and expand upon the insights developed from FTA-funded research. An award made pursuant to this NOFO will be subject to the latest version of FTA's Master Agreement (available at *https://www.transit.dot.gov/funding/grantee-resources/sample-fta-agreements/fta-grant-agreements*), including Section 17 Patent Rights and Section 18 Rights in Data and Copyrights.

All work conducted under this award must follow the Department data policies outlined in the DOT Public Access Plan at: *https://ntl.bts.gov/public-access/how-comply,* including the development and approval of a Data Management Plan (DMP). Recipients are required to include these obligations in any sub-awards or other related funding agreements.

A DMP is a document that describes how recipients plan to handle digital datasets, software, or code generated over the course of a research project pursuant to Federal and Departmental requirements. A DMP must be provided as a condition of receiving FTA funds under the Section 5312 Research Program and should adequately identify: (1) the data to be collected, (2) how the data will further the goals of this effort, (3) how the data will be made accessible, and (4) how the data will be stored. DMPs can be updated over time if the scope of the project or the type of data that will be collected changes. FTA staff is available to assist recipients with complying with public data access requirements.

FTA expects recipients to remove confidential business information (CBI) and Personally Identifiable Information (PII) before providing public access to project data. Recipients must ensure the appropriate data are accessible to FTA or the public for a minimum of five years after the award period of performance expires.

Recipients must make available to the Department copies of all work developed in performance of a project funded under this announcement, including but not limited to software and data. Data rights shall be in accordance with *2 CFR 200.315,* Intangible property.

i. Independent Evaluation

Projects funded under this announcement will be subject to evaluation by an independent evaluator selected by FTA. Recipients will be required to coordinate with the independent evaluator to assist in developing an evaluation plan and collecting, storing and managing data required to fulfill that evaluation plan.

j. Software Provisions

Any standards, guidance, tools or software developed as a part of this solicitation will be subject to provisions of FTA's Master Agreement and evaluated for the potential to be shared for use by public transportation agencies.

3. Reporting

Post-award reporting requirements include the electronic submission of Federal Financial Reports and Milestone Progress Reports in TrAMS. Documentation is required for payment. Additional progress reporting to the FTA project manager may be required. The recipient may be expected to participate in events or peer networks related to the goals and objectives of the program.

The Federal Financial Accountability and Transparency Act (FFATA) requires data entry at the FFATA Sub Award Reporting System (*http://www.FSRS.gov*) for all sub-awards and sub-contracts issued for $30,000 or more, as well as addressing executive compensation for both award recipients and sub-award organizations.

As part of completing the annual certifications and assurances required of FTA grant recipients, a successful applicant must report on the suspension or debarment status of itself and its principals.

If the award recipient's active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of an award made pursuant to this Notice, the recipient must comply with the Recipient Integrity and Performance Matters reporting requirements described in Appendix XII to 2 CFR part 200.

Note that vehicle demonstration projects are not considered *regular and continuing,* and so data on ridership and vehicle operations for demonstration projects are not reported to the National Transit Database (NTD). The cost of the project may be reportable as a reconciling item by full reporters. Recipients should consult their NTD Validation Analyst on proper reporting of demonstration projects.

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact Steve Mortensen in the FTA Office of Research, Demonstration and Innovation, by phone at 202–493–0459, or by email at *transitautomation@dot.gov.* A TDD is available for individuals who are deaf or hard of hearing at 800–877–8339. In addition, FTA will post answers to questions and requests for clarifications on FTA's website at *https://www.transit.dot.gov/grant-programs/advanced-driver-assistance-systems-adas-transit-buses-demonstration-and-automated.* To ensure applicants receive accurate information about eligibility, applicants are encouraged to contact FTA directly, rather than through intermediaries or third parties, with questions. FTA staff may also conduct briefings on the competitive grants selection and award process upon request.

For issues with *GRANTS.GOV,* please contact *GRANTS.GOV* by phone at 1–800–518–4726 or by email at *support@grants.gov.*

H. Other Information

This program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Nuria I. Fernandez,

Administrator.

[FR Doc. 2022–20511 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2022–0194]

Request for Comments on the Renewal of a Previously Approved Information Collection: Requirements for Establishing U.S. Citizenship

AGENCY: Maritime Administration, DOT.

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 24, 2022.

ADDRESSES: You may submit comments identified by Docket No. DOT–MARAD–2022–0194 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: 2750.

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. 2022–20536 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2022–0193]

Request for Comments on the Renewal of a Previously Approved Information Collection: Effective U.S. Control (EUSC)/Parent Company

AGENCY: Maritime Administration, DOT.

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 aid in identifying oceangoing vessels that may be both useful and available to the Department of Defense for deploying U.S. military equipment (such as tanks and other tracked and wheeled vehicles) and the full range of supplies (including petroleum products and fuel) necessary to sustain a force in a foreign theater of operations. 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 24, 2022.

ADDRESSES: You may submit comments identified by Docket No. DOT–MARAD–2022–0193 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) 366–2145, *Douglas.McDonald@dot.gov*

SUPPLEMENTARY INFORMATION:

Title: Effective U.S. Control (EUSC)/ Parent Company.

OMB Control Number: 2133–0511.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: The Effective U.S. Control (EUSC)/Parent Company collection consists of an inventory of foreign-registered vessels owned by U.S. citizens. Specially, the collection consists of responses from vessel owners verifying or correcting vessel ownership data and characteristics found in commercial publications. The information obtained could be vital in a national or international emergency and is essential to the logistical support planning operations conducted by Maritime Administration officials.

Respondents: U.S. citizens who own foreign-registered vessels.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 60.

Estimated Number of Responses: 60.

Estimated Hours per Response: 1.

Annual Estimated Total Annual Burden Hours: 60.

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. 2022–20535 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0070]

National Emergency Medical Services Advisory Council; Solicitation of Applications

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Solicitation of nominations for appointment to the National Emergency Medical Services Advisory Council (NEMSAC).

SUMMARY: NHTSA is soliciting applications for appointment/reappointment to the DOT's NEMSAC. The purpose of NEMSAC is to serve as a nationally recognized council of Emergency Medical Services (EMS) representatives and consumers to provide advice and recommendations regarding EMS to DOT. Through NHTSA, NEMSAC's advice is provided to the Federal Interagency Committee on EMS (FICEMS).

DATES: Applications for membership must be received by NHTSA on or before 5 p.m. EST, November 10, 2022.

ADDRESSES: If you wish to apply for membership, your application should be submitted to:

- *Email: NEMSAC@dot.gov*
- *Mail: Use only overnight mail such as UPS or FedEx to:* U.S. Department of Transportation, National Highway Traffic Safety Administration, Office of Emergency Medical Services, Attn: NEMSAC c/o Clary Mole, 1200 New Jersey Avenue SE, NPD 400, W44–321, Washington, DC 20590

Additional information on NEMSAC, including the current roster, charter, and previous meeting minutes can be found at: *https://www.ems.gov/nemsac.html.*

FOR FURTHER INFORMATION CONTACT: Clary Mole, EMS Specialist, National Highway Traffic Safety Administration, U.S. Department of Transportation, *Clary.Mole@dot.gov* or 202–868–3275. Any committee related questions should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

Background: NEMSAC is an advisory council established by DOT in accordance with the provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App.) and DOT Order 1120.3C. NEMSAC provides information, advice, and recommendations to the Secretary via the Administrator of NHTSA, and through NHTSA to FICEMS on matters relating to all aspects of development and implementation of EMS.

Description of Duties: NEMSAC is authorized to:

a. Perform EMS needs assessments and gap analyses to discover issues with national significance, consider findings to develop statements regarding EMS issues, formulate positions on these issues, and make recommendations on such issues for the Secretary of Transportation and/or FICEMS through the NHTSA Office of EMS. NEMSAC provides recommendations or advice relating to EMS on topics such as:

- Expanded use of the National EMS Information System (NEMSIS)—the database used to store EMS data from the U.S. states and territories.
- Use of NEMSIS for applied research and development of standards, guidelines, and performance benchmarks that are evidence-based.
- Development of federal programs that will both improve coordination among federal agencies supporting local, regional, state, tribal and territorial EMS and 911 systems and improve the delivery of EMS throughout the nation.
- National EMS system quality improvement projects and programs that will strengthen the resiliency of EMS systems into one that is inherently more adaptable, innovative, equitable, integrated, prepared, sustainable, and safe.
- Enhancements that promote the strengthen and increase medical and operational education, professional development; safety, diversity, recruitment, retention, use of technology, healthcare system data linkages, etc.

b. Respond to requests for consultation on EMS issues from the Secretary of Transportation and/or from FICEMS through the NHTSA Office of EMS.

c. Prepare an annual report to be sent to the Secretary of Transportation, the Secretary of Health and Human Services, and Secretary of Homeland Security, and to FICEMS, which summarizes NEMSAC's actions and recommendations.

Membership: In accordance with the NEMSAC charter, members should represent a cross-section of the diverse agencies, organizations, and individuals involved in EMS activities and programs in the United States. NEMSAC consists of 25 members, each of whom shall be appointed by the Secretary of Transportation, in coordination with the U.S. Departments of Homeland Security and Health and Human Services through their respective representatives on FICEMS. The NEMSAC members shall collectively be representative of all sectors of the EMS community. The NEMSAC's broad-based membership will ensure that it has sufficient EMS system expertise and geographic and demographic diversity to accurately reflect the whole EMS community. Representatives will be selected on the basis of materials submitted and in a manner that ensured equal opportunity for all people and avoided

discrimination on the basis of race, color, religion, sex, gender identity, sexual orientation, national origin, disability or age. Moreover, selection will be undertaken in a manner that encourages participation by members of underrepresented and underserved communities in accordance with Presidential Executive Order 13985. To the extent practical, the final NEMSAC membership shall ensure representation from the following sectors of the EMS community:

- Volunteer EMS
- Fire-based (career) EMS
- Private (career non-fire) EMS
- Hospital-based EMS
- Tribal EMS
- Air Medical EMS
- Local EMS service directors/ administrators
- EMS Medical Directors
- Emergency Physicians
- Trauma Surgeons
- Pediatric Emergency Physicians
- State EMS Directors
- State Highway Safety Directors
- EMS Educators
- Public Safety Call-taker/Dispatcher (911)
- EMS Data Managers
- EMS Quality Improvement
- EMS Researchers
- Emergency Nurses
- Hospital Administration
- Public Health
- Emergency Management
- EMS Practitioners
- Consumers (not directly affiliated with an EMS or healthcare organization)
- State or local legislative bodies (*e.g.,* city/county councils; state legislatures)

Members serve in a ''representative'' capacity on NEMSAC and not as Special Government Employees. The Secretary of Transportation shall appoint each member for up to a 2-year term and members may be reappointed but may not serve more than two consecutive terms unless the Secretary determines that additional terms are permitted to ensure representation of all sectors of EMS. NEMSAC members will not receive pay or other compensation from NHTSA for their NEMSAC service, but are entitled to reimbursement of their travel expenses, including per diem. The NEMSAC meets in plenary session approximately three to four times per year.

Qualifications: Members will be selected for their ability to reflect a balanced representation of interests from across the EMS community, but no member will represent a specific organization.

Vacancies: NEMSAC is seeking to fill the following EMS sector representative vacancies:

- Volunteer EMS
- Air Medical EMS
- EMS Medical Directors
- Emergency Physicians
- Pediatric Emergency Physicians
- State EMS Directors
- State Highway Safety Directors
- EMS Educators
- Public Safety Call-taker/Dispatcher (911)
- EMS Quality Improvement
- Emergency Nurses
- Emergency Management

Materials to Submit: Qualified individuals interested in serving on the NEMSAC are invited to apply for appointment by submitting the following materials to one of the locations listed in the **ADDRESSES** section by the deadline listed in the **DATES** section:

- Resume or Curriculum Vitae (CV) containing the applicants full name, title, home address, phone number, email address.

- At least two (2) but no more than four (4) letters of recommendation from a company, association, organization, or individual on letterhead containing a brief description of why the applicant should be considered for appointment.

- A letter of interest which identifies the EMS sector the applicant seeks to represent and contains an attestation statement indicating that the applicant is not a registered federal lobbyist and an understanding that as a government representative the applicant may not concurrently serve as registered federal lobbyists.

Each applicant must submit the required materials to the person listed in the **FOR FURTHER INFORMATION CONTACT** section by the deadline. Nominees for appointment will be selected on the basis of materials submitted and in a manner that ensures equal opportunity for all people and avoids discrimination on the basis of race, color, religion, sex, gender identity, sexual orientation, national origin, disability or age; however, selection will be undertaken in a manner that encourages participation by members of underrepresented and underserved communities in accordance with Presidential Executive Order 13985.

(Authority: 42 U.S.C. 300d–4(b); 49 CFR 1.95(i)(4))

Issued in Washington, DC.

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

[FR Doc. 2022–20534 Filed 9–21–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans and Community Oversight and Engagement Board, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Veterans and Community Oversight and Engagement Board (Board) will meet on October 19–20, 2022, at VA Greater Los Angeles Healthcare System (VAGLAHS), 11301 Wilshire Boulevard, Building 500, Room 1281, Los Angeles, CA. The meeting sessions will begin and end as follows:

Date(s)	Time(s)
October 19, 2022.	8:30 a.m. to 5:00 p.m.—Pacific Daylight Time (PDT).
October 20, 2022.	8:30 a.m. to 5:00 p.m.—PDT.

The meetings are open to the public and will be recorded.

The Board was established by the West Los Angeles Leasing Act of 2016 on September 29, 2016. The purpose of the Board is to provide advice and make recommendations to the Secretary of Veterans Affairs on identifying the goals of the community and Veteran partnership; improving services and outcomes for Veterans, members of the Armed Forces, and the families of such Veterans and members; and on the implementation of the Draft Master Plan approved by VA Secretary on January 28, 2016, and on the creation and implementation of any successor master plans.

On Wednesday, October 19, 2022, the Board will meet in open session with key staff of the VAGLAHS at the 11301 Wilshire Boulevard, Building 500, Room 1281, Los Angeles, CA. The agenda will include opening remarks from the Board Chair, Executive Sponsor, and other VA officials. There will be a general update from the Director of the VAGLAHS. The Board will receive a comprehensive demonstration of the new Homelessness Tracking Dashboard presented by the Community Engagement and Reintegration Services (CERS) team from (VAGLAHS). Followed by a detailed discussion of a Coordinated Entry System to facilitate CERS long and short-term tenant selection plan for

future housing. GLA will present a comprehensive briefing on the status of the lease revenue followed by an overview of a long term and immediate needs assessment strategy for projected housing occupants.

On Thursday, October 20, 2022, the Board will reconvene in open session and receive comprehensive presentations from the current West Los Angeles, Enhanced Use Lease Project developers (Veterans Collective, Shangri-La, and Walsh Group and Core Companies). Each developer will provide an overview and status of ongoing construction to include projected completion date, proposed move in plan, current selected service provider, and details of the service plans. The Board's subcommittees on Outreach and Community Engagement with Services and Outcomes, and Master Plan with Services and Outcomes will provide an out brief to the full Board and update on draft recommendations to be considered for forwarding to the Secretary of Veterans Affairs.

Members of the public who have confirmed registrations to provide public comment will be allowed to attend in person and granted access via designated entry control point. All other members of the public can attend the meeting via WEBEX by joining from the meeting link below. The link will be active from 8:00 a.m.–5:45 p.m. PDT daily, October 19–20, 2022.

Meeting Link: https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=mdecdb191531e94056fac598ca9f18274.

Meeting Number: (access Code) 2760 070 7842.

Tap to join from a mobile device, 14043971596..27600707842.

Join by video system or application: Dial *27600707842@veteransaffairs.webex.com.* You can also dial 207.182.190.20 and enter your meeting number.

Join by phone: 14043971596 USA Toll Number Access code: 2760 070 7842; Global call-in numbers | Toll-free calling in restrictions.

Time will be allocated for receiving public comments on October 19, at 12:50 p.m. PDT. Individuals wishing to make public comments should contact Chihung Szeto at (562) 708–9959 or at *Chihung.Szeto@va.gov* and are requested to submit a 1–2-page summary of their comments for inclusion in the official meeting record. Only those members of the public (first 12 public comment registrants) who have confirmed registrations to provide public comment will be allowed to attend the Board meeting in person and granted access via designated entry control point. In the interest of time, each speaker will be held to 5-minute time limit. The Board will accept written comments from interested parties on issues outlined in the meeting agenda, from October 17 through October 24, 2022.

Any member of the public seeking additional information should contact Mr. Eugene W. Skinner Jr. at (202) 631–7645 or at *Eugene.Skinner@va.gov.*

Dated: September 19, 2022.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2022–20551 Filed 9–21–22; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of Homeland Security

Coast Guard

46 CFR Parts 30 and 150

2022 Liquid Chemical Categorization Updates; Proposed Rule

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 30 and 150

[Docket No. USCG–2022–0327]

RIN 1625–AC73

2022 Liquid Chemical Categorization Updates

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to align the Liquid Chemical Categorization tables with the 2020 Edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk and the International Maritime Organization's Marine Environment Protection Committee's Circular 25. The updated tables would provide a list of the liquid hazardous materials and liquefied and compressed gases approved for international and domestic maritime transportation, and indicate how each substance is categorized by its pollution potential, safe carriage requirements, chemical flammability, combustibility, and compatibility with other substances. This proposed rule would impose no additional costs to chemical shippers or vessel owners.

DATES: Comments and related material must be received by the Coast Guard on or before December 21, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0327 using the Federal eRulemaking 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: For information about this document call or email Dr. Raghunath Halder, U.S. Coast Guard Hazardous Materials Division (CG–ENG–5); telephone 202–372–1422, email *Raghunath.Halder@uscg.mil,* or Lieutenant Commander Daniel Velez, CG–ENG–5; telephone 202–372–1419, email *Daniel.Velez@uscg.mil.*

SUPPLEMENTARY INFORMATION:

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I. Public Participation and Request for Comments

The Coast Guard views 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–2022–0327 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. This web page also explains how to subscribe for email alerts that will notify you when comments are posted or if a final rule is published. 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).

We do not plan to hold a public meeting but we will consider doing so if we determine from public comments that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

II. Abbreviations

CAS RN CAS Registry Number
CFR Code of Federal Regulations
CG–ENG–5 U.S. Coast Guard Hazardous Materials Division
DHS Department of Homeland Security
FR Federal Register
IBC Code International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk
LCC Liquid Chemical Categorization
IMO International Maritime Organization
MEPC International Maritime Organization's Marine Environment Protection Committee
MEPC.2/Circ.25 MEPC Resolution number 2, Circular 25, dated December 1, 2019
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
§ Section
U.S.C. United States Code

III. Basis and Purpose

The Coast Guard is tasked by Congress with promulgating regulations to improve the shipping practices in the United States. In order to improve the safety in the shipping and handling of hazardous liquid chemicals, since 1983 the Coast Guard has published tables and lists of chemicals that are safe to ship together, and others that are incompatible for co-storage or shipping.

The legal basis of this rulemaking is title 46 of the United States Code (U.S.C.), Section 3703, which requires the Secretary of the department in which the Coast Guard is operating to prescribe regulations relating to the operation of vessels that carry liquid bulk dangerous cargoes, and to the types and grades of cargo those vessels carry. Additional regulatory authority is provided by 33 U.S.C. 1903 (Administration and enforcement, regulations to implement the International Convention for the Prevention of Pollution from Ships, 1973, or ''MARPOL''), 46 U.S.C. 2103 (Superintendence of the merchant marine, general merchant marine regulatory authority), and 46 U.S.C. 3306 (Regulations, regulations for the safety of individuals and property on inspected vessels). The Secretary's authority under these statutes is delegated to the Coast Guard in the Department of Homeland Security (DHS) Delegation 00170.1, Revision No. 01.2, paragraphs (II)(92)(a) and 92(b).

The purpose of this rulemaking is to provide additions and updates to those regulatory tables that list liquid hazardous materials, liquefied gases, and compressed gases that have been approved for maritime transportation in bulk, and to indicate how each cargo is categorized by its pollution risk and safe carriage requirements.

IV. Background

Each December, the International Maritime Organization's (IMO) Marine Environment Protection Committee (MEPC) releases an annual circular that lists cargoes for which it has completed a multi-year review. A cargo is listed in the circular if a tripartite agreement approves it for international bulk maritime transportation and the MEPC validates the approval. The International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) is periodically revised by parties to the IBC Code to include the cargoes listed in the MEPC annual circulars as of the last edition of the Code.

The Coast Guard, as the administrator of regulations that control liquid chemical shipping practices, has endeavored to update these regulations in order to keep the CFR aligned with international standards. The last time the Coast Guard updated these regulations was in an April 17, 2020 final rule entitled 2013 Liquid Chemical Categorization Updates (85 FR 21660).[1] This proposed rulemaking is the next in a planned series of rulemakings that will periodically update the Code of Federal Regulations (CFR) to align with the latest updates of the IBC Code. The Coast Guard is proposing to align the Liquid Chemical Categorization tables with the 2020 Edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk and the International Maritime Organization's Marine Environment Protection Committee's Circular 25, dated December 1, 2019 and entered into force January 1, 2021.

V. Discussion of Proposed Rule

Coast Guard regulations in 46 CFR subchapters D (Tank vessels, parts 30 through 40) and O (Certain bulk dangerous cargoes, parts 150 through 155) contain requirements for ensuring the safe maritime carriage (transportation) of certain bulk liquid cargoes. Tables in subchapters D and O list the cargoes that have been approved for maritime carriage. The tables also categorize each cargo's pollution-hazard risk and safe carriage requirements. The categories are developed in the course of the Coast Guard's and the IMO's assessment and review processes, which are described in the following paragraphs. This information is of value to vessel owners and operators, and to shippers of the cargoes involved.

The proposed rule would update these tables to include new chemicals that have been developed by industry and assessed by the IMO between January 1, 2014 and January 1, 2021. In addition, the proposed rule would bring 46 CFR subchapters D and O into closer conformity with the IBC Code.

Agencies responsible for administering international treaties must agree on the new cargo's assessment before the cargo can be approved for transportation. This is done by a ''tripartite agreement'' entered into by the administrations of the exporting country, the importing country, and the country in which the ship that will carry the cargo is registered. The tripartite agreement categorizes the cargo's pollution-hazard risk, flammability, and combustibility in accordance with the IBC Code. A copy of the tripartite agreement is forwarded to the MEPC and to the administration of every country that is signatory to the IBC Code.

The Coast Guard is unique among IBC Code-signatory administrations because, in addition to the categorizations contained in the tripartite agreement, it also assigns each cargo to a ''compatibility group.'' This grouping guides IBC signatories and shippers in determining which cargoes cannot safely be shipped with other cargoes in adjacent tanks, without special precautions. The compatibility groupings are informed by chemical analyses and test data submitted by manufacturers.

Upon receipt of a tripartite agreement, the MEPC conducts its own multi-year review and assessment of the information contained in the tripartite agreement, and, following that review, either validates or modifies the agreement's information. Our tables also reflect any modifications resulting from this IMO assessment.

Each December, the MEPC releases a circular listing each new cargo for which it has completed its review of the cargo's tripartite agreement. The circular lists the countries that have approved international maritime transportation of each new cargo, and provides information about each cargo's pollution-hazard risk and flammability and combustibility. Thus, if a tripartite agreement has approved a cargo for international bulk maritime transportation and the MEPC validates or modifies that information, eventually it will be listed in the MEPC circular. Periodically, the IBC Code is revised to incorporate the cargoes listed in the MEPC's annual circulars since the last edition of the IBC Code.

This proposed rule is designed to bring the following tables in 46 CFR into conformity with the 2020 Edition of the IBC Code and IMO Resolutions MSC.460(101) and MEPC.318(74) issued on June 14 and May 17, 2019, respectively:

- Table 30.25–1, List of Flammable and Combustible Bulk Liquid Cargoes;
- Table 1 to part 150, Alphabetical List of Cargoes, in subchapter O;
- Table 2 to part 150, Grouping of Cargoes, in subchapter O; and
- Appendix I to part 150, Exceptions to the Chart, in subchapter O.

Table 30.25–1 lists flammable or combustible cargoes that, when transported in bulk, must be certificated under subchapter D regulations. We propose to add chemicals contained in Table 1 to part 150 that are flammable or combustible.

Table 1 to part 150 is a comprehensive table that includes all the cargoes that are subject to the regulations in subchapter D. It lists these cargoes alphabetically and lists the chemical compatibility group number assigned to each cargo. We propose to include cargoes that have been approved for shipping by the IBC Code and MEPC Resolution number 2, Circular 25, dated December 1, 2019 (MEPC.2/Circ.25).

Table 2 to part 150 contains the proper shipping names of all the cargoes listed in Table 1, sorted by chemical compatibility group numbers instead of listed alphabetically. We propose to align Table 2 with Table 1 to part 150 and include cargoes that have been approved for shipping by the IBC Code and MEPC.2/Circ.25.

Appendix I to part 150 contains cargoes listed in Tables 1 and 2 to part 150 that have positive chemical compatibility exceptions. To illustrate, consider the following: cargoes in group X and cargoes in group Y are generally incompatible for co-shipping. However, there is one cargo in group X and one cargo in group Y that, for whatever reason, can be shipped together safely. This is an example of a positive chemical compatibility exception, and it would be listed in Appendix I so that

[1] The Coast Guard corrected minor typographical errors in a correcting amendments document effective May 18, 2020 and entitled 2013 Liquid Chemical Categorization Updates; Correction (85 FR 27308). The Coast Guard corrected additional minor errors in a correcting amendments document effective August 5, 2021 and entitled 2013 Liquid Chemical Categorization Updates (86 FR 42738).

stakeholders can maximize the efficiency of their shipping practices. We propose to update Appendix I to include cargoes from Tables 1 and 2 that have such positive exceptions.

To further illustrate how the chemical categorization tables work together: Appendix II to part 150 contains cargoes listed in Tables 1 and 2 that have negative chemical compatibility exceptions. Even if cargoes from hypothetical group X and group Y are generally compatible for co-shipping, there may be a particular chemical in group X that, when stored with a particular chemical from group Y, can react dangerously. This is an example of a negative chemical compatibility exception, and would be listed in Appendix II so that stakeholders can be sure to ship such cargoes safely. We propose no new changes to Appendix II to part 150.

In addition to the introduction of new chemicals into these tables, the Coast Guard proposes adding a new column to Table 1 of part 150 that will contain a CAS Registry Number. CAS, a division of the non-profit American Chemical Society, designed the CAS Registry to prevent the frustration, delays, and safety concerns that can come with a convoluted system of identifying chemicals. A CAS Registry Number (RN) is a unique and unambiguous identifier for a specific substance that allows clear communication and links together all available data and research about that substance. Government agencies rely on CAS RNs for substance identification in regulatory applications because they are unique, easily validated, and internationally recognized. The addition of CAS RNs would make it easier to use the information, leading to safer shipping practices.

The proposed rule will also revise the authority citation to 46 CFR part 150 so that it will no longer cite to 44 U.S.C. 3507. This was done because that statute dictates the manner in which the Coast Guard can issue collections of information, rather than delegating authority to edit the CFR.

The Coast Guard considered proposing the removal of the CHRIS codes from the liquid chemical categorization tables. While we decided not to propose such a removal in this proposed rule, the Coast Guard would be interested in any public comments on the utility of CHRIS codes.

VI. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analyses based on these statutes and Executive orders follows.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

The Office of Management and Budget (OMB) has not designated this proposed rule a significant regulatory action under section 3(f) of Executive Order 12866. A regulatory analysis follows.

Summary of Impacts of the Notice of Proposed Rulemaking (NPRM)

In this NPRM, the Coast Guard proposes incorporating information from MEPC.2/Circ.25 into the tables of subchapters D and O to conform the tables to these international standards. In subchapter D, we propose revising table 30.25–1; in subchapter O, we propose revising tables 1 and 2 and Appendix I to part 150. A summary of the impacts from the NPRM follows.

Category	Summary
Applicability	Revise Table 30.25–1 in subchapter D, and Tables 1 and 2 and Appendix I to part 150 in subchapter O to align with the IBC Code and MEPC.2/Circ.25.
Affected Population	All U.S.- and foreign-flagged tank vessels when in U.S. waters.
Costs to Industry	No estimated costs to private industry.
Costs to the Federal Government	No estimated costs to the Federal Government.
Qualitative Benefits	Creates consistency with current international standards by incorporating the changes to the IBC Code. Reduces confusion by clarifying regulatory requirements and makes the updated chemical information easier to use.

Affected Population

This proposed rule updates the Liquid Chemical Categorization (LCC) tables that list the names, pollution risk categorization, safe carriage requirements, chemical flammability, combustibility, and chemical compatibility of each hazardous liquid chemical that has been categorized and approved for maritime transportation in bulk by the IMO and the Coast Guard. In this proposed rule, the Coast Guard is making no new decisions about whether any specific liquid bulk dangerous cargo should be approved for maritime transportation, about how any specific cargo should be categorized, or about carriage requirements that should apply to any specific cargo. The rule would provide updated information about cargoes that are currently approved for maritime transportation in bulk, and the cargo's pollution categorization and minimum transportation safety requirements. The rule would also add a column to Table 1 of part 150 containing the applicable CAS RNs. This proposed rule would apply to the carriage of the cargoes from the tank vessel population described in 46 CFR 30.01–5, 150.110 (with exceptions outlined in 46 U.S.C. 3702), 153.1, and 154.5. All U.S.- and foreign-flagged tank vessels are included, unless exempted by 46 CFR 30.01–5 or 46 CFR 153.1. This proposed rule would also apply to U.S.- and foreign-flagged self-propelled bulk cargo-carrying vessels when in U.S. waters. Foreign tank vessels are exempt from this proposed regulation when on innocent passage through U.S. waters.

Costs

This proposed rule would update the tables to reflect decisions already made under international law regarding which liquid chemical substances are approved for bulk maritime transportation, and how those substances should be categorized with respect to their pollution risk. The Coast Guard already applies these standards when assessing ad hoc domestic carriage requests for bulk liquid chemicals. Vessel owners and shippers would have to comply with these standards to receive Coast Guard approval for carriage. Industry is aware of this procedure, and we believe that shippers already comply with these

standards. Therefore, the Coast Guard does not expect that this proposed rule would change established shipping requirements or current practices among chemical shippers. No additional labor or equipment will be required because of this rule. As a result, we expect that there will be no incremental private sector costs to chemical shippers or vessel owners. Further, we do not anticipate that the proposed rule would impose any costs on the Coast Guard. This proposed rule incorporates the Coast Guard's compatibility categorizations, as well as chemical cargoes and categorizations listed in IMO's 2021 IBC Code amendments and MEPC.2/Circ.25.

Benefits

The proposed rule would provide qualitative benefits by conforming regulatory language to practices currently allowed by the Coast Guard, either through individual letters of approval from the Hazardous Materials Division (CG–ENG–5) or the IBC Code. In updating the LCC tables, the Coast Guard would align the domestic shipping requirements for liquid bulk dangerous cargoes with current international standards. Coast Guard expects this proposed rule to serve the public through greater clarity regarding the regulatory requirements in the LCC tables and through easier use of chemical safety information. This proposed rule would codify existing practices which would decrease confusion as to what are the regulatory requirements in the LCC tables.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. 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.

There are no small shippers engaged in the transport of the LCC chemicals. In addition, the proposed rule does not impose economic costs on the regulated public. The Coast Guard does not expect that small entities would incur any incremental costs; therefore, the Coast Guard finds that there is not a substantial number of small entities nor a significant economic impact.

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. 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 to the docket at the address listed in the **ADDRESSES** section of this preamble. In your comment, explain why you think it qualifies and how and to what degree this proposed rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. 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 in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. 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.

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).

D. Collection of Information

This proposed rule would call for no new or revised collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. This proposed rule simply would update and revise tables that list cargoes that have been approved and categorized for bulk maritime transportation, which does not involve information collection.

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on 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 Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See United States* v. *Locke,* 529 U.S. 89, 120 S.Ct. 1135 (2000). This proposed rule would amend existing regulations for inspected tank vessels carrying certain bulk dangerous cargoes. These cargoes fall within the categories in 46 U.S.C. 3703 and within fields in which the States are foreclosed from regulating. Therefore, because the States may not regulate within these categories, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule would have implications for federalism under Executive Order 13132, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

F. Unfunded Mandates

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 million (adjusted for inflation) or more in any one year. Although this proposed rule would not result in such an expenditure, we do discuss the

effects of this proposed rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, (Civil Justice Reform), to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

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.

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. It is based on international standards that were developed using consensus standards development processes.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Management 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. 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.

This proposed rule would be categorically excluded under paragraphs L54 and L58 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.[2] Paragraph L54 pertains to promulgation of regulations that are editorial or procedural; paragraph L58 pertains to regulations concerning equipment approval and carriage requirements. This proposed rule involves updates to the LCC tables in order to align them with the 2021 IBC Code amendments and MEPC.2/Circ.25. These tables provide a list of liquid hazardous material and liquefied and compressed gases that are approved for international and domestic maritime transportation, and indicate how each substance is categorized by its pollution potential, safe carriage requirements, chemical flammability, combustibility, and compatibility with other substances. All of these changes are consistent with the Coast Guard's maritime safety and stewardship missions. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

[2] *https://www.dhs.gov/sites/default/files/publications/DHS_Instruction%20Manual%20023-01-001-01%20Rev%2001_508%20Admin%20Rev.pdf.*

List of Subjects

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 150

Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 46 CFR parts 30 and 150 as follows:

PART 30—GENERAL PROVISIONS

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

Authority: 46 U.S.C. 2103, 3306, 3703; DHS Delegation 00170.1, Revision No. 01.2, paragraph (II)(92)(a), 92(b).

■ 2. In § 30.25–1, amend Table 30.25–1 as follows:

■ a. After the entry for ''Alcohol (C9-C11) poly(2.5-9) ethoxylate'', add an entry for ''Alcohol (C10-C18) poly (7) ethoxylates'';

■ b. After the entry for ''Alkylbenzene sulfonic (alternately sulphonic) acid (4% or less)'', add, in alphanumeric order, the entries, ''Alkylbenzenes mixtures (containing naphthalene)'' and ''Alkyl/cyclo (C4-C5) alcohols'';

■ c. After the entry for ''*Alkyl phenol sulfide* (alternately *sulphide*) *(C8-C40), see* Alkyl (C8-C40) phenol sulfide (alternately sulphide)'', add, in alphanumeric order, the entries, ''Alkylphenols (C10-C18, C12 rich)'' and ''Alkyl (C10-C15, C12 rich) phenol poly (4-12) ethoxylate'';

■ d. After the entry for ''Cottonseed oil, fatty acid'', add an entry for ''Cresol/Phenol/Xylenol mixture'';

■ e. After the entry for ''Cyclohexane'', add an entry for ''Cyclohexane-1, 2-dicarboxylic acid, diisononyl ester'';

■ f. After the entry for ''Dodecene (all isomers)'', add an entry for ''1-Dodecene'';

■ g. After the entry for ''Dodecyl hydroxypropyl sulfide (alternately sulphide)'', add an entry for ''n-Dodecyl mercaptan'';

■ h. After the entry for ''Ethylene glycol phenyl ether/Diethylene glycol phenyl ether mixture'', add, in alphanumeric order, the entries, ''Ethylene glycol (>75%)/Sodium alkyl carboxylates/borax mixture'' and ''Ethylene glycol (>85%)/Sodium alkyl carboxylates mixture'';

■ i. After the entry for ''Gasoline (Natural gas condensate'', add an entry for ''Glucitol/Glycerol blend

propoxylated (containing less than 10% amines)'';

■ j. Remove the entry for ''Glucitol/glycerol blend propoxylated (containing 10% or more amines)'' and, in its place, add an entry for ''Glucitol/Glycerol blend propoxylated (containing 10% or more amines)'';

■ k. After the entry for ''*Hexaethylene glycol, see* Polyethylene glycol'', add an entry for ''Hexahydro-1,3,5-trimethyl-1,3,5-triazine solution (45% or less)'';

■ l. After the entry for '' Long-chain alkylphenate/Phenol sulfide (alternately sulphide) mixture'', add, in alphanumeric order, the entries, ''Long-chain alkylphenol (C14-C18)'' and ''Long-chain alkylphenol (C18-C30)'';

■ m. After the entry for ''Naphthenic acid '', add an entry for ''Naphthalene crude (molten)'';

■ n. After the entry for ''*Octyl phthalate, see* Dioctyl phthalate'', add, in alphanumeric order, the entries for ''Offshore contaminated bulk liquid P''; and ''Offshore contaminated bulk liquid S'';

■ o. Add an entry for ''Oil, misc.:'', and, in alphanumeric order, add the subentries, ''Used cooking oil'' and ''Used cooking oil (triglycerides, C16-C18 and C18 unsaturated)'';

■ p. After the entry for ''Polyolefin amide alkeneamine polyol'', add an entry for ''Polyolefin amine (C17+)'';

■ q. After the entry for ''Raisin seed oil'', add an entry for ''Rapeseed acid oil'';

■ r. After the entry for ''Rapeseed oil fatty acid methyl esters'', remove the entry for ''Rape seed oil fatty acid methyl esters*'';

■ s. After the entry for ''*Undecylbenzene, see* Alkyl (C9+) benzenes'', add an entry for ''Vegetable acid oils, n.o.s.'' and a subentry for ''Vegetable oil mixtures, containing less than 15% free fatty acid''; and

■ t. Under the entry for ''Waxes'', add, in alphanumeric order, a subentry for ''Hydrocarbon''.

The additions read as follows:

§ 30.25–1 Cargoes carried in vessels certificated under the rules of this subchapter

* * * * *

TABLE 30.25–1—LIST OF FLAMMABLE AND COMBUSTIBLE BULK LIQUID CARGOES

[See NOTES at the end of this table for an explanation of symbols and terms used in this table. See Table 2, 46 CFR part 153, for additional cargoes that may be carried by a tank barge.]

Cargo name	IMO Annex II pollution category
* * * * * * *	
Alcohol (C10-C18) poly (7) ethoxylates	Y
* * * * * * *	
Alkylbenzenes mixtures (containing naphthalene)	X
Alkyl/cyclo (C4-C5) alcohols	Y
* * * * * * *	
Alkylphenols (C10-C18, C12 rich);	Y
Alkyl (C10-C15, C12 rich) phenol poly (4-12)ethoxylate	Y
* * * * * * *	
Cresol/Phenol/Xylenol mixture	Y
* * * * * * *	
Cyclohexane-1,2-dicarboxylic acid, diisononyl ester	Y
* * * * * * *	
1-Dodecene	Y
* * * * * * *	
n-Dodecyl mercaptan	X
* * * * * * *	
Ethylene glycol (>75%)/Sodium alkyl carboxylates/borax mixture	Y
Ethylene glycol (>85%)/Sodium alkyl carboxylates mixture	Z
* * * * * * *	
Glucitol/Glycerol blend propoxylated (containing less than 10% amines)	Y
Glucitol/Glycerol blend propoxylated (containing 10% or more amines)	**Z**
* * * * * * *	
Hexahydro-1,3,5-trimethyl-1,3,5-triazine solution (45% or less)	Y
* * * * * * *	
Long-chain alkylphenol (C14-C18)	Y
Long-chain alkylphenol (C18-C30)	Y
* * * * * * *	
Naphthalene crude (molten)	Y
* * * * * * *	
Offshore contaminated bulk liquid P	X
Offshore contaminated bulk liquid S	X

TABLE 30.25–1—LIST OF FLAMMABLE AND COMBUSTIBLE BULK LIQUID CARGOES—Continued

[See NOTES at the end of this table for an explanation of symbols and terms used in this table. See Table 2, 46 CFR part 153, for additional cargoes that may be carried by a tank barge.]

Cargo name	IMO Annex II pollution category
* * * * * * *	*
Oil, misc.:	
Used cooking oil	X
Used cooking oil (triglycerides, C16-C18 and C18 unsaturated)	Y
* * * * * * *	*
Polyolefin amine (C17+)	Y
* * * * * * *	*
Rapeseed acid oil	#
* * * * * * *	*
Vegetable acid oils, n.o.s.	
Vegetable oil mixtures, containing less than 15% free fatty acid (m)	Y
* * * * * * *	*
Waxes:.	
* * * * * * *	*
Hydrocarbon	Y
* * * * * * *	*

PART 150—COMPATIBILITY OF CARGOES

■ 3. The authority citation for part 150 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3703; DHS Delegation No. 00170.1; Revision No. 01.2, paragraph (II), 92(b).

■ 4. Revise Table 1 to part 150 to read as follows:

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Acetaldehyde	19		75–07–0	AAD.	
Acetic acid	4	2	64–19–7	AAC.	
Acetic anhydride	11	2	108–24–7	ACA.	
Acetochlor	10		34256–82–1	ACG.	
Acetone	18	2	67–64–1	ACT.	
Acetone cyanohydrin	0	1, 2	75–86–5	ACY.	
Acetonitrile	37		75–05–8	ATN.	
Acetonitrile (low purity grade)	37	3	75–05–8	AIL.	
Acetophenone	18		98–86–2	ACP.	
Acid oil mixture from soyabean, corn (maize) and sunflower oil refining, see Oil, misc.: Acid mixture from soyabean, corn (maize), and sunflower oil refining.		3			AOM.
Acrolein	19	2	107–02–8	ARL.	
Acrylamide solution (50% or less)	10	3	79–06–1	AAM	AAO.
Acrylic acid	4	2	79–10–7	ACR.	
Acrylic acid/ethenesulfonic (alternately ethenesulphonic) acid copolymer with phosphonate groups, sodium salt solution.	30	3		APG.	
Acrylonitrile	15	2	107–13–1	ACN.	
Acrylonitrile-Styrene copolymer dispersion in Polyether polyol	20		9003–54–7	ALE.	
Adiponitrile	37		111–69–3	ADN.	
Alachlor technical (90% or more)	33	3	15972–60–8	ALH	ALI.
Alcohol (C12-C13, branched and linear) poly(4-8) propoxy sulfates (alternately sulphates), sodium salt 25–30% solution.	41	3		ABL.	
Alcohol (C9-C11) poly(2.5-9) ethoxylates	20	3	*68439–46–3	AET	ALY/APV/APW.
Alcohol (C10-C18) poly (7) ethoxylates	20		85422–93–1	ALE	ALY/APV/APW.
Alcohol (C6-C17) (secondary) poly(3-6) ethoxylates	20	3	*84133–50–6	AEA	AEB.
Alcohol (C6-C17) (secondary) poly(7-12) ethoxylates	20	3	*84133–50–6	AEB	AEA.
Alcohol (C12-C16) poly(1-6) ethoxylates	20	3	*68551–12–2	AED	AET/ALY/APW.
Alcohol (C12-C16) poly(7-19) ethoxylates	20	3	*68551–12–2	APV	AET/ALY/APV.
Alcohol (C12-C16) poly(20+) ethoxylates	20	3	*68551–12–2	APW	AET/ALY.
Alcohol (C12-C15) poly (. . .) ethoxylate, see Alcohol (C12-C16) poly (. . .) ethoxylate..			*68131–39–2		
Alcohol polyethoxylates	20		*68439–50–9		AEA/AEB/AED/AET/APV/APW.
Alcohol polyethoxylates, secondary	20		*84133–50–6		AEA/AEB.
Alcoholic beverages, n.o.s.	20	3	64–17–5	ABV.	
Alcohols (C12+), primary, linear	20	3	*112–53–8	ASY	ALR/AYK/AYL.
Alcohols (C8-C11), primary, linear, and essentially linear	20		*111–87–5	ALR	AYK/AYL.

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Alcohols (C12-C13), primary, linear, and essentially linear	20	3	*112–53–8	AYK	ALR/ASY/AYL.
Alcohols (C14–C18), primary, linear, and essentially linear	20	3	*112–72–1	AYL	ALR/ASY/AYK.
Alcohols (C13+)	20		*112–70–9	ALY	ASY/AYK.
Including:					
Cetyl alcohol (Hexadecanol)	20		36653–82–4		
Oleyl alcohol (Octadecenol)	20		112–92–5		
Pentadecanol	20		629–76–5		
Tallow alcohol	20		99561–04–3		
Tetradecanol	20		112–72–1		
Tridecanol	20		112–70–9		
Alkanes (C10-C26), linear and branched (flash point >60 °C)	31	3	*124–18–5	ABD.	
Alkanes (C10-C26), linear and branched (flash point ≤60 °C)	31	3	*124–18–5	ABE.	
Alkanes (C6-C9)	31		*110–54–3	ALK.	
Including:					
Heptanes	31		142–82–5		
Hexanes	31		110–54–3		
Nonanes	31		111–84–2		
Octanes	31		111–65–9		
iso- & cyclo-Alkanes (C10-C11)	31		*34464–38–5	AKI.	
iso- & cyclo-Alkanes (C12+)	31		*31807–55–3	AKJ.	
n-Alkanes (C9-C11)	31	3	*111–84–2		
n-Alkanes (C10+) (all isomers)	31		*124–18–5	ALV	ALJ.
Including:					
Decanes	31		124–18–5		
Dodecanes	31		112–40–3		
Heptadecanes	31		629–78–7		
n-Paraffins (C10-C20)	31		*124–18–5	PFN	ALJ.
Tridecanes	31		629–50–5		
Undecanes	31		1120–21–4		
Alkane (C14-C17) sulfonic (alternately *sulphonic*) *acid, sodium salt solutions, see* Sodium alkyl (C14-C17) sulfonates (alternately sulphonates) (60–65% solution).			85711–69–9	AKA	SAA (AKE/SSU).
Alkaryl polyethers (C9-C20)	41			AKP.	
Alkenoic acid, polyhydroxy ester borated	0	1, 3		AAY.	
Alkenyl (C11+) amide	10			AKM.	
Alkenyl (C8+) amine, Alkenyl (C12+) acid ester mixture	34			AAA.	
Alkenyl (C16-C20) succinic anhydride	11		*32072–96–1	AAH.	
Alkyl acrylate-Vinyl pyridine copolymer in Toluene	32			AAP.	
Alkyl amine (C17+)	7		*4200–95–7	AKY.	
Alkylaryl phosphate mixtures (more than 40% Diphenyl tolyl phosphate, less than 0.02% ortho-isomers).	34		78–31–9	ADP.	
Alkylated (C4-C9) hindered phenols	21	3	*98–54–4	AYO.	
Alkyl (C3–C4) benzenes	32		*103–65–1	AKC.	
Including:					
Butylbenzenes	32	3	104–51–8		
Cumene	32		98–82–8		
Propylbenzenes	32		103–65–1		
Alkyl (C5-C8) benzenes	32		*538–68–1	AKD.	
Including:					
Amylbenzenes	32		538–68–1		
Heptylbenzenes	32		2132–85–6		
Hexylbenzenes	32		1077–16–3		
Octylbenzenes	32		2189–60–8		
Alkyl (C9+) benzenes	32		*1081–77–2	AKB.	
Including:					
Decylbenzenes	32		104–72–3		
Dodecylbenzenes	32		29986–57–0		
Nonylbenzenes	32		1081–77–2		
Tetradecylbenzenes	32		1459–10–5		
Tetrapropylbenzenes	32		635–11–0		
Tridecylbenzenes	32		123–02–4		
Undecylbenzenes	32		6742–54–7		
Alkyl benzene distillation bottoms	0	1, 3		ABB.	
Alkylbenzene mixtures (containing at least 50% of Toluene)	32	3	*108–88–3	AZT.	
Alkylbenzenes mixtures (containing naphthalene)	20			ALB	AZT.
Alkylbenzene, Alkylindane, Alkylindene mixture (each C12-C17)	32			AIH.	
Alkyl (C11-C17) benzene sulfonic (alternately sulphonic) acid	0	1, 3	*50854–94–9	ABN	ABS/ABQ.
Alkylbenzene sulfonic (alternately sulphonic) acid (less than 4%)	0	1, 2	*104–15–4	ABQ	ABS/ABN.
Alkylbenzene sulfonic (alternately sulphonic) acid, sodium salt solution	33		*657–84–1	ABT.	
Alkyl/cyclo (C4-C5) alcohols	20			AAL.	
Alkyl (C12+) dimethylamine	7	3	*112–18–5	ADM.	
Alkyl dithiocarbamate (C19-C35)	34	3		ADB.	
Alkyl dithiothiadiazole (C6-C24)	33			ADT.	
Alkyl ester copolymer (C4-C20)	34			AES	AEQ.
Alkyl ester copolymer in mineral oil	34			AEQ	AES.
Alkyl (C7-C9) nitrates	34	2	*20633–12–9	AKN	ONE.
Alkyl (C7-C11) phenol poly(4-12) ethoxylate	40			APN	NPE.
Alkyl (C10-C15, C12 rich) phenol poly (4-12)ethoxylate	40			APX	APN.
Alkyl (C4-C9) phenols	21		*1638–22–8	AYI	BLT/BTP/NNP/OPH.

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Alkylphenols (C10-C18, C12 rich)	21			ALP	AYI/DOL.
Alkyl phenol sulfide (alternately *sulphide*) (*C8-C40*), *see* Alkyl (C8-C40) phenol sulfide (alternately *sulphide*).					AKS.
Alkyl (C8-C40) phenol sulfide (alternately sulphide)	34			AKS.	
Alkyl (C9-C15) phenyl propoxylate	40		*9064–15–7	AXL.	
Alkyl (C8-C9) phenylamine in aromatic solvents	9			ALP.	
n-Alkyl phthalates, see individual phthalates				AYS.	
Alkyl polyglucoside solution, see individual polyglucoside solutions				AGD	AGL/AGM/AGN/AGO/AGP.
Alkyl (C8-C10) polyglucoside solution (65% or less)	43	3	*29836–26–8	AGL	AGD/AGM/AGN/AGO/AGP.
Alkyl (C8-C10)/(C12-C14):(40% or less/60% or more) polyglucoside solution (55% or less).	43	3	*29836–26–8	AGN	AGD/AGL AGM/AGO/AGP.
Alkyl (C8-C10)/(C12-C14):(50%/50%) polyglucoside solution (55% or less)	43	3	*29836–26–8	AGO	AGD/AGL/AGN/AGP.
Alkyl (C8-C10)/(C12-C14):(60% or more/40% or less) polyglucoside solution (55% or less).	43	3	*29836–26–8	AGP	AGD/AGL/AGM/AGN/AGO.
Alkyl (C12-C14) polyglucoside solution (55% or less)	43	3	*59122–55–3	AGM	AGD/AGL/AGN/AGO/AGP.
Alkyl (C12-C16) propoxyamine ethoxylates	8	3		AXE	LPE.
Alkyl (C10-C20), saturated and unsaturated phosphite	34			AKL.	
Alkyl succinic anhydride	11		*4100–80–5	AUA.	
Alkyl sulfonic (alternately sulphonic) acid ester of phenol	34		91082–17–6	AKH.	
Alkyl toluene	32		*95–47–6	AYL	AUS.
Alkyl (C18+) toluenes	32	3	*94135–42–9	AUS	AYL.
Alkyl (C18-C28) toluenesulfonic (alternately toluenesulphonic) acid	0	1, 3	*3386–32–1	AUU.	
Alkyl (C18-C28) toluenesulfonic (alternately toluenesulphonic) acid, Calcium salts, borated.	34	3		AUB.	
Alkyl (C18-C28) toluenesulfonic (alternately toluenesulphonic) acid, Calcium salts, high overbase.	33	3		AUC.	
Alkyl (C18-C28) toluenesulfonic (alternately toluenesulphonic) acid, Calcium salts, low overbase.	33	3		AUL.	
Allyl alcohol	15	2	107–18–6	ALA.	
Allyl chloride	15		107–05–1	ALC.	
Aluminum (alternately, *Aluminium*) chloride/*Hydrochloric acid solution,* see "Aluminum (alternately, Aluminium) chloride/Hydrogen chloride solution".		1		AHS	AHG.
Aluminum (alternately Aluminium) chloride/Hydrogen chloride solution	0	1, 3		AHG	AHS.
Aluminum (alternately Aluminium) hydroxide/sodium hydroxide/sodium carbonate solution (40% or less).	5	3		AHN.	
Aluminum sulfate (alternately Aluminium sulphate) solution	43	2	10043–01–3	ASX	ALM.
Amine C-6, morpholine process residue	9			AOI.	
Aminoethyldiethanolamine/Aminoethylethanolamine solution	8			ADY.	
2-(2-Aminoethoxy) ethanol	8		929–06–6	AEX.	
Aminoethylethanolamine	8		111–41–1	AEE.	
N-Aminoethylpiperazine	7		140–31–8	AEP.	
2-Amino-2-hydroxymethyl-1,3-propanediol solution	43		77–86–1	AHL.	
2-Amino-2-methyl-1-propanol	8		124–68–5	APZ	APQ/APR.
Ammonia, anhydrous	6		7664–41–7	AMA.	
Ammonia, aqueous (28% or less Ammonia), see Ammonium hydroxide			1336–21–6		AMH.
Ammonium bisulfite (alternately bisulphite) solution (70% or less)	43	2	10192–30–0	ABX	ASU.
Ammonium chloride solution (less than 25%)	43	3	12125–02–9	AIS	AMC.
Ammonium hydrogen phosphate solution	0	1	7783–28–0	AMI.	
Ammonium hydroxide (28% or less Ammonia)	6		1336–21–6	AMH.	
Ammonium lignosulfonate (alternately *lignosulphonate*) *solution, see also* Lignin liquor.			8061–53–8	ALG	LNL.
Ammonium nitrate solution (45% or less)	0	1	6484–52–2	AND	AMN/ANR/ANW.
Ammonium nitrate solution (93% or less)	0	1	6484–52–2	ANW	AMN/AND/ANR.
Ammonium nitrate/Urea solution (containing Ammonia), see Urea/Ammonium nitrate solution (containing 1% or more Ammonia).					UAS (ANU/UAT/UAU/UAV).
Ammonium nitrate/Urea solution (not containing Ammonia), see Urea/Ammonium nitrate solution (containing less than 1% Ammonia).					UAU (ANU/UAS/UAT/UAV).
Ammonium phosphate/Urea solution, see Urea/Ammonium phosphate solution.					UAP (APP/URE).
Ammonium polyphosphate solution	43		68333–79–9	AMO.	
Ammonium sulfate (alternately sulphate) solution	43		7783–20–2	ASW	AME/AMS.
Ammonium sulfate (alternately sulphate) solution (20% or less)	43		7783–20–2	AME	AMS/ASW.
Ammonium sulfide (alternately sulphide) solution (45% or less)	5	3	12135–76–1	ASS	ASF.
Ammonium thiocyanate/Ammonium thiosulfate (alternately thiosulphate) solution.	0	1		ACV	ACS.
Ammonium thiosulfate (alternately thiosulphate) solution (60% or less)	43	3	7783–18–8	ATV	ATF.
Amyl acetate (all isomers)	34	3	628–63–7	AEC	IAT/AML/AAS/AYA.
Amyl acid phosphate	34		12789–46–7	AIA.	
Amyl alcohol, primary	20	3	71–41–0	APM	AAI/AAL/AAN/APM/IAA.
n-Amyl alcohol	20	3	71–41–0	AAN	AAI/AAL/APM/ASE/IAA.
sec-Amyl alcohol	20	3	584–02–1	ASE	AAI/AAL/AAN/APM/IAA.
tert-Amyl alcohol	20	3	75–85–4	AAL	AAI/APM/ASE/IAA.

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
tert-Amyl ethyl ether	41		919–94–8	AER.	
tert-Amyl methyl ether	41		994–05–8	AYE.	
Amyl methyl ketone, see Methyl amyl ketone			110–43–0	AMJ	MAK (AMK).
Amylene, see Pentene (all isomers)			109–67–1	AMW	PTX (AMX/AMZ/PTE).
tert-Amylenes, see Pentene (all isomers)			513–35–9	AMZ	PTX (AMW).
Aniline	9		62–53–3	ANL.	
Animal and Fish oils, n.o.s.	34			AFN.	
Including:.					
Cod liver oil	34		8001–69–2		
Lanolin	34		8006–54–0		
Neatsfoot oil	34		8002–64–0		
Pilchard oil	34				
Sperm oil	34		8002–24–2		
Animal and Fish acid oils and distillates, n.o.s.	34			AFA.	
Including:					
Animal acid oil	34				
Fish acid oil	34				
Lard acid oil	34				
Mixed acid oil	34				
Mixed general acid oil	34				
Mixed hard acid oil	34				
Mixed soft acid oil	34				
Anthracene oil (Coal tar fraction), see Coal tar			65996–91–0	AHO	COR.
Apple juice	43			APJ.	
Argon, liquefied	0	1	7440–37–1	ARG.	
Aryl polyolefin (C11-C50)	30			AYF.	
Asphalt	33		8052–42–4	ASP	ACU.
Asphalt blending stocks, roofers flux	33			ARF.	
Asphalt blending stocks, straight run residue	33			ASR.	
Asphalt emulsion	33			ASQ.	
Asphalt, Kerosene, and other components	33			AKO.	
Aviation alkylates (C8 paraffins and isoparaffins BPT 95-120 °C)	33	3	111–65–9	AVA	GAK/GAV.
Barium long-chain (C11-C50) alkaryl sulfonate (alternately sulphonate)	34			BCA.	
Barium long-chain alkyl (C8-C14) phenate sulfide (alternately sulphide)	34			BCH.	
Behenyl alcohol	20		661–19–8	BHY.	
Benzene	32	2	71–43–2	BNZ	BHA/BHB/PYG.
Benzene and mixtures having 10% Benzene or more	32			BHB	BHA/BNZ/PYG.
Benzene hydrocarbon mixtures (containing Acetylenes) (having 10% Benzene or more).	32			BHA	BHB/BNZ/PYG.
Benzene/Toluene/Xylene mixtures (having 10% Benzene or more)	32			BTX	BHB/BNZ/PYG/TOL/XLX/XLM/XLO/XLP.
Benzenesulfonyl (alternately Benzenesulphonyl) chloride	0	1, 2	98–09–9	BSC.	
Benzenetricarboxylic acid, trioctyl ester	34		89–04–3	BCE.	
Benzyl acetate	34		140–11–4	BZE.	
Benzyl alcohol	21		100–51–6	BAL.	
Benzyl chloride	36		100–44–7	BCL.	
Bio-fuel blends of Diesel/gas oil and Alkanes (C10-C26), linear and branched with a flash point >60 °C (>25% but <99% by volume).	33	3		BIF	BIG/BIH/BII/BIJ/BIK.
Bio-fuel blends of Diesel/gas oil and Alkanes (C10-C26), linear and branched with a flash point ≤60 °C (>25% but <99% by volume).	33	3		BIG	BIF/BIH/BII/BIJ/BIK.
Bio-fuel blends of Diesel/gas oil and FAME (>25% but <99% by volume)	34	3		BIH	BIF/BIG/BII/BIJ/BIK.
Bio-fuel blends of Diesel/gas oil and vegetable oil (>25% but <99% by volume).	34	3		BII	BIF/BIG/BIH/BIJ/BIK.
Bio-fuel blends of Gasoline and Ethyl alcohol (>25% but <99% by volume).	20	2, 3		BIJ	BIF/BIG/BIH/BII/BIK.
Bis (2-ethylhexyl) terephthalate	34		6422–86–2	DHH.	
Boronated Calcium sulfonate (alternately sulphonate)	34			BCU.	
Brake fluid base mix: Poly(2-8)alkylene (C2-C3) glycols/Polyalkylene (C2-C10) glycols monoalkyl (C1-C4) ethers and their borate esters.	20	3		BFY.	
Brominated Epoxy Resin in Acetone	16			BER.	
Bromochloromethane	36		74–97–5	BCM.	
Butadiene (all isomers)	30		106–99–0	BDI.	
Butadiene/Butylene mixtures (containing Acetylenes)	30			BBM	BBX/BDI/BTN/IBL.
Butane (all isomers)	31		106–97–8	BMX	IBT/BUT.
Butane/Propane mixture	31			BUP	LPG.
1,4-Butanediol, see Butylene glycol			110–63–4	BDO	BUG.
2-Butanone, see Methyl ethyl ketone		2	78–93–3		MEK.
Butene oligomer	30			BOL.	
Butene, see Butylenes (all isomers)			106–98–9		BUT/IBL.
2-Butoxyethanol (58%)/Hyperbranched polyesteramide (42%) (mixture)	20				
Butyl acetate (all isomers)	34	3	123–86–4	BAX	BCN/BTA/BYA/IBA.
Butyl acrylate (all isomers)	14	3	141–32–2	BAR	BAI/BTC.
Butyl alcohol (all isomers)	20	2, 3	71–36–3	BAY	BAN/BAS/BAT/IAL.
Butyl alcohol (*iso-, n-, sec-, tert-*), *see* Butyl alcohol (all isomers)		2	71–36–3		BAN/BAS/BAT/BAY/IAL.

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Butylamine (all isomers)	7	3	109–73–9	BTY	BAM/BTL/BUA/IAM.
Butylbenzene (*all isomers*), *see* Alkyl (C3–C4) benzenes		3	104–51–8	BBE	AKC.
Butyl benzyl phthalate	34		85–68–7	BPH.	
Butyl butyrate (all isomers)	34	3	109–21–7	BBA	BIB/BUB.
Butylene glycol	20	2	107–88–0	BUG	BDO.
1,2-Butylene oxide	16		106–88–7	BTO.	
Butylenes (all isomers)	30		106–98–9	BTN	IBL.
n-Butyl ether	41	3	142–96–1	BTE.	
n *-Butyl ether	41		142–96–1	BTE.	
iso-Butyl formate, see Isobutyl formate		3	542–55–2	BFI	BFN/BFO.
n-Butyl formate	34		592–84–7	BFN	BFI/BFO.
Butyl heptyl ketone	18		19780–10–0	BHK.	
Butyl methacrylate	14		97–88–1	BMH	BMI/BMN.
Butyl methacrylate, Decyl methacrylate, Cetyl-Eicosyl methacrylate mixture, see Butyl/Decyl/Cetyl/Eicosyl methacrylate mixture.		3			DER (BMH/BMI/BMN/CEM).
Butyl/Decyl/Cetyl/Eicosyl methacrylate mixture	14	3		DER	BMH/BMI/BMN/CEM.
Butyl methyl ketone, see Methyl butyl ketone		2	591–78–6		MBJ (MBK/MIK).
Butyl phenol, Formaldehyde resin in Xylene	32				
n-Butyl propionate	34		209–669–5	BPN.	
Butyl stearate	34		123–95–5	BST.	
Butyl toluene	32		1595–05–7	BUE.	
Butyraldehyde (all isomers)	19	3	123–72–8	BAE	BAD/BTR.
Butyric acid	4		107–92–6	BRA	IBR.
gamma-Butyrolactone	0	1, 2	96–48–0	BLA.	
C9 Resinfeed (DSM)	32	2		CNR.	
Calcium alkaryl sulfonate (alternately *sulphonate*) (C11-C50), *see* Calcium long-chain alkaryl sulfonate (alternately sulphonate) (C11-C50).		3		CAE	CAY.
Calcium alkyl (C9) phenol sulfide (alternately sulphide), polyolefin phosphorosulfide (alternately phosphorosulphide) mixture.	34			CPX..	
Calcium alkyl (C10-C28) salicylate	34	3		CAJ..	
Calcium bromide solution, see Drilling brines			7789–41–5	CBI	DRB.
Calcium alkyl salicylate, see Calcium long-chain alkyl salicylate (C13 +), Calcium long-chain alkyl (C18-C28) salicylate, or Calcium alkyl (C10-C28) salicylate.	34				CAJ/CAK/CAZ.
Calcium bromide solution, see Drilling brines			7789–41–5	CBI	DRB.
Calcium bromide/Zinc bromide solution, see Drilling brine (containing Zinc salts).					DZB.
Calcium carbonate slurry	34		471–34–1	CSR.	
Calcium chloride solution, see Drilling brines			10043–52–4	CCS	CLC.
Calcium hydroxide slurry	5		1305–62–0	COH	CAH.
Calcium hypochlorite solution (15% or less)	5	3	7778–54–3	CHU	CHY/CHZ.
Calcium hypochlorite solution (more than 15%)	5	3	7778–54–3	CHZ	CHU/CHY.
Calcium lignosulfonate (alternately *lignosulphonate*) solution, *see* also Lignin liquor.			8061–52–7	CLL	LNL.
Calcium long-chain alkaryl sulfonate (alternately sulphonate) (C11–C50)	34		722503–69–7	CAY.	
Calcium long-chain alkyl (C8-C40) *phenate, see* Calcium long-chain alkyl (C5-C10) phenate or Calcium long-chain alkyl (C11-C40) phenate.				CAQ	CAU/CAV (CAN/CAW).
Calcium long-chain alkyl (C5-C10) phenate	34	3		CAU	CAN/CAQ/CAV/CAW.
Calcium long-chain alkyl (C5-C20) phenate	34			CAV	CAN/CAQ/CAU/CAW.
Calcium long-chain alkyl (C11-C40) phenate	34	3		CAW	CAN/CAQ/CAU/CAV.
Calcium long-chain alkyl phenate sulfide (alternately sulphide) (C8-C40)	34			CPI.	
Calcium long-chain alkyl phenolic amine (C8-C40)	9			CPQ.	
Calcium long-chain alkyl (C18-C28) salicylate	34	3		CAJ.	
Calcium long-chain alkyl salicylate (C13+)	34			CAK	CAJ/CAZ.
Calcium nitrate solutions (50% or less)	34	3	10124–37–5	CNU	CNT.
Calcium nitrate/Magnesium nitrate/Potassium chloride solution	34			CLM	CNT/CNU/MGN/MGO/PCS/PCU/PSD.
Calcium salts of fatty acids	34		85251–71–4	CFF.	
Calcium stearate	34		1592–23–0	CSE.	
Calcium sulfonate (alternately sulphonate)/Calcium carbonate/Hydrocarbon solvent mixture.	33			CSH.	
Camelina oil, see Oil, misc.: Camelina		3	68956–68–3	CEL.	
Camphor oil (light)	18		8008–51–3	CPO.	
Canola oil, see Oil, edible: Rapeseed (low erucic acid containing less than 4% free fatty acids).			120962–03–0		ORO (ORP).
Caprolactam solution, see epsilon-Caprolactam (molten or aqueous solutions).			105–60–2	CLS.	
epsilon-Caprolactam (molten or aqueous solutions)	22	3	105–60–2	CLU	CLS.
Caramel solutions	43		8028–89–5	CML.	
Carbolic oil	21		108–95–2	CBO.	
Carbon dioxide (high purity)	0	1	124–38–9	CDH	CDO/CDQ.
Carbon dioxide (reclaimed quality)	0	1	124–38–9	CDQ	CDH/CDO.
Carbon dioxide, liquefied	0	1	124–38–9	CDO	CDH/CDQ.
Carbon disulfide (alternately disulphide)	38		75–15–0	CBB.	

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Carbon tetrachloride	36	2	56–23–5	CBT	CBU.
Cashew nut shell oil (untreated), see Oil, misc.: Cashew nut shell (untreated).			8007–24–7		OCN.
Castor oil, see Oil, edible: Castor	34		8001–79–4		OCA (VEO).
Catoxid feedstock	36	2		CXF.	
Caustic potash solution	5	2	1310–58–3	CPS.	
Caustic soda solution	5	2	1310–73–2	CSS.	
Cesium formate solution	43	3	3495–36–1	CSM.	
Cetyl alcohol (Hexadecanol), see Alcohols (C13+)			36653–82–4		ALY (ASY/AYL).
Cetyl alcohol, see Alcohols (C13 +)	20		36653–82–4		ALY (ASY/AYL).
Cetyl/Eicosyl methacrylate mixture	14	1		CEM.	
Cetyl/Stearyl alcohol, see Alcohols (C13+)					ALY (ASY/AYL).
Chlorinated paraffins (C10-C13)	36		*1002–69–3	CLH	CLG/CLJ/CLQ.
Chlorinated paraffins (C14–C17) (with 50% Chlorine or more, and less than 1% C13 or shorter chains).	36	3		CLJ	CLG/CLH/CLQ.
Chlorinated paraffins (C14-C17) (with 52% Chlorine)	36			CLQ	CLG/CLH/CLJ.
Chlorinated paraffins (C18+) with any level of chlorine	36		*3386–33–2	CLG	CLH/CLJ.
Chlorine	0	1	7782–50–5	CLX.	
Chloroacetic acid (80% or less)	4	3	79–11–8	CHM	CHL/MCA.
Chlorobenzene	36	2	108–90–7	CRB.	
Chlorodifluoromethane, see Monochlorodifluoromethane			75–45–6	MCF.	
2-Chloro-4-ethylamino-6-isopropylamino-5-triazine solution	0	1	287476–17–9	CET.	
1-(4-Chlorophenyl)-4,4-dimethyl pentan-3-one	18	2	66346–01–8	CDP.	
2- or 3-Chloropropionic acid	4		29617–66–1 or 107–94–8	CPM	CLA/CLP.
Chloroform	36		67–66–3	CRF.	
Chlorohydrins (crude)	17	3	*107–07–3	CHD.	
4-Chloro-2-methylphenoxyacetic acid, dimethylamine salt solution	9			CDM.	
o-Chloronitrobenzene	42		88–73–3	CNO	CNP.
Chlorosulfonic (alternately Chlorosulphonic) acid	0	1	7790–94–5	CSA.	
m-Chlorotoluene	36	3	108–41–8	CTM	CHI/CRN/CTO.
o-Chlorotoluene	36	3	95–49–8	CTO	CHI/CRN/CTM.
p-Chlorotoluene	36	3	106–43–4	CRN	CHI/CTM/CTO.
Chlorotoluenes (mixed isomers)	36	3	25168–05–2	CHI	CRN/CTM/CTO.
Choline chloride solutions	20		67–48–1	CCO.	
Citric acid (70% or less)	4	3	77–92–9	CIS	CIT.
Clay slurry	43		1332–58–7	CLY.	
Coal slurry	43		125612–26–2	COG	COA.
Coal tar	33		8007–45–2	COR	OCT.
Coal tar crude bases	33		65996–84–1	CTB.	
Coal tar distillate, see Naphtha: Coal tar solvent			65996–91–0	CDL	NCT (CTU).
Coal tar naphtha solvent, see Naphtha: Coal tar solvent			65996–91–0		NCT (CDL/CTU).
Coal tar pitch (molten)	33	3	65996–93–2	CTP.	
Coal tar, high temperature	33		65996–89–6	CHH.	
Cobalt naphthenate in solvent naphtha	34		61789–51–3	CNS.	
Cocoa butter, see Oil, edible: Cocoa butter			8002–31–1		OCB (VEO).
Coconut oil, see Oil, edible: Coconut		2	8001–31–8		OCC (VEO).
Coconut oil, fatty acid, see Oil, misc.: Coconut fatty acid		2	61788–47–4		CFA.
Coconut oil, fatty acid methyl ester, see Oil, misc.: Coconut fatty acid methyl ester.		3	61788–59–8		OCM.
Copper salt of long-chain (C17 +) alkanoic acid	34			CUS	CFT.
Copper salt of long-chain (C3-C16) fatty acid	34		*3112–74–1	CFT	CUS.
Corn oil, see Oil, edible: Corn			8001–30–7		OCO (VEO).
Corn syrup	43		8029–43–4	CSY.	
Cottonseed oil, see Oil, edible: Cottonseed			8001–29–4		OCS (VEO).
Cottonseed oil, fatty acid, see Oil, misc.: Cottonseed oil, fatty acid			68308–51–0	CFY.	
Creosote	21	2		CCW	CCT/CWD.
Creosote (coal tar)	21	2, 3	8001–58–9	CCT	CCW.
Creosote (wood tar)	21	2, 3	8021–39–4	CWD	CCT/CCW.
Cresol/Phenol/Xylenol mixture	21			CXX.	
Cresols (all isomers)	21	3	1319–77–3	CRS	CFO/CFP/CRL/CRO/CSC/CSO.
Cresols with 5% or more Phenol, see Phenol				CFP	PHN (CFO/CRL/CRO/CRS/CSO).
Cresols with less than 5% Phenol, see Cresols (all isomers)				CFO	CRS (CFP/CRL/CRO/CSO).
Cresylate spent caustic, see Cresylic acid, sodium salt solution		2		CSC	CYD.
Cresylic acid	21		1319–77–3	CRY.	
Cresylic acid, dephenolized	21		1319–77–3	CAD	CRY/CYN.
Cresylic acid tar	21			CRX.	
Cresylic acid with 5% or more phenol	21			CYN	CAD/CRY.
Cresylic acid, sodium salt solution	5	2	34689–46–8	CYD	CSC.
Crotonaldehyde	19	2	123–73–9	CTA.	
Crude Isononylaldehyde, see Isononyldehyde (crude)			5435–64–3		INC.
Crude Isopropanol	20		67–63–0		IPB (IPA/PAL).
Crude Piperazine, see Piperazine (crude)			110–85–0		PZC (PPZ/PIZ).
Cumene, see Alkyl(C3-C4) benzenes			98–82–8	CUM	AKD (PBY/PBZ).
1,5,9-Cyclododecatriene	30		4904–61–4	CYT.	
Cycloheptane	31		291–64–5	CYE.	

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Cyclohexane	31		110–82–7	CHX.	
Cyclohexane-1,2-dicarboxylic acid,diisononyl ester	34		166412–78–8	CDE.	
Cyclohexane oxidation products, sodium salts solution	43			CYS.	
Cyclohexanol	20		108–93–0	CHN.	
Cyclohexanone	18	2	108–94–1	CCH.	
Cyclohexanone/Cyclohexanol mixtures	18	2		CYX.	
Cyclohexyl acetate	34		622–45–7	CYC.	
Cyclopentadiene/Styrene/Benzene mixture	30			CSB.	
1,3-Cyclopentadiene dimer (molten)	30	3	7313–32–8	CPD	DPT/DPV.
Cyclopentane	31		287–92–3	CYP.	
Cyclopentene	30		142–29–0	CPE..	
p-Cymene	32		99–87–6	CMP.	
Decahydronaphthalene	33		91–17–8	DHN.	
Decaldehyde	19		112–31–2	DAY	IDA/DAL.
iso-Decaldehyde, see Isodecaldehyde.			3085–26–5		
n-Decaldehyde	19		3085–26–5		
Decane (all isomers), see n-Alkanes (C10+) (all isomers)			124–18–5	DCC	ALV (ALJ).
Decanoic acid	4		334–48–5	DCO	NEA.
Decene	30		872–05–9	DCE.	
Decyl acetate	34		112–17–4	DYA.	
Decyl acrylate	14		2156–96–9	DAT	IAI/DAR.
Decyl alcohol (all isomers)	20	2, 3	85566–12–7	DAX	ISA/DAN.
Decyl/Dodecyl/Tetradecyl alcohol mixture	20	3	*112–30–1	DYO	DAN/DAX/DDN/ISA.
Decylbenzene, see Alkyl (C9+) benzenes			104–72–3	DBZ	AKB.
Decyloxytetrahydrothiophene dioxide	0	1	18760–44–6	DHT.	
Detergent alkylate	32		68442–97–7	DKY	AKB/DBZ/DDB/TDB/TRB/UDB.
Dextrose solution, see Glucose solution			50–99–7	DTS	GLU.
Diacetone alcohol	20	2	123–42–2	DAA.	
Dialkyl (C10-C14) benzenes, see Alkyl (C9+) benzenes			*55191–38–3	DAB	AKB.
Dialkyl(C8-C9) diphenylamines	9		*101–67–7	DAQ.	
Dialkyl (C7-C13) phthalates	34		*3648–21–3	DAH.	
Including:					
Di-(2-ethylhexyl) phthalate	34		117–81–7		
Diheptyl phthalate	34		3648–21–3		
Dihexyl phthalate	34		84–75–3		
Diisooctyl phthalate	34		131–20–4		
Diisodecyl phthalate	34		89–16–7		
Diisononyl phthalate	34		28553–12–0		
Dinonyl phthalate	34		84–76–4		
Dioctyl phthalate	34		117–84–0		
Ditridecyl phthalate	34		119–06–2		
Diundecyl phthalate	34		3648–20–2		
Dialkyl (C9-C10) phthalates, see Dialkyl (C7-C13) phthalates			*84–76–4	DLK	DLH (DAP/DHL/DHP/DID/DIE/DIF/DIN/DIO/DIT/DOP/DPA/DTP/DUP).
Dialkyl thiophosphates sodium salts solution	34	3	*26377–29–7	DYH.	
2,6-Diaminohexanoic acid phosphonate mixed salts solution	21			DBT.	
Dibromomethane	36		74–95–3	DBH.	
Dibutyl carbinol, see Nonyl alcohol (all isomers)			623–93–8		NNS (DBC/NNI/NNN).
Dibutyl hydrogen phosphonate	34		107–66–4	DHD.	
Dibutyl phthalate	34		84–74–2	DPA	DIT.
Dibutyl terephthalate	34	3	1962–75–0	DYE.	
Dibutylamine	7		111–92–2	DBA.	
Dibutylphenol (all isomers)	21			DBT.	
Dibutylphenols	21		26967–68–0	DBT.	
Di-tert-butylphenol	21		128–39–2	DBF	DBT/DBV/DBW.
2,4-Di-tert-butylphenol	21		96–76–4	DBV	DBF/DBT/DBW.
2,6-Di-tert-butylphenol	21	3	128–39–2	DBW	DBF/DBT/DBV.
Dichlorobenzene (all isomers)	36	3	25321–22–6	DBX	DBM/DBO/DBP.
3,4-Dichloro-1-butene	36		760–23–6	DCD	DCB.
Dichlorodifluoromethane	36		75–71–8	DCF.	
1,1-Dichloroethane	36		75–34–3	DCH.	
Dichloroethyl ether	41	3	111–44–4	DYR	DEE.
1,6-Dichlorohexane	36		2163–00–0	DHX.	
2,2′-Dichloroisopropyl ether	41		63283–80–7	DCI.	
Dichloromethane	36	2	75–09–2	DCM.	
2,4-Dichlorophenol	21		120–83–2	DCP.	
2,4-Dichlorophenoxyacetic acid/Diethanolamine salt solution	43		5742–19–8	DDE.	
2,4-Dichlorophenoxyacetic acid/Dimethylamine salt solution (70% or less)	0	1, 2, 3	2008–39–1	DDA	DAD/DSX.
2,4-Dichlorophenoxyacetic acid/Triisopropanolamine salt solution	43	2	34075–45–1	DTI.	
1,1-Dichloropropane	36		78–99–9	DPB	DPC/DPL/DPP/DPX.
1,2-Dichloropropane	36	2, 3	78–87–5	DPP	DPB/DPC/DPL/DPX.
1,3-Dichloropropane	36		142–28–9	DPC	DPB/DPL/DPP/DPX.

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Dichloropropene (all isomers)	15		26952–23–8	DCW	DPF/DPU.
1,3-Dichloropropene	15		542–75–6		DCW/DPF.
Dichloropropene/Dichloropropane mixtures	15		8003–19–8	DMX	DCW/DPB/DPC/DPL/DPP/DPU/DPX.
2,2-Dichloropropionic acid	4		75–99–0	DCN.	
Dicyclopentadiene, Resin Grade, 81–89%	30	3	77–73–6	DPV	CPD/DPT.
Dicyclopentadiene, see 1,3-Cyclopentadiene dimer (molten)			77–73–6	DPT	CPD (DPV).
Diethanolamine	8	2	111–42–2	DEA.	
Diethanolamine salt of 2,4-Dichlorophenoxyacetic acid solution, see 2,4-Dichlorophenoxyacetic acid, Diethanolamine salt solution.			5742–19–8	DZZ	DDE.
Diethylamine	7		109–89–7	DEN.	
Diethylaminoethanol	8		100–37–8	DAE.	
2,6-Diethylaniline	9		579–66–8	DMN	DIY.
Diethylbenzene	32		25340–17–4	DEB.	
Diethylene glycol	40	2	111–46–6	DEG.	
Diethylene glycol butyl ether, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether.			112–34–5	DME	PAG.
Diethylene glycol butyl ether acetate, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether acetate.			124–17–4	DEM	PAF.
Diethylene glycol dibenzoate	34		120–55–8	DGZ.	
Diethylene glycol dibutyl ether	40		112–73–2	DIG.	
Diethylene glycol diethyl ether	40		112–36–7	DGS.	
Diethylene glycol ethyl ether, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether.			111–90–0	DGE	PAG.
Diethylene glycol ethyl ether acetate, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether acetate.			112–15–2	DGA	PAF.
Diethylene glycol n-hexyl ether, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.			112–59–4	DHE	PAG.
Diethylene glycol methyl ether, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.			111–77–3	DGM	PAG.
Diethylene glycol methyl ether acetate, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether acetate.			629–38–9	DGR	PAF.
Diethylene glycol phenyl ether	40		104–68–7	DGP.	
Diethylene glycol phthalate	34		2202–98–4	DGL.	
Diethylene glycol propyl ether, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.			6881–94–3	DGO	PAG.
Diethylenetriamine	7	2	111–40–0	DET.	
Diethylenetriaminepentaacetic acid, pentasodium salt solution	43		140–01–2	DYS.	
Diethylethanolamine, see Diethylaminoethanol			100–37–8		DAE.
Diethyl ether	8		60–29–7	EET.	
Diethyl hexanol, see Decyl alcohol (all isomers)			19398–78–8		DAX.
Di-(2-ethylhexyl) adipate	34		103–23–1	DEH.	
Di-(2-ethylhexyl) phosphoric acid	1		298–07–7	DEP.	
Di-(2-ethylhexyl) phthalate, see Dialkyl (C7-C13) phthalate			117–81–7	DIE	DAH.
Di-(2-ethylhexyl) terephthalate	34		6422–86–2	DHH.	
Diethyl phthalate	34		84–66–2	DPH.	
Diethyl sulfate (alternately sulphate)	34		64–67–5	DSU.	
Diglycidyl ether of Bisphenol A	16		1675–54–3	BDE.	
Diglycidyl ether of Bisphenol F	16		2095–03–6	DGF.	
Diheptyl phthalate, see Dialkyl (C7-C13) phthalate			3648–21–3	DHP	DAH.
Di-n-hexyl adipate	34		110–33–8	DHA.	
Dihexyl phthalate, see Dialkyl (C7-C13) phthalate			84–75–3	DHL.	
Diisobutyl carbinol, see Nonyl alcohol (all isomers)			108–82–7	DBC	NNS.
Diisobutyl ketone	18		108–83–8	DIK.	
Diisobutyl phthalate	34		84–69–5	DIT	DPA.
Diisobutylamine	7		110–96–3	DBU.	
Diisobutylene	30		25167–70–8	DBL.	
Diisodecyl phthalate, see Dialkyl (C7-C13) phthalates			26761–40–0	DID	DAH.
1,4-Dihydro-9,10-dihydroxy anthracene, disodium salt solution	5		73347–80–5	DDH.	
Diisononyl adipate	34		33703–08–1	DNY.	
Diisononyl phthalate, see Dialkyl (C7-C13) phthalates		2	28553–12–0	DIN	DAH.
Diisooctyl phthalate, see Dialkyl (C7-C13) phthalate			27554–26–3	DIO	DAH/(DIE/DOP).
Diisopropanolamine	8		110–97–4	DIP.	
Diisopropylamine	7		108–18–9	DIA	DNA.
Diisopropylbenzene (all isomers)	32		25321–09–9	DIX.	
Diisopropylnaphthalene	32		24157–81–1	DII.	
1,4-Dihydro-9,10-dihydroxy anthracene, disodium salt solution	5		73347–80–5	DDH.	
N,N-Dimethylacetamide	10		127–19–5	DAC	DLS.
N,N-Dimethylacetamide solution (40% or less)	10	3	127–19–5	DLS	DAL.
Dimethyl adipate	34		627–93–0	DLA.	
Dimethylamine	7		124–40–3	DMA	DMC/DMG/DMY.
Dimethylamine salt of 4-Chloro-2-methylphenoxyacetic acid solution, see 4-Chloro-2-methylphenoxyacetic acid, Dimethylamine salt solution.			2039–46–5		CDM.
Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid solution, see 2,4-Dichlorophenoxyacetic acid, Dimethylamine salt solution (70% or less).			2008–39–1	DAD	DDA (DSX).
Dimethylamine solution (45% or less)	7	3	124–40–3	DMG	DMA/DMC/DMY.
Dimethylamine solution (greater than 45% but not greater than 55%)	7	3	124–40–3	DMY	DMA/DMC/DMG.
Dimethylamine solution (greater than 55% but not greater than 65%)	7	3	124–40–3	DMC	DMA/DMG/DMY.
2,6-Dimethylaniline	9		87–62–7	DMM	DDL.

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Dimethylbenzene, see Xylenes		2	1330–20–7		XLX/XLM/XLO/XLP.
Dimethylcyclicsiloxane hydrolyzate	34		*541–05–9	DXZ.	
N,N-Dimethylcyclohexylamine	7		98–94–2	DXN.	
Dimethyl disulfide (alternately disulphide)	0	1, 2, 3	624–92–0	DSK.	
Dimethyldodecylamine, see N,N-Dimethyldodecylamine	7		112–18–5		DDY.
N,N-Dimethyldodecylamine	7		112–18–5	DDY.	
Dimethylethanolamine	8		108–01–0	DMB.	
Dimethyl ether	41		115–10–6	DIM.	
Dimethylformamide	10	2	68–12–2	DMF.	
Dimethyl furan	41		625–86–5	DFU.	
Dimethyl glutarate	34		1119–40–0	DGT.	
Dimethyl hydrogen phosphite	34	2	868–85–9	DPI.	
Dimethyl naphthalene sulfonic (alternately sulphonic) acid, sodium salt solution.	34	2	27178–87–6	DNS.	
Dimethyl octanoic acid	4		29662–90–6	DMO.	
Dimethyl phthalate	34		131–11–3	DTL.	
Dimethylpolysiloxane, see Polydimethylsiloxane			9016–00–6	DMP.	
2,2-Dimethylpropane-1,3-diol (molten or solution)	20	3	126–30–7	DDI.	
Dimethyl succinate	34		106–65–0	DSE.	
Dinitrotoluene (molten)	42	3	121–14–2	DNM	DNL/DNU/DTT.
Dinonyl phthalate, see Dialkyl (C7-C13) phthalates			84–76–4	DIF	DAH.
Dioctyl phthalate, see Dialkyl (C7-C13) phthalates			117–84–0	DOP	DAH (DIE/DIO).
1,4-Dioxane	41		123–91–1	DOX.	
Dipentene	30		138–86–3	DPN.	
Diphenyl	32		92–52–4	DIL.	
Diphenylamine (molten)	9		122–39–4	DAG	DAM.
Diphenylamine, reaction product with 2,2,4-trimethylpentene	9		68921–45–9	DAK.	
Diphenylamines, alkylated	9		68921–45–9	DAJ.	
Diphenyl/Diphenyl ether mixtures	33		8004–13–5	DDO.	
Diphenyl ether	41		101–84–8	DPE.	
Diphenyl ether/Biphenyl ether mixture, see Diphenyl/Diphenyl ether mixture.			8004–13–5		DDO.
Diphenyl ether/Diphenyl phenyl ether mixture	41		8004–13–5	DOB.	
Diphenylmethane diisocyanate	12	2	101–68–8	DPM.	
Diphenyl oxide, see Diphenyl ether			101–84–8		DPE.
Diphenylol propane-Epichlorohydrin resins	0	1	25068–38–6	DPR.	
Di-n-propylamine	7		142–84–7	DNA	DIA.
Dipropylene glycol	40		25265–71–8	DPG.	
Dipropylene glycol butyl ether, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.			29911–28–2	DBG	PAG.
Dipropylene glycol dibenzoate	34		94–51–9	DGY.	
Dipropylene glycol methyl ether, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.			34590–94–8	DPY	PAG.
Distillates, flashed feed stocks	33		8002–05–9	DFF.	
Distillates, straight run	33		68814–87–9	DSR.	
Di-tert-butyl phenol	21			DBF	DBT/DBV/DBW.
2,4-Di-tert-butyl phenol	21		96–76–4	DBV	DBF/DBT/DBW.
2,6-Di-tert-butyl phenol	21		128–39–2	DBW	DBF/DBT/DBV.
Dithiocarbamate ester (C7-C35)	34			DHO.	
Ditridecyl adipate	34		16958–92–2	DTY.	
Ditridecyl phthalate, see Dialkyl (C7-C13) phthalate			119–06–2	DTP	DAH.
Diundecyl phthalate, see Dialkyl (C7-C13) phthalates			3648–20–2	DUP	DAH.
Dodecane (all isomers), see n-Alkanes (C10+) (all isomers)			13475–82–6	DOF	ALV (ALJ/DOC).
tert-Dodecanethiol	20	2	25103–58–6	DDL	LRM.
Dodecene (all isomers)	30	3	25378–22–7	DOZ	DDC/DOD.
1-Dodecene, see Dodecene (all isomers)	30			DDC	DOZ.
Dodecanol (all isomers), see Dodecyl alcohol (all isomers)		2	112–53–8	DDN	LAL.
2-Dodecenylsuccinic acid, dipotassium salt solution	34		57195–28–5	DSP.	
Dodecyl alcohol (all isomers)	20	2	112–53–8	DDN	ASK/ASY/LAL.
Dodecylamine/Tetradecylamine mixture	7	2	*124–22–1	DTA.	
Dodecylbenzene, see Alkyl (C9+) benzenes			123–01–3	DDB	AKB.
Dodecylbenzenesulfonic (alternately Dedecylbenzenesulphonic) acid	0	1, 2	27176–87–0	DSA.	
Dodecyldimethylamine/Tetradecyldimethylamine mixture	7		*112–18–5	DOT.	
Dodecyl diphenyl ether disulfonate (alternately disulphonate) solution	43		25167–32–2	DTA.	
Dodecyl hydroxypropyl sulfide (alternately sulphide)	0	1	67124–09–8	DOH.	
n-Dodecyl mercaptan	21		112–55–0	DBT.	
Dodecyl methacrylate	14		142–90–5	DDM.	
Dodecyl/Octadecyl methacrylate mixture	14		*142–90–5	DOM	DDM.
Dodecyl/Pentadecyl methacrylate mixture	14		*142–90–5	DDP.	
Dodecyl phenol	21		27193–86–8	DOL.	
Dodecyl xylene	32		66697–27–6	DXY.	
Drilling brines (containing Calcium, Potassium or Sodium salts)	43			DRL	DRB/DRS.
Drilling brines (containing Zinc salts)	43			DZB	DRB.
Drilling brines, including: Calcium bromide solution, Calcium chloride solution and Sodium chloride solution.	43	3			DRS/DRL.
Drilling mud (low toxicity) (*if flammable or combustible*)	33			DRO	DRM/DRN/DRP.
Drilling mud (low toxicity) (*if non-flammable or non-combustible*)	43			DRP	DRM/DRN/DRO.
Epichlorohydrin	17		106–89–8	EPC.	
Epoxy resin	16			EPN.	

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
ETBE, see Ethyl tert-butyl ether			637–92–3		EBE.
Ethane	31		74–84–0	ETH.	
Ethanolamine	8		141–43–5	MEA.	
2-Ethoxyethanol, see Ethylene glycol monoalkyl ethers			110–80–5	EEO	EGC (EGE).
2-Ethoxyethyl acetate	34	2	111–15–9	EEA	EGA.
Ethoxylated alkyloxy alkyl amine	8		68155–39–5	ELM.	
Ethoxylated alcohols, C11-C15, see alcohol polyethoxylates			9002–92–0		AEA/AEB/AED/AET/APV/APW/APX.
Ethoxylated long-chain (C16+) alkyloxyalkylamine	8			ELA.	
Ethoxylated tallow alkyl amine	7		61791–26–2	TAY	TAG/TAR.
Ethoxylated tallow alkyl amine, glycol mixture	7			TAG	TAR/TAY.
Ethoxylated tallow amine (>95%)	7	3	61791–26–2	TAR	TAG/TAY.
Ethoxy triglycol, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether			112–50–5	ETG	PAG (ETR/TGE).
Ethoxy triglycol (crude)	40		112–50–5	ETR.	
Ethyl acetate	34	2	141–78–6	ETA.	
Ethyl acetoacetate	34		141–97–9	EAA.	
Ethyl acrylate	14	2	140–88–5	EAC.	
Ethyl alcohol	20	2	64–17–5	EAL.	
Ethylamine	7	2	75–04–7	EAM	EAN/EAO.
Ethylamine solution (72% or less)	7	3	75–04–7	EAN	EAM/EAO.
Ethyl amyl ketone	18		106–68–3	EAK	ELK.
Ethylbenzene	32		100–41–4	ETB.	
Ethyl butanol	20		97–95–0	EBT.	
N-Ethylbutylamine	7		13360–63–9	EBA.	
Ethyl tert-butyl ether	41	2	637–92–3	EBE.	
Ethyl butyrate	34		105–54–4	EBR.	
Ethyl chloride	36		75–00–3	ECL.	
Ethyl cyclohexane	31		1678–91–7	ECY.	
N-Ethylcyclohexylamine	7		5459–93–8	ECC.	
2-Ethyl-2-(2,4-dichlorophenoxy) acetate	34		533–23–3	EDY.	
2-Ethyl-2-(2,4-dichlorophenoxy) propionate	34		58048–39–8	EDP.	
S-Ethyl dipropylthiocarbamate	34	3	759–94–4	ECB.	
Ethylene	30		74–85–1	ETL.	
Ethyleneamine EA 1302	7	2	593–67–9	EMX.	
Ethylene carbonate	34		96–49–1	ECR.	
Ethylene chlorohydrin	20		107–07–3	ECH.	
Ethylene cyanohydrin	20	2	109–78–4	ETC.	
Ethylenediamine	7	2	107–15–3	EDA	EMX.
Ethylenediaminetetraacetic acid/tetrasodium salt solution	43		64–02–8	EDS.	
Ethylene dibromide	36		106–93–4	EDB.	
Ethylene dichloride	36	2	107–06–2	EDC.	
Ethylene glycol	20	2	107–21–1	EGL	EAG.
Ethylene glycol acetate	34		542–59–6	EGO.	
Ethylene glycol butyl ether, see Ethylene glycol monoalkyl ethers			111–76–2	EGM	EGC.
Ethylene glycol tert-butyl ether, see Ethylene glycol monoalkyl ethers			7580–85–0	EGG	EGC.
Ethylene glycol butyl ether acetate	34		112–07–2	EMA.	
Ethylene glycol diacetate	34		111–55–7	EGY.	
Ethylene glycol dibutyl ether	40		112–48–1	EGB.	
Ethylene glycol ethyl ether, see Ethyl glycol monoalkyl ethers			110–80–5	EGE	EGC/EEO.
Ethylene glycol ethyl ether acetate, see 2-Ethoxyethyl acetate		2	111–15–9	EGA	EEA.
Ethylene glycol hexyl ether, see Ethylene glycol monoalkyl ethers			112–25–4	EGH	EGC.
Ethylene glycol isobutyl ether, see Ethylene glycol monoalkyl ethers			224–658–5		EGC (EGG/EGM).
Ethylene glycol isopropyl ether, see Ethylene glycol monoalkyl ethers			109–59–1	EGI	EGC.
Ethylene glycol methyl butyl ether, see Ethylene glycol monoalkyl ethers			13343–98–1	EMB	EGC.
Ethylene glycol methyl ether, see Ethylene glycol monoalkyl ethers			109–86–4	EME	EGC.
Ethylene glycol methyl ether acetate	34		110–49–6	EGT.	
Ethylene glycol monoalkyl ethers	40	2		EGC.	
Including:					
Ethylene glycol butyl ether	40		111–76–2		
Ethylene glycol tert-butyl ether	40		7580–85–0		
Ethylene glycol ethyl ether	40		111–15–9		
Ethylene glycol hexyl ether	40		112–25–4		
Ethylene glycol isobutyl ether	40		224–658–5		
Ethylene glycol isopropyl ether	40		109–59–1		
Ethylene glycol methyl ether	40		109–86–4		
Ethylene glycol methyl butyl ether	40		13343–98–1		
Ethylene glycol propyl ether	40		2807–30–9		
Ethylene glycol phenyl ether	40		122–99–6	EPE.	
Ethylene glycol phenyl ether/Diethylene glycol phenyl ether mixture	40		122–99–6/104 68 7	EDX.	
Ethylene glycol propyl ether, see Ethylene glycol monoalkyl ethers			2807–30–9	EGP	EGC/EGI/EGN.
Ethylene glycol n-propyl ether, see Ethylene glycol monoalkyl ethers			2807–30–9	EGN	EGC (EGI/EGP).
Ethylene glycol (>75%)/Sodium alkyl carboxylates/borax mixture	20			EBX.	
Ethylene glycol (>85%)/Sodium alkyl carboxylates mixture	20			ESX.	
Ethylene oxide	0	1	75–21–8	EOX.	
Ethylene oxide/Propylene oxide mixture	16		75–21–8/75–56–9	EPF	EPM.
Ethylene oxide/Propylene oxide mixture with an Ethylene oxide content not more than 30% by mass.	16	3	75–21–8/75–56–9	EPM	EPF.
Ethylene-Propylene copolymer (in liquid mixtures)	31		9010–79–1	EPY.	
Ethylene-Vinyl acetate copolymer (emulsion)	43		24937–78–8	ECV.	

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Ethyl ether, see Diethyl ether			60–29–7		EET.
Ethyl-3-ethoxypropionate	34		763–69–9	EEP.	
2-Ethylhexaldehyde, see Octyl aldehydes			123–05–7	EHA	OAL (OLX).
2-Ethylhexanoic acid, see Octanoic acid (all isomers)			149–57–5	EHO	OAY (OAA).
2-Ethylhexanol, see Octanol			104–76–7	EHX	OCA (OTA).
2-Ethylhexyl acrylate	14		103–11–7	EAI.	
2-Ethylhexylamine	7		104–75–6	EHM.	
Ethyl hexyl phthalate	34		117–81–7	EHE.	
Ethyl hexyl tallate	34		68334–13–4	EHT.	
2-Ethyl-2-(hydroxymethyl) propane-1,3-diol (C8-C10) ester	34		77–99–6	EHD.	
Ethyl lactate	34		97–64–3	ELT.	
Ethylidene norbornene	30	2	16219–75–3	ENB.	
Ethyl methacrylate	14		97–63–2	ETM.	
N-Ethylmethylallylamine	7		18328–90–0	EML.	
Ethyl propionate	34		105–37–3	EPR.	
2-Ethyl-3-propylacrolein	19	2	645–62–5	EPA.	
2-Ethyl-6-methyl-N-(1′-methyl-2-methoxyethyl)aniline	9		51219–00–2	EEM..	
o-Ethyl phenol	21		90–00–6	EPL.	
Ethyl toluene	32		25550–14–5	ETE.	
Fatty acid methyl esters	34	3	67762–38–3	FME.	
Fatty acids (C8–C10)	34	3	*124–07–2	FDS.	
Fatty acids (C12+)	34	3	*143–07–7	FDT	FAB/FAD/FAI/FDI.
Fatty acids (saturated, C13+)	34		700041–79–8	FAB	FAD.
Fatty acids (saturated, C14+), see Fatty acids (saturated, C13+)			700041–79–8	FAD	FAB.
Fatty acids (C16+)	34	3	*57–10–3	FDI.	
Fatty acids, essentially linear (C6-C18) 2-ethylhexyl ester	34	2, 3		FAE.	
Ferric chloride solution	1		7705–08–0	FCS	FCL.
Ferric hydroxyethylethylenediaminetriacetic acid, trisodium salt solution	43	2		FHX	STA.
Ferric nitrate/Nitric acid solution	3	2	7782–61–8	FNN.	
Fish oil, see Oil, edible: Fish		2	8016–13–5		OFS (AFN).
Fish protein concentrate (containing 4% or less formic acid)	4			FPC.	
Fish silage protein concentrate (containing 4% or less formic acid)	4			FSC.	
Fish solubles (*water based fish meal extracts*)	43			FSO.	
Fluorosilicic acid (20–30%) in water solution	1	3	16961–83–4	FSK	FSJ/FSL/HFS.
Fluorosilicic acid (30% or less)	1		16961–83–4	FSJ	FSK/FSL/HFS.
Formaldehyde (50% or more), Methanol mixtures	19	2	50–00–0	MTM.	
Formaldehyde solutions (37%–50%)	19	2	50–00–0	FMS	FMG/FMR.
Formaldehyde solutions (45% or less)	19	2, 3	50–00–0	FMR	FMG/FMS.
Formamide	10		75–12–7	FAM.	
Formic acid	4	2	64–18–6	FMA	FMB.
Formic acid (85% or less)	4	2	64–18–6	FMB	FMA.
Formic acid (over 85%)	4	2, 3	64–18–6	FMD.	
Formic acid mixture (containing up to 18% Propionic acid and up to 25% Sodium formate).	4	2, 3	64–18–6	FMC	FMA/FMB.
Fructose solution	43		57–48–7	FTS	FRT.
Fumaric adduct of Rosin, water dispersion	43		65997–04–8	FAR.	
Fuming sulfuric (alternately *sulphuric*) *acid, see* Oleum		2	8014–95–7		
Furfural	19		98–01–1	FFA.	
Furfuryl alcohol	20	2	98–00–0	FAL.	
Gas oil, cracked, see Oil, misc.: Gas, cracked			64741–62–4		GOC.
Gasoline blending stock, alkylates	33		64741–64–6	GAK.	
Gasoline blending stock, reformates	33		8006–61–9	GRF.	
Gasolines:					
Automotive (containing not more than 4.23 grams lead per gal.)	33		86290–81–5	GAT.	
Aviation (containing not more than 4.86 grams lead per gal.)	33			GAV	AVA.
Casinghead (*natural*)	33		68425–31–0	GCS.	
Polymer	33		8006–61–9	GPL.	
Straight run	33		68606–11–1	GSR.	
Gasolines: Pyrolysis (containing Benzene), see Pyrolysis gasoline (containing Benzene).			68477–58–7	GPY	PYG.
Glucitol/Glycerol blend propoxylated (containing less than 10% amines)	40	3		GGA.	
Glucitol/Glycerol blend propoxylated (containing 10% or more amines)	40			GGB.	
Glucose solution	43		50–99–7	GLS	DTS.
Glutaraldehyde solutions (50% or less)	19		111–30–8	GTA.	
Glycerine	20	2	56–81–5	GCR.	
Glycerine (83%)/Dioxanedimethanol (17%) mixture	20			GDN	GDM.
Glycerol, see Glycerine		2	56–81–5		GCR.
Glycerol ethoxylated	40		31694–55–0	GXA.	
Glycerol monooleate	20		25496–72–4	GMO.	
Glycerol polyalkoxylate	40		700038–65–9	GPA.	
Glycerol propoxylated	40	3	25791–96–2	GXP.	
Glycerol, propoxylated and ethoxylated	40	3	9082–00–2	GXE.	
Glycerol/Sucrose blend propoxylated and ethoxylated	40	3		GSB.	
Glyceryl triacetate	34		102–76–1	GCT.	
Glycidyl ester of C10 trialkyl acetic acid	34			GLU	GLT.
Glycidyl ester of tertiary carboxylic acid, see Glycidyl ester of C10 trialkyl acetic acid.				GLT	GLU.
Glycidyl ester of tridecyl acetic acid, see Glycidyl ester of C10 trialkyl acetic acid.				GLT	GLU.
Glycidyl ester of Versatic acid, see Glycidyl ester of C10 trialkyl acetic acid.				GLT	GLU.

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Glycine, sodium salt solution	7		56–40–6	GSS.	
Glycol diacetate, see Ethylene glycol diacetate			111–55–7		EGY.
Glycol mixture, crude	20		107–21–1	GMC.	
Glycol triacetate, see Glyceryl triacetate			102–76–1		GCT.
Glycolic acid solution (70% or less)	4	3	79–14–1	GLC.	
Glyoxal solution (40% or less)	19	3	107–22–2	GOS.	
Glyoxylic acid solution (50% or less)	4	3	298–12–4	GAC.	
Glyphosate solution (not containing surfactant)	7		1071–83–6	GIO	RUP.
Grape Seed Oil, see Oil, edible: Grape seed			8024–22–4		
Groundnut oil, see Oil, edible: Groundnut			8002–03–7		OGN (VEO).
Hazelnut oil, see Oil, edible: Hazelnut			84012–21–5		OHN (VEO).
Heptadecane (all isomers), see n-Alkanes (C10+) (all isomers)			629–78–7		ALV (ALJ).
Heptane (all isomers), see Alkanes (C6-C9)			142–82–5	HMX	ALK(HPI/HPT).
n-Heptanoic acid	4		111–14–8	HEN	HEP.
Heptanol (all isomers)	20	3	111–70–6	HTX	HTN.
Heptene (all isomers)	30	2, 3	592–76–7	HPX	THE.
Heptyl acetate	34		112–06–1	HPE.	
Heptylbenzenes, see Alkyl (C5-C8) benzenes			1078–71–3		AKD.
Herbicide (C15-H22-NO2-Cl), see Metolachlor			51218–45–2		MCO.
Hexadecanol (Cetyl alcohol), see Alcohols (C13+)			36653–82–4		ALY (ASY/AYL).
1-Hexadecylnaphthalene/1,4-bis(Hexadecyl)naphthalene mixture	32		*56388–47–7	HNH	HNI.
1-n-Hexadecylnaphthalene (90%)/1,4-di-n-(Hexadecyl)naphthalene (10%)	32		*56388–47–7	HNI	HNH.
Hexaethylene glycol, see Polyethylene glycol			2615–15–8	HMG	PEG.
1,3,5-Hexahydrotriethanol-1,3,5-triazine solution	9			HES.	
Hexahydro-1,3,5-trimethyl-1,3,5-triazine solution (45% or less)	9			HET.	
Hexamethylene diisocyanate	12		822–06–0	HMS	HDI.
Hexamethylene glycol	20		629–11–8	HMG	HXG.
Hexamethylenediamine (molten)	7	3	124–09–4	HME	HMD/HMC.
Hexamethylenediamine adipate (50% in water)	43		15511–81–6	HAM	HAN.
Hexamethylenediamine adipate solution	43		15511–81–6	HAN	HAM.
Hexamethylenediamine solution	7		124–09–4	HMC	HMD/HME.
Hexamethyleneimine	7		111–49–9	HMI.	
Hexamethylenetetramine solutions	7		100–97–0	HTS	HMT.
Hexane (all isomers), see Alkanes (C6-C9)		2	110–54–3	HXS	ALK (IHA/HXA).
1,6-Hexanediol, distillation overheads	4	2, 3	629–11–8	HDO.	
Hexanoic acid	4		142–62–1	HXO.	
Hexanol	20		111–27–3	HXM	HEW/HEZ/HXN.
Hexene (all isomers)	30	2, 3	592–41–6	HEX	HXE/HXT/HXU/HXV/MPN/MTN.
Hexyl acetate	34		142–92–7	HAE.	
Hexylbenzenes, see Alkyl (C5-C8) benzenes			1077–16–3		AKD.
Hexylene glycol, see Hexamethylene glycol			107–41–5	HXG	HMG.
Hog grease, see Lard			61789–99–9		LRD.
Hydrochloric acid	1		7647–01–0	HCL.	
Hydrofluorosilicic acid (25% or less), see Fluorosilicic acid (30% or less)			16961–83–4		FSJ(FSK/FSL/HFS).
bis(Hydrogenated tallow alkyl)methyl amines	7		61788–63–4	HTA.	
Hydrogen peroxide solutions (over 8% but not more than 60% by mass)	0	1, 3	7722–84–1	HPN	HPO/HPS.
Hydrogen peroxide solutions (over 60% but not more than 70% by mass)	0	1, 3	7722–84–1	HPS	HPN/HPO.
Hydrogenated starch hydrolysate	0	1, 3	68425–17–2	HSH.	
2-Hydroxyethyl acrylate	14	2	818–61–1	HAI.	
N-(Hydroxyethyl)ethylenediamine triacetic acid, trisodium salt solution	43		207386–87–6	HET.	
N,N-bis(2-Hydroxyethyl) oleamide	10		93–83–4	HOO.	
2-Hydroxy-4-(methylthio)butanoic acid	4		583–91–5	HBA.	
Hydroxyl terminated polybutadiene, see Polybutadiene, hydroxyl terminated.			69102–90–5		PHT.
alpha-Hydro-omega-hydroxytetradeca(oxytetramethylene)	40			HTO	PYS/PYT.
Illipe oil, see Oil, edible: Illipe			68956–68–3		ILO (VEO).
Isoamyl alcohol	20	3	123–51–3	IAA	AAI/AAL/AAN/APM/ASE.
Isobutyl alcohol	20	2, 3	78–83–1	IAL	BAN/BAS/BAT/BAY.
Isobutyl formate	34	3	542–55–2	BFI	BFN/BFO.
Isobutyl methacrylate	14	3	97–86–9	BMI	BMH/BMN.
Isodecaldehyde	19		3085–26–5	.	
Isononylaldehyde (crude)	19		5435–64–3	INC.	
Isophorone	18	2	78–59–1	IPH.	
Isophoronediamine	7		2855–13–2	IPI.	
Isophorone diisocyanate	12		4089–71–9	IPD.	
Isoprene (all isomers)	30		78–79–5	IPR.	
Isoprene (part refined)	30		78–79–5	IPS	IPR/ISC.
Isoprene concentrate (Shell)	30		78–79–5	ISC.	
Isopropanolamine	8	3	78–96–6	MPA	IPF/PAX/PLA.
Isopropanolamine solution	8	3	78–96–6	PAI	MPA/PAY/PLA/PRG.
Isopropyl acetate	34	3	108–21–4	IAC	PAT.
Isopropyl alcohol	20	2, 3	67–63–0	IPA	IPB/PAL.
Isopropylamine	7	3	75–31–0	IPP	IPO/IPQ/PRA.
Isopropylamine (70% or less) solution	7	3	75–31–0	IPQ	IPO/IPP/PRA.
Isopropylbenzene, see Alkyl (C3-C4) benzenes			98–82–8		AKC(CUM/PBY/PBZ).

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Isopropylcyclohexane	31	3	696–29–7	IPX.	
Isopropyl ether	41	3	108–20–3	IPE	PRL/PRN.
Jatropha oil, see Oil, misc.: Jatropha			88–6–7		JTO.
Jet fuels:				JPO	JPT/JPF/JPV.
JP-4	33		50815–00–4	JPF.	
JP-5	33		8008–20–6	JPV.	
JP-8	33		8008–20–6	JPE.	
Kaolin clay solution	43		1332–58–7	KLC	KLS.
Kaolin slurry	43		1332–58–7	KLS	KLC.
Kerosene	33		8008–20–6	KRS.	
Ketone residue	18			KTR.	
Kraft black liquor	5		66071–92–9	KBL	KPL.
Kraft pulping liquors (free alkali content 3% or more) (Black, Green, or White).	5		68131–33–9	KPL	KBL.
Lactic acid	0	1, 2	79–33–4	LTA.	
Lactonitrile solution (80% or less)	37	3	78–97–7	LNI.	
Lard	34		61789–99–9	LRD	OLD.
Latex, ammonia (1% or less)-inhibited	30	3	98–82–8	LTX.	
Latex: Carboxylated Styrene-Butadiene copolymer; Styrene-Butadiene rubber.	43	3	98–82–8	LCC	LCB/LSB.
Latex, liquid synthetic	43		98–82–8	LLS	LCB/LCC/LSB.
Lauric acid	34		143–07–7	LRA.	
Lauric acid methyl ester/Myristic acid methyl ester mixture	34		111–82–0	LMM.	
Lauryl polyglucose, see Alkyl (C12-C14) polyglucoside solution (55% or less).			59122–55–3		AGM/LAP.
Lauryl polyglucose (50% or less), see Alkyl (C12-C14) polyglucoside solution (55% or less).			59122–55–3	LAP	AMG.
Lecithin	34		8002–43–5	LEC.	
Lignin liquor	43		9005–53–2	LNL	ALG/CLL/LGA/LGM/LSL/SHC/SHP/SHQ/SLP.
Ligninsulfonic (alternately Ligninsulphonic) acid, magnesium salt solution	43	3	9009–75–0	LGM	LGA/LNL/LSL.
Ligninsulfonic (alternately *Ligninsulphonic*) *acid, sodium salt solution, see* Lignin liquor or Sodium lignosulfonate (alternately lignosulphonate) solution.			8061–51–6	LGA	LNL or SLG.
d-Limonene, see Dipentene			5989–27–5		DPN.
Linear alkyl (C12-C16) propoxyamine ethoxylate	8		68213–26–3	LPE.	
Linseed oil, see Oil, misc.: Linseed			8001–26–1		OLS.
Liquefied Natural Gas, see Methane			74–82–8	LNG	MTH.
Liquid chemical wastes	0	1, 3		LCW.	
Liquid Streptomyces solubles	43				
Long-chain alkaryl polyether (C11-C20)	41			LCP.	
Long-chain alkaryl sulfonic (alternately sulphonic) acid (C16-C60)	0	1		LCS.	
Long-chain alkyl amine	7		61789–79–5	LAA.	
Long-chain alkylphenate/Phenol sulfide (alternately sulphide) mixture	21			LPS.	
Long-chain alkylphenol (C14-C18)	21			LCA.	
Long-chain alkylphenol (C18-C30)	21			LCK.	
Long-chain alkyl (C13+) salicylic acid	4		69–72–7	LAS.	
Long-chain polyetheramine in alkyl (C2-C4)benzenes	7			LCE.	
L-Lysine solution (60% or less)	43	3	25988–63–0	LYS.	
Magnesium chloride solution	0	1, 2	7786–30–3	MGL.	
Magnesium hydroxide slurry	5		1309–42–8	MHS.	
Magnesium long-chain alkaryl sulfonate (alternately sulphonate) (C11-C50).	34		*115254–47–2	MAS	MSE.
Magnesium long-chain alkyl phenate sulfide (alternately sulphide) (C8-C20).	34			MPS.	
Magnesium long-chain alkyl salicylate (C11+)	34			MLS.	
Magnesium nitrate solution (66.7%)	43		13446	MGP	MGN/MGO.
Magnesium nonyl phenol sulfide (alternately *sulphide*), *see* Magnesium long-chain alkyl phenate sulfide (alternately sulphide) (C8-C20).					MPS.
Magnesium sulfonate (alternately *sulphonate*), *see* Magnesium long-chain alkaryl sulfonate (alternately sulphonate) (C11-C50).			71786–47–5	MSE	MAS.
Maleic anhydride	11		108–31–6	MLA.	
Maleic anhydride/sodium allylsulphonate copolymer solution	11				PHN (CFO/CRL/CRO/CRS/CSO).
Maltitol solution	0	1, 3	585–88–6	MTI.	
Mango kernel oil, see Oil, edible: Mango kernel			90063–86–8		MKO (VEO).
Mercaptobenzothiazol, sodium salt solution	5		149–30–4	SMB	MBT.
2-Mercaptobenzothiazol (in liquid mixture)	5		149–30–4	BTM	SMD.
Mesityl oxide	18	2	141–79–7	MSO.	
Metam sodium solution	7		137–42–8	MSS	SMD.
Methacrylic acid	4		79–41–4	MAD.	
Methacrylic acid-Alkoxypoly(alkylene oxide) methacrylate copolymer, sodium salt aqueous solution (45% or less).	20	3	79–41–4	MAQ.	
Methacrylic resin in ethylene dichloride	14			MRD.	
Methacrylonitrile	15	2	126–98–7	MET.	
Methane	31		74–82–8	MTH	LNG.
3-Methoxy-1-butanol	20		2517–43–3	MTX.	
3-Methoxybutyl acetate	34		4435–53–4	MOA.	

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
N-(2-Methoxy-1-methyl ethyl)-2-ethyl-6-methyl chloroacetanilide, *see* Metolachlor.	34		51218–45		MCO.
1-Methoxy-2-propyl acetate	34		108–65–6	MXP.	
Methoxy triglycol, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether			112–35–6	MTG	PAG (TGY).
Methyl acetate	34		79–20–9	MTT.	
Methyl acetoacetate	34		105–45–3	MAE.	
Methyl acetylene/Propadiene mixture	30		74–99–7	MAP.	
Methyl acrylate	14		96–33–3	MAM.	
Methyl alcohol	20	2	67–56–1	MAL.	
Methylamine solutions (42% or less)	7	3	74–89–5	MSZ.	
Methyl amyl acetate	34		7789–99–3	MAC.	
Methyl amyl alcohol	20		108–11–2	MAA	MIC.
Methyl amyl ketone	18		110–43–0	MAK.	
N-Methylaniline	9	3	100–61–8	MAN.	
alpha-Methylbenzyl alcohol with Acetophenone (15% or less)	20	3	98–85–1	MBA.	
Methyl bromide	36		74–83–9	MTB.	
Methyl butanol, see the Amyl alcohols			71–41–0		AAI/AAL/AAN/APM/ASE/IAA.
Methyl butenes, see Pentene (all isomers)			109–67–1		PTX (AMW/AMZ/PTE).
Methyl butenol	20		137–32–6	MBL.	
Methyl tert-butyl ether	41	2	1634–04–4	MBE.	
Methyl butyl ketone	18	2	591–78–6	MBB	MBK/MIK.
Methyl 3-(3,5 di-tert-butyl-4-hydroxyphenyl) propionate crude melt	20		6386–38–5	MYP.	
Methylbutynol	20		137–32–6	MBY	MHB.
3-Methyl butyraldehyde	19		590–86–3	MBR.	
Methyl butyrate	34		623–42–7	MBU.	
Methyl chloride	36		74–87–3	MTC.	
Methylcyclohexane	31		591–47–9	MCY.	
Methylcyclohexanemethanol (crude)	20		34885–03–5	MYH.	
Methylcyclopentadiene dimer	30		26472–00–4	MCK.	
Methylcyclopentadienyl manganese tricarbonyl	0	1, 3	12108–13–3	MCT	MCW.
Methylcyclopentadienyl manganese tricarbonyl (60–70%) in mineral oil	0	1	12108–13–3	MCW	MCT.
Methyl diethanolamine	8		105–59–9	MDE	MAB.
Methyl ethyl ketone	18	2	78–93–3	MEK.	
2-Methyl-6-ethyl aniline	9		24549–06–2	MEN.	
Methyl formate	34		107–31–3	MFM.	
N-Methylglucamine solution (70% or less)	43	3	6284–40–8	MGC.	
2-Methylglutaronitrile	37		4553–62–2	MLN	MGN.
2-Methylglutaronitrile with 2-Ethylsuccinonitrile (12% or less)	37	3		MGE	MLN.
Methyl heptyl ketone	18		821–55–6	MHK.	
2-Methyl-2-hydroxy-3-butyne	20		115–19–5	MHB	MBY.
Methyl isoamyl ketone, see Methyl amyl ketone			110–12–0	MAJ	MAK.
Methyl isobutyl carbinol, see Methyl amyl alcohol			108–11–2	MIC	MAA.
Methyl isobutyl ketone	18		108–10–1	MIK	MBB/MBK.
Methyl methacrylate	14		80–62–6	MMM.	
Methylene bridged isobutylenated phenols	21		68610–06–0	MBP.	
Methylene chloride, see Dichloromethane			75–09–2		DCM.
3-Methyl-3-methoxybutanol	20		56539–66–3	MXB.	
2-Methyl-5-ethyl pyridine	9		104–90–5	MEP.	
3-Methyl-3-methoxybutyl acetate	34		103429–90–9	MMB.	
Methyl naphthalene (molten)	32	3	90–12–0	MNA.	
Methylolurea	19		1000–82–4	MUS.	
2-Methyl pentane, see Hexane (all isomers)			107–83–5		HXS (ALK/HXA/IHA/NHX).
2-Methyl-1,5-pentanediamine	7		15520–10–2	MPM.	
2-Methyl-1-pentene, see Hexene (all isomers)			763–29–1	MPN	HEX (HXE/HXT/HXU/HXV/MTN).
4-Methyl-1-pentene, see Hexene (all isomers)			691–37–2	MTN	HEX (HXE/HXT/HXU/HXV/MPN).
Methyl tert-pentyl ether, see tert-Amyl methyl ether			994–05–8		AYE.
2-Methyl-1,3-propanediol	20		78–26–2	MDL.	
Methyl propyl ketone	18		107–87–9	MKE.	
2-Methyl-5-ethylpyridine	9		104–90–5	MEP.	
Methylpyridine, see the Methylpyridines				MPQ	MPE/MPF/MPR.
2-Methylpyridine	9	3	109–06–8	MPR	MPE/MPF/MPQ.
3-Methylpyridine	9	3	109–99–6	MPE	MPF/MPQ/MPR.
4-Methylpyridine	9	3	108–89–4	MPF	MPE/MPQ/MPR.
N-Methyl-2-pyrrolidone	9	2	872–50–4	MPY.	
Methyl salicylate	34		119–36–8	MES.	
alpha-Methylstyrene	30		98–83–9	MSR.	
3-(Methylthio)propionaldehyde	19		3268–49–3	MTP.	
Metolachlor	34		51218–45–2	MCO.	
Microsilica slurry	43		69012–64–2	MOS.	
Milk	43		8049–98–7	MLK.	
Mineral spirits	33		64475–85–0	MNS.	
Mixed C4 Cargoes	30			MIX.	
Molasses	20		68476–78–8	MOL	MON.

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Molasses residue (from fermentation)	0	1	94114–07–5	MON	MOL.
Molybdenum polysulfide (alternately polysulphide) long-chain alkyl dithiocarbamide complex.	0	1, 3	1317–33–5	MOP.	
Monochlorodifluoromethane	36		75–45–6	MCF.	
Monoethanolamine, see Ethanolamine			141–43–5	MEA.	
Monoethylamine, see Ethylamine			75–04–7		EAM (EAN/EAO).
Monoisopropanolamine, see Isopropanolamine			78–96–6		MPA (PLA/PLX).
Morpholine	7	2	110–91–8	MPL.	
Motor fuel anti-knock compound (containing lead alkyls)	0	1		MFA.	
MTBE, see Methyl tert-butyl ether			1634–04–4		MBE.
Myrcene	30		123–35–3	MRE.	
Naphtha:					
Aromatic	33		64742–94–5	NAR.	
Coal tar solvent	33		8030–30–6	NCT.	
Heavy	33		64742–94–5	NAG.	
Paraffinic	33		8012–95–1	NPF.	
Petroleum	33		64742–94–5	PTN.	
Solvent	33		64742–94–5	NSV.	
Stoddard solvent	33		8052–41–3	NSS.	
Varnish Makers' and Painters'	33		8032–32–4	NVM.	
Naphthalene (molten)	32	3	91–20–3	NTM.	
Naphthalene crude (molten)	32		91–20–3	NCM	NAC/NCD.
Naphthalene still residue	32	2	91–20–3	NSR.	
Naphthalene sulfonic (alternately sulphonic) acid, sodium salt solution	34		85–47–2	NSB	NSA.
Naphthalene sulfonic (alternately sulphonic) acid-Formaldehyde copolymer, sodium salt solution.	0	1	85–47–2	NFS.	
Naphthenic acid	4		1338–24–5	NTI.	
Naphthenic acid, sodium salt solution	43		61790–13–4	NTS.	
Neodecanoic acid	4		26896–20–8	NEA	DCO/NAT.
Nitrating acid (mixture of Sulfuric (alternately Sulphuric) and Nitric acids)	0	1	7697–37–2	NIA.	
Nitric acid (70% and over)	3	2, 3	7697–37–2	NCE	NAC/NCD.
Nitric acid (less than 70%)	3	2	7697–37–2	NCD	NAC/NCE.
Nitric Acid, fuming, see Nitric acid (70% and over)		1, 2, 3	7697–37–2		NCE.
Nitric Acid, red fuming, see Nitric acid (70% and over)		1, 2, 3	52583–42–3		NCE.
Nitrilotriacetic acid, trisodium salt solution	34	3	139–13–9	NCA.	
Nitrobenzene	42		98–95–3	NTB.	
o-Nitrochlorobenzene, see o-Chloronitrobenzene			88–73–3		CNO (CNP).
Nitroethane	42		79–24–3	NTE.	
Nitroethane (80%)/Nitropropane (20%)	42	2, 3		NNL	NNM/NNO/NPM/NPN/NPP/NTE.
Nitroethane/1-Nitropropane (each 15% or more) mixture	42	2		NNO	NNL/NNM/NPM/NPN/NPP/NTE.
Nitrogen	0	1	7727–37–9	NXX.	
Nitrophenol (mixed isomers)	42		88–75–5	NPX	NIP/NPH.
o-Nitrophenol (molten)	0	1, 2	88–75–5	NTP	NIP/NPH/NPX.
Nitropropane (60%)/Nitroethane (40%) mixture	42			NNM	NNL/NNO/NPM/NPN/NPP/NTE.
1-or 2-Nitropropane	42		108–03–2	NPM	NPN/NPP.
o- or p-Nitrotoluenes	42	3	99–99–0	NIT	NIE/NTR/NTT.
Nonane (all isomers), see Alkanes (C6-C9)			111–84–2	NAX	ALK (NAN).
Nonanoic acid (all isomers)	4		112–05–0	NNA	NAI/NIN.
Nonanoic/Tridecanoic acid mixture	4			NAT	NAI/NIN/NNA.
Non-edible industrial grade palm oil, see Oil, misc.: Palm, non-edible industrial grade.			8002–75–3		OPB.
Nonene (all isomers)	30	2	124–11–8	NOO	NNE/NON/OAM/OFX/OFY.
Nonyl acetate	34		143–13–5	NAE.	
Nonyl alcohol (all isomers)	20	2	143–08–8	NNS	ALR/DBC/NNI/NNN.
Nonylbenzene, see Alkyl (C9+) benzenes			1081–77–2		AKB.
Non-noxious Liquid Substance, (12) n.o.s. Cat OS	0	1		NOL.	
Nonyl methacrylate monomer	14		2696–43–7	NMA.	
Nonyl phenol	21		25154–52–3	NNP.	
Nonyl phenol poly(4+)ethoxylate, see Alkyl (C7-C11) phenol poly(4-12) ethoxylate.			9016–45–9	NPE	APN.
Nonyl phenol sulfide (alternately *sulphide*) *(90% or less) solution, see* Alkyl (C8-C40) phenol sulfide (alternately sulphide).			34992–00–2		AKS (NPS).
Nonylphenol (48–62%)/Phenol (42–48%)/Dinonylphenol (1–10%) mixture	21			NYL.	
Noxious Liquid Substance, NF, (1) n.o.s. (''trade name'' contains ''principal components'') Cat X.	0	1			
Noxious Liquid Substance, F, (2) n.o.s. (''trade name'' contains ''principal components'') Cat X.	0	1			
Noxious Liquid Substance, NF, (3) n.o.s. (''trade name'' contains ''principal components'') Cat X.	0	1			
Noxious Liquid Substance, F, (4) n.o.s. (''trade name'' contains ''principal components'') Cat X.	0	1			
Noxious Liquid Substance, NF, (5) n.o.s. (''trade name'' contains ''principal components'') Cat Y.	0	1			
Noxious Liquid Substance, F, (6) n.o.s. (''trade name'' contains ''principal components'') Cat Y.	0	1			

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Noxious Liquid Substance, NF, (7) n.o.s. (“trade name” contains “principal components”) Cat Y.	0	1			
Noxious Liquid Substance, F, (8) n.o.s. (“trade name” contains “principal components”) Cat Y.	0	1			
Noxious Liquid Substance, NF, (9) n.o.s. (“trade name” contains “principal components”) Cat Z.	0	1			
Noxious Liquid Substance, F, (10) n.o.s. (“trade name” contains “principal components”) Cat Z.	0	1			
Noxious Liquid Substance, (11) n.o.s. (“trade name” contains “principal components”) Cat Z.	0	1			
Non-noxious Liquid Substance, (12) n.o.s. (“trade name” contains “principal components”) Cat OS.	0	1		NOL.	
Nutmeg butter oil, see Oil, edible: Nutmeg butter					ONB (VEO).
1-Octadecene, see the olefin or alpha-olefin entries			112–88–9		OAM/OFZ.
1-Octadecanol, see Stearyl alcohol			112–92–5		SYL (ALY/ASY).
Octadecenoamide solution	10		3322–62–1	ODD.	
Octadecenol (oleyl alcohol), see Alcohols (C13+)			143–28–2		ALY (AYL/ASY/OYL).
Octamethylcyclotetrasiloxane	34	3	556–67–2	OSA.	
Octane (all isomers), see Alkanes (C6-C9)			111–65–9	OAX	ALK (IOO/OAN).
Octanoic acid (all isomers)	4		124–07–2	OAY	OAA/EHO.
Octanol (all isomers)	20	2	111–87–5	OCX	EHX/OPA/OTA.
Octene (all isomers)	30	2	111–66–0	OTX	OAM/OFC/OFY/OFW/OTE.
n-Octyl acetate	34		112–14–1	OAF	OAE.
Octyl alcohol, see Octanol (all isomers)		2	111–87–5		OCX (EHX/IOA/OTA).
Octyl aldehydes	19		124–13–0	OAL	EHA/IOC//OLX.
Octylbenzenes, see Alkyl (C5-C8) benzenes			2189–60–8		AKD.
Octyl decyl adipate	34		110–29–2	ODA.	
n-Octyl mercaptan	0		111–88–6	OME.	
Octyl nitrates (all isomers), see Alkyl (C7-C9) nitrates		2	629–39–0	ONE	AKN.
Octyl phenol	21		27193–28–8	OPH.	
Octyl phthalate, see Dioctyl phthalate			117–84–0		DAH (DIE/DIO/DLK/DOP).
Offshore contaminated bulk liquid P	0			OBP.	
Offshore contaminated bulk liquid S	0			OBS.	
Oil, edible:					
Beechnut	34		481–39–0	OBN	VEO.
Castor	34		8001–79–4	OCA	VEO.
Cocoa butter	34		8002–31–1	OCB	VEO.
Coconut	34	2	8001–31–8	OCC	VEO.
Cod liver	34		8001–69–2	OCL	AFN.
Corn	34		8001–30–7	OCO	VEO.
Cottonseed	34		8001–29–4	OCS	VEO.
Fish	34	2	8016–13–5	OFS	AFN.
Grape seed	34		8024–22–4	.	
Groundnut	34		8002–03–7	OGN	VEO.
Hazelnut	34		185630–72–2	OHN	VEO.
Illipe	34		91770–65–9	ILO	VEO.
Lard	34		61789–99–9	OLD	AFN.
Maize, see Oil, edible: Corn			8001–30–7		OCO (VEO).
Mango kernel	34	3	90063–86–8	MKO.	
Nutmeg butter	34		8008–45–5	ONB	VEO.
Olive	34		8001–25–0	OOL	VEO.
Palm	34	2, 3	8002–75–3	OPM	VEO.
Palm kernel	34		8023–79–8	OPO	VEO.
Palm kernel olein	34		93334–39–5	PKO	VEO.
Palm kernel stearin	34		91079–14–0	PKS	VEO.
Palm mid fraction	34		91079–14–0	PFM	VEO.
Palm olein	34		93334–39–5	PON	VEO.
Palm stearin	34		91079–14–0	PMS	VEO.
Peanut	34		8002–03–7	OPN	VEO.
Poppy	34		8002–11–7	OPY	VEO.
Poppy seed	34		8002–11–7	OPS	VEO.
Raisin seed	34		8024–22–4	ORA	VEO.
Rapeseed	34		8002–13–9	ORP	VEO.
Rapeseed (low erucic acid containing less than 4% free fatty acids)	34	3	8002–13–9	ORO	ORP/VEO.
Rice bran	34		68553–81–1	ORB	VEO.
Safflower	34		8001–23–8	OSF	VEO.
Salad	34		9083–41–4	OSL	VEO.
Sesame	34		8008–74–0	OSS	VEO.
Shea butter	34		194043–92–0	OSH	VEO.
Soyabean	34	2	8001–22–7	OSB	VEO.
Sunflower, see Oil, edible: Sunflower seed			8001–21–6		OSN (VEO).
Sunflower seed	34		8001–21–6	OSN	VEO.
Tucum	34		356065–49–1	OTC	VEO.
Vegetable	34		9083–41–4	OVG	VEO.
Walnut	34		8024–09–7	OWN	VEO.
Oil, fuel:					

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
No. 1	33		8008–20–6	OON.	
No. 1–D	33			OOD.	
No. 2	33		68476–30–2	OTW.	
No. 2–D	33			OTD.	
No. 4	33		68553–00–4	OFR.	
No. 5	33		70892–11–4	OFV.	
No. 6	33		68553–00–4	OSX.	
Oil, misc.:					
Acid mixture from soyabean, corn (maize) and sunflower oil refining	34			AOM.	
Aliphatic	33		8052–41–3	OML.	
Animal	34		68991–19–5	OMA	AFN.
Aromatic	33		6472–95–6	OMR.	
Camelina	34		68956–68–3	OCI.	
Cashew nut shell (untreated)	34		8007–24–7	OCN.	
Clarified	33		64741–62–4	OCF.	
Coal	33		8008–2–06	OMC.	
Coconut fatty acid	34	2	61788–47–4	CFA.	
Coconut, fatty acid methyl ester	34		61788–59–8	OCM.	
Cotton seed oil, fatty acid	34		8001–29–4	CFY.	
Crude	33		8002–05–9	OFA.	
Diesel	33		68334–30–5	ODS.	
Disulfide (alternately Disulphide)	0	1	624–92–0	ODI.	
Gas, cracked	33		8006–61–9	GOC.	
Gas, high pour	33		8006–61–9	OGP.	
Gas, low pour	33		8006–61–9	OGL.	
Gas, low sulfur (alternately sulphur)	33		8006–61–9	OGS.	
Heartcut distillate	33		68131–77–1	OHD.	
Jatropha	34	3	88–6–7	JTO.	
Lanolin	34		8006–54–0	OLL	AFN.
Linseed	33		8001–26–1	OLS.	
Lubricating	33	2	93572–43–1	OLB.	
Mineral	33		8042–47–5	OMN.	
Mineral seal	33		64742–46–7	OMS.	
Motor	33			OMT.	
Neatsfoot	33		8002–64–0	ONF	AFN.
Oiticica	34		8016–35–1	OOI.	
Palm acid	34		8002–75–3	PLM.	
Palm fatty acid distillate	34		68440–15–3	PFD.	
Palm oil, fatty acid methyl ester	34		91051–34–2	OPE.	
Palm kernel acid	34		101403–98	OPK.	
Palm kernel fatty acid distillate	34		68440–15–3	PNG.	
Palm, non-edible industrial grade	34		8002–75–3	OPB.	
Penetrating	33		64742–95–6	OPT.	
Perilla	34		68132–21–8	OPR.	
Pilchard	34		8016–13–5	OPL	AFN.
Pine	33		8002–09–3	OPI	PNL.
Rapeseed fatty acid methyl esters	34	3	73891–99–3	ORP.	
Residual	33		68476–33–5	ORL.	
Resin, distilled	30	3	8016–37–3	ORR.	
Road	33		8052–42–4	ORD.	
Rosin	33		8002–16–2	ORN.	
Seal	34		64742–46–7	OSE.	
Soapstock	34		68952–95–4	OIS.	
Soyabean (epoxidized)	34		8013–07–8		OSC/EVO.
Soyabean fatty acid methyl ester	34		68919–53–9		OST.
Spindle	33		64742–54–7	OSD.	
Tall	34		8002–26–4	OTL	OTI/OTJ.
Tall, crude	34	2	8002–26–4	OTI	OTJ/OTL.
Tall, distilled	34	2	8002–26–4	OTJ	OTI/OTL.
Tall, fatty acid	34	2	61790–12–3	OTT.	
Tall fatty acid (resin acids less than 20%)	34	2	61790–12–3	OTK	OTT.
Tall pitch	34		08016–81–7	OTP.	
Transformer	33		64742–53–6	OTF.	
Tung	34		8001–20–5	OTG.	
Turbine	33			OTB.	
Used cooking oil	34			OUC	VEO.
Used cooking oil (triglycerides, C16-C18, and C18 unsaturated)	34			OUT	VEO.
Vacuum gas oil	33		64741–57–7	OVC.	
Oleamide solution, see Octadecenoamide solution			301–02–0		ODD.
Olefin-Alkyl ester copolymer (molecular weight 2000+)	30			OCP.	
Olefin mixture (C7-C9) C8 rich, stabilized	30	3	25339–56–4	OFC	OFW/OFY/OFX.
Olefin mixtures (C5-C7)	30	3	25264–93–1	OFY	OAM/OFC/OFW/OFX/OFZ.
Olefin mixtures (C5-C15)	30	3	25264–93–1	OFY	OAM/OFC/OFW/OFX/OFZ.
Olefins (C13+, all isomers)	30		85535–87–1	OFZ	OAM/OFW.
alpha-Olefins (C6-C18) mixtures	30		592–41–6	OAM	OFC/OFW/OFX/OFY/OFZ.
Oleic acid	4		112–80–1	OLA.	
Oleum	0	1, 2	8014–95–7	OLM	SAC/SFX.

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Oleyl alcohol, see Alcohols (C13+)			143–28–2	OYL	ALY (ASY).
Oleylamine	7		112–90–3	OLY.	
Olive oil, see Oil, edible: Olive			8001–25–0		OOL (VEO).
Orange juice (concentrated)	0	1, 3	68514–75–0	OJC	OJN.
Orange juice (not concentrated)	0	1, 3	68514–75–0	OJN	OJC.
Organomolybdenum amide	10		445409–27–8	OGA.	
ORIMULSION, see Asphalt emulsion					ASQ.
Oxyalkylated alkyl phenol formaldehyde	33		9003–35–4	OPF.	
Oxygenated aliphatic hydrocarbon mixture	0	1, 3		OAH.	
Palm acid oil, see Oil, misc.: Palm acid		3	68440–15–3		PLM.
Palm fatty acid distillate, see Oil, misc.: Palm fatty acid distillate		3			PFD.
Palm kernel acid oil, see Oil, misc.: Palm kernel acid			101403–98		PNO.
Palm kernel acid oil, methyl ester, see Oil, misc.: Palm kernel acid, methyl ester.					PNF.
Palm kernel oil, see Oil, edible: Palm kernel			8023–79–8		OPO (VEO).
Palm kernel oil fatty acid distillate, see Oil, misc.: Palm kernel fatty acid distillate.					PNG.
Palm kernel olein, see Oil, edible: Palm kernel olein		3	93334–39–5		PKO (VEO).
Palm kernel stearin, see Oil, edible: Palm kernel stearin		3			PKS (VEO).
Palm mid fraction, see Oil, edible: Palm mid fraction		3	91079–14–0		PFM (VEO).
Palm oil, see Oil, edible: Palm		2, 3	8002–75–3	OPM	VEO/OPE.
Palm oil fatty acid methyl ester, see Oil, misc.: Palm fatty acid methyl ester.		3			OPE.
Palm olein, see Oil, edible: Palm olein		3	93334–39–5		PON (VEO).
Palm stearin, see Oil, edible: Palm stearin			91079–14–0		PMS (VEO).
Parachlorobenzotrifluoride	32		98–56–6	PBF.	
Paraffin wax, see Waxes: Paraffin		3	8002–74–2		WPF.
n-Paraffins (C10-C20), see n-Alkanes (C10+) all isomers				PFN	ALJ.
Paraldehyde	19		123–63–7	PDH.	
Paraldehyde-Ammonia reaction product	9			PRB.	
Peanut, see Oil, edible: Peanut			8002–03–7		OPN (VEO).
Pentachloroethane	36		76–01–7	PCE.	
Pentacosa (oxypropane-2,3-diyl)s	20		923–61–5	POY.	
Pentadecanol, see Alcohols (C13+)			629–76–5	PDC	ALY.
1,3-Pentadiene	30		1574–41–0	PDE	PDN.
1,3-Pentadiene (greater than 50%), Cyclopentene and isomers, mixtures	30	3	1574–41–0	PMM.	
Pentaethylene glycol, see Polyethylene glycols			4792–15–8		PEG.
Pentaethylene glycol methyl ether, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether.			23778–52–1		PAG.
Pentaethylenehexamine	7		4067–16–7	PEN.	
Pentaethylenehexamine/Tetraethylenepentamine mixture	7			PEP.	
Pentane (all isomers)	31		109–66–0	PTY	IPT/PTA.
Pentanoic acid	4		109–52–4	POC..	
n-Pentanoic acid (64%)/2-Methyl butyric acid (36%) mixture	4			POJ	POC.
Pentasodium salt of Diethylenetriaminepentaacetic acid solution, see Diethylenetriaminepentaacetic acid, pentasodium salt solution.			140–01–2		DYS.
Pentene (all isomers)	30		109–67–1	PTX	PTE.
Pentyl aldehyde	19		110–62–3	PYL.	
n-Pentyl propionate	34		624–54–4	PPE.	
Perchloroethylene	36	2	127–18–4	PER	TTE.
Petrolatum	33		8009–03–8	PTL.	
Phenol	21	2	108–95–2	PHN	PNS.
Phenol solutions (2% or less)	43		108–95–2	PNS	PHN.
1-Phenyl-1-xylyl ethane	32		6196–96–8	PXE.	
Phosphate esters	34		68130–47–2	PZE.	
Phosphate esters, alkyl (C12-C14) amine	7			PEA.	
[[(Phosphonomethyl)imino]bis[ethylenenitrilobis(methylene)]]tetrakisphosphonic acid, ammonium salt solution (60% or less).	3			PES.	
Phosphoric acid	1	2	7664–38–2	PAC.	
Phosphorus, yellow or white	0	1	7723–14–0	PPW	PPB/PPR.
Phosphosulfurized (alternately Phosphosulphurized) bicycle terpene	0	1		PBT.	
Phthalate based polyester polyol	0	1, 2	32472–85–8	PBE.	
Phthalic anhydride (molten)	11		85–44–9	PAN.	
PIB, see Poly(4+)isobutylene (molecular weight >224).			9003–27–4		
alpha-Pinene	30		7785–26–4	PIO	PIB/PIN.
beta-Pinene	30		127–91	PIP	PIN/PIO.
Pine oil, see Oil, misc.: Pine			8002–09–3	PNL	OPI.
Piperazine (70% or less)	7	3	110–85–0	PIZ	PPB/PPZ.
Piperazine (crude)	7		110–85–0	PZC	PPZ/PIZ.
Piperazine, 68% solution	7		110–85–0		
Polyacrylic acid solution (40% or less)	43		9003–01–4	PYA.	
Polyalkenyl succinic anhydride amine	7		108–30–5	PSN.	
Polyalkyl acrylate	14		9003–21–8	PAY.	
Polyalkyl (C18-C22) acrylate in Xylene	14			PIX.	
Polyalkylalkenaminesuccinimide, molybdenum oxysulfide (alternately oxysulphide).	0	3		PSO.	
Polyalkylene glycols/Polyalkylene glycol monoalkyl ethers mixtures	40		9038–95–3	PPX.	
Polyalkylene glycol butyl ether, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether.				PGB	PAG.

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether	40	2		PAG.	
Including:					
Diethylene glycol butyl ether	40		112–34–5		
Diethylene glycol ethyl ether	40		111–90–0		
Diethylene glycol n-hexyl ether	40		112–59–4		
Diethylene glycol methyl ether	40		111–77–3		
Diethylene glycol propyl ether	40		6881–94–3		
Dipropylene glycol butyl ether	40		112–34–5		
Dipropylene glycol methyl ether	40		34590–94–8		
Polyalkylene glycol butyl ether	40		111–76–2		
Polyethylene glycol monoalkyl ether	40		111–80–5		
Polypropylene glycol methyl ether	40		34590–94–8		
Tetraethylene glycol methyl ether	40		23783–42–8		
Triethylene glycol butyl ether	40		143–22–6		
Triethylene glycol ethyl ether	40		112–50–5		
Triethylene glycol methyl ether	40		112–35–6		
Tripropylene glycol methyl ether	40		25498–49–1		
Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether acetate	34			PAF.	
Including:					
Diethylene glycol butyl ether acetate	34		124–17–4		
Diethylene glycol ethyl ether acetate	34		112–15–2		
Diethylene glycol methyl ether acetate	34		110–49–6		
Polyalkylene oxide polyol	20			PAO.	
Polyalkylene glycols/Polyalkylene glycol monoalkyl ethers mixtures	40			PPX.	
Polyalkylene oxide polyol	20			PAO.	
Polyalkyl (C10-C20) methacrylate	14		221–657–1	PMT	PYY.
Polyalkyl methacrylate in mineral oil	14			PYY	PMT.
Polyalkyl (C10-C18) methacrylate/Ethylene-propylene copolymer mixture	14			PEM.	
Polyalpha olefins	31		115–07–1	PYO.	
Polyaluminum (alternately Polyaluminium) chloride solution	1		1327–41–9	PLS.	
Polybutadiene, hydroxyl terminated	20		69102–90–5	PHT.	
Polybutene	33		9003–29–6	PLB.	
Polybutenyl succinimide	10		84605–20–9	PBS.	
Polycarboxylic ester (C9+), see Ditridecyl adipate			16958–92–2		DTY.
Poly(2+)cyclic aromatics	32		91–20–3	PCA.	
Polydimethylsiloxane, see Dimethylpolysiloxane			9016–00–6		DMP.
Polyether, borated	41			PED.	
Polyether (molecular weight 1350+)	41			PYR.	
Polyether polyols	41		25214–63–5	PEO.	
Polyethylene glycol	40		25322–68–3	PEG.	
Polyethylene glycol dimethyl ether	40		24991–55–7	PEF.	
Poly(ethylene glycol) methylbutenyl ether (molecular weight >1000)	40			PBN.	
Polyethylene glycol monoalkyl ether, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether.			111–77–3	PEE	PAG.
Polyethylene polyamines	7	2	109–89–7	PEB	PEY.
Polyethylene polyamines (more than 50% C5-C20 Paraffin oil)	7	2, 3		PEY	PEB.
Polyferric sulfate (alternately sulphate) solution	34		51434–22–1	PSS.	
Polyglycerine/Sodium salts solution (containing less than 3% Sodium hydroxide).	20	2		PGT	PGS.
Polyglycerol	20		25618–55–7	PGL.	
Poly(iminoethylene)-graft-N-poly(ethyleneoxy) solution (90% or less)	7	3		PIG	PIM.
Polyisobutenamine in aliphatic (C10-C14) solvent	7	2		PIB	PIA.
(Polyisobutene) amino products in aliphatic hydrocarbons	7	3			
Polyisobutenyl anhydride adduct	11			PBA.	
Polyisobutenyl succinimide	10		84605–20–9	PIS.	
Poly(4+)isobutylene (molecular weight >224)	30	3	9003–27–4	PIL.	
Polyisobutylene (molecular weight ≤224)	30	3	9003–27–4	PIL.	
Polyisobutylene succinic anhydride	11		67762–77–0	PYS.	
Polymerized esters	34			PYM.	
Polymethylene polyphenyl isocyanate	12	2	9016–87–9	PPI.	
Polymethylsiloxane	34		9006–65–9	PMX.	
Polyolefin (molecular weight 300+)	33			PMW	PLF.
Polyolefin amide alkeneamine (C17+)	33			POH	POD.
Polyolefin amide alkeneamine (C28+), see Polyolefin amide alkenamine (C17+).				POD	POH.
Polyolefin amide alkeneamine borate (C28-C250)	33		134758–95–5	PAB.	
Polyolefin amide alkeneamine in mineral oil	33			PLK.	
Polyolefin amide alkeneamine/Molybdenum oxysulfide (alternately oxysulphide) mixture.	7			PMO.	
Polyolefin amide alkeneamine polyol	20			PAP.	
Polyolefin amine (C17+)	7		98761–78–5	POG.	
Polyolefinamine (C28-C250)	33			POM.	
Polyolefinamine in alkyl(C2-C4) benzenes	32			POF	POR.
Polyolefinamine in aromatic solvent	32	3		POR	POF.
Polyolefin aminoester salts (molecular weight 2000+)	34			PAE.	
Polyolefin anhydride	11		9006–26–2	PAR.	
Polyolefin ester (C28-C250)	34			POS.	
Polyolefin in mineral oil	30			PLF	PMW.
Polyolefin phenolic amine (C28-C250)	9			PPH.	
Polyolefin phosphorosulfide (alternately phosphorosulphide), barium derivative (C28-C250).	34			PPS.	

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Poly (oxyalkylene) alkenyl ether (molecular weight >1000)	41	3	9005–00–9	PXY.	
Polyoxybutylene alcohol	41		9002–92–0	PXA.	
Poly(20)oxyethylene sorbitan monooleate	34		9005–65–6	PSM.	
Polyoxypropylenediamine (molecular weight 2000)	7			PYD.	
Poly(5+) propylene	30		9003–07–0	PLQ	PLP.
Polypropylene glycol	40	2	25322–69–4	PGC.	
Polypropylene glycol methyl ether, see Poly(2-8)alkylene glycol monoalkyl (C1–C6) ether.			107–98–2	PGM	PAG.
Polysiloxane	34		63148–53–8	PSX.	
Polysiloxane/White spirit, low (15-20%) aromatic	34			PWS.	
Poly(tetramethylene ether) glycols (molecular weight 950–1050), see alpha-hydro-omega-Hydroxytetradeca(oxytetramethylene).			25190–06–1	PYU	HTO.
Polytetramethylene ether glycol	40		25190–06–1	PYT	HTO/PYU/PYS.
Poppy seed, see Oil, edible: Poppy seed			8002–11–7		OPS (VEO).
Poppy, see Oil, edible: Poppy					OPY (VEO).
Potassium chloride solution	43		7447–40–7	PCU	PCD/PSD.
Potassium chloride solution (10% or more)	43		7447–40–7	PCS	PCD/PCU.
Potassium chloride solution (less than 26%)	43		7447–40–7	PSD	CLM/DRL/PCS/PCU.
Potassium formate solutions	34		590–29–4	PFR.	
Potassium hydroxide solution, see Caustic potash solution		2	1310–58–3		CPS/PTH.
Potassium oleate	34		143–18–0	POE.	
Potassium polysulfide (alternately polysulphide)/Potassium thiosulfide (alternately thiosulphide) solution (41% or less).	0	1		PYP	PSF/PTF.
Potassium salt of polyolefin acid	34			PSP.	
Potassium thiosulfate (alternately thiosulphate) (50% or less)	43		10294–66–3	PTF.	
Propane	31		74–98–6	PRP	LPG.
iso-Propanolamine, see Isopropanolamine			78–96–6		MPA (PAX/PLA).
n-Propanolamine	8		107–10–8	PLA	MPA/PAX.
2-Propene-1-aminium, N,N-dimethyl-N-2-propenyl-, chloride, homopolymer solution.	0	1, 3		PLN.	
Propionaldehyde	19		123–38–6	PAD.	
beta-Propiolactone	18	3	57–57–8	PLT.	
Propionic acid	4		79–09–4	PNA.	
Propionic anhydride	11		123–62–6	PAH.	
Propionitrile	37		107–12–0	PCN.	
n-Propoxypropanol, see Propylene glycol monoalkyl ether			1569–01–3	PXP	PGE.
n-Propyl acetate	34		109–60–4	PAT	IAC.
n-Propyl alcohol	20	2	71–23–8	PAL	IPA.
n-Propyl chloride	36		540–54–5	PRC.	
Propyl ether	41		557–17–5		IPE/PRE.
n-Propylamine	7		107–10–8	PRA	IPO/IPP/IPQ.
iso-Propylamine solution, see Isopropylamine (70% or less) solution			75–31–0		IPQ (IPO/IPP/PRA).
Propylbenzenes (all isomers), see Alkyl (C3-C4) benzenes			103–65–1	PBY	AKC (CUM/PBZ).
iso-Propyl cyclohexane, see Isopropylcyclohexane			696–29–7		IPX.
Propylene	30		115–07–1	PPL.	
Propylene-Butylene copolymer	30		29160–13–2	PBP.	
Propylene carbonate	34		108–32–7	PLC.	
Propylene dimer	30		26824–72–2	PDR.	
Propylene glycol	20	2	57–55–6	PPG.	
Propylene glycol n-butyl ether, see Propylene glycol monoalkyl ether			5131–66–8	PGD	PGE.
Propylene glycol ethyl ether, see Propylene glycol monoalkyl ether			1569–02–4	PGY	PGE.
Propylene glycol methyl ether, see Propylene glycol monoalkyl ether		2	107–98–2	PME	PGE.
Propylene glycol methyl ether acetate	34	2	108–65–6	PGN.	
Propylene glycol monoalkyl ether	40			PGE.	
Including:					
n-Propoxypropanol	40		30136–13–1		
Propylene glycol n-butyl ether	40		5131–66–8		
Propylene glycol ethyl ether	40		1569–02–4		
Propylene glycol methyl ether	40		107–98–2		
Propylene glycol propyl ether	40		1569–01–3		
Propylene glycol phenyl ether	40		770–35–4	PGP.	
Propylene glycol propyl ether, see Propylene glycol monoalkyl ether			1569–01–3		PGE.
Propylene oxide	16		75–56–9	POX.	
Propylene tetramer	30		6842–15–5	PTT.	
Propylene trimer	30		13987–01–4	PTR.	
Propylene/Propane/MAPP gas mixture	30	2		PPM.	
Pseudocumene, see Trimethylbenzene (all isomers)			95–63–6		TMB/TMD/TME/TRE.
Pyridine	9		110–86–1	PRD.	
Pyridine bases, see Paraldehyde-Ammonia reaction product					PRB.
Pyrolysis gasoline (containing Benzene)	32	3	68477–58–7	PYG	GPY.
Rapeseed oil (low erucic acid containing less than 4% free fatty acids), see Oil, edible: Rapeseed (low erucic acid containing less than 4% free fatty acids).		3	8002–13–9		ORO (VEO).
Rapeseed oil fatty acid methyl esters, see Oil, misc.: Rapeseed fatty acid methyl esters.		3	73891–99–3		RSO.
Rapeseed oil, see Oil, edible: Rapeseed			8002–13–9		ORO (VEO).
Refrigerant gases	0	1		RFG.	

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Resin oil, distilled, see Oil, misc.: Resin, distilled		3			ORR (ORS).
Rice bran oil, see Oil, edible: Rice bran			68553–81–1		ORB.
Rosin soap (disproportionated) solution	43		61790–50–9	RSP.	
Rosin, see Oil, misc.: Rosin			8050–09–7		ORN.
Rum, see Alcoholic beverages, n.o.s.			64–17–5		ABV.
Safflower oil, see Oil, edible: Safflower			8001–23–8		OSF (VEO).
Sewage sludge	43			SWS.	
Shea butter, see Oil, edible: Shea butter		3	194043–92–0		OSH (VEO).
Silica slurry	43		69012–64–2	SLC.	
Siloxanes	34		9011–19–2	SLX.	
Sludge, treated	43			SWA.	
Sodium acetate solutions	34		127–09–3	SAN.	
Sodium acetate, Glycol, Water mixture (containing 1% or less Sodium hydroxide) (if non-flammable or non-combustible).	5	2		SAY	SAO/SAP/SAQ/SAY.
Sodium acetate, Glycol, Water mixture (containing Sodium hydroxide)	5			SAQ	SAO/SAP/SAW/SAY.
Sodium acetate, Glycol, Water mixture (not containing Sodium hydroxide)	34	2		SAW	SAO/SAP/SAQ/SAY.
Sodium alkyl (C14-C17) sulfonates (alternately sulphonates) (60–65% solution).	34			SSU	AKA/AKE.
Sodium aluminate solution	5		11138–49–1	SAV	SAU.
Sodium aluminate solution (45% or less)	5		11138–49–1	SAU	SAV.
Sodium aluminosilicate slurry	34		1344–00–9	SLR.	
Sodium benzoate	34		532–32–1	SBN	SBM.
Sodium bicarbonate solution (less than 10%)	34	3	144–55–8	SBC.	
Sodium borohydride (15% or less)/Sodium hydroxide solution	5			SBX	CSS/SBH/SBI/SHD.
Sodium bromide solution (less than 50%)	43	3	7647–15–6	SBL	SBR.
Sodium carbonate solution	5		497–19–8	SCE.	
Sodium chlorate solution (50% or less)	0	1, 2	7775–09	SDD	SDC.
Sodium cyanide solution	5		143–33–9	SCO	SCN/SCS.
Sodium dichromate solution (70% or less)	0	1, 2	7789–12–0	SDL	SCR.
Sodium dimethyl naphthalene sulfonate solution, see Dimethyl naphthalene sulfonic (alternately sulphonic) acid, sodium salt solution.			532–02–5		DNS.
Sodium hydrogen sulfide (alternately sulphide) (6% or less)/Sodium carbonate (3% or less) solution.	0	1, 2, 3		SSS	SCE/SHW.
Sodium hydrogen sulfite (alternately sulphite) solution (45% or less)	43		7631–90–5	SHY	SHX.
Sodium hydrosulfide (alternately hydrosulphide)/Ammonium sulfide (alternately sulphide) solution.	5	2		SSA	ASF/ASS.
Sodium hydrosulfide (alternately hydrosulphide) solution (45% or less)	5	2	16721–80–5	SHR.	
Sodium hydroxide solution, see Caustic soda solution		2	1310–73–2		CSS (SHD).
Sodium hypochlorite solution (15% or less)	5		7681–52–9	SHP	SHC/SHQ.
Sodium hypochlorite solution (20% or less)	5		7681–52–9	SHQ	SHC/SHP.
Sodium lignosulfonate (alternately lignosulphonate) solution	43		8061–51–6	SLG	LNL.
Sodium long-chain alkyl salicylate (C13+)	34		84539–60–6	SLS.	
Sodium-2-mercaptobenzothiazol solution, see Mercaptobenzothiazol, sodium salt solution.			2492–26–4		SMB.
Sodium methoxide (25% in methanol)	0	1	124–41–4	SMO.	
Sodium methylate 21–30% in methanol	0	1, 2, 3	124–41–4	SMT	SMS.
Sodium naphthalene sulfonate (alternately *sulphonate*) *solution, see* Naphthalene sulfonic (alternately sulphonic) acid (40% or less), sodium salt solution (40% or less).			532–02–5	SNS	NSA (NSB).
Sodium naphthenate solution, see Naphthenic acid, sodium salt solution			61790–13–4		NTS.
Sodium nitrite solution	5		7632–00–0	SNI	SNT.
Sodium N-methyl dithio carbamate solution, see Metam sodium solution			137–42–8	MSS	SMD.
Sodium petroleum sulfonate (alternately sulphonate)	34		68608–26–4	SPS.	
Sodium poly(4+)acrylate solution	43	2	9003–04–7	SOP	SOO.
Sodium polyacrylate solution	43	2	9003–04–7	SOO	SOP.
Sodium salt of Ferric hydroxyethylethylenediaminetriacetic acid solution, see Ferric hydroxyethylethylenediaminetriacetic acid, trisodium salt solution.			139–89–9	STA	FHX.
Sodium silicate solution	43	2	1344–09–8	SSN	SSC.
Sodium sulfate (alternately sulphate) solution	34	3	7757–82–5	SST	SSO.
Sodium sulfide (alternately sulphide) solution (15% or less)	43		1313–82–2	SDR	SDS.
Sodium sulfide (alternately sulphide)/Hydrosulfide (alternately Hydrosulphide) solution (H_2S 15 ppm or less).	0	1, 2		SSH	SDS/SHR/SSI/SSJ.
Sodium sulfide (alternately sulphide)/Hydrosulfide (alternately Hydrosulphide) solution (H_2S greater than 15 ppm but less than 200 ppm).	0	1, 2		SSI	SDS/SHR/SSH/SSJ.
Sodium sulfide (alternately sulphide)/Hydrosulfide (alternately Hydrosulphide) solution (H_2S greater than 200 ppm).	0	1, 2		SSJ	SDS/SHR/SSH/SSI.
Sodium sulfite (alternately sulphite) solution (25% or less)	43		7757–83–7	SUP	SSF/SUS.
Sodium tartrates/Sodium succinates solution	43			STM.	
Sodium thiocyanate solution (56% or less)	0	1, 2	540–72–7	STS	SCY.
Sorbitol solution	20		50–70–4	SBU	SBT.
Soyabean fatty acid methyl ester, see Oil, misc.: Soyabean fatty acid methyl ester.			67784–80–9		OST.
Soyabean oil (epoxidized)	34		8013–07–8		OSC/EVO.
Soyabean oil, see Oil, edible: Soyabean		2	8001–22–7		OSB (VEO).
Stearic acid, see Fatty acids (saturated, C13+)			57–11–4	SRA	FAD (FAB/FAE/FDI/FDT).

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Stearyl alcohol	20		112–92–5	SYL	ALY/ASY.
Stoddard solvent, see Naphtha: Stoddard solvent			8032–32–4		NSS.
Styrene monomer	30		100–42–5	STY.	
Sulfohydrocarbon (alternately Sulphohydrocarbon) (C3-C88)	33			SFO.	
Sulfohydrocarbon (alternately Sulphohydrocarbon), long-chain (C18+) alkylamine mixture.	7			SFX.	
Sulfolane (alternately Sulpholane)	39		126–33–0	SFL.	
Sulfonated (alternately Sulphonated) polyacrylate solutions	43	2		SPA.	
Sulfur (alternately Sulphur) (molten)	0	1, 2	7704–34–9	SXX.	
Sulfur (alternately Sulphur) dioxide	0	1	7446–09–5	SFD.	
Sulfuric (alternately Sulphuric) acid	2	2	7664–93–9	SFA	SAC.
Sulfuric (alternately Sulphuric) acid, spent	2	2	7664–93–9	SAC	SFA.
Sulfurized (alternately Sulphurized) fat (C14-C20)	33			SFT.	
Sulfurized (alternately Sulphurized) polyolefinamide	10			SPY.	
Sulfurized (alternately Sulphurized) polyolefinamide alkene (C28-C250) amine.	33			SPO.	
Sunflower seed oil, see Oil, edible: Sunflowerseed	34		8001–21–6		OSN (VEO).
Sym-trichlorobenzene, see 1,2,4-Trichlorobenzene.			108–70–3		
Tall oil, see Oil, misc.: Tall			8002–26–4		OTL (OTI/OTJ).
Tall oil, crude, see Oil, misc.: Tall, crude		2, 3	8002–26–4		OTI (OTJ/OTL).
Tall oil, distilled, see Oil, misc.: Tall, distilled		3	8002–26–4		OTJ (OTI/OTL).
Tall oil, fatty acid, see Oil, misc.: Tall fatty acid		2	61790–12–3		OTT.
Tall oil fatty acid (resin acids less than 20%), see Oil, misc.: Tall oil fatty acid (resin less than 20%).		2			OTK (OTT).
Tall oil fatty acid, barium salt	0	1, 2		TOB.	
Tall oil pitch, see Oil, misc.: Tall pitch		3	08016–81–7		OTP (OTI/OTJ/OTL).
Tall oil soap (crude)	34			TOR	TOS.
Tall oil soap (disproportionated) solution	43			TOS.	
Tallow	34	2	61789–97–7	TLO.	
Tallow alcohol, see Alcohols (C13+)		2	67762–27–0	TFA	ALY (ASY).
Tallow alkyl nitrile	37			TAN.	
Tallow fatty acid	34	2	61790–37–2	TFD.	
Tallow fatty alcohol, see Alcohols (C13+)		2	67762–27–0	TFA	ALY.
TAME, see tert-Amyl methyl ether			994–05–8		AYE.
Tertiary butylphenols	21		128–39–2	BLT	BTP.
Tetrachloroethane	36		79–34–5	TEC.	
1,1,2,2-Tetrachloroethane, see Tetrachloroethane	36		79–34–5	TEC	TEE.
Tetradecanol, see Alcohols (C13+)			112–72–1	TTN	ALY.
Tetradecene, see olefins or alpha-olefin entries			1120–36–1		OAM/OFY/OFW/OFZ/TDD.
Tetradecylbenzene, see Alkyl (C9+) benzenes			1459–10–5	TDB	AKB.
Tetraethyl silicate monomer/oligomer (20% in ethanol)	0	1, 3		TSM.	
Tetraethylene glycol	40		112–60–7	TTG.	
Tetraethylene glycol methyl ether, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether.			23783–42–8		PAG.
Tetraethylenepentamine	7	2	112–57–2	TTP.	
Tetrahydrofuran	41		109–99–9	THF.	
Tetrahydronaphthalene	32		119–64–2	THN.	
Tetramethylbenzene (all isomers)	32		527–53–7	TTC	TTB.
1,2,3,5-Tetramethylbenzene, see Tetramethylbenzene (all isomers)			527–53–7	TTB	TTC.
Tetrapropylbenzene, see Alkyl(C9+)benzenes					AKB.
Tetrasodium salt of ethylenediaminetetraacetic acid solution, see Ethylenediaminetetraacetic acid, tetrasodium salt solution.			13235–36–4		EDS.
Titanium dioxide slurry	43		13463–67–7	TDS.	
Titanium tetrachloride	2		7550–45–0	TTT.	
Toluene	32	2	108–88–3	TOL.	
Toluene diisocyanate	12	2	584–84–9		TDI.
Toluenediamine	9		95–80–7	TDA.	
o-Toluidine	9	2	95–53–4	TLI	TOD/TOI.
Triarylphosphate, see Triisopropylated phenyl phosphates			115–86–6	TRA	TPL.
Tributyl phosphate	34		126–73–8	TBP.	
1,2,3-Trichlorobenzene (molten)	36	3	120–82–1	TBZ	TCB.
1,2,4-Trichlorobenzene	36		120–82–1	TCB	TBZ.
1,2,3-Trichlorobenzol, see 1,2,3-Trichlorobenzene (molten)			87–61–6	TBZ	TCB.
1,1,1-Trichloroethane	36	2	71–55–6	TCE	TCM.
1,1,2-Trichloroethane	36		79–00–5	TCM	TCE.
Trichloroethylene	36	2	79–01–6	TCL.	
1,1,2-Trichloro-1,2,2-trifluoroethane	36		76–13–1	TTF.	
Tricresyl phosphate (containing 1% or more ortho-isomer)	34	3	78–30–8 (o isomer)	TCO	TCP/TCQ.
Tricresyl phosphate (containing less than 1% ortho-isomer)	34	3	1330–78–5	TCP	TCO/TCQ.
1,2,3-Trichloropropane	36	2	96–18–4	TCN.	
Tridecane (all isomers), see n-Alkanes (C10+) (all isomers)			629–50–5	TRD	ALV (ALJ).
Tridecanoic acid	34		638–53–9	TDO.	
Tridecanol, see Alcohols (C13+)			112–70–9	TDN	ALY (ASK/ASY/AYK/LAL).
Tridecene, see Olefins (C13+ all isomers)			2437–56–1	TRD	OAM/OFY/OFW/OFZ/TDC.
Tridecyl acetate	34		1072–33–9	TAE.	
Tridecylbenzene, see Alkyl (C9+) benzenes			123–02–4	TRB	AKB.

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Triethanolamine	8	2	102–71–6	TEA.	
Triethylamine	7		121–44–8	TEN.	
Triethylbenzene	32		102–25–0 (1,3,5)	TEB.	
Triethylene glycol	40		112–27–6	TEG.	
Triethylene glycol butyl ether, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether.			143–22–6	TBE	PAG.
Triethylene glycol butyl ether mixture	40		143–22–6	TBD.	
Triethylene glycol di-(2-ethylbutyrate)	34		95–08–9	TGD.	
Triethylene glycol dibenzoate	34		120–56–9	TGB.	
Triethylene glycol ether mixture	40		112–35–6	TYM.	
Triethylene glycol ethyl ether, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether.			112–50–5	TGE	PAG.
Triethylene glycol methyl ether, see Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether.			112–35–6	TGY	PAG.
Triethylenetetramine	7	2	112–24–3	TET.	
Triethyl phosphate	34		78–40–0	TPS.	
Triethyl phosphite	34	2	122–52–1	TPI.	
Triisobutylene	30		7756–94–7	TIB.	
Triisooctyl trimellitate	34		27251–75–8	TIS.	
Triisopropanolamine	8		122–20–3	TIP.	
Triisopropanolamine salt of 2,4-Dichlorophenoxyacetic acid solution, see 2,4-Dichlorophenoxyacetic acid, Triisopropanolamine salt solution.					DTI.
Triisopropylated phenyl phosphates	34		26967–76–0	TPL.	
Trimethylacetic acid	4		75–98–9	TAA.	
Trimethylamine solution (30% or less)	7		75–50–3	TMT	TMA.
Trimethylbenzene (all isomers)	32		95–63–6 (1,2,4)	TRE	TMB/TMD/TME.
Trimethyl nonanol, see Dodecyl alcohol			112–53–8		DDN (ASK/ASY/LAL).
Trimethylol propane polyethoxylated	20		50586–59–9	TPR.	
Trimethyl phosphite	34	2	121–45–9	TPP.	
Trimethylhexamethylene diisocyanate (2,2,4- and 2,4,4-)	12		28679–16–5	THI.	
Trimethylhexamethylenediamine (2,2,4- and 2,4,4-)	7		25513–64–8	THA.	
2,2,4-Trimethyl-1,3-pentanediol diisobutyrate	34		6846–50–0	TMQ.	
2,2,4-Trimethyl-1,3-pentanediol-1-isobutyrate	34		18491–15–1	TMP.	
2,2,4-Trimethyl-3-pentanol-1-isobutyrate	34			TMR.	
1,3,5-Trioxane	41	2	110–88–3	TRO.	
Triphenylborane (10% or less)/Caustic soda solution	5		960–71–4	TPB.	
Tripropylene, see Propylene trimer			13987–01–4		PTR.
Tripropylene glycol	40		24800–44–0	TGC.	
Tripropylene glycol methyl ether, see Poly(2-8)alkylene glycol monoalkyl(C1-C6) ether.			25498–49–1	TGM	PAG.
Trisodium nitrilotriacetate solution, see Nitrilotriacetic acid, trisodium salt solution.			5064–31–3	TSO	NCA (TSN).
Trisodium phosphate solution	5		10101–89–0	TSP.	
Trisodium salt of N-(Hydroxyethyl)ethylenediaminetriacetic acid solution, see N-(Hydroxyethyl)ethylenediaminetriacetic acid, trisodium salt solution.			207386–87–6		HET.
Trixylyl phosphate	34		25155–23–1		TRP.
Trixylenyl phosphate, see Trixylyl phosphate			25155–23–1		TRP.
Tung oil, see Oil, misc.: Tung			8001–20–5		OTG.
Turpentine	30		9005–90–7	TPT.	
Turpentine substitute, see White spirit (low (15–20%) aromatic)			8052–41–13		WSL (WSP).
Undecane (all isomers), see Alkanes (C10+) (all isomers)			1120–21–4	UDN	ALV (ALJ).
Undecanoic acid	4		112–37–8	UDA.	
Undecanol, see Undecyl alcohol			112–42–5		UND (ALR).
Undecene	30		1120–21–4	UDD	UDC.
1-Undecene	30		821–95–4	UDC	UDD.
Undecyl alcohol	20		112–42–5	UND	ALR.
Undecylbenzene, see Alkyl (C9+) benzenes			67774–74–7	UDB	AKB.
Urea solution	43		57–13–6	USL	URE.
Urea, Ammonium mono- and di-hydrogen phosphate/Potassium chloride solution.	0	1		UPX.	
Urea/Ammonium nitrate solution (containing less than 1% free Ammonia)	43	2		UAU	ANU/UAS/UAT/UAV.
Urea/Ammonium nitrate solution (containing 1% or more free Ammonia)	6			UAT	ANU/UAS.
Urea/Ammonium phosphate solution	43			UAP	
Vacuum gas oil, see oil misc.: Vacuum gas oil	33		64741–57–7	OVC.	
Valeraldehyde (all isomers)	19		110–62–3	VAK	IVA/VAL.
Vanillin black liquor (free alkali content 3% or more)	5		68514–06–7	VBL.	
Vegetable acid oils, n.o.s.	34			VAD.	
Including:					
Corn acid oil	34		68308–50–9		
Cottonseed acid oil	34		68308–51–0		
Dark mixed acid oil	34				
Groundnut acid oil	34				
Mixed acid oil	34				
Mixed general acid oil	34				
Mixed hard acid oil	34				
Mixed soft acid oil	34				
Rapeseed acid oil	34		112–86–7		

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Safflower acid oil	34				
Soya acid oil	34		68308–53–2		
Sunflower seed acid oil	34		84625–38–7		
Vegetable oil mixtures, containing less than 15% free fatty acid (m).	34			VEO.	
Vegetable fatty acid distillates, n.o.s.	34	3		VFD.	
Including:					
Palm kernel fatty acid distillate	34		67701–05–7		
Palm oil fatty acid distillate	34		68440–15–3		
Tall fatty acid distillate	34		61790–12–3		
Tall oil fatty acid distillate	34		61790–12–3		
Vegetable oils, n.o.s.	34			VEO.	
Including:					
Beechnut oil	34				
Camelina oil	34		68956–68–3		
Cashew nut shell	34		8007–24–7		
Castor oil	34		8001–79–4		
Cocoa butter	34		8002–31–1		
Coconut oil	34	2	8001–31–8		
Corn oil	34		8001–30–7		
Cottonseed oil	34		801–29–4		
Croton oil	34		8001–28–3		
Grape seed oil	34		8024–22–4		
Groundnut acid oil	34				
Hazelnut oil	34		84012–21–5		
Illipe oil	34		91770–65–9		
Jatropha oil	34		88–6–7	JTO.	
Linseed oil	34		8001–26–1		
Mango kernel oil	34		90063–86–8		
Nutmeg butter	34		8008–45–5		
Oiticica oil	34		8016–35–1		
Olive oil	34		8001–25–0		
Palm kernel oil	34		8023–79–8		
Palm kernel olein	34		93334–39–5		
Palm kernel stearin	34				
Palm mid fraction	34		91079–14–0		
Palm, non-edible industrial grade	34		8002–75–3		
Palm oil	34	2, 3	8002–75–3		
Palm olein	34		93334–39–5		
Palm stearin	34		91079–14–0		
Peanut oil	34		8002–03–7		
Peel oil (oranges and lemons)	34		8008–56–8		
Perilla oil	34		68132–21–8		
Pine oil	34		8002–09–3		
Poppy seed oil	34		8002–11–7		
Poppy oil	34				
Raisin seed oil	34		8024–22–4		
Rapeseed oil	34		8002–13–9		
Rapeseed (low erucic acid containing less than 4% free fatty acids).	34	3			
Resin oil, distilled	30	3			
Rice bran oil	34		68553–81–1		
Rosin oil	34		8002–16–2		
Safflower oil	34		8001–23–8		
Salad oil	34		68956–68–3		
Sesame oil	34		8008–74–0		
Shea butter	34		194043–92–0		
Soyabean oil	34	2	8001–22–7		
Sunflower seed oil	34		8001–21–6		
Tall	34		8002–26–4		
Tall, crude	34		8002–26–4		
Tall, distilled	34		8002–26–4		
Tall, pitch	34		8016–81–7		
Tucum oil	34		98143–57–8		
Tung oil	34		8001–20–5		
Walnut oil	34		8024–09–7		
Vegetable protein solution (hydrolyzed)	43		100209–45–8	VPS.	
Vinyl acetate	13	2	108–05–4	VAM.	
Vinyl chloride	35		75–01–4	VCM.	
Vinyl ethyl ether	13		109–92–2	VEE.	
Vinylidene chloride	35		75–35–4	VCI.	
Vinyl neodecanoate	13	2	51000–52–3	VND.	
Vinyltoluene	13		25013–15–4	VNT.	
Water	43		7732–18–5	WTR.	
Waxes				WAX.	
Including:					
Candelilla	34		8006–44–8	WCD.	
Carnauba	34		8015–86–9	WCA.	
Hydrocarbon	31			WHC	WPF.
Paraffin	31		8002–74–2	WPF.	

TABLE 1 TO PART 150—ALPHABETICAL LIST OF CARGOES—Continued

Chemical name	Group No.	Footnote	CAS No.	CHRIS code	Related CHRIS codes
Petroleum	33			WPT.	
White spirit, see White spirit (low (15–20%) aromatic)			8052–41–13	WSP	WSL.
White spirit (low (15–20%) aromatic)	33		8052–41–3	WSL	WSP.
Wine, see Alcoholic beverages			64–17–5	ABV.	
Wood lignin with Sodium acetate/oxalate	0	1, 3		WOL.	
Xylenes	32	2	106–42–3	XLX	XLM/XLO/XLP.
Xylenes/Ethylbenzene (10% or more) mixture	32			XEB.	
Xylenols	21		105–67–9	XYL.	
Zinc alkaryl dithiophosphate (C7-C16)	34			ZAD.	
Zinc alkenyl carboxamide	10			ZAA	WSL.
Zinc alkyl dithiophosphate (C3-C14)	34		688649–42–3	ZAP.	
Zinc bromide/Calcium bromide solution, see Drilling brine (containing Zinc salts).			7699–45–8		DZB.

Notes:
1. Because of very high reactivity, unusual conditions of carriage, or potential compatibility problems, this commodity is not assigned to a specific group in Figure 1 to 46 CFR part 150 (Compatibility Chart).
2. See Appendix I to 46 CFR part 150 (Exceptions to the Chart).
3. Entry was added from the March 2012 Annex to the 2007 edition of the IBC Code (MEPC 63/23/Add.1), the December 2012 IMO Marine Environmental Protection Committee Circular (MEPC.2/Circ.18), or the December 2013 IMO Marine Environmental Protection Committee Circular (MEPC.2/Circ.19).
4. *Italicized* words are not part of the cargo name but may be used in addition to the cargo name.
5. CAS numbers marked with an asterisk (*) represent the CAS number of the lowest member in the homologous series.

■ 5. Amend Table 2 to part 150 as follows:
■ a. Under Group 0, after the entry for ''n-Octyl Mercaptan'', add, in alphanumeric order, the entries, ''Offshore contaminated bulk liquid P'' and ''Offshore contaminated bulk liquid S'';
■ b. Under Group 4, after the entry for ''Dimethyl octanoic acid'', add, in alphanumeric order, the entries, ''Fish protein concentrate (containing 4% or less formic acid)'' and ''Fish silage protein concentrate (containing 4% or less formic acid)'';
■ c. Under Group 7, remove the entry for ''Poly olefin amine''
■ d. Under Group 9, after the entry for ''2-Ethyl-6-methyl-N-(1′-methyl-2-methoxyethyl)aniline'', add, in alphanumeric order, the entries, ''1,3,5-Hexahydrotriethanol-1,3,5-triazine solution'' and ''Hexahydro-1,3,5-trimethyl-1,3,5-triazine solution (45% or less)'';
■ e. Under Group 20:
■ i. After the entry for ''Alcohol (C6-C17) (secondary) poly (3-6) ethoxylates'' add an entry for ''Alcohol (C10-C18) poly (7) ethoxylates'';
■ ii. After the entry for ''Alcohols (C13+)'', add an entry for ''Alkyl/cyclo (C4-C5) alcohols'';
■ iii. After the entry for ''Dodecyl alcohol (all isomers)'', add an entry for ''n-Dodecyl mercaptan''; and
■ iv. After the entry for ''Ethylene glycol.[1]'', add, in alphanumeric order, the entries, ''Ethylene glycol (≤75%)/Sodium alkyl carboxylates/borax mixture'' and ''Ethylene glycol (≤85%)/Sodium alkyl carboxylates mixture'';
■ f. Under Group 21:
■ i. After the entry ''Alkylated (C4-C9) hindered phenols'', add an entry for ''Alkylphenols (C10-C18, C12 rich)'';
■ ii. After the entry for ''Cresols (all isomers)'' add an entry for ''Cresol/Phenol/Xylenol mixture''; and
■ iii. After the entry for ''Long-chain alkylphenate/Phenol sulfide (alternately sulphide) mixture'', add, in alphanumeric order, the entries, ''Long-chain alkylphenol (C14-C18)'' and ''Long-chain alkylphenol (C18-C30)'';
■ g. Under Group 30, after the entry for ''Dodecene (all isomers)'', add an entry for ''1-Dodecene'';
■ h. Under Group 31, after the entry for ''Heptadecane (all isomers)'', add an entry for ''Hydrocarbon wax'';
■ i. Under Group 32:
■ i. After the entry for ''Alkyl (C5-C8) benzenes'', add an entry for ''Alkylbenzenes mixtures (containing naphthalene)''; and
■ ii. After the entry for ''Hexylbenzenes'', add an entry for ''Naphthalene crude (molten)'';
■ j. Under Group 34:
■ i. After the entry for ''Cod liver oil'', add, in alphanumeric order, the entries, ''Cyclohexane-1,2-dicarboxylic acid,diisononyl ester'' and ''2,6-Diaminohexanoic acid phosphonate mixed salts solution'';
■ ii. Under the entry, ''Oil, misc.:'', add, in alphanumeric order, the subentries, ''Used cooking oil'' and ''Used cooking oil (triglycerides, C16-C18 and C18 unsaturated)'';
■ iii. After the entry for ''Phosphate esters'', add an entry for ''[[(Phosphonomethyl)imino]bis[ethylene nitrilobis(methylene)]] tetrakisphosphonic acid, ammonium salt solution (60% or less)''; and
■ iv. Under the entry for ''Vegetable acid oils, n.o.s.'', add, in alphanumeric order, a subentry for ''Vegetable oil mixtures, containing less than 15% free fatty acid (m)'';
■ k. Under Group 40:
■ i. After the entry for ''Alkyl (C9-C15) phenyl propoxylate'', add an entry for ''Alkyl (C10-C15, C12 rich) phenol poly (4-12)ethoxylate'';
■ ii. Remove the entry for ''Diethylene glycol n-hexyl ethe'' and add, in its place, an entry for ''Diethylene glycol n-hexyl ether'';
■ iii. Remove the entry for ''Glucitol/glycerol blend propoxylated (containing less than 10% amines)'' and add, in its place, an entry for ''Glucitol/Glycerol blend propoxylated (containing less than 10% amines)''; and
■ iv. After the entry for: ''Glucitol/Glycerol blend propoxylated (containing less than 10% amines)'', add an entry for ''Glucitol/Glycerol blend propoxylated (containing 10% or more amines)'';
■ l. Under Group 41, after the entry for ''Alkaryl polyethers (C9-C20)'', add an entry for ''tert-Amyl ethyl ether''; and
■ m. Under Group 43:
■ i. After the entry for ''Corn syrup'', add an entry for ''Cyclohexane oxidation products, sodium salts solution'', and;
■ ii. Remove the entry for ''N-Methylglucamine solution (70% or less)''.

The additions read as follows:

TABLE 2 TO PART 150—GROUPING OF CARGOES

Group	Cargo
0. Unassigned Cargoes:	
* * * * * * *	
	Offshore contaminated bulk liquid P.
	Offshore contaminated bulk liquid S.
* * * * * * *	
4. Organic Acids:	
* * * * * * *	
	Fish protein concentrate (containing 4% or less formic acid).
	Fish silage protein concentrate (containing 4% or less formic acid).
* * * * * * *	
9. Aromatic Amines:	
* * * * * * *	
	1,3,5-Hexahydrotriethanol-1,3,5-triazine solution.
	Hexahydro-1,3,5-trimethyl-1,3,5-triazine solution (45% or less).
* * * * * * *	
20. Alcohols, Glycols:	
* * * * * * *	
	Alcohol (C10-C18) poly (7) ethoxylates.
* * * * * * *	
	Alkyl/cyclo (C4-C5) alcohols.
* * * * * * *	
	n-Dodecyl mercaptan.
* * * * * * *	
	Ethylene glycol (≤75%)/Sodium alkyl carboxylates/borax mixture.
	Ethylene glycol (≤85%)/Sodium alkyl carboxylates mixture.
* * * * * * *	
21. Phenols, Cresols:	
* * * * * * *	
	Alkylphenols (C10-C18, C12 rich).
* * * * * * *	
	Cresol/Phenol/Xylenol mixture.
* * * * * * *	
	Long-chain alkylphenol (C14-C18).
	Long-chain alkylphenol (C18-C30).
* * * * * * *	
30. Olefins:	
* * * * * * *	
	1-Dodecene.
31. Paraffins:	
* * * * * * *	
	Hydrocarbon wax.
* * * * * * *	
32. Aromatic Hydrocarbons:	
* * * * * * *	
	Alkylbenzenes mixtures (containing naphthalene).
* * * * * * *	
	Naphthalene crude (molten).
* * * * * * *	
34. Esters:	

TABLE 2 TO PART 150—GROUPING OF CARGOES—Continued

Group	Cargo
*	* * * * * * *
	Cyclohexane-1,2-dicarboxylic acid,diisononyl ester.
	2,6-Diaminohexanoic acid phosphonate mixed salts solution.
*	* * * * * * *
	Oils, misc:
*	* * * * * * *
	Used cooking oil.
	Used cooking oil (triglycerides, C16-C18 and C18 unsaturated).
*	* * * * * * *
	[[(Phosphonomethyl)imino]bis[ethylenenitrilobis(methylene)]]tetrakisphosphonic acid, ammonium salt solution (60% or less).
*	* * * * * * *
	Vegetable acid oils, n.o.s.:
.	
*	* * * * * * *
	Vegetable oil mixtures, containing less than 15% free fatty acid (m).
*	* * * * * * *
40. Glycol Ethers:	
*	* * * * * * *
	Alkyl (C10-C15, C12 rich) phenol poly (4-12)ethoxylate.
.	
*	* * * * * * *
	Diethylene glycol n-hexyl ether.
*	* * * * * * *
	Glucitol/Glycerol blend propoxylated (containing less than 10% amines).
	Glucitol/Glycerol blend propoxylated (containing 10% or more amines).
*	* * * * * * *
41. Ethers:	
*	* * * * * * *
	tert-Amyl ethyl ether.
*	* * * * * * *
43. Miscellaneous Water Solutions:	
*	* * * * * * *
	Cyclohexane oxidation products, sodium salts solution.
*	* * * * * * *

* * * * *

■ 6: Amend Appendix I to part 150 as follows:

■ a. In the table in paragraph (a):

■ i. In the ''Member of reactive group'' column, after the entry for ''Caustic soda 50% or less (5)'', add an entry for ''2,4, D Dimethyl amine salt (DMA 806) (0)'', and, to the ''Compatible with'' column, add the entries, in alphanumeric order, ''Acetone (18)'', ''Ethyl Acrylate (14)'', ''Methyl Alcohol (20)'', and ''Toluene (32)'';

■ ii. In the ''Member of reactive group'' column, remove the entry for ''Dimethyl disulfide (alternately disulfide) (0)'' and replace it with an entry for ''Dimethyl disulfide (alternately disulphide) (0)'';

■ iii. In the ''Member of reactive group'' column, after the entry for ''tert-Dodecanethiol (20)'', add the entry for ''tert-Dodecanethiol (Sulfole 120) (0)'', and, in the ''Compatible with'' column, add the entries, in alphanumeric order, ''Acetone (18)'', ''Ethyl Acrylate (14)'', ''Methyl Alcohol (20)'', ''Polymeric methylene diphenyl diisocyanate (Papi 27) (12)'', and ''Toluene (32)'';

■ iv. In the ''Member of reactive group'' column, after the new entry for ''tert-Dodecanethiol (Sulfole 120) (0)'', add an entry for ''tert-Dodecanethiol (0)'', and, in the ''Compatible with'' column, add the entries, in alphanumeric order, ''All

Chemicals in Group 33'' and ''Acetone (18)'';

■ v. In the ''Member of reactive group'' column, after the new entry for ''tert-Dodecanethiol (0)'', add an entry for ''n-Dodecyl mercaptan (0)'', and, in the ''Compatible with'' column, add an entry, in alphanumeric order, for ''All chemicals in Group 33'';

■ vi. In the ''Member of reactive group'' column, after the entry for ''Ethylenediamine (7)'', add an entry for ''Hexamethylenediamine (7)'', and, in the ''Compatible with'' column, add, in alphanumeric order, an entry for ''Ethyl Alcohol (Ethanol) (20)'';

■ vii. In the ''Member of reactive group'' column, after the new entry for ''Hexamethylenediamine (7)'', add an entry for ''Hexamethylenediamine (molten) (HMD 98%, molten) (7)'', and in the ''Compatible with'' column add the entries, in alphanumeric order, ''N-Butyl Alcohol (20)'', ''Isobutyl Alcohol (20)'', and ''Isopropyl Alcohol (20)'';

■ viii. In the ''Member of reactive group'' column, after the new entry for ''Hexamethylenediamine (molten) (HMD 98%, molten) (7)'', add an entry for ''Hexamethylenediamine solution (7)'', and, in the ''Compatible with'' column, add an entry for ''CepSinol ™ 1216 (Alcohols (C12+), primary, linear) (20)'';

■ ix. In the ''Member of reactive group'' column, after the new entry for ''Hexamethylenediamine solution (7)'', add an entry for ''Hexamethylenediamine solution (HMD 90%) (7)'', and, in the ''Compatible with'' column, add, in alphanumeric order, the entries, ''N-Butyl Alcohol (20)'', ''Isobutyl Alcohol (20)'', and ''Isopropyl Alcohol (20)'';

■ x. In the ''Member of reactive group'' column, after the entry for ''Oleum (0)'', add an entry for ''Phenol (90% hydrated) (21)'', and, in the ''Compatible with'' column, add an entry for ''Toluene diisocyante (12)'';

■ xi. In the ''Member of reactive group'' column, after the entry for ''Sodium dichromate solution (70% or less) (0)'', add an entry for ''Sodium Hydrosulfide (alternatively Hydrosulphide) Solution (5)'', and, in the ''Compatible with'' column, add an entry for ''Ethyl Alcohol (Ethanol) (20)'';

■ xii. In the ''Member of reactive group'' column, after the entry for ''Sodium Methylate 21–30% in methanol (0)'', add an entry for ''Sodium Methylate, 30% solution in Methanol (0)'', and, in the ''Compatible with'' column, add, in alphanumeric order, the following entries:

A. n-Butyl Alcohol (20);
B. Decene (30);
C. Decyl Alcohol (20);
D. Dialkyl (C9-C10) phthalates (34);
E. Dichloromethane (36);
F. Ethanolamine (8) (including Monoethanolamine);
G. Hexene (all isomers) (30);
H. Methyl Isobutyl Ketone (18);
I. Olefin mixtures (C5-C15) (30);
J. Olefins (C13+ all isomers) (30);
K. Phenol (21);
L. n-Propyl Alcohol (20);
M. Propylheptanol (20);
N. C9-Resinfeed (32);
O. Sodium Borohydride (15% or less)/Sodium hydroxide solution (5);
P. Solvent Naphtha (33);
Q. Styrene Monomer (30);
R. Toluene (32); and
S. Xylenes (Incl. m-Xylene) (32); and

■ xiii. In the ''Member of reactive group'' column, after the entry for ''Sulfuric (alternatively Sulphuric) acid, 98% or less(2)'', add the entry for ''Sulfuric (alternatively Sulphuric) Acid (95–98%) (2)'', and, in the the ''Compatible with'' column, add the entries, ''Methyl Ester Fatty Acid (34)'' and ''Soybean Oil (34)''.

■ b. Amend paragraph (b) by adding, in alphabetical order, an entry for ''Tolune diisocyanate (TDI) (12)''.

The additions read as follows:

Appendix I to Part 150—Exceptions to the Chart

(a) * * *

Member of reactive group	Compatible with
* * * * * * *	
2,4, D Dimethyl amine salt (DMA 806) (0)	Acetone (18). Ethyl Acrylate (14). Methyl Alcohol (20). Toluene (32).
* * * * * * *	
tert-Dodecanethiol (Sulfole 120) (0)	Acetone (18). Ethyl Acrylate (14). Methyl Alcohol (20). Polymeric methylene diphenyl diisocyanate (Papi 27) (12). Toluene (32).
tert-Dodecanethiol (0)	All Chemicals in Group 33.
tert-Dodecanethiol (0)	Acetone (18).
* * * * * * *	
Hexamethylenediamine (7)	Ethyl Alcohol (Ethanol) (20).
Hexamethylenediamine (molten) (HMD 98%, molten) (7)	n-Butyl Alcohol (20). Isobutyl Alcohol (20). Isopropyl Alcohol (20).
Hexamethylenediamine solution (7)	CepSinol ™ 1216 (Alcohols (C12+), primary, linear) (20).
Hexamethylenediamine solution (HMD 90%) (7)	n-Butyl Alcohol (20). Isobutyl Alcohol (20). Isopropyl Alcohol (20).
* * * * * * *	
Phenol (90% hydrated) (21)	Toluene diisocyante (12).
* * * * * * *	
Sodium hydrosulfide(alternatively Hydrosulphide) Solution (5)	Ethyl Alcohol (Ethanol) (20).

Member of reactive group	Compatible with
* * * *	* * *
Sodium Methylate, 30% solution in Methanol (0)	n-Butyl Alcohol (20). Decene (30). Decyl Alcohol (20). Dialkyl (C9-C10) phthalates (34). Dichloromethane (36). Ethanolamine (8)(including Monoethanolamine). Hexene (all isomers) (30). Methyl Isobutyl Ketone (18). Olefin mixtures (C5-C15) (30). Olefins (C13+ all isomers) (30). Phenol (21). n-Propyl Alcohol (20). Propylheptanol (20). C9-Resinfeed (32). Sodium Borohydride (15% or less)/Sodium hydroxide solution (5). Solvent Naphtha (33). Styrene Monomer (30). Toluene (32). Xylenes (Incl. m-Xylene) (32).
* * * *	* * *
Sulfuric (alternatively Sulphuric) Acid (95–98%) (Group 2)	Methyl Ester Fatty Acid (34). Soybean Oil (34).
* * * *	* * *

(b) * * *

* * * * *

Tolune diisocyanate (TDI) (12) is not compatible with Alkylbenzene sulphonic acid, sodium salt solution (Group 33), Calcium nitrate solutions (50% or less) (Group 34), Calcium nitrate/Magnesium nitrate/Potassium chloride solution (Group 34), Formaldehyde solutions (45% or less) (Group 19), Glutaraldehyde solutions (50% or less) (Group 19), Lactonitrile solution (80% or less) (Group 37), Nitrilotriacetic acid, trisodium salt solution (Group 34), Sodium acetate solutions (Group 34), Sodium sulphate solutions (Group 34), Polyferric sulphate solution (Group 34).

* * * * *

Dated: August 25, 2022.

W.R. Arguin,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2022–18798 Filed 9–21–22; 8:45 am]

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