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Contents

Federal Register

Vol. 87, No. 193

Thursday, October 6, 2022

Agriculture Department
See Animal and Plant Health Inspection Service

Animal and Plant Health Inspection Service
NOTICES
Concurrence with World Organization for Animal Health's Risk Designation for Bovine Spongiform Encephalopathy for Ireland, 60641–60642

Antitrust Division
NOTICES
Defense Production Act:
Voluntary Tanker Agreement, 60706–60707

Army Department
NOTICES
Meetings:
Board of Visitors, United States Military Academy, 60662–60663

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Monthly Retail Surveys, 60643–60644
Monthly Wholesale Trade Survey, 60642–60643

Commerce Department
See Census Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Community Living Administration
NOTICES
2022 National Strategy to Support Family Caregivers, 60684–60685

Consumer Product Safety Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Standard for Cigarette Lighters, 60661–60662
Third Party Conformity Assessment Body Registration Form, 60660–60661

Defense Department
See Army Department

Education Department
NOTICES
Applications for New Awards:
Project Prevent Program; Extension of Application Deadline Date, 60663–60664
Lowering the Per-unit Acquisition Cost for Equipment Acquired by State Licensing Agencies for the Benefit of the Randolph-Sheppard Vending Facility Program, 60664–60665

Employment and Training Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal-State Unemployment Insurance Program Data Exchange Standardization, 60710–60711
Interstate Arrangement for Combining Employment and Wages, 60711–60712
Trade Adjustment Assistance Efforts to Improve Outcomes, 60712–60713

Energy Department
See Federal Energy Regulatory Commission
PROPOSED RULES
Energy Conservation Program:
Energy Conservation Standards for Metal Halide Lamp Fixtures, 60555–60567
NOTICES
Application:
BP Energy Co., 60666–60667
NFE Altamira FLNG, S. de R.L. de C.V., 60667–60669
Guidance:
Civil Nuclear Credit Program; Second Award Period, 60665–60666
Performance Review Board Membership, 60666

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
North Carolina; Prevention of Significant Deterioration for Mecklenburg County, 60551–60554
National Emission Standards for Hazardous Air Pollutants for Major Sources:
Industrial, Commercial, and Institutional Boilers and Process Heaters, 60816–60865

Federal Aviation Administration
RULES
Special Conditions:
Aerospace Quality Research and Development, Textron Aviation Inc. Model 680A Latitude Airplane; Rechargeable Lithium Batteries and Battery Systems Installations, 60549–60551

Federal Bureau of Investigation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 60707–60709

Federal Deposit Insurance Corporation
NOTICES
All Interested Parties of Intent to Terminate Receiverships, 60683
Termination of Receiverships, 60683

Federal Emergency Management Agency
NOTICES
Flood Hazard Determinations, 60700–60704

Federal Energy Regulatory Commission
PROPOSED RULES
Cybersecurity Incentives:
Advanced Cybersecurity Investment, 60567–60580
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 60670–60673, 60677–60678
Application:
Indiana Michigan Power Co., 60674–60675
Combined Filings, 60675–60677, 60680–60681
Environmental Assessments; Availability, etc.:
Moon Lake Electric Association, Inc., 60669
Environmental Impact Statements; Availability, etc.:
Equitrans, L.P.; Proposed Ohio Valley Connector Expansion Project, 60681–60683
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
Second Foundation US Trading, LLC, 60673
Yellowbud Solar, LLC, 60680
Meetings:
Transmission Planning and Cost Management; Technical Conference, 60679
Responses to Information Requests:
Rio Grande LNG, LLC; Rio Bravo Pipeline Company, LLC, 60669–60670
Texas LNG Brownsville, LLC, 60679–60680

Federal Highway Administration
NOTICES
Environmental Impact Statements; Availability, etc.:
Route 2/2A/32 Corridor Improvements Project, New London County, CT, 60726–60727
Final Federal Agency Actions:
Proposed Highway in California, 60727–60728

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 60683–60684

Fish and Wildlife Service
PROPOSED RULES
Endangered and Threatened Species:
Designation of Critical Habitat for Louisiana Pinesnake, 60580–60612
Lassics Lupine and Designation of Critical Habitat, 60612–60638

Food and Drug Administration
NOTICES
Guidance:
Infant Formula Transition Plan for Exercise of Enforcement Discretion, 60689–60691
Review of Drug Master Files in Advance of Certain Abbreviated New Drug Application Submissions Under Generic Drug User Fee Amendments, 60686–60688
Meetings:
Cardiovascular and Renal Drugs Advisory Committee, 60685–60686, 60688–60689
General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee, 60691–60693

Foreign Assets Control Office
NOTICES
Sanctions Actions, 60747–60807

Health and Human Services Department
See Community Living Administration
See Food and Drug Administration
See National Institutes of Health

Homeland Security Department
See Federal Emergency Management Agency

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Reclamation Bureau

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Cold-Rolled Steel Flat Products from the Republic of Korea, 60653–60656
Certain Lined Paper Products from India, 60650–60653
Certain Steel Racks and Parts Thereof from the People's Republic of China, 60644–60650
Circular Welded Carbon Steel Pipes and Tubes from Thailand, 60656–60658
Meetings:
United States Travel and Tourism Advisory Board, 60658–60659

International Trade Commission
NOTICES
United States-Mexico-Canada Agreement Automotive Rules of Origin: Economic Impact and Operation, 2023 Report, 60706

Justice Department
See Antitrust Division
See Federal Bureau of Investigation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Elder Abuse Victim Services Needs Assessment, 60709–60710
Proposed Consent Decree:
CERCLA, 60710

Labor Department
See Employment and Training Administration

Land Management Bureau
NOTICES
Meetings:
Western Oregon Resource Advisory Council, 60704–60705

Maritime Administration
NOTICES
Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel:
45 North (Motor), 60738–60739
Althea (Sail), 60735–60736
Aurora (Sail), 60736–60737
Crazy Banana (Motor), 60743–60744
Daydreams (Sail), 60731–60732
Delight (Motor), 60734–60735
Ellita (Sail), 60742–60743
Full Circle (Motor), 60739–60740
Indulgence (Motor), 60741–60742
Marbry (Sail), 60730–60731

Nexgen (Motor), 60729–60730
Pawsabilities (Motor), 60728–60729
Pony Up (Motor), 60740–60741
SEXY LEXI (Motor), 60732–60733
ShooToKill II (Motor), 60733–60734
Slam'd (Motor), 60737–60738

National Aeronautics and Space Administration
NOTICES
Meetings:
Aerospace Safety Advisory Panel, 60713

National Highway Traffic Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
SGovernment 5-Star Safety Ratings Label Consumer Research, 60744–60747

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 60693–60697, 60699
National Human Genome Research Institute, 60697
National Institute of Dental and Craniofacial Research, 60698
National Institute of Diabetes and Digestive and Kidney Diseases, 60697–60698
National Institute of Mental Health, 60698–60699
National Institute on Aging, 60695, 60698
National Library of Medicine, 60694–60698

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fisheries of the Exclusive Economic Zone off Alaska:
Revisions to the Economic Data Reports Requirements; Amendment 52 to the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands, 60638–60640
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Economic Surveys of the Commercial and Charter Harvesting Sectors of Federally Managed Fisheries, 60659–60660
Meetings:
Mid-Atlantic Fishery Management Council, 60659

Office of the Director of National Intelligence
NOTICES
Privacy Act; System of Records, 60713–60715

Postal Regulatory Commission
NOTICES
New Postal Products, 60715–60716

Postal Service
NOTICES
Product Change:
Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Negotiated Service Agreement, 60716–60717
Priority Mail Negotiated Service Agreement, 60716

Presidential Documents
EXECUTIVE ORDERS
Military Decorations and Awards; Expansion of Eligibility (EO 14085), 60541–60543
ADMINISTRATIVE ORDERS
Defense Production Act of 1950, as Amended; Presidential Waiver of Statutory Requirements Pursuant to Section 303 (Memorandum of October 3, 2022), 60545
Refugee Admissions for Fiscal Year 2023 (Presidential Determination No. 2022–25 of September 27, 2022), 60547–60548

Reclamation Bureau
NOTICES
Meetings:
Colorado River Basin Salinity Control Advisory Council, 60705–60706

Securities and Exchange Commission
NOTICES
Applications for Deregistration, 60719–60720
Meetings; Sunshine Act, 60719
Self-Regulatory Organizations; Proposed Rule Changes:
BOX Exchange, LLC, 60717–60719

Small Business Administration
NOTICES
Disaster Declaration:
Alaska, 60720
Commonwealth of Puerto Rico, 60721
Florida, 60721
Illinois, 60720–60721

Social Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 60721–60726

State Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Acquisition Regulation, 60726

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Maritime Administration
See National Highway Traffic Safety Administration

Treasury Department
See Foreign Assets Control Office

Unified Carrier Registration Plan
NOTICES
Meetings; Sunshine Act, 60807–60809

Veterans Affairs Department
NOTICES
Funding Opportunity:
Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grant Program, 60809–60813

Separate Parts In This Issue

Part II
Environmental Protection Agency, 60816–60865

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:

8809 (amended by 14085) 60541
9158 (amended by 14085) 60541
10694 (amended by 14085) 60541
11046 (amended by 14085) 60541
11545 (amended by 14085) 60541
13830 (amended by 14085) 60541
14085 60541

Administrative Orders:

Memorandums:
Memorandum of October 3, 2022 60545
Presidential Determinations:
Presidential Determination No. 2022–25 of September 27, 2022 60547

10 CFR

Proposed Rules:

431 60555

14 CFR

25 60549

18 CFR

Proposed Rules:

35 60567

40 CFR

52 60551
63 60816

50 CFR

Proposed Rules:

17 (2 documents) 60580, 60612
679 60638
680 60638

Federal Register
Vol. 87, No. 193
Thursday, October 6, 2022

Presidential Documents

Title 3—

The President

Executive Order 14085 of October 3, 2022

Expanding Eligibility for Certain Military Decorations and Awards

By the authority vested in me as President and as Commander in Chief of the Armed Forces of the United States by the Constitution and the laws of the United States of America, the following Executive Orders are amended as follows:

Section 1. *Amendments to Executive Order 9158*. Executive Order 9158 of May 11, 1942 (Air Medal), as amended by Executive Order 9242–A of September 11, 1942 (Amending Executive Order No. 9158 of May 11, 1942, to Provide that the Air Medal May Be Awarded to Persons Serving with the Army, Navy, Marine Corps, or Coast Guard of the United States), is further amended as follows:

(a) The first paragraph is amended—

(i) by striking ''Army and Navy'' and inserting in lieu thereof ''Armed Forces'';

(ii) by striking ''any person'' and inserting in lieu thereof ''those individuals'';

(iii) by inserting ''Air Force, Space Force,'' after ''Marine Corps,''; and

(iv) by striking ''distinguishes, or has distinguished, himself'' and inserting in lieu thereof ''distinguish, or have distinguished, themselves''.

(b) The second paragraph is amended—

(i) by amending the first sentence to read as follows: ''The Air Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense and, under such regulations as the Secretaries of the military departments may prescribe, may be awarded by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, or by such commanding officers of the Army, Navy, Marine Corps, Air Force, Space Force, or Coast Guard as the said Secretaries may respectively designate.''; and

(ii) in the second sentence, by striking ''his jurisdiction'' and inserting in lieu thereof ''the jurisdiction of the Navy''.

(c) The following new paragraph is added at the end of the Executive Order: ''The regulations of the Secretaries of the military departments concerned with respect to the award of the Air Medal shall, so far as practicable, be uniform and shall be subject to the approval of the Secretary of Defense.''.

Sec. 2. *Amendments to Executive Order 8809*. Executive Order 8809 of June 28, 1941 (Good Conduct Medal), as amended by Executive Order 9323 of March 31, 1943 (Amendment of Executive Order No. 8809 of June 28, 1941, Establishing the Good Conduct Medal), and Executive Order 10444 of April 10, 1953 (Amendment of Executive Order No. 8809 of June 28, 1941, Establishing the Good Conduct Medal, As Amended by Executive Order No. 9323 of March 31, 1943), is further amended—

(a) by striking ''men'' and inserting in lieu thereof ''members'';

(b) by inserting ''and on or after December 20, 2019, in the case of the United States Space Force,'' after ''August 27, 1940,'';

(c) by inserting ''and on or after December 20, 2019, in the case of the United States Space Force,'' after ''December 7, 1941,''; and

(d) by inserting ‘‘, and on or after December 20, 2019, in the case of the United States Space Force’’ after ‘‘June 27, 1950’’.

Sec. 3. *Amendments to Executive Order 10694*. Paragraph 1 of Executive Order 10694 of January 10, 1957 (Authorizing the Secretaries of the Army, Navy, and Air Force to Issue Citations in the Name of the President of the United States to Military and Naval Units for Outstanding Performance in Action), is amended by inserting ‘‘, and on or after December 20, 2019, in the case of the Space Force’’ after ‘‘or the Air Force’’.

Sec. 4. *Amendments to Executive Order 11046*. Paragraph 1 of Executive Order 11046 of August 24, 1962 (Authorizing Award of the Bronze Star Medal), is amended—

(a) by striking ‘‘Transportation’’ and inserting in lieu thereof ‘‘Homeland Security’’;

(b) by striking ‘‘any person’’ and inserting in lieu thereof ‘‘those individuals’’;

(c) by inserting ‘‘Space Force,’’ after ‘‘Air Force,’’; and

(d) by striking ‘‘distinguishes, or has distinguished, himself’’ and inserting in lieu thereof ‘‘distinguish, or have distinguished, themselves’’.

Sec. 5. *Amendments to Executive Order 13830*. Executive Order 13830 of April 20, 2018 (Delegation of Authority to Approve Certain Military Decorations), is amended as follows:

(a) The paragraph preceding section 1 is amended—

(i) by striking ‘‘3742, 3743, 3746, 3749, 3750, 6242, 6243, 6244, 6245, 6246, 8742, 8743, 8746, 8749, and 8750’’ and inserting in lieu thereof ‘‘7272, 7273, 7276, 7279, 7280, 8292, 8293, 8294, 8295, 8296, 9272, 9273, 9276, 9279, 9280, and 9280a’’; and

(ii) by striking ‘‘491a, 492, 492a, 492b, and 493’’ and inserting in lieu thereof ‘‘2735, 2736, 2737, 2738, and 2739’’.

(b) Section 1 is amended—

(i) by striking ‘‘any person’’ and inserting in lieu thereof ‘‘those individuals’’;

(ii) by inserting ‘‘Space Force,’’ after ‘‘Air Force,’’; and

(iii) by striking ‘‘distinguishes himself or herself’’ and inserting in lieu thereof ‘‘distinguish themselves’’.

(c) Section 2 is amended—

(i) by striking ‘‘any person’’ and inserting in lieu thereof ‘‘those individuals’’;

(ii) by inserting ‘‘Space Force,’’ after ‘‘Air Force,’’; and

(iii) by striking ‘‘distinguishes himself or herself’’ and inserting in lieu thereof ‘‘distinguish themselves’’.

(d) Section 3 is amended by inserting ‘‘Space Force,’’ after ‘‘Air Force,’’.

(e) Section 4 is amended—

(i) in paragraph (a)—

(A) by striking ‘‘any member’’ and inserting in lieu thereof ‘‘members’’; and

(B) by striking ‘‘has distinguished himself or herself’’ and inserting in lieu thereof ‘‘distinguish themselves’’; and

(ii) in paragraph (c), by striking ‘‘his’’.

(f) Section 5(a) is amended—

(i) by striking ‘‘any eligible person’’ and inserting in lieu thereof ‘‘eligible persons’’; and

(ii) by striking ‘‘distinguishes himself or herself’’ and inserting in lieu thereof ‘‘distinguish themselves’’.

(g) Section 6(a) is amended—

(i) by striking ''any person'' and inserting in lieu thereof ''those individuals''; and

(ii) by striking ''distinguishes himself or herself'' and inserting in lieu thereof ''distinguish themselves''.

Sec. 6. *Amendments to Executive Order 11545*. Executive Order 11545 of July 9, 1970 (Establishing the Defense Distinguished Service Medal), is amended as follows:

(a) Section 1 is amended by striking ''military officer'' and inserting in lieu thereof ''member of the Armed Forces of the United States''.

(b) Section 2 is amended by striking ''he'' and inserting in lieu thereof ''the Secretary''.

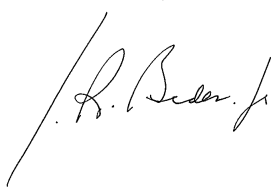
Sec. 7. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
October 3, 2022.

[FR Doc. 2022–21911
Filed 10–5–22; 8:45 am]
Billing code 3395–F3–P

Presidential Documents

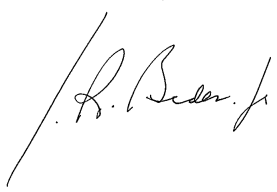
Memorandum of October 3, 2022

Presidential Waiver of Statutory Requirements Pursuant to Section 303 of the Defense Production Act of 1950, as Amended

Memorandum for the Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 303 of the Defense Production Act of 1950, as amended (the ''Act'') (50 U.S.C. 4533), I hereby determine, pursuant to section 303(a)(7)(B) of the Act, that action is necessary to increase the production capacity of material critical to support the defense against adversarial aggression and that a shortfall in this area would severely impair national defense capability. Therefore, I waive the requirements of sections 303(a)(5) and 303(a)(6) of the Act for the purpose of expanding and accelerating the domestic production capability of critical weapons and equipment needed for national defense.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, October 3, 2022

[FR Doc. 2022–21912
Filed 10–5–22; 8:45 am]
Billing code 5001–06–P

Presidential Documents

Presidential Determination No. 2022–25 of September 27, 2022

Presidential Determination on Refugee Admissions for Fiscal Year 2023

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States, in accordance with section 207 of the Immigration and Nationality Act (the ''Act'') (8 U.S.C. 1157), and after appropriate consultations with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 125,000 refugees to the United States during Fiscal Year (FY) 2023 is justified by humanitarian concerns or is otherwise in the national interest.

The admissions numbers shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations:

Africa	40,000
East Asia	15,000
Europe and Central Asia	15,000
Latin America/Caribbean	15,000
Near East/South Asia	35,000
Unallocated Reserve	5,000

The 5,000 unallocated refugee numbers shall be allocated to regional ceilings, as needed. Upon providing notification to the Judiciary Committees of the Congress, you are hereby authorized to use unallocated admissions in regions where the need for additional admissions arises.

Additionally, upon notification to the Judiciary Committees of the Congress, you are further authorized to transfer unused admissions allocated to a particular region to one or more other regions, if there is a need for greater admissions for the region or regions to which the admissions are being transferred.

Consistent with section 2(b)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(b)(2)), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

Consistent with section 101(a)(42) of the Act (8 U.S.C. 1101 (a)(42)), and after appropriate consultation with the Congress, I also specify that, for FY 2023, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

a. Persons in Cuba;

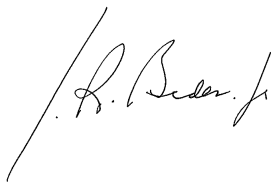
b. Persons in Eurasia and the Baltics;

c. Persons in Iraq;

d. Persons in El Salvador, Guatemala, and Honduras; and

e. In certain circumstances, persons identified by a United States Embassy in any location.

You are authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, September 27, 2022

[FR Doc. 2022–21913
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Rules and Regulations

Federal Register
Vol. 87, No. 193
Thursday, October 6, 2022

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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2022–1284; Special Conditions No. 25–834–SC]

Special Conditions: Aerospace Quality Research and Development, Textron Aviation Inc. Model 680A Latitude Airplane; Rechargeable Lithium Batteries and Battery Systems Installations

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

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Textron Aviation Inc. (Textron) Model 680A Latitude airplane, as modified by Aerospace Quality Research and Development (AQRD). These airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is the installation of two rechargeable lithium batteries and battery system that will replace two nickel-cadmium batteries previously installed on the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on AQRD on October 6, 2022. Send comments on or before November 21, 2022.

ADDRESSES: Send comments identified by Docket No. FAA–2022–1284 using any of the following methods:

- *Federal eRegulations Portal:* Go to *https://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (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 FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information: 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 these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, 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 the indicated comments will not be placed in the public docket of these special conditions. Send submissions containing CBI to Nazih Khaouly, Aircraft Systems, AIR–623, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3160; email *nazih.khaouly@faa.gov.* Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these special conditions.

Docket: Background documents or comments received may be read at *https://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Aircraft Systems, AIR–623, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3160; email *nazih.khaouly@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA finds, pursuant to § 11.38(b), that new comments are unlikely, and notice and comment prior to this publication are unnecessary.

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On April 26, 2022, AQRD applied for a supplemental type certificate to remove two existing nickel-cadmium (NiCad) batteries on Textron Model 680A Latitude airplanes and replace the NiCad batteries with two Mid-Continent rechargeable lithium batteries and battery system. The Textron Model 680A Latitude airplane, approved under Type Certificate No. T00012WI, is a twin-engine transport category airplane with a maximum seating capacity of 11

(2 crew plus 9 passenger seats) and has a maximum takeoff weight of 30,800 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR), § 21.101, AQRD must show that the Textron Model 680A Latitude airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. T00012WI or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Textron Model 680A Latitude airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Textron Model 680A Latitude airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Textron Model 680A Latitude airplane, as modified by AQRD, will incorporate the following novel or unusual design feature: installation of two rechargeable lithium batteries and battery system to replace two nickel-cadmium batteries previously installed on the airplane.

Discussion

Rechargeable lithium batteries and battery systems are considered to be a novel or unusual design feature in transport category airplanes, with respect to the requirements in 14 CFR 25.1353. This type of battery has certain failure, operational, and maintenance characteristics that differ significantly from those of the nickel-cadmium and lead-acid rechargeable batteries currently approved for installation on transport category airplanes. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery-cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Special Condition 1 requires that each individual cell within a rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special Condition 2 addresses these same issues but for the entire battery system.

Special Condition 2 requires the batteries and battery system be designed to prevent propagation of a thermal event, such as self-sustained, uncontrolled increases in temperature or pressure from one cell to adjacent cells.

Special Conditions 1 and 2 are intended to ensure that the cells and battery system are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special Conditions 3, 7, and 8 are self-explanatory.

Special Condition 4 clarifies that the flammable fluid fire-protection requirements of § 25.863 apply to rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Rechargeable lithium batteries contain electrolyte that is a flammable fluid.

Special condition 5 requires each rechargeable lithium battery and battery system installation to not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

Special Condition 6 requires each rechargeable lithium battery and battery system installation to have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells. The means of meeting Special Conditions 5 and 6 may be the same, but they are independent requirements addressing different hazards. Special Condition 5 addresses corrosive fluids and gases, whereas Special Condition 6 addresses heat.

Special Condition 9 requires rechargeable lithium batteries and battery systems to have ''automatic'' means due to the fast acting nature of lithium battery chemical reactions. Manual intervention would not be timely or effective in mitigating the hazards associated with these batteries.

These special conditions apply to all rechargeable lithium batteries and battery system installations in lieu of § 25.1353(b)(1) through (4) at amendment 25–123, or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations will remain in effect for other battery installations on these airplanes.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Textron Model 680A Latitude airplane. Should AQRD apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. T00012WI to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Textron Model 680A Latitude airplanes, as modified by AQRD.

Rechargeable Lithium Battery and Battery System Installations

In lieu of § 25.1353(b)(1) through (4) at amendment 25–123, or § 25.1353(c)(1) through (4) at earlier amendments, each

rechargeable lithium battery and battery system installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure, and automatically control the charge rate of each cell to protect against adverse operating conditions, such as cell imbalance, back charging, overcharging, and overheating.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more-severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a monitoring and warning feature that alerts the flightcrew when its charge state falls below acceptable levels if its function is required for safe operation of the airplane.

9. Have a means to automatically disconnect from its charging source in the event of an over-temperature condition, cell failure, or battery failure.

Note: A battery system consists of the battery, battery charger and any protective, monitoring and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a battery and battery system are referred to as a battery.

Issued in Kansas City, Missouri, on September 30, 2022.

Patrick R. Mullen,

Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2022–21663 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2021–0867; FRL–9377–02–R4]

Air Plan Approval; North Carolina; Prevention of Significant Deterioration for Mecklenburg County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a portion of a State Implementation Plan (SIP) revision to the Mecklenburg County portion of the North Carolina SIP, hereinafter referred to as the Mecklenburg County Local Implementation Plan (LIP). The revision was submitted through the North Carolina Division of Air Quality (NCDAQ), on behalf of Mecklenburg County Air Quality (MCAQ), via a letter dated April 24, 2020, which was received by EPA on June 19, 2020. This SIP revision includes changes to Mecklenburg County Air Pollution Control Ordinance (MCAPCO) rules incorporated into the LIP regarding Prevention of Significant Deterioration (PSD) permitting to address changes to the Federal new source review (NSR) regulations in recent years. EPA is approving these changes pursuant to the Clean Air Act (CAA or Act).

DATES: This rule is effective November 7, 2022.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2021–0867. 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: D. Brad Akers, 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. Mr. Akers can be reached via electronic mail at *akers.brad@epa.gov* or via telephone at (404) 562–9089.

SUPPLEMENTARY INFORMATION:

I. Background and Overview of Mecklenburg LIP

The Mecklenburg LIP was submitted to EPA on June 14, 1990, and EPA approved the plan on May 2, 1991. *See* 56 FR 20140. EPA is now approving changes to the LIP for, among other things, general consistency with the North Carolina SIP.[1] Mecklenburg County prepared three submittals in order to update the LIP and reflect regulatory and administrative changes that NCDAQ made to the North Carolina SIP since EPA's 1991 LIP approval.[2] The three submittals were submitted as follows: NCDAQ transmitted the October 25, 2017, submittal to EPA but later withdrew it from review through a letter dated February 15, 2019. On April 24, 2020, NCDAQ resubmitted the October 25, 2017, update to EPA and submitted the January 21, 2016, and January 14, 2019, updates. Each of these submittals were properly noticed to the public in compliance with 40 CFR 51.102.

This final rule modifies the LIP by updating the PSD program rules incorporated into the LIP in Rule 2.0530, *Prevention of Significant Deterioration,* and by adding into the LIP Rule 2.0544, *Prevention of Significant Deterioration Requirements for Greenhouse Gases.*

II. Updates to the Mecklenburg PSD Program

MCAQ adopts the Federal PSD provisions of 40 CFR 51.166 with several changes, consistent with the State of North Carolina's PSD rules.[3]

[1] Hereinafter, the terms ''North Carolina SIP'' and ''SIP'' refer to the North Carolina regulatory portion of the North Carolina SIP (*i.e.,* the portion that contains SIP-approved North Carolina regulations).

[2] The Mecklenburg County, North Carolina revision that is dated April 24, 2020, and received by EPA on June 19, 2020, is comprised of three previous submittals—one dated January 21, 2016; one dated October 25, 2017; and one dated January 14, 2019.

[3] *See, e.g.,* 76 FR 49313 (August 10, 2011); 76 FR 64240 (October 18, 2011); 81 FR 63107 (September 14, 2016); 83 FR 45827 (September 11, 2018); 84 FR

Continued

MCAPCO Rule 2.0530 adopts certain provisions of the version of 40 CFR 51.166 effective on July 1, 2014, with certain revisions described in this document, and Rule 2.0544 adopts certain provisions of the version of the Federal rule effective on July 20, 2011, with certain revisions described in this document.

MCAQ's April 24, 2020, LIP revision addresses changes EPA made to the PSD program via ''NSR reform'' through the December 31, 2002, final rule (67 FR 80186), with revisions per the November 7, 2003, final rule (68 FR 63021), the June 13, 2007, final rule (72 FR 32526), and the December 21, 2007, final rule (72 FR 72607).[4] [5] The LIP revision also includes provisions for implementation of the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) as promulgated in the November 29, 2005, final rule (70 FR 71612).

The April 24, 2020, LIP revision also includes the regulation of fine particulate matter (particulate matter with and aerodynamic diameter of 2.5 microns or less, ''$PM_{2.5}$'') and its precursors through the May 16, 2008, final rule (73 FR 28321), with revisions per the October 20, 2010, final rule (75 FR 64863), the May 18, 2011, final rule (76 FR 28646), the October 25, 2012, final rule (77 FR 65107), and the December 9, 2013, final rule (78 FR 73698).

Next, this revision also conforms the MCAPCO rules to changes to EPA regulations reflected in EPA's 2007 Ethanol Rule. *See* 72 FR 24060 (May 1, 2007). EPA included technical analysis in separate technical support documents (TSD) included in the docket for this rulemaking specific to the incorporation of the 2007 Ethanol Rule. See the TSD and the August 24, 2022, NPRM for further detail on the LIP revision related to incorporation of the 2007 Ethanol Rule provisions and EPA's rationale for approval. Finally, the April 24, 2020, LIP revision includes the provisions necessary to implement PSD for greenhouse gases through the June 3, 2010, final rule (75 FR 31514).[6] [7] See the August 24, 2022, NPRM for additional details and rationale for EPA's action. EPA received one comment that is not relevant to this action. The comment is available in the docket for this action.

III. 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 Sections I and II of this preamble, EPA is finalizing the incorporation by reference the following Mecklenburg County Rules: 2.0530, *Prevention of Significant Deterioration,* effective on October 17, 2017; [8] and 2.0544, *Prevention of Significant Deterioration Requirements for Greenhouse Gases,* effective on December 15, 2015.[9] 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, these materials 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.[10]

IV. Final Action

EPA is approving the aforementioned changes to the Mecklenburg County LIP. Specifically, EPA is incorporating updates to PSD permitting provisions in Rule 2.0530, *Prevention of Significant Deterioration,* with the exception of those provisions described in footnote 8, and is incorporating new Rule 2.0544, *Prevention of Significant Deterioration Requirements for Greenhouse Gases,* with the exception of those provisions described in footnote 9. With these changes and additions, the local regulations will now be consistent with the State's current SIP-approved PSD program and Federal PSD rules. Therefore, EPA is approving the April 24, 2020, LIP revision changes to Mecklenburg County's PSD permitting program, pursuant to the Act and EPA's implementing regulations.

V. 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:

38876 (August 8, 2019); and 85 FR 57707 (September 16, 2020).

[4] As noted in the August 24, 2022, notice of proposed rulemaking (NPRM) (87 FR 51946), this action does not include approval into the LIP of the October 27, 2003, final rule revisions referred to as the ''Equipment Replacement Provision Rule'' (68 FR 61248) to 40 CFR 51.166(b)(2)(iii)(*a*), the incorporation by reference of 40 CFR 51.166(b)(53) through (56), nor the incorporation by reference of 40 CFR 51.166(y). These provisions were in the Federal rule as of July 1, 2014, but were previously vacated by the D.C. Circuit. *New York* v. *EPA,* 443 F.3d 880 (D.C. Cir. 2006). On September 27, 2022, MCAQ provided further clarification to EPA that these provisions are not part of the Mecklenburg PSD program, are not implemented locally, and are not requested for approval into the Mecklenburg LIP. This letter is included in the docket for this rulemaking.

[5] As noted in the August 24, 2022, NPRM, this action does not include approval into the LIP of the December 19, 2008, final rule revisions referred to as the ''Fugitive Emissions Rule'' (73 FR 77882) to 40 CFR 51.166(b)(2)(v) and (b)(3)(iii)(*d*). These provisions remain in the Federal rule as of July 1, 2014, and to present day; however, these provisions are indefinitely stayed by EPA and therefore not effective. *See* 76 FR 17553 (March 30, 2011). On September 27, 2022, MCAQ provided further clarification to EPA that these provisions are not part of the Mecklenburg PSD program, are not implemented locally, and are not requested for approval into the Mecklenburg LIP. This letter is included in the docket for this rulemaking.

[6] The July 20, 2011, incorporation by reference date at Rule 2.0544(o) does not include the regulation of ''GHG-only'' sources in accordance with the June 3, 2010, final rule, however, because language within Rule 2.0544(a) states that only sources already subject to PSD for another ''regulated NSR pollutant'' are regulated for the purposes of GHGs. This is consistent with current Federal regulations per the August 19, 2015, final rule (80 FR 50199).

[7] MCAQ submitted a letter on February 4, 2022, through NCDAQ, clarifying its intent for EPA not to adopt the since-vacated text of the July 20, 2011, Biomass Deferral Rule (76 FR 43490) previously codified at 40 CFR 51.166(b)(48)(ii)(*a*). Specifically, the February 4, 2022, letter withdraws this portion of the adoption of PSD provisions from the April 24, 2020, submittal.

[8] This action does incorporate by reference into the LIP the Equipment Replacement Rule and Fugitive Emissions Rule contained in 40 CFR 51.166(b)(2)(iii)(*a*), (b)(2)(v), (b)(3)(iii)(*d*), (b)(53) through (56), and (y) as those CFR provisions existed on July 1, 2014. *See* footnotes 4 and 5 for more details.

[9] This action does incorporate by reference into the LIP the Biomass Deferral Rule contained in the second sentence 40 CFR 51.166(b)(48)(ii)(*a*) as that CFR provision existed on July 20, 2011. *See* footnotes 6 and 7 for more details.

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

• 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 December 5, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: September 30, 2022.

Daniel Blackman,

Regional Administrator, Region 4.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart II—North Carolina

■ 2. In § 52.1770, amend the table in paragraph (c)(3) by:
■ a. Removing the entry for ''Section 2.0530'' and adding in its place an entry for ''Rule 2.0530;'' and
■ b. Adding an entry for ''Rule 2.0544'' in numerical order.

The additions read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(3) EPA Approved Mecklenburg County Regulations

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Section 2.0500 Emission Control Standards				
Rule 2.0530	Prevention of Significant Deterioration.	10/17/2017	10/6/2022, [Insert citation of publication].	Except for the incorporation by reference of 40 CFR 51.166(b)(2)(iii)(*a*), which is instead incorporated by reference as of July 1, 1988. Except for the incorporation by reference of 40 CFR 51.166(b)(2)(v), (b)(3)(iii)(*d*), (b)(53) through (56), and (y).

(3) EPA APPROVED MECKLENBURG COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
* *	*	*	*	* *
Rule 2.0544	Prevention of Significant Deterioration Requirements for Greenhouse Gases.	12/15/2015	10/6/2022, [Insert citation of publication].	Except for the Biomass Deferral Rule language contained in the second sentence of 40 CFR 51.166(b)(48)(ii)(*a*).

* * * * *

[FR Doc. 2022–21646 Filed 10–5–22; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 87, No. 193
Thursday, October 6, 2022

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

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2022–BT–STD–0023]

RIN 1904–AF44

Energy Conservation Program: Energy Conservation Standards for Metal Halide Lamp Fixtures

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (''DOE'') is initiating an effort to determine whether to amend the current energy conservation standards for metal halide lamp fixtures (''MHLF''). On October 25, 2021, DOE published a final determination concluding that energy conservation standards for MHLFs do not need to be amended because they are not economically justified. No later than 3 years after such a determination, under the Energy Policy and Conservation Act, as amended, DOE must periodically review these standards and publish either a notice of proposed rulemaking (''NOPR'') to propose new standards for MHLFs or a notification of determination that the existing standards do not need to be amended. This request for information (''RFI'') solicits information from the public to help DOE determine whether amended standards for MHLFs would result in significant energy savings and whether such standards would be technologically feasible and economically justified. As part of this RFI, DOE seeks comment on technological and market changes since the most recent standards update to consider in its evaluation of more stringent standards. DOE also welcomes written comments from the public on any subject within the scope of this document (including those topics not specifically raised), as well as the submission of data and other relevant information.

DATES: Written comments and information are requested and will be accepted on or before November 7, 2022.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov* under docket number EERE–2022–BT–STD–0023. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments may submit comments, identified by docket number EERE–2022–BT–STD–0023, by any of the following methods:

Email: MHLF2022STD0023@ee.doe.gov@ee.doe.gov. Include the docket number EERE–2022–BT–STD–0023 in the subject line of the message.

Postal Mail: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

Hand Delivery/Courier: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *www.regulations.gov/docket/EERE-2022-BT-STD-0023.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

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For further information on how to submit a comment, or review other public comments and the docket contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
A. Authority and Background
B. Rulemaking Process
C. Deviation From Appendix A
II. Request for Information and Comments
A. Equipment Covered by This Process
B. Market and Technology Assessment
1. Equipment Classes
2. Technology Assessment
C. Screening Analysis
D. Engineering Analysis
1. Efficiency Analysis
2. Baseline Models
3. Efficiency Levels and Maximum Technologically Feasible Levels
4. Scaling Non-Representative Equipment Classes
5. Cost Analysis
E. Markup Analysis
F. Energy Use Analysis
G. Life-Cycle Cost and Payback Analysis
1. Equipment Cost
2. Installation Cost
3. Annual Energy Consumption
4. Energy Prices
5. Replacement Costs
6. Equipment Lifetime
7. Discount Rates
8. Energy Efficiency Distribution in the No-New-Standards Case
9. Payback Period Analysis
H. Shipments
I. National Impact Analysis
J. Manufacturer Impact Analysis
III. Submission of Comments

I. Introduction

A. Authority and Background

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles. These products include MHLFs, the subject of this document. (42 U.S.C. 6292(a)(19)) [3] EPCA prescribed initial energy conservation standards for MHLFs, and directed DOE to conduct two cycles of rulemakings to determine whether to amend these standards. (42 U.S.C. 6295(hh)(1)(A), 42 U.S.C. 6295(hh)(2)(A), and 42 U.S.C. 6295(hh)(3)(A)).

The energy conservation program under EPCA consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions set forth under EPCA. (42 U.S.C. 6297(d))

EPCA also requires that, not later than 6 years after the issuance of any final rule establishing or amending a standard, DOE evaluate the energy conservation standards for each type of covered product, including those at issue here, and publish either a notification of determination that the standards do not need to be amended, or a NOPR that includes new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6295(m)(1)). In making a determination that the standards do not need to be amended, DOE must evaluate whether amended standards (1) will result in significant conservation of energy, (2) are technologically feasible, and (3) are cost effective as described under 42 U.S.C. 6295(o)(2)(B)(i)(II). (42 U.S.C. 6295(m)(1)(A); 42 U.S.C. 6295(n)(2)). Under 42 U.S.C. 6295(o)(2)(B)(i)(II), DOE must determine whether the benefits of a standard exceed its burdens by, to the greatest extent practicable, considering the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard. If DOE determines not to amend a standard based on the statutory criteria, not later than 3 years after the issuance of a final determination not to amend standards, DOE must publish either a notification of determination that standards for the product do not need to be amended, or a NOPR including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6295(m)(3)(B)) DOE must make the analysis on which a determination is based publicly available and provide an opportunity for written comment. (42 U.S.C. 6295(m)(2)).

In proposing new standards, DOE must evaluate that proposal against the criteria of 42 U.S.C. 6295(o), as described in the following section, and follow the rulemaking procedures set out in 42 U.S.C. 6295(p). (42 U.S.C. 6295(m)(1)(B) If DOE decides to amend the standard based on the statutory criteria, DOE must publish a final rule not later than two years after energy conservation standards are proposed. (42 U.S.C. 6295(m)(3)(A)).

DOE completed the first of these required rulemaking cycles in 2014 by publishing a final rule amending performance standards for MHLFs manufactured on or after February 10, 2017. 79 FR 7746 (February 10, 2014) (''2014 Final Rule''). Additionally, DOE completed the second rulemaking cycle reviewing current standard and determined not to amend the energy conservation standards for MHLFs by publishing a final rule in 2021. 86 FR 58763 (October 25, 2021) (''2021 Final Determination''). The current energy conservation standards are located in title 10 of the Code of Federal Regulations (''CFR'') part 431, section 31.326. The currently applicable DOE test procedures for MHLFs appear at 10 CFR 431.324.[4]

DOE is publishing this RFI pursuant to EPCA's requirement that DOE must reevaluate the energy conservation standards no later than 3 years after making a determination not to amend standards, (42 U.S.C. 6295(m)(3)(B), and to collect data and information to inform its decision consistent with its obligations under EPCA.

B. Rulemaking Process

DOE must follow specific statutory criteria for prescribing new or amended standards for covered products. EPCA requires that any new or amended energy conservation standard prescribed by the Secretary of Energy (''Secretary'') be designed to achieve the maximum improvement in energy or water efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)). Furthermore, DOE may not prescribe an amended or new standard that will not result in significant conservation of energy or is not technologically feasible or economically justified. (42 U.S.C. 6295(o)(3)(B))

The significance of energy savings offered by a new or amended energy conservation standard cannot be determined without knowledge of the specific circumstances surrounding a given rulemaking.[5] For example, the United States has now rejoined the Paris Agreement on February 19, 2021. As part of that agreement, the United States has committed to reducing greenhouse gas (''GHG'') emissions in order to limit the rise in mean global temperature.[6] As

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A–1 of EPCA.

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[3] DOE notes that because of the codification of the MHLF provisions in 42 U.S.C. 6295, MHLF energy conservation standards and the associated test procedures are subject to the requirements of the consumer products provisions of Part B of Title III of EPCA. However, because MHLFs are generally considered to be commercial equipment, DOE established the requirements for MHLFs in 10 CFR part 431 (''Energy Efficiency Program for Certain Commercial and Industrial Equipment'') for ease of reference. DOE notes that the location of the provisions within the CFR does not affect either the substance or applicable procedure for MHLFs. Based upon their placement into 10 CFR part 431, MHLFs are referred to as ''equipment'' throughout this document, although covered by the consumer product provisions of EPCA.

[4] DOE also recently published a final rule adopting amendments to its test procedure for MHLFs to incorporate by reference new relevant industry standards as well as update to latest versions of existing references; clarify the selection of reference lamps used for testing; specify the light output level at which to test dimming ballasts; revise definitions and reorganize the content of the test procedure for better readability and clarity; and revise the standby mode test method for MHLFs. 87 FR 37685 (Jun. 24, 2022).

[5] Procedures, Interpretations, and Policies for Consideration in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment, 86 FR 70892, 70901 (Dec. 13, 2021).

[6] *See* Executive Order 14008, 86 FR 7619 (Feb. 1, 2021) (''Tackling the Climate Crisis at Home and Abroad'').

such, energy savings that reduce GHG emission have taken on greater importance. In evaluating the significance of energy savings, DOE considers primary energy and full-fuel cycle (''FFC'') effects when determining whether energy savings are significant. Primary energy and FFC effects include the energy consumed in electricity production (depending on load shape), in distribution and transmission, and in extracting, processing, and transporting primary fuels (*i.e.,* coal, natural gas, petroleum fuels), and thus present a more complete picture of the impacts of energy conservation standards. Accordingly, DOE evaluates the significance of energy savings on a case-by-case basis.

To determine whether a standard is economically justified, EPCA requires that DOE determine whether the benefits of the standard exceed its burdens by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on the manufacturers and consumers of the affected products;

(2) The savings in operating costs throughout the estimated average life of the product compared to any increases in the initial cost, or maintenance expenses;

(3) The total projected amount of energy and water (if applicable) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII)).

Further, EPCA establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure. (42 U.S.C. 6295(o)(2)(B)(iii)).

DOE fulfills these and other applicable requirements by conducting a series of analyses throughout the rulemaking process. Table I–1 shows the individual analyses that are performed to satisfy each of the requirements within EPCA.

TABLE I–1—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS

EPCA requirement	Corresponding DOE analysis
Significant Energy Savings	• Shipments Analysis. • National Impact Analysis. • Energy and Water Use Determination.
Technological Feasibility	• Market and Technology Assessment. • Screening Analysis. • Engineering Analysis.
Economic Justification:	
1. Economic Impact on Manufacturers and Consumers	• Manufacturer Impact Analysis. • Life-Cycle Cost and Payback Period Analysis. • Life-Cycle Cost Subgroup Analysis. • Shipments Analysis.
2. Lifetime Operating Cost Savings Compared to Increased Cost for the Product	• Markups for Equipment Price Determination. • Energy and Water Use Determination. • Life-Cycle Cost and Payback Period Analysis.
3. Total Projected Energy Savings	• Shipments Analysis. • National Impact Analysis.
4. Impact on Utility or Performance	• Screening Analysis. • Engineering Analysis.
5. Impact of Any Lessening of Competition	• Manufacturer Impact Analysis.
6. Need for National Energy and Water Conservation	• Shipments Analysis. • National Impact Analysis.
7. Other Factors the Secretary Considers Relevant	• Employment Impact Analysis. • Utility Impact Analysis. • Emissions Analysis. • Monetization of Emission Reductions Benefits.[7] • Regulatory Impact Analysis.

As detailed throughout this RFI, DOE is publishing this document seeking input and data from interested parties to aid in the development of the technical analyses on which DOE will ultimately rely to determine whether (and if so, how) to amend the standards for MHLF.

[7] On March 16, 2022, the Fifth Circuit Court of Appeals (No. 22–30087) granted the federal government's emergency motion for stay pending appeal of the February 11, 2022, preliminary injunction issued in *Louisiana* v. *Biden,* No. 21–cv–1074–JDC–KK (W.D. La.). As a result of the Fifth Circuit's order, the preliminary injunction is no longer in effect, pending resolution of the federal government's appeal of that injunction or a further court order. Among other things, the preliminary injunction enjoined the defendants in that case from ''adopting, employing, treating as binding, or relying upon'' the interim estimates of the social cost of greenhouse gases—which were issued by the Interagency Working Group on the Social Cost of Greenhouse Gases on February 26, 2021—to monetize the benefits of reducing greenhouse gas emissions. In the absence of further intervening court orders, DOE will revert to its approach prior to the injunction and present monetized benefits where appropriate and permissible by law.

C. Deviation From Appendix A

In accordance with section 3(a) of 10 CFR part 430, subpart C, appendix A (''appendix A''), DOE notes that it is deviating from the provision in appendix A regarding the pre-NOPR stages for an energy conservation standards rulemaking. Section 6(d)(2) of appendix A states that the public comment period for pre-NOPR rulemaking documents will vary depending upon the circumstances of the particular rulemaking but will not be less than 75 calendar days. DOE is

opting to deviate from this provision by specifying a public comment period of 30 days for this RFI. As noted, the 2021 Final Determination was published on October 25, 2021. The methodologies and information upon which DOE seeks comment in this RFI are based on the analysis conducted for the 2021 Final Determination. Because stakeholders have been made recently familiar with the subjects covered in this RFI through the 2021 Final Determination and are not reviewing new information, DOE has determined that 30 days is sufficient a period for providing comments.

II. Request for Information and Comments

In the following sections, DOE has identified a variety of issues on which it seeks input to aid in the development of the technical and economic analyses regarding whether amended standards for MHLFs may be warranted.

A. Equipment Covered by This Process

This RFI covers equipment that meets the definition of MHLF, as codified at 10 CFR 430.2. An MHLF is defined as a light fixture for general lighting application designed to be operated with a metal halide lamp and a ballast for a metal halide lamp. 42 U.S.C. 6291(64); 10 CFR 431.322. DOE has also defined several terms related to MHLF in 10 CFR 431.322.

The Energy Independence and Security Act of 2007, Public Law 110–140 (December 19, 2007) (''EISA 2007''), established energy conservation standards for MHLFs with ballasts designed to operate lamps with rated wattages between 150 watts (''W'') and 500 W and excluded three types of fixtures within the covered wattage range from energy conservation standards: (1) fixtures with regulated-lag ballasts; (2) fixtures that use electronic ballasts and operate at 480 volts (''V''); and (3) fixtures that are rated only for 150 watt lamps, are rated for use in wet locations as specified by the National Fire Protection Association (''NFPA'') in NFPA 70, ''National Electrical Code 2002 Edition,'' and contain a ballast that is rated to operate at ambient air temperatures above 50 Celsius (''°C'') as specified by Underwriters Laboratory (''UL'') in UL 1029, ''Standard for Safety High-Intensity-Discharge Lamp Ballasts.'' (42 U.S.C. 6295(hh)(1)(A)-(B)). In the 2014 Final Rule, DOE also promulgated standards for the group of MHLFs with ballasts designed to operate lamps rated 50 W–150 W and 501 W–1,000 W. DOE also promulgated standards for one type of previously excluded fixture: A 150 W MHLF rated for use in wet locations and containing a ballast that is rated to operate at ambient air temperatures greater than 50 °C—*i.e.,* those fixtures that fall under 42 U.S.C. 6295(hh)(1)(B)(iii). DOE continued to exclude from standards MHLFs with regulated-lag ballasts and 480 V electronic ballasts. In addition, due to a lack of applicable test method for high-frequency electronic (''HFE'') ballasts, in the 2014 Final Rule, DOE did not establish standards for MHLFs with HFE ballasts. 79 FR 7746, 7754–7756.

Although current standards for MHLFs require them to contain a ballast that meets or exceeds a minimum ballast efficiency, the entity responsible for certifying compliance with the applicable standard is the MHLF manufacturer or importer. The MHLF manufacturer may opt to use a third-party to certify on its behalf, such as the ballast manufacturer. However, the MHLF manufacturer or importer is ultimately responsible for certifying compliance to DOE. *See generally* 42 U.S.C. 6291(10)–(12) and 10 CFR 429.12.

DOE seeks feedback on whether definitions related to MHLFs in 10 CFR 431.322 require any revisions—and if so, how those definitions should be revised. DOE also seeks input on whether additional definitions are necessary for DOE to clarify or otherwise implement its regulatory requirements related to MHLFs.

B. Market and Technology Assessment

The market and technology assessment that DOE routinely conducts when analyzing the impacts of a potential new or amended energy conservation standard provides information about the MHLF industry that will be used in DOE's analysis throughout the rulemaking process. DOE uses qualitative and quantitative information to characterize the structure of the industry and market. DOE identifies manufacturers, estimates market shares and trends, addresses regulatory and non-regulatory initiatives intended to improve energy efficiency or reduce energy consumption, and explores the potential for efficiency improvements in the design and manufacturing of MHLF. DOE also reviews equipment literature, industry publications, and company websites. Additionally, DOE considers conducting interviews with manufacturers to improve its assessment of the market and available technologies for MHLFs.

1. Equipment Classes

When evaluating and establishing energy conservation standards, DOE may divide covered products into classes based on the type of energy used, or by capacity or other performance-related features that justify a different standard. (42 U.S.C. 6295(q)(1)). In making a determination whether capacity or another performance-related feature justifies a different standard, DOE must consider such factors as the utility of the feature to the consumer and other factors DOE deems appropriate. (*Id.*)

For MHLF, the current energy conservation standards specified in 10 CFR 431.326 are based on 24 equipment classes determined according to performance-related features that provide utility to the consumer, in terms of input voltage, rated lamp wattage, and designation for indoor versus outdoor applications. Table II–1 lists the current 24 equipment classes for MHLFs.

TABLE II–1—CURRENT MHLF EQUIPMENT CLASSES

Designed to be operated with lamps of the following rated lamp wattage	Indoor/outdoor	Input voltage type ***
≥50 W and ≤100 W	Indoor	Tested at 480 V.
≥50 W and ≤100 W	Indoor	All others.
≥50 W and ≤100 W	Outdoor	Tested at 480 V.
≥50 W and ≤100 W	Outdoor	All others.
>100 W and <150 W *	Indoor	Tested at 480 V.
>100 W and <150 W *	Indoor	All others.
>100 W and <150 W *	Outdoor	Tested at 480 V.
>100 W and <150 W *	Outdoor	All others.
≥150 W ** and ≤250 W	Indoor	Tested at 480 V.
≥150 W ** and ≤250 W	Indoor	All others.

TABLE II–1—CURRENT MHLF EQUIPMENT CLASSES—Continued

Designed to be operated with lamps of the following rated lamp wattage	Indoor/outdoor	Input voltage type ***
≥150 W ** and ≤250 W	Outdoor	Tested at 480 V.
≥150 W ** and ≤250 W	Outdoor	All others.
>250 W and ≤500 W	Indoor	Tested at 480 V.
>250 W and ≤500 W	Indoor	All others.
>250 W and ≤500 W	Outdoor	Tested at 480 V.
>250 W and ≤500 W	Outdoor	All others.
>500 W and ≤1,000 W	Indoor	Tested at 480 V.
>500 W and ≤1,000 W	Indoor	All others.
>500 W and ≤1,000 W	Outdoor	Tested at 480 V.
>500 W and ≤1,000 W	Outdoor	All others.
>1,000 W and ≤2,000 W	Indoor	Tested at 480 V.
>1,000 W and ≤2,000 W	Indoor	All others.
>1,000 W and ≤2,000 W	Outdoor	Tested at 480 V.
>1,000 W and ≤2,000 W	Outdoor	All others.

* Includes 150 W fixtures that are fixtures rated only for 150 W lamps; rated for use in wet locations, as specified by the NFPA 70 (incorporated by reference, see 10 CFR 431.323), section 410.4(A); and containing a ballast that is rated to operate at ambient air temperatures above 50 °C, as specified by UL 1029 (incorporated by reference, see 10 CFR 431.323).

** Excludes 150 W fixtures that are fixtures rated only for 150 W lamps; rated for use in wet locations, as specified by the NFPA 70, section 410.4(A); and containing a ballast that is rated to operate at ambient air temperatures above 50 °C, as specified by UL 1029.

*** Input voltage for testing is specified by the test procedures. Ballasts rated to operate lamps less than 150 W must be tested at 120 V, and ballasts rated to operate lamps ≥150 W must be tested at 277 V. Ballasts not designed to operate at either of these voltages must be tested at the highest voltage the ballast is designed to operate.

In the 2014 Final Rule, DOE adopted standards that would result in the benefits of energy savings, emissions reductions, and net present value (''NPV'') at each representative equipment class that outweighed the potential reduction in industry net present value (''INPV'') for manufacturers. In doing so, DOE did not adopt standards for MHLFs designed to be operated with lamps rated greater than 1,000 W and less than or equal to 2,000 W. 79 FR 7746, 7834–7836. Furthermore, because DOE adopted the same standards for indoor and outdoor equipment classes that are tested at the same input voltage and operate lamps of the same wattage, DOE omitted the indoor/outdoor distinction when codifying the table of standards into 10 CFR 431.326(c). In the 2014 Final Rule, DOE analyzed indoor and outdoor fixtures separately because these two types of fixtures offer different performance-related features. When electronic ballasts are used in outdoor applications, they require additional transient protection because of the potential for voltage surges in outdoor locations. Indoor fixtures with electronic ballasts also have an added feature to provide 120 V auxiliary power functionality for use in the event of a power outage. Based on these different features, DOE established separate equipment classes for indoor and outdoor fixtures, but adopted the same minimum energy conservation standards for these classes. 79 FR 7746, 7763–7764. In the 2021 Final Determination, for the same reasons noted above, DOE continued to analyze MHLFs under separate equipment classes for indoor and outdoor fixtures. 86 FR 58763, 58769. As noted previously, DOE did not amend standards in the 2021 Final Determination.

DOE seeks feedback on the current MHLF equipment classes and whether changes to these individual equipment classes and their descriptions should be made or whether certain classes should be merged or separated (*e.g.,* indoor and outdoor, wattage ranges). Specifically, DOE requests comment on whether the features associated with indoor and/or outdoor fixtures (*e.g.,* thermal management, transient protection, auxiliary power functionality) remain in the market today.

DOE is also aware that new configurations and features are available for MHLFs that may not have been available at the time of the last energy conservation standards analysis. Based on DOE's review of the market, DOE found metal halide dimming ballasts available from multiple manufacturers that could be used in MHLFs. DOE has identified both step-level dimming and continuous dimming metal halide systems that are dimmable down to 50 percent of rated power.

DOE seeks information regarding any new equipment classes it should consider for inclusion in its analysis. Specifically, DOE requests information on any performance-related features (*e.g.,* dimmability, *etc.*) that may provide unique consumer utility and data detailing the corresponding impacts on energy use that would justify separate equipment classes (*i.e.,* explanation for why the presence of these performance-related features would increase energy consumption).

In describing which MHLFs are included in each equipment class, DOE incorporates by reference the 2002 version of NFPA 70, ''National Electrical Code'' [8] and the 2007 version of UL 1029, ''High-Intensity-Discharge Lamp Ballasts'' [9] in DOE's regulations through 10 CFR 431.323. NFPA 70 is a national safety standard for electrical design, installation, and inspection, and is also known as the National Electrical Code. UL 1029 is a safety standard specific to high intensity discharge (''HID'') lamp ballasts; a metal halide lamp ballast is a type of HID lamp ballast. Both NFPA 70 and UL 1029 are used to describe the applicable equipment class for MHLFs (see section II.B.1 of this document). DOE has found that a 2020 version of NFPA 70 [10] (''NFPA 70–2020'') and a 2022 version of UL 1029 [11] (''UL 1029–2022'') are now available.

DOE seeks comment on whether incorporating by reference the updated industry standards, NFPA 70–2020 and UL 1029–2022, will impact the MHLFs

[8] National Fire Protection Association, NFPA 70–2002 (''NFPA 70''), National Electrical Code 2002 Edition.

[9] Underwriters Laboratories, UL 1029 (ANSI/UL 1029–2007) (''UL 1029''), Standard for Safety High-Intensity-Discharge Lamp Ballasts, 5th edition, Approved May 25, 1994.

[10] National Fire Protection Association, NFPA 70–2020 (''NFPA 70''), National Electrical Code 2020 Edition.

[11] Underwriters Laboratories, UL 1029 (ANSI/UL 1029–2007) (''UL 1029''), Standard for Safety High-Intensity-Discharge Lamp Ballasts, 5th edition, Revised July 15, 2022.

included in each equipment class in DOE's regulations.

2. Technology Assessment

In analyzing the feasibility of potential new or amended energy conservation standards, DOE uses information about existing and past technology options and prototype designs to help identify technologies that manufacturers could use to meet and/or exceed a given set of energy conservation standards under consideration. In consultation with interested parties, DOE intends to develop a list of technologies to consider in its analysis. That analysis will likely include a number of the technology options DOE previously considered during the 2021 Final Determination for MHLFs. A complete list of those prior options appears in Table II–2.

TABLE II–2—TECHNOLOGY OPTIONS FOR MHLFS CONSIDERED IN THE DEVELOPMENT OF THE 2021 FINAL DETERMINATION

Ballast type	Design option	Description
Magnetic	Improved Core Steel	
	Grain-Oriented Silicon Steel.	Use a higher grade of electrical steel, including grain-oriented silicon steel, to lower core losses.
	Amorphous Steel	Create the core of the inductor from laminated sheets of amorphous steel insulated from each other.
	Improved Steel Laminations.	Add steel laminations to lower core losses by using thinner laminations.
	Copper Wiring	Use copper wiring in place of aluminum wiring to lower resistive losses.
	Improved Windings	Use of optimized-gauge copper wire; multiple, smaller coils; shape-optimized coils to reduce winding losses.
	Electronic Ballast	Replace magnetic ballasts with electronic ballasts.
Electronic	Improved Components	
	Magnetics	Improved Windings: Use of optimized-gauge copper wire; multiple, smaller coils; shape-optimized coils; litz wire to reduce winding losses.
	Diodes	Use diodes with lower losses.
	Capacitors	Use capacitors with a lower effective series resistance and output capacitance.
	Transistors	Use transistors with lower drain-to-source resistance.
	Improved Circuit Design	
	Integrated Circuits	Substitute discrete components with an integrated circuit.

DOE seeks information on the technologies listed in Table II–2 regarding their applicability to the current market and how these technologies may impact the efficiency of MHLFs as measured according to the DOE test procedure. DOE also seeks information on how these technologies may have changed since they were considered in the 2021 Final Determination analysis. Specifically, DOE seeks information on the range of efficiencies or performance characteristics that are currently available for each technology option.

DOE seeks comment on other technology options that it should consider for inclusion in its analysis and if these technologies may impact equipment features or consumer utility of MHLFs.

C. Screening Analysis

The purpose of the screening analysis is to evaluate the technologies that improve equipment efficiency to determine which technologies will be eliminated from further consideration and which will be passed to the engineering analysis for further consideration.

DOE determines whether to eliminate certain technology options from further consideration based on the following criteria:

(1) *Technological feasibility.* Technologies that are not incorporated in commercial equipment or in working prototypes will not be considered further.

(2) *Practicability to manufacture, install, and service.* If it is determined that mass production of a technology in commercial equipment and reliable installation and servicing of the technology could not be achieved on the scale necessary to serve the relevant market at the time of the compliance date of the standard, then that technology will not be considered further.

(3) *Impacts on equipment utility or equipment availability.* If a technology is determined to have significant adverse impact on the utility of the equipment to significant subgroups of consumers, or result in the unavailability of any covered equipment type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as equipment generally available in the United States at the time, it will not be considered further.

(4) *Adverse impacts on health or safety.* If it is determined that a technology will have significant adverse impacts on health or safety, it will not be considered further.

(5) *Unique-Pathway Proprietary Technologies.* If a design option utilizes proprietary technology that represents a unique pathway to achieving a given efficiency level, that technology will not be considered further due to the potential for monopolistic concerns. 10 CFR part 430, subpart C, appendix A, sections 6(b)(3) and 7(b).

Technology options identified in the technology assessment are evaluated against these criteria using DOE analyses and inputs from interested parties (*e.g.,* manufacturers, trade organizations, and energy efficiency advocates). Technologies that pass through the screening analysis are referred to as ''design options'' in the engineering analysis. Technology options that fail to meet one or more of the five criteria are eliminated from consideration.

In the 2021 Final Determination, for magnetic ballasts, DOE screened out the technology option of using laminated sheets of amorphous steel. DOE determined that using amorphous steel could have adverse impacts on consumer utility because increasing the size and weight of the ballast may limit the places a consumer could use the ballast. DOE did not screen out any other technology options in that rulemaking. 86 FR 58763, 58771.

DOE requests feedback on what impact, if any, the five screening criteria described in this section would have on each of the technology options listed in Table II–2 with respect to MHLFs. Similarly, DOE seeks information regarding how these same criteria would affect any other technology options not already identified in this document with respect to their potential use in MHLFs.

With respect to the screened-out technology option of laminated sheets of amorphous steel, DOE seeks information on whether this option would, based on current and projected assessments, remain screened out under the five screening criteria described in this section. Additionally, DOE seeks information on what steps, if any, could be (or have already been) taken to facilitate the introduction of this technology option as a means to improve the energy performance of MHLFs and the potential to impact consumer utility of MHLFs.

D. Engineering Analysis

The purpose of the engineering analysis is to establish the relationship between the efficiency and cost of MHLFs. There are two elements to consider in the engineering analysis; the selection of efficiency levels to analyze (*i.e.,* the ''efficiency analysis'') and the determination of equipment cost at each efficiency level (*i.e.,* the ''cost analysis''). In determining the performance of higher-efficiency equipment, DOE considers technologies and design option combinations not eliminated by the screening analysis. For each equipment class, DOE estimates the baseline cost, as well as the incremental cost for the equipment at efficiency levels above the baseline. The output of the engineering analysis is a set of cost-efficiency ''curves'' that are used in downstream analyses (*i.e.,* the life-cycle cost (''LCC'') and payback period (''PBP'') analyses and the national impact analysis (''NIA'')). The following sections provide further detail on DOE's engineering analysis and seek public input on specific issues pertinent to MHLFs, the subject of this rulemaking.

1. Efficiency Analysis

DOE typically uses one of two approaches to develop energy efficiency levels for the engineering analysis: (1) relying on observed efficiency levels in the market (*i.e.,* the efficiency-level approach), or (2) determining the incremental efficiency improvements associated with incorporating specific design options to a baseline model (*i.e.,* the design-option approach). Using the efficiency-level approach, the efficiency levels established for the analysis are determined based on the market distribution of existing equipment (in other words, based on the range of efficiencies and efficiency level ''clusters'' that already exist on the market). Using the design option approach, the efficiency levels established for the analysis are determined through detailed engineering calculations and/or computer simulations of the efficiency improvements from implementing specific design options that have been identified in the technology assessment. DOE may also rely on a combination of these two approaches. For example, the efficiency-level approach (based on actual equipment on the market) may be extended using the design option approach to interpolate to define ''gap fill'' levels (to bridge large gaps between other identified efficiency levels) and/or to extrapolate to the maximum technologically feasible (''max-tech'') efficiency level (particularly in cases where the max-tech level exceeds the maximum efficiency level currently available on the market).

2. Baseline Models

For each established equipment class, DOE selects a baseline model as a reference point against which any changes resulting from new or amended energy conservation standards can be measured. The baseline model in each equipment class represents the characteristics of common or typical equipment in that class. Typically, a baseline model is one that meets the current minimum energy conservation standards and provides basic consumer utility. Consistent with this analytical approach, DOE tentatively plans to consider the current minimum energy conservations standards (which went into effect February 10, 2017) to establish the baseline efficiency levels for each equipment class. 79 FR 7749. The current standards for each equipment class are based on ballast efficiency. The current standards for MHLFs are found at 10 CFR 431.326.

DOE requests feedback on whether the current energy conservation standards for MHLFs are the appropriate baseline efficiency levels for DOE to apply to each equipment class in evaluating whether to amend the current energy conservation standards for these equipment classes.

DOE requests feedback on the appropriate baseline efficiency levels for any newly analyzed equipment classes that are not currently in place or for the contemplated combined equipment classes, as discussed in section II.B.1 of this document.

3. Efficiency Levels and Maximum Technologically Feasible Levels

As part of DOE's analysis, the maximum available efficiency level is the highest efficiency unit currently available on the market. DOE selects certain equipment classes as ''representative'' to focus its analysis. DOE chooses equipment classes as representative primarily because of their high market volumes and/or unique characteristics. In the 2021 Final Determination analysis, DOE did not directly analyze the equipment classes containing fixtures with ballasts tested at 480 V due to low shipment volumes. DOE selected all other equipment classes as representative, resulting in a total of 12 representative classes covering the full range of lamp wattages, as well as indoor and outdoor designations. DOE then scaled the efficiency levels (''ELs'') from representative equipment classes to those equipment classes it did not analyze directly (see section II.D.4 for further details on scaling). 86 FR 58763, 58771–58772, 58776.

In the 2021 Final Determination, based on the more-efficient ballasts selected for the analysis, DOE developed ELs for the representative equipment classes. DOE found the more-efficient magnetic EL represented

a magnetic ballast with a higher grade of steel compared to the baseline. DOE identified a second EL (an electronic EL) for the ≥150 W and ≤250 W and >250 W and ≤500 W equipment classes. The standard electronic level represented a ballast with standard electronic circuitry. DOE identified a third EL (a more efficient electronic EL) in the ≥50 W and ≤100 W and >100 W and <150 W equipment classes. The more-efficient electronic EL represented an electronic ballast with an improved circuit design and/or more efficient components compared to the standard electronic level. The maximum available ELs identified for the 12 analyzed equipment classes in the 2021 Final Determination are specified in Table II–3. 86 FR 58763, 58774, 58776.

TABLE II–3—MAXIMUM EFFICIENCY LEVELS FROM 2021 FINAL DETERMINATION

Designed to be operated with lamps of the following rated lamp wattage	Indoor/outdoor	Input voltage type	Maximum efficiency level
≥50 W and ≤100 W	Indoor/Outdoor	All others except 480 V	1/(1+0.4*P^(−0.3)).
>100 W and <150 W	Indoor/Outdoor	All others except 480 V	1/(1+0.4*P^(−0.3)).
≥150 W and ≤250 W	Indoor/Outdoor	All others except 480 V	1/(1+0.4*P^(−0.3)).
>250 W and ≤500 W	Indoor/Outdoor	All others except 480 V	1/(1+0.4*P^(−0.3)).
>500 W and ≤1,000 W	Indoor/Outdoor	All others except 480 V	0.000057*P+0.881.
>1,000 W and ≤2,000 W	Indoor/Outdoor	All others except 480 V	−0.000008*P+0.946.

P is defined as the rated wattage of the lamp the fixture is designed to operate.

DOE defines a max-tech efficiency level to represent the theoretical maximum possible efficiency if all available design options are incorporated in a model. In applying these design options, DOE would only include those that are compatible with each other that when combined, would represent the theoretical maximum possible efficiency. In many cases, the max-tech efficiency level is not commercially available because it is not economically feasible to implement. In the 2021 Final Determination, DOE determined max-tech efficiency levels based on commercially available ballasts.

DOE seeks input on whether the max-tech efficiency levels presented in Table II–3 are appropriate and technologically feasible for potential consideration as possible energy conservation standards for the equipment at issue—and if not, why not.

DOE also requests feedback on whether the max-tech efficiency levels presented in Table II–3 are representative of those for the equipment classes not directly analyzed in the 2021 Final Determination (*i.e.,* ballasts tested at 480 V). If the range of possible efficiencies is different for the other equipment classes not directly analyzed, what alternative approaches should DOE consider using for those equipment classes and why?

DOE seeks feedback on what design options would be incorporated at a max-tech efficiency level, and the efficiencies associated with those levels. As part of this request, DOE also seeks information as to whether there are limitations on the use of certain combinations of design options.

4. Scaling Non-Representative Equipment Classes

After developing ELs, DOE then scales the ELs from representative equipment classes to those equipment classes it does not analyze directly. As discussed in section II.D.3 of this document, DOE did not directly analyze the equipment classes containing fixtures with ballasts tested at 480 V and instead scaled them from the ELs of equipment classes analyzed in the 2021 Final Determination. Specifically, DOE developed a scaling factor by comparing quad-voltage ballasts [12] over all representative wattages to their 480 V ballast counterparts. DOE found that the difference in efficiency between ballasts tested at 480 V and ballasts tested at other input voltages varied based on the wattage of the ballast. Based on this analysis and comments from manufacturers DOE concluded a scaling factor of 12.0 percent (in the form of a subtraction of 12 percent from the representative equipment class ELs) to be appropriate from 50 W–150 W, a scaling factor of 4.0 percent to be appropriate from 150 W to 1,000 W, and a scaling factor of 0.0 percent (*i.e.,* no reduction) to be appropriate from 1,001 W to 2,000 W. 86 FR 58763, 58776–58777.

DOE requests comment on whether it is necessary to individually analyze all 24 equipment classes used in the 2021 Final Determination. Additionally, DOE welcomes comment on whether the approach used to apply the analyzed equipment class results to the other equipment classes is appropriate—and if not, why not? For example, if it is necessary to individually analyze more than 12 equipment classes used in the 2021 Final Determination, please provide information on why aggregating certain equipment is not appropriate. If this approach is not appropriate, what alternative approaches should DOE consider using and why?

DOE requests feedback on how the performance of ballasts that are tested at 480 V compares to ballasts of the same wattage and indoor/outdoor classification that are in other equipment classes. DOE also requests comment on the scaling factors used to develop ELs for the equipment classes containing fixtures with ballasts tested at 480 V.

5. Cost Analysis

The cost analysis portion of the engineering analysis is conducted using one or a combination of cost approaches. The selection of cost approach depends on a suite of factors, including availability and reliability of public information, characteristics of the regulated equipment, and the availability and timeliness of purchasing the equipment on the market. The cost approaches are summarized as follows:

☐ *Physical teardowns:* Under this approach, DOE physically dismantles a commercially available equipment, component-by-component, to develop a detailed bill of materials for the equipment.

☐ *Catalog teardowns:* In lieu of physically deconstructing an equipment, DOE identifies each component using parts diagrams (available from manufacturer websites or appliance repair websites, for example) to develop the bill of materials for the equipment.

☐ *Price surveys:* If neither a physical nor catalog teardown is feasible (for example, for tightly integrated

[12] Quad-voltage ballasts are capable of operating at 120 V or 277 V.

equipment such as fluorescent lamps, which are infeasible to disassemble and for which parts diagrams are unavailable) or cost-prohibitive and otherwise impractical (*e.g.,* large commercial boilers), DOE conducts price surveys using publicly available pricing data published on major online retailer websites and/or by soliciting prices from distributors and other commercial channels.

The bill of materials provides the basis for the manufacturer production cost (''MPC'') estimates. DOE then applies a manufacturer markup to convert the MPC to manufacturer selling price (''MSP''). The manufacturer markup accounts for costs such as overhead and profit. The resulting bill of materials provides the basis for the MPC estimates.

For the 2021 Final Determination, DOE conducted teardown analyses on commercially available MHLFs, and the ballasts included in these fixtures. Using the information from these teardowns, DOE summed the direct material, labor, and overhead costs used to manufacture a MHLF or metal halide (''MH'') ballast, to calculate the MPC. DOE then determined the MSPs of fixture components and more-efficient MH ballasts identified for each EL. To determine the fixture components MSPs, DOE conducted fixture teardowns to derive MPCs of empty fixtures (*i.e.,* lamp enclosure and optics). The empty fixture does not include the ballast or lamp. DOE then added the other components required by the system (including ballast and any cost adders associated with electronically ballasted systems) and applied appropriate markups to obtain a final MSP for the entire fixture. 86 FR 58763, 58777.

DOE requests feedback on how manufacturers would incorporate the technology options listed in Table II–2 to increase energy efficiency in MHLFs beyond the baseline. This includes information on the sequencing manufacturers would follow when incorporating the different technologies to incrementally improve MHLF efficiency. DOE also requests feedback on whether increased energy efficiency would lead to other design changes that would not occur otherwise. DOE is interested in information regarding any potential impact of design options on a manufacturer's ability to incorporate additional functions or attributes in response to consumer demand. DOE is also interested in the extent to which (if at all) any design changes may adversely impact the ability of a given MHLF to operate with currently compatible applications.

DOE seeks input on the increase in MPC associated with incorporating each particular design option (*e.g.,* improved core steel). Specifically, DOE is interested in whether and how the costs estimated for design options in the 2021 Final Determination have changed since the time of that analysis. DOE also requests information on the investments necessary to incorporate specific design options, including, but not limited to, costs related to new or modified tooling (if any), materials, engineering and development efforts to implement each design option, and manufacturing/production impacts.

DOE requests comment on whether certain design options may not be applicable to (or incompatible with) certain equipment classes.

DOE seeks input on any relevant cost adders necessary based on ballast and fixture type (*e.g.,* electronic or magnetic ballast, indoor or outdoor fixture). Specifically, DOE is interested in whether and how the incremental costs for electronically ballasted fixtures in the 2021 Final Determination have changed since the time of that analysis.

To account for manufacturers' non-production costs and profit margin, DOE applies a non-production cost multiplier (the manufacturer markup) to the MPC. The resulting MSP is the price at which the manufacturer distributes a unit into commerce. For the 2021 Final Determination DOE used separate markups for ballast manufacturers (1.47) and fixture manufacturers (1.58). 86 FR 58763, 58778.

DOE requests feedback on whether its assumptions regarding manufacturer markups and the values of the markups (1.47 and 1.58) are appropriate for ballast manufacturers and fixture manufacturers, respectively—with the 1.58 markup applying to fixtures with and without ballasts). If they are appropriate, why—and if not, why not? If they are not appropriate, what should they be and why?

E. Markup Analysis

DOE derives consumer prices based on manufacturer markups, retailer markups, distributor markups, contractor markups (where appropriate), and sales taxes. In deriving these markups, DOE determines the major distribution channels for equipment sales, the markup associated with each party in each distribution channel, and the existence and magnitude of differences between markups for baseline equipment (''baseline markups'') and higher-efficiency equipment (''incremental markups''). The identified distribution channels (*i.e.,* how the equipment is distributed from the manufacturer to the consumer), and estimated relative sales volumes through each channel are used in generating consumer price inputs for the LCC analysis and NIA.

DOE tentatively plans to use the same distribution channels and wholesaler and contractor markups as in the 2021 Final Determination. In an electrical wholesaler distribution channel, DOE assumed the fixture manufacturer sells the fixture to an electrical wholesaler (*i.e.,* distributor), who in turn sells it to a contractor, who sells it to the consumer. In a contractor distribution channel, DOE assumed the fixture manufacturer sells the fixture directly to a contractor, who sells it to the consumer. In a utility distribution channel, DOE assumed the fixture manufacturer sells the fixture directly to the consumer (*i.e.,* electrical utility). Indoor fixtures are all assumed to go through the electrical wholesaler distribution channel. Outdoor fixtures are assumed to go through all three distribution channels as follows: 60 percent electrical wholesaler, 20 percent contractor, and 20 percent utility. 86 FR 58763, 58778–58779.

In the 2021 Final Determination, DOE used the same wholesaler and contractor markups as the 2014 Final Rule and assumed a wholesaler baseline markup of 1.23 and a contractor markup of 1.13, yielding a total wholesaler distribution channel baseline markup of 1.49. The lower wholesaler incremental markup of 1.05 yields a lower total incremental markup through this distribution channel of 1.27. DOE also assumed a utility markup of 1.00 for the utility distribution channel in which the manufacturer sells a fixture directly to the consumer. DOE again assumed a contractor markup of 1.13 for the utility distribution channel in which a manufacturer sells a fixture to a contractor who in turn sells it to the consumer yielding an overall markup of 1.21 for this channel. 86 FR 58763, 58779.

DOE requests information and data on any changes to the distribution channels or wholesaler or contractor markups.

F. Energy Use Analysis

As part of the rulemaking process, DOE conducts an energy use analysis to identify how the equipment is used by consumers, and thereby determine the energy savings potential of energy efficiency improvements. DOE bases the energy consumption of metal halide lamp fixtures on the rated annual energy consumption as determined by the DOE test procedure. Along similar lines, the energy use analysis is meant to

represent typical energy consumption in the field.

DOE tentatively plans to use the same energy use methodology as in the 2021 Final Determination. To develop annual energy use estimates, DOE multiplied the lamp-and-ballast system input power (in watts) by annual usage (in hours per year). DOE characterized representative lamp-and-ballast systems in the engineering analysis, which provided measured input power ratings. To characterize the country's average usage of fixtures for a typical year, DOE developed annual operating hour distributions by sector, using data published in the 2015 U.S. Lighting Market Characterization (''LMC'').[13] For the ≥50 W and ≤100 W to >500 W and ≤1000 W equipment classes, DOE obtained weighted-average annual operating hours for the commercial, industrial, and outdoor stationary sectors of approximately 2,300 hours, 5,100 hours, and 5,000 hours, respectively. For the 1,500 W equipment class, DOE assigned annual operating hours of approximately 770 hours for all lamps according to the 2015 LMC estimate of 2.1 hours per day for sports field lighting. 86 FR 58763, 58779.

DOE requests information and data on any changes to the operating hours for metal halide lamp fixtures.

G. Life-Cycle Cost and Payback Analysis

DOE conducts the LCC and PBP analysis to evaluate the economic effects of potential energy conservation standards for metal halide lamp fixtures on individual consumers. For any given efficiency level, DOE measures the PBP and the change in LCC relative to an estimated baseline level. The LCC is the total consumer expense over the life of the equipment, consisting of purchase, installation, and operating costs (expenses for energy use, maintenance, and repair). Inputs to the calculation of total installed cost include the cost of the equipment—which includes MSPs, distribution channel markups, and sales taxes—and installation costs. Inputs to the calculation of operating expenses include annual energy consumption, energy prices and price projections, repair and maintenance costs, equipment lifetimes, discount rates, and the year that compliance with new and amended standards is required. DOE tentatively plans to develop inputs for the LCC analysis similarly to the 2021 Final Determination, as discussed in the following subsections.

1. Equipment Cost

In the 2021 Final Determination, to calculate consumer equipment costs, DOE multiplied the MSPs developed in the engineering analysis by the markups described previously (along with sales taxes). DOE used different markups for baseline equipment and higher-efficiency equipment because DOE applies an incremental markup to the increase in MSP associated with higher-efficiency equipment. 86 FR 58763, 58779, 58780–58781.

2. Installation Cost

Installation cost is the cost to install the fixture such as the labor, overhead, and any miscellaneous materials and parts needed. In the 2021 Final Determination, DOE used the installation costs from the 2014 Final Rule but inflated to 2020$ using the GDP price deflator. 86 FR 58763, 58780–58781.

DOE requests information and data on any changes to the installation cost for metal halide lamp fixtures.

3. Annual Energy Consumption

In the 2021 Final Determination, for each sampled consumer, DOE determined the energy consumption for an MHLF at different efficiency levels using the approach described previously in section II.F of this document. DOE used operating hour (and, by extension, energy use) distributions to better characterize the potential range of operating conditions faced by MHLF consumers. 86 FR 58763, 58779–58781.

4. Energy Prices

DOE applied average electricity prices for the energy use of the equipment purchased in the no-new-standards case, and marginal electricity prices for the incremental change in energy use associated with the other efficiency levels considered in the 2021 Final Determination. DOE derived annual electricity prices for each census division using data from the Edison Electric Institute (''EEI'') Typical Bills and Average Rates reports.[14] To estimate energy prices in future years, DOE multiplied the average regional energy prices by a projection of annual change in national-average commercial and industrial energy prices in the Reference case of *Annual Energy Outlook 2021* (''AEO 2021'').[15] AEO 2021 has an end year of 2050. DOE assumed regional electricity prices after 2050 are constant at their 2050 price. 86 FR 58763, 58780–58781.

5. Replacement Costs

Replacement costs include the labor and materials costs associated with replacing a ballast or lamp at the end of their lifetimes and are annualized across the years preceding and including the actual year in which equipment is replaced. In the 2021 Final Determination, the costs were taken from the 2014 Final Rule but inflated to 2020$ using the GDP price deflator. For the LCC and PBP analysis, the analysis period corresponds with the fixture lifetime that is assumed to be longer than that of either the lamp or the ballast. For this reason, ballast and lamp prices and labor costs associated with lamp or ballast replacements are included in the calculation of operating costs. *Id.*

DOE requests information and data on any changes to the replacement costs for metal halide lamp fixtures.

6. Equipment Lifetime

DOE defines equipment lifetime as the age when a fixture, ballast, or lamp is retired from service. In the 2021 Final Determination, for fixtures in all equipment classes, DOE assumed average lifetimes for indoor and outdoor fixtures of 20 and 25 years, respectively. DOE also assumed that magnetic ballasts had a rated lifetime of 50,000 hours and electronic ballasts had a rated lifetime of 40,000 hours. DOE used manufacturer catalog data to obtain rated lifetime estimates (in hours) for lamps in each equipment class. DOE accounted for uncertainty in the fixture, ballast, and lamp lifetimes by applying Weibull survival distributions to the components' rated lifetimes. Furthermore, DOE included a residual value calculation for lamps and ballasts to account for the residual monetary value associated with the remaining life in the lamp and ballast at the end of the fixture lifetime. *Id.*

DOE requests information and data on any changes to the equipment lifetime for metal halide lamp fixtures.

7. Discount Rates

The discount rate is the rate at which future expenditures are discounted to estimate their present value. In the 2021 Final Determination, DOE estimated separate discount rates for commercial, industrial, and outdoor stationary applications. DOE used discount rate

[13] Navigant Consulting, Inc. *2015 U.S. Lighting Market Characterization.* 2017. U.S. Department of Energy: Washington, DC. Report No. DOE/EE–1719. (Last accessed February 3, 2020.) *https://energy.gov/eere/ssl/downloads/2015-us-lighting-market-characterization.*

[14] Edison Electric Institute. Typical Bills and Average Rates Report. 2019. Winter 2019, Summer 2019: Washington, DC.

[15] U.S. Energy Information Administration. *Annual Energy Outlook 2021 with Projections to 2050.* 2021. Washington, DC. (Last accessed March 18, 2021.) *https://www.eia.gov/outlooks/aeo/.*

data from a 2019 Lawrence Berkeley National Laboratory report.[16] The average discount rates, weighted by the shares of each rate value in the sectoral distributions, are 8.3 percent for commercial consumers, 8.8 percent for industrial consumers, and 3.2 percent for outdoor stationary consumers. 86 FR 58763, 58781–58782.

8. Energy Efficiency Distribution in the No-New-Standards Case

For the 2021 Final Determination, DOE developed a no-new-standards case efficiency distribution using model count data from DOE's compliance certification database collected on May 5, 2021. The compliance certification database does not contain models in the >1000 W and ≤2000 W equipment class; therefore, DOE assumed 56 percent of the market is at the baseline and 44 percent of the market is at EL 1, based on MHLF catalog data. The complete efficiency distribution for 2025 that DOE used in the 2021 Final Determination is shown in Table II–4. 86 FR 58763, 58782.

TABLE II–4—MHLF EFFICIENCY DISTRIBUTION BY EQUIPMENT CLASS FOR 2025 FROM THE 2021 FINAL DETERMINATION

Efficiency level	Equipment class *					
	≥50 W and ≤100 W (%)	>100 W and <150 W (%)	≥150 W and ≤250 W (%)	>250 W and ≤500 W (%)	>500 W and ≤1000 W (%)	>1000 W and ≤2000 W (%)
0	82.0	16.4	53.6	95.6	97.1	56.0
1	1.2	32.9	40.1	1.1	2.9	44.0
2	9.5	0.0	6.3	3.3	.....	.....
3	7.4	50.7	.....	.....	.....	.....

* Columns may not sum to 100% due to rounding.

DOE requests information and data on any changes to the no-new-standards efficiency distribution for metal halide lamp fixtures.

9. Payback Period Analysis

The payback period is the amount of time it takes the consumer to recover the additional installed cost of more-efficient equipment, compared to baseline equipment, through energy cost savings. Payback periods are expressed in years. Payback periods that exceed the life of the equipment mean that the increased total installed cost is not recovered in reduced operating expenses.

The inputs to the PBP calculation for each efficiency level are the change in total installed cost of the equipment and the change in the first-year annual operating expenditures relative to the baseline. The PBP calculation uses the same inputs as the LCC analysis, except that discount rates are not needed.

As noted previously, EPCA establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the consumer of purchasing equipment complying with an energy conservation standard level will be less than three times the value of the first year's energy savings resulting from the standard, as calculated under the applicable test procedure. (42 U.S.C. 6295(o)(2)(B)(iii)). For each considered efficiency level, DOE determines the value of the first year's energy savings by calculating the energy savings in accordance with the applicable DOE test procedure, and multiplying those savings by the average energy price projection for the year in which compliance with the amended standards would be required.

H. Shipments

DOE develops shipments forecasts of MHLFs to calculate the national impacts of potential amended energy conservation standards on energy consumption, NPV, and future manufacturer cash flows. Using a three-step process, in the 2021 Final Determination, DOE developed projections of future fixture shipments using historical data as the basis. First, DOE used U.S. Census Bureau fixture shipment data, National Electrical Manufacturers Association (''NEMA'') lamp shipment data, and NEMA ballast sales trends to estimate historical shipments of each fixture type analyzed. Second, DOE estimated the installed stock for each fixture in 2021 based on the average service lifetime of each fixture type. Third, DOE developed annual shipment projections for 2021–2052 by modeling fixture purchasing events, such as replacement and new construction, and applying estimates of the building stock growth rate, MHLF replacement rate, and penetration rate of light emitting diode (''LED'') alternatives. 86 FR 58763, 58782–58783. DOE used model counts from data downloaded from DOE's compliance certification database for MHLFs to estimate market shares by equipment class as shown in Table II–5. *Id.*

TABLE II—5 MARKET SHARE BY EQUIPMENT CLASS FOR SHIPMENTS IN 2021 FROM THE 2021 FINAL DETERMINATION

	≥50 W and ≤100 W (%)	>100 W and <150 W (%)	≥150 W and ≤250 W (%)	>250 W and ≤500 W (%)	>500 W and ≤1000 W (%)	>1000 W and ≤2000 W (%)
Market Share	25.5	8.2	24.9	31.2	9.7	0.5

DOE seeks any information or data on updates to the market share by equipment class relative to the market shares estimated in the 2021 Final Determination.

Current sales estimates allow for a more accurate model that captures recent trends in the market. In the 2021 Final Determination, DOE projected a faster decline in MHLF shipments compared to what it had projected in

[16] Fujita, K. S. Commercial, Industrial, and Institutional Discount Rate Estimation for Efficiency Standards Analysis: Sector-Level Data 1998–2018. 2019. Lawrence Berkeley National Laboratory: Berkeley, CA. (Last accessed January 15, 2020.) *https://eta.lbl.gov/publications/commercial-industrial-institutional.*

the notice of proposed determination for the rule (*see* 85 FR 47472 (August 5, 2020)), based on updated NEMA sales indices, that resulted in a decline of 2030 shipments of metal halide lamps by more than 99 percent relative to shipments in 2021, due to the incursion of out-of-scope LED equipment.[17] 86 FR 58763, 58782–58783.

DOE seeks data on MHLF and metal halide lamp ballast shipments, as well as the projected shipment values from the 2021 Final Determination as compared to actual recent shipments of MHLFs.

I. National Impact Analysis

The purpose of the NIA is to estimate the aggregate economic impacts of potential efficiency standards at the national level. The NIA assesses the national energy savings and the national NPV of total consumer costs and savings that would be expected to result over 30 years of shipments from new or amended standards at specific efficiency levels.

DOE evaluates the impacts of new and amended standards by comparing no-new-standards-case projections with standards-case projections. The no-new-standards-case projections characterize energy use and consumer costs for each equipment class in the absence of new or amended energy conservation standards. DOE compares the no-new-standards-case with projections characterizing the market for each equipment class if DOE adopts new or amended standards at specific energy efficiency levels (*i.e.,* the trial standard levels (''TSLs'') or standards cases) for that class. In characterizing the no-new-standards and standards cases, DOE considers historical shipments, the mix of efficiencies sold in the absence of amended standards, penetration into the market from out-of-scope LED alternatives, and how the market may evolve over time.

J. Manufacturer Impact Analysis

The purpose of the manufacturer impact analysis (''MIA'') is to estimate the financial impact of amended energy conservation standards on manufacturers of MHLFs, and to evaluate the potential impact of such standards on direct employment and manufacturing capacity. The MIA includes both quantitative and qualitative aspects. The quantitative part of the MIA primarily relies on the Government Regulatory Impact Model (''GRIM''), an industry cash-flow model adapted for every equipment in this analysis, with the key output of INPV. The qualitative part of the MIA addresses the potential impacts of energy conservation standards on manufacturing capacity and industry competition, as well as factors such as equipment characteristics, impacts on particular subgroups of firms, and important market and equipment trends.

As part of the MIA, DOE intends to analyze impacts of amended energy conservation standards on subgroups of manufacturers of covered equipment, including small business manufacturers. DOE uses the Small Business Administration's (''SBA'') small business size standards to determine whether manufacturers qualify as small businesses, which are listed by the applicable North American Industry Classification System (''NAICS'') code.[18] Manufacturing of consumer MHLF is classified under NAICS 335122, ''Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing,'' and the SBA sets a threshold of 500 employees or less for a domestic entity to be considered as a small business. Manufacturing of metal halide ballasts is classified under NAICS 335311, ''Power, Distribution and Specialty Transformer Manufacturing,'' and the SBA sets a threshold of 750 employees or less for a domestic entity to be considered as a small business. The employee threshold includes all employees in a business' parent company and any other subsidiaries.

One aspect of assessing manufacturer burden involves examining the cumulative impact of multiple DOE standards and the product/equipment-specific regulatory actions of other Federal agencies that affect the manufacturers of a covered product or equipment. While any one regulation may not impose a significant burden on manufacturers, the combined effects of several existing or impending regulations may have serious consequences for some manufacturers, groups of manufacturers, or an entire industry. Assessing the impact of a single regulation may overlook this cumulative regulatory burden. In addition to energy conservation standards, other regulations can significantly affect manufacturers' financial operations. Multiple regulations affecting the same manufacturer can strain profits and lead companies to abandon product or equipment lines or markets with lower expected future returns than competing products or equipment. For these reasons, DOE conducts an analysis of cumulative regulatory burden as part of its rulemakings pertaining to appliance efficiency.

To the extent feasible, DOE seeks the names and contact information of any domestic or foreign-based manufacturers that distribute MHLFs in the United States.

DOE identified small businesses as a subgroup of manufacturers that could be disproportionally impacted by amended energy conservation standards. DOE requests the names and contact information of small business manufacturers, as defined by the SBA's size threshold, of MHLFs that manufacture equipment in the United States. In addition, DOE requests comment on any other manufacturer subgroups that could be disproportionally impacted by amended energy conservation standards. DOE requests feedback on any potential approaches that could be considered to address impacts on manufacturers, including small businesses.

DOE requests information regarding the cumulative regulatory burden impacts on manufacturers of MHLFs associated with: (1) other DOE standards applying to different products or equipment that these manufacturers may also make and (2) product/equipment-specific regulatory actions of other Federal agencies. DOE also requests comment on its methodology for computing cumulative regulatory burden and whether there are any flexibilities it can consider that would reduce this burden while remaining consistent with the requirements of EPCA.

III. Submission of Comments

DOE invites all interested parties to submit in writing by the date specified in the **DATES** section of this document, comments and information on matters addressed in this document and on other matters relevant to DOE's consideration of amended energy conservations standards for MHLF. After the close of the comment period, DOE will review the public comments received and may begin collecting data and conducting the analyses discussed in this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page requires you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies Office staff only. Your contact information will not be publicly viewable except for your first and last

[17] See chapter 9 of the 2021 Final Determination Technical Support Document: *https://www.regulations.gov/document/EERE-2017-BT-STD-0016-0017.*

[18] Available online at *www.sba.gov/document/support--table-size-standards* (last accessed August 9, 2022).

names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No faxes will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email to *MHLF2022STD0023@ee.doe.gov@ee.doe.gov,* two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process or would like to request a public meeting should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on September 28, 2022, by Francisco Alejandro Moreno, Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 30, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022–21696 Filed 10–5–22; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket Nos. RM22–19–000; RM21–3–000]

Incentives for Advanced Cybersecurity Investment; Cybersecurity Incentives

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of proposed rulemaking; notice terminating proceeding.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to revise its regulations to provide incentive-based rate treatments for the transmission of electric energy in interstate commerce and the sale of electric energy at wholesale in interstate commerce by utilities for the purpose of benefitting consumers by encouraging investments by utilities in advanced cybersecurity technology and participation by utilities in cybersecurity threat information sharing programs, as directed by the Infrastructure Investment and Jobs Act of 2021 (Infrastructure and Jobs Act). This notice of proposed rulemaking (NOPR) also terminates the NOPR proceeding in Docket No. RM21–3–000

(December 2020 Cybersecurity Incentives NOPR).

DATES: As of October 6, 2022, the proposed rule published at 86 FR 8309 on February 5, 2021, is withdrawn. Comments on this proposed rule are due November 7, 2022, and reply comments are due November 21, 2022.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways. Electronic filing through *https://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.
  - *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - *Hand (including courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

The Comment Procedures Section of this document contains more detailed filing procedures.

FOR FURTHER INFORMATION CONTACT:
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SUPPLEMENTARY INFORMATION:

Table of Contents

	Paragraph numbers
I. Introduction	1034
II. Background	1036
A. Infrastructure Investment and Jobs Act of 2021	1036
B. Prior Commission Action on Cybersecurity Incentives	1039
C. Advanced Cybersecurity Technology and Information	1040
1. Advanced Cybersecurity Technology	1040
2. Advanced Cybersecurity Technology Information	1042
D. Cybersecurity Threat Information Sharing Programs	1042
III. Discussion	1043
A. Proposed Approaches to Request an Incentive	1043
1. Eligibility Criteria	1044
2. Proposed Approaches for Evaluating Cybersecurity Expenditure Eligibility	1046
B. Proposed Rate Incentives	1051
1. ROE Adder	1054
2. Deferral of Certain Cybersecurity Expenses for Rate Recovery	1056
3. Performance-Based Rates	1059
C. Proposed Incentive Implementation	1060
1. Cybersecurity ROE Incentive Duration	1060
2. Regulatory Asset Incentive Duration and Amortization Period	1062
3. Filing Process	1063
4. Reporting Requirements	1065
IV. Information Collection Statement	1067
V. Environmental Assessment	1072
VI. Regulatory Flexibility Act	1072
VII. Comment Procedures	1074
VIII. Document Availability	1075

I. Introduction

1. In this NOPR, the Commission proposes under section 219A of the Federal Power Act (FPA) [1] to establish rules for incentive-based rate treatments for certain voluntary cybersecurity investments [2] by utilities.[3] These rules would make incentives available to utilities that make certain cybersecurity expenditures that enhance their security posture by improving their ability to protect against, detect, respond to, or recover from a cybersecurity threat and to utilities that participate in cybersecurity threat information sharing programs to the benefit of ratepayers and national security.

2. First, we propose a regulatory framework on how a utility could qualify for incentives for eligible cybersecurity expenditures. Under this framework, we propose that eligible cybersecurity expenditures must: (1) materially improve cybersecurity through either an investment in advanced cybersecurity technology or participation in a cybersecurity threat information sharing program; and (2) not already be mandated by Critical Infrastructure Protection (CIP) Reliability Standards, or local, state, or Federal law. A utility would seek an incentive in a filing pursuant to FPA

[1] Infrastructure and Jobs Act, Public Law 117–58, section 40123, 135 Stat. 429, 951 (to be codified at 16 U.S.C. 824s–1).

[2] In this NOPR, the term ''investments'' in cybersecurity technology means expenditures that can be either capitalized costs or expenses.

[3] Notwithstanding that Infrastructure and Jobs Act requires the Commission to offer incentives to ''public utilities,'' we propose to make rate incentives available to non-public utilities that have or will have a rate on file with the Commission, similar to Commission precedent under FPA section 219, 16 U.S.C. 824s. Therefore, all references in this NOPR to ''utilities'' are intended to include both public utilities and non-public utilities that have or will have a rate on file with the Commission.

section 205[4] and the incentive would be effective no earlier than the date of the Commission order approving the incentive request.

3. We propose to evaluate cybersecurity investments using a list of pre-qualified expenditures that are eligible for incentives determined by the Commission and publicly maintained on the Commission's website (PQ List). With the Commission having evaluated expenditures to include on the PQ List in advance, we believe that the PQ List approach would provide an efficient and transparent mechanism for determining appropriate cybersecurity expenditures that are eligible for incentives. We propose that any cybersecurity expenditure that is on the PQ List would be entitled to a rebuttable presumption of eligibility for an incentive. We also discuss and seek comment on a potential alternative approach, whereby a utility's cybersecurity expenditure would be evaluated on a case-by-case basis to determine if it is eligible for an incentive.

4. Second, we propose two options for the type of incentive a utility could receive for an eligible cybersecurity expenditure: (1) a return on equity (ROE) adder of 200 basis points; or (2) deferred cost recovery for certain cybersecurity expenditures that enables the utility to defer expenses and include the unamortized portion in rate base.

5. Third, we propose that any approved incentive(s) will remain in effect for five years from the date on which the cybersecurity investment(s) enters service or expenses are incurred, or expire earlier if other conditions discussed in this NOPR are met before the end of that five year period. We seek comment on the proposed duration and expiration conditions for incentives granted under this proposal.

6. Finally, we propose that a utility that has received a cybersecurity incentive under this section must make an annual informational filing on June 1, as further discussed herein. The annual filing should detail the specific investments that were made pursuant to the Commission's approval and the corresponding FERC account used.[5]

II. Background

A. Infrastructure Investment and Jobs Act of 2021

7. On November 15, 2021, the Infrastructure and Jobs Act was signed into law.[6] The Infrastructure and Jobs Act, in part, directs the Commission to revise its regulations to establish, by rule, incentive-based, including performance-based, rate treatments for the transmission of electric energy in interstate commerce and the sale of electric energy at wholesale in interstate commerce by public utilities for the purpose of benefitting consumers by encouraging investments by public utilities in advanced cybersecurity technology[7] and participation by public utilities in cybersecurity threat information sharing programs.

8. As an initial step in the process of revising the Commission's regulations, the Infrastructure and Jobs Act directed the Commission to conduct a study, in consultation with certain entities,[8] to identify incentive-based rate treatments, including performance-based rates, for the jurisdictional transmission and sale of electric energy that could support investments in advanced cybersecurity technology and participation by public utilities in cybersecurity threat information sharing programs.[9] The Infrastructure and Jobs Act also required the Commission to submit a report to Congress (Report) detailing the results of the directed study. Following the passage of the Infrastructure and Jobs Act, Commission staff consulted with the specified entities to help identify incentive-based rate treatments that could enhance the security posture of the Bulk-Power System.[10]

9. On May 13, 2022, the Report was submitted to Congress.[11] The Report, among other things, outlined prior Commission efforts to address incentives for cybersecurity initiatives. The Report provided information regarding potential incentive-based rate treatments and the Commission's general ratemaking authority, including the prior adoption of rate incentives and performance-based ratemaking in other contexts. In addition, the Report discussed challenges associated with adopting an incentive-based rate structure to enhance the security posture of the Bulk-Power System. The Report noted that, while advanced technologies that address cybersecurity threats may be innovative and/or above and beyond industry standards at one time, they may subsequently become conventional, mandatory, or even antiquated and therefore may be less deserving of an incentive over time.

B. Prior Commission Action on Cybersecurity Incentives

10. The Commission began assessing the potential use of incentives to improve cybersecurity prior to the passage of the Infrastructure and Jobs Act. On June 18, 2020, Commission staff issued a white paper to explore a potential framework for providing transmission incentives to utilities for cybersecurity investments that produce significant cybersecurity benefits for actions taken that exceed the requirements of the mandatory and enforceable CIP Reliability Standards.[12] Following the issuance of the Cybersecurity White Paper, the Commission issued the December 2020 Cybersecurity Incentives NOPR on December 17, 2020, proposing to allow utilities to request incentives for certain cybersecurity investments that go above and beyond the requirements of the CIP Reliability Standards.[13]

11. In the December 2020 Cybersecurity Incentives NOPR, the Commission proposed two cybersecurity incentive approaches. The first approach, referred to as the NERC CIP Incentives Approach, would have allowed an entity to receive incentive-based rate treatment for voluntarily

[4] 16 U.S.C. 824d.

[5] *See* 18 CFR part 141.

[6] Infrastructure and Jobs Act, Public Law 117–58, 135 Stat. 429.

[7] FPA section 219A(a)(1) defines the term advanced cybersecurity technology to mean any technology, operational capability, or service, including computer hardware, software, or a related asset, that enhances the security posture of public utilities through improvements in the ability to protect against, detect, respond to, or recover from a cybersecurity threat. Infrastructure and Jobs Act, Public Law 117–58, section 40123, 135 Stat. 429, 951 (to be codified at 16 U.S.C. 824s–1(a)(1)). FPA section 219A(a)(2) defines the term advanced cybersecurity technology information to mean information relating to advanced cybersecurity technology or proposed advanced cybersecurity technology that is generated by or provided to the Commission or another Federal agency. *Id.* at 952 (to be codified at 16 U.S.C. 824s–1(a)(2)).

[8] The entities identified in the Infrastructure and Jobs Act are: Secretary of Energy; North American Electric Reliability Corporation (NERC); Electricity Subsector Coordinating Council (ESCC); and National Association of Regulatory Utility Commissioners (NARUC).

[9] Infrastructure and Jobs Act, Public Law 117–58, section 40123, 135 Stat. 429, 952 (to be codified at 16 U.S.C. 824s–1(b)).

[10] The term Bulk-Power System is defined in FPA section 215 and refers to: (1) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and (2) electric energy from generation facilities needed to maintain transmission system reliability. 16 U.S.C. 824o(a)(1). With respect to CIP Reliability Standards, NERC uses the term ''bulk electric system'' (BES), which is generally defined as transmission facilities that are operated at 100 kV or higher and real power or reactive power resources connected at 100 kV or higher. *See* NERC, Glossary of Terms Used in NERC Reliability Standards (March 29, 2022), *https://www.nerc.com/files/glossary_of_terms.pdf.*

[11] FERC, *Incentives for Advanced Cybersecurity Technology Investment* (May 2022).

[12] FERC, *Cybersecurity Incentives Policy White Paper,* Docket No. AD20–19–000, (June 2020) (Cybersecurity White Paper), *https://www.ferc.gov/sites/default/files/2020-06/notice-cybersecurity.pdf.*

[13] *Cybersecurity Incentives,* Notice of Proposed Rulemaking, 86 FR 8309 (Feb. 5, 2021), 173 FERC ¶ 61,240 (2020).

applying identified CIP Reliability Standards to facilities that were not otherwise subject to those requirements. The second approach, the National Institute of Standards and Technology (NIST) Framework Approach, would have allowed an entity to receive incentive-based rate treatment for implementing certain security controls included in the NIST Framework [14] that exceed the requirements of the CIP Reliability Standards.

12. In light of the Congressional mandate in the Infrastructure and Jobs Act directing the Commission to establish cybersecurity incentives, this NOPR supersedes the December 2020 Cybersecurity Incentives NOPR, and that proceeding in Docket No. RM21–3–000 is hereby terminated.

C. Advanced Cybersecurity Technology and Information

1. Advanced Cybersecurity Technology

13. As noted above, the Infrastructure and Jobs Act directs the Commission to, among other things, identify incentive-based rate treatments that could support investments in advanced cybersecurity technology. An advanced cybersecurity technology can be a product and/or a service.[15]

14. Cybersecurity products are generally hardware, software, and cybersecurity services that can be used for information technology systems and/or operational technology [16] systems. Cybersecurity products can include, but are not limited to, security information and event management systems, intrusion detection systems, anomaly detection systems, encryption tools, data loss prevention systems, forensic toolkits, incident response tools, imaging tools, network behavior analysis tools, access management systems, configuration management systems, anti-malware tools, user behavior analytic software, event logging systems, and any system for access control, identification, authentication, and/or authorization control.

15. Cybersecurity services may be either automated or manual and can include, but are not limited to, system installation and maintenance, network administration, asset management, threat and vulnerability management, training, incident response, forensic investigation, network monitoring, data sharing, data recovery, disaster recovery, network restoration, log analytics, cloud network storage, and any general cybersecurity consulting service.

2. Advanced Cybersecurity Technology Information

16. Advanced cybersecurity technology information may include, but is not limited to, plans, policies, procedures, specifications, implementation, configuration, manuals, instructions, accounting, financials, logs, records, and physical or electronic access lists related to or regarding the advanced cybersecurity technology. Some advanced cybersecurity technology information that is provided to the Commission may constitute critical energy/electric infrastructure information (CEII).[17]

D. Cybersecurity Threat Information Sharing Programs

17. The Infrastructure and Jobs Act also directs the Commission to identify incentive-based rate treatments that could support participation by public utilities in cybersecurity threat information sharing programs. Engagement with the entities as directed in the Infrastructure and Jobs Act informed the Commission of the existing barriers faced by utilities seeking to participate in these information sharing programs, which include the high costs associated with implementing monitoring technology and maintenance of sensor technology, the amount of time and effort required to share information, incurring fees to participate in information sharing programs, and concerns regarding the confidentiality of the information once shared.

III. Discussion

18. To implement the statutory directive in the Infrastructure and Jobs Act, we propose to revise our regulations to provide a process for utilities to qualify for and then receive incentive-based rate treatments for eligible cybersecurity expenditures. For purposes of this NOPR, an ''expenditure'' includes both expenses and capitalized costs associated with advanced cybersecurity technology and participation in a cybersecurity threat information sharing program. We propose the following approach and then seek comments on our proposal in three sections: (1) Proposed Approaches to Request an Incentive, which discusses how a utility could qualify for incentives for eligible cybersecurity expenditures; (2) Proposed Rate Incentives, which describes the type of incentive a utility could receive for an eligible cybersecurity expenditure; and (3) Proposed Incentive Implementation, which discusses proposed duration and expiration conditions for incentives.

A. Proposed Approaches To Request an Incentive

19. We propose to add § 35.48(c) to our regulations to create a framework for evaluating whether certain cybersecurity expenditures, including expenses and capitalized costs, qualify for an incentive. First, we propose eligibility criteria to determine whether a cybersecurity expenditure is eligible for an incentive. Second, in § 35.48(d) we propose to use a list of pre-qualified investments, the PQ List, to identify the types of cybersecurity expenditures that the Commission will find eligible for an incentive. In addition, we seek comment on whether a case-by-case approach should be used to evaluate whether certain cybersecurity expenditures are eligible for incentives.

1. Eligibility Criteria

20. We propose that the utility seeking an incentive must demonstrate, at a minimum, that the expenditure: (1) would materially improve cybersecurity through either an investment in advanced cybersecurity technology or participation in a cybersecurity threat information sharing program(s); and (2) is not already mandated by CIP Reliability Standards, or otherwise mandated by local, state, or Federal law. With respect to the first criterion, we seek comment on whether, and if so how, the Commission should evaluate and ensure that the benefits of the expenditure exceed the combined costs of the expenditure and incentive, to ensure the proposed rates are just and reasonable. Further, we seek comment on whether these are the appropriate criteria and whether there are additional criteria or limitations that we should consider (*e.g.,* whether the Commission should consider an obligation imposed

[14] NIST is part of the U.S. Department of Commerce that advances measurement science, standards, and technology. It has developed a voluntary Framework for Improving Critical Infrastructure Cybersecurity to ''address and manage cybersecurity risk in a cost-effective way based on business and organizational needs without placing additional regulatory requirements on businesses.'' NIST, *Framework for Improving Critical Infrastucture Cybersecurity*, v (Apr. 16, 2018), *https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.04162018.pdf.*

[15] *See supra* n.7 (defining advanced cybersecurity technology).

[16] The NIST glossary defines ''operational technology'' as ''programmable systems or devices that interact with the physical environment (or manage devices that interact with the physical environment). These systems/devices detect or cause a direct change through the monitoring and/or control of devices, processes, and events. Examples include industrial control systems, building management systems, fire control systems, and physical access control mechanisms.'' NIST, Computer Security Resource Center, Glossary (Mar. 10, 2022), *https://csrc.nist.gov/glossary.*

[17] 18 CFR 388.113.

by a state commission as a condition for a merger to be ineligible for an incentive).

21. Additionally, we propose that, in determining which cybersecurity expenditures will materially improve a utility's security posture, the Commission will consider the following sources: (1) security controls enumerated in the NIST SP 800–53 ''Security and Privacy Controls for Information Systems and Organizations'' catalog; [18] (2) security controls satisfying an objective found in the NIST Cybersecurity Framework; [19] (3) a specific recommendation from the Department of Homeland Security's (DHS) Cybersecurity and Infrastructure Security Agency (CISA) or from the Department of Energy (DOE); [20] (4) a specific recommendation from the CISA Shields Up Campaign; [21] (5) participation in the DOE Cybersecurity Risk information Sharing Program (CRISP) or similar information sharing program; and/or (6) the Cybersecurity Capability Maturity Model Domains at the highest Maturity Indicator Level.[22] Using vehicles from DHS, DOE, and other agencies responsible for addressing sophisticated and rapidly evolving cyber threats as qualifiers for the consideration of incentives would allow the Commission to benefit from the expertise of other federal agencies and help ensure that the cybersecurity expenditures will be targeted and effective.

22. We propose that, to be eligible for incentive-based rate treatment, cybersecurity expenditures must satisfy the first two criteria (*i.e.,* materially improve cybersecurity and not already mandated). The eligibility criteria would apply to either of the two evaluation approaches discussed below (*i.e.,* the PQ List or the case-by-case approach). We seek comment on these criteria, including any potential refinements, and any other criteria for incentive eligibility that the Commission should adopt in the Final Rule.

[18] NIST, Special Publication 800–53, Revision 5, *Security and Privacy Controls for Information Systems and Organizations,* (Dec. 12, 2020), *https://www.nist.gov/privacy-framework/nist-privacy-framework-and-cybersecurity-framework-nist-special-publication-800-53.*

[19] *See* NIST, *Cybersecurity Framework, https://www.nist.gov/cyberframework.*

[20] *See, e.g.,* CISA, *National Cyber Awareness System Alerts, https://www.cisa.gov/uscert/ncas/alerts.*

[21] *See* CISA, *Shields Up, https://www.cisa.gov/shields-up.*

[22] *See* DOE, *Cybersecurity Capability Maturity Model, https://www.energy.gov/ceser/cybersecurity-capability-maturity-model-c2m2.*

2. Proposed Approaches for Evaluating Cybersecurity Expenditure Eligibility

23. We propose adopting a PQ List approach, which would use a list of pre-qualified cybersecurity expenditures, consistent with the eligibility criteria that the Commission ultimately adopts. We also seek comment on the alternative use of a case-by-case approach.

24. Under either approach, we propose that a utility make a filing pursuant to FPA section 205 for incentive-based rate treatment for those expenditures. Consistent with our precedent for incentives under FPA section 219, while a utility may first file a petition for declaratory order to seek a ruling on its eligibility for an incentive, a utility still must make a filing under FPA section 205 for Commission review of any rate changes. We propose that the incentive would be effective no earlier than the date of the Commission order granting the incentive under FPA section 205. A utility should seek CEII treatment, as appropriate, for any part of its filing seeking incentives that includes specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure.[23]

a. PQ List Approach

25. We propose to create a PQ List that identifies expenditures that could warrant an incentive. Under this proposal, the PQ List will be codified at 35.48(d) of the Commission's regulations and a copy will be posted on the Commission's website.

26. We propose that a utility seeking an incentive would be required to demonstrate that its cybersecurity expenditure qualifies as one or more of the PQ List items. Any cybersecurity expenditure that is on the PQ List would be entitled to a rebuttable presumption of eligibility for an incentive. Although the PQ List items would be entitled to a presumption of eligibility, the utility would still need to demonstrate, and the Commission would need to find, that the proposed rate, inclusive of the incentive, is just and reasonable. We propose to allow intervening parties to seek to rebut this presumption by demonstrating that the cybersecurity expenditure does not meet one or more of the eligibility criteria (*e.g.,* that, given the unique circumstances of the utility, the expenditure for which the utility seeks an incentive would not materially improve cybersecurity or is otherwise mandatory for that utility) or the Commission could make this finding *sua sponte.*

27. We believe that this PQ List approach would provide efficiency and transparency benefits. With the Commission having pre-reviewed potential PQ List items, we believe that utility-specific incentive filings could be substantially streamlined compared to use of a case-by-case approach. We recognize, however, that this approach may limit expenditures eligible for incentives only to those on the PQ List and would require the Commission to review and update the PQ List on a regular basis, which introduces additional process and may delay the eligibility of cybersecurity expenditures for incentives.

i. Initial PQ List

28. We propose to include two eligible cybersecurity expenditures on the PQ List initially: (1) expenditures associated with participation in the DOE CRISP; [24] and (2) expenditures associated with internal network security monitoring within the utility's cyber systems, which could include information technology cyber systems and/or operational technology cyber systems, and which could be associated with cyber systems that may or may not be subject to the CIP Reliability Standards. We believe investment in these cybersecurity expenditures would materially improve cybersecurity; [25] and are not already mandated by CIP Reliability Standards [26] or otherwise mandated by Federal law. We initially propose to include CRISP, as its purpose is to facilitate the timely bi-directional sharing of unclassified and classified threat information and to develop situational awareness tools that enhance the energy sector's ability to identify, prioritize, and coordinate the protection of critical infrastructure and key resources.[27] However, we seek comments on whether to include other

[23] *See* 18 CFR 388.113; *see also* 16 U.S.C. 824o–1.

[24] *See* DOE, *Energy Sector Cybersecurity Preparedness, https://www.energy.gov/ceser/energy-sector-cybersecurity-preparedness.*

[25] *E.g.,* both participation in CRISP and internal network security monitoring would fall under recommendations in the NIST SP 800–53 ''Security and Privacy Controls for Information Systems and Organizations'' catalog.

[26] We note that, in January 2022, the Commission issued a NOPR that proposed to require NERC to develop a mandatory standard regarding internal network analysis and monitoring technologies for high and medium impact bulk electric system cyber systems. *Internal Network Security Monitoring for High and Medium Impact Bulk Electric System Cyber Systems,* Notice of Proposed Rulemaking, 87 FR 4173 (Jan. 27, 2022), 178 FERC ¶ 61,038 (2022) (2022 INSM NOPR).

[27] DOE, *Energy Sector Cybersecurity Preparedness, https://www.energy.gov/ceser/energy-sector-cybersecurity-preparedness.*

information sharing programs on the PQ List.

29. We propose to include internal network security monitoring on the PQ List as we believe that internal network security monitoring may better position an entity to detect malicious activity that has circumvented perimeter controls.[28] Further, while the currently effective CIP Reliability Standards do not require internal network security monitoring, NERC has recognized the proliferation and usefulness of such technology.[29]

30. Although we propose these two eligible cybersecurity expenditures for the initial PQ List, there may be other cybersecurity expenditures that would meet the statutory requirements and proposed eligibility criteria. Therefore, we seek comment on these and any additional cybersecurity expenditures to consider for inclusion on the initial PQ List

ii. Updating the PQ List

31. Considering the rapidly evolving nature of cybersecurity threats and solutions, we expect to regularly evaluate the PQ List and update it as necessary. The eligibility criteria described above, or any future eligibility criteria the Commission adopts, would guide the Commission's decision on what to add, modify, or remove from the PQ List. As noted above, we propose that, if a cybersecurity expenditure on the PQ List becomes mandatory, it would no longer be eligible for an incentive as of the effective date of the mandate.[30] The Commission would update the PQ List by adding, removing, or modifying cybersecurity expenditures, as needed, via a rulemaking, whether *sua sponte* or in response to a petition.

b. Case-by-Case Approach

32. Another potential approach is to permit a utility to file for incentive-based rate treatment for any cybersecurity expenditure that satisfies the eligibility criteria discussed above, *i.e.,* the utility could demonstrate that the expenditure is voluntary and materially improves cybersecurity through either an investment in advanced cybersecurity technology or participation in a cybersecurity threat information sharing program. Under this approach, the Commission would review each filing on a case-by-case basis, to determine whether the proposed cybersecurity expenditure is consistent with the eligibility criteria. If the Commission adopts a case-by-case approach, there would be no presumption of eligibility for any given cybersecurity expenditure. The utility would bear the full burden to demonstrate in its filing that its cybersecurity expenditure meets the Commission-approved eligibility criteria, and, similar to the PQ list approach, demonstrate that its proposed rate, inclusive of the incentive, is just and reasonable. We seek comment on whether and, if so, how the Commission should implement a case-by-case approach.

B. Proposed Rate Incentives

33. We propose the following rate incentives for utilities that make eligible cybersecurity investments: (1) an ROE adder of 200 basis points that would be applied to the incentive-eligible investments; and (2) deferral of certain eligible expenses for rate recovery, enabling them to be part of rate base such that a return can be earned on the unamortized portion. We believe both offer meaningful incentive to encourage cybersecurity expenditure that improves a utility's cybersecurity posture. Additionally, we seek comment on whether and how the principles of performance-based regulation could apply to utilities with respect to cybersecurity investments.

34. Under Part II of the FPA, the Commission has jurisdiction over the transmission of electric energy in interstate commerce and the sale of electric energy at wholesale in interstate commerce by public utilities.[31] With limited exceptions, transmission rates are based on the cost of providing transmission service (cost-of-service rates). Cost-of-service transmission rates are recovered either through a formula rate, for which the formula is the rate on file and most of the inputs change year to year based on inputs that are included in the FERC Form No. 1 or other financial forms,[32] or a stated rate where the rate on file is based on an approved revenue requirement. Costs incurred to undertake cybersecurity activities can be included in various accounting categories,[33] either as inputs to a formula rate as expenses or plant in the determination of the revenue requirement for a stated rate. The Commission has allowed costs related to security and reliability that are recovered through formula rates to include, for example, transmission plant (*e.g.,* transmission line upgrades to harden the system), general and common plant, (*e.g.,* software and computers), and administrative and general costs (*e.g.,* labor and outside services, including services associated with utility-wide informational technology).[34] Utilities recover the cost of expenses as a cost-of-service element in rates, but do not earn a return on them. Utilities recover costs of capitalized investments through depreciation and earn a return on the undepreciated amounts over the useful life of the investment.[35]

35. Most utility information technology investments (general and intangible plant) and expenses (administrative and general costs) support functions of the entire utility, not just the transmission function, and therefore only a portion of those costs are allocated to transmission customers, typically based on wages and salaries allocators.[36]

1. ROE Adder

36. We propose to add § 35.48(e)(1) to the Commission's regulations to allow a utility that makes cybersecurity

[28] 2022 INSM NOPR at P 11.

[29] *See, e.g.,* NERC, *ERO Enterprise CMEP Practice Guide: Network Monitoring Sensors, Centralized Collectors, and Information Sharing* (June 4, 2021), *https://www.nerc.com/pa/comp/guidance/CMEPPracticeGuidesDL/CMEP%20Practice%20Guide%20-%20Network%20Monitoring%20Sensors.pdf* (explaining that NERC developed the guide in response to a U.S. DOE initiative ''to advance technologies and systems that will provide cyber visibility, detection, and response capabilities for [industrial control systems] of electric utilities.'' *Id.* at 1.).

[30] If a particular cybersecurity expenditure becomes mandatory with respect to a utility, the provisions of proposed 18 CFR 35.48(f) would prohibit that utility from continuing to receive an incentive for the affected cybersecurity expenditure even if the Commission has not yet updated the PQ List.

[31] 16 U.S.C. 824–824w. Unlike FPA section 219, titled Transmission Infrastructure Investment, which gives the Commission the authority to offer incentives for the transmission of electric energy in interstate commerce, new FPA section 219A, titled Incentives for Cybersecurity Investments, gives the Commission the authority to offer incentives for the transmission of electric energy in interstate commerce as well as the sale of electric energy at wholesale in interstate commerce by public utilities.

[32] *Doswell Ltd. P'ship* v. *Va. Elec. & Power Co.,* 62 FERC ¶ 61,149, at 62,069 (1993).

[33] In the Notice of Proposed Rulemaking in *Acct. & Reporting Treatment of Certain Renewable Energy Assets,* 180 FERC ¶ 61,050 (2022), the Commission proposes new accounts to more clearly specify how utilities must account for information technology hardware and software investments.

[34] *See Boston Edison Co.,* 109 FERC ¶ 61,300, at P 40 (2004), *order on reh'g,* 111 FERC ¶ 61,266 (2005) (accepting proposed modifications to transmission formula rates to allow recovery of capitalized software costs incurred to safeguard the reliability and security of its transmission system).

[35] The Commission has also accepted utility proposals to recover security costs as part of a utility's stated (*i.e.,* non-formula) rates. *See Pacific Gas & Elec. Co.,* 149 FERC ¶ 61,112 (2014); *Pacific Gas & Elec. Co.,* 146 FERC ¶ 61,034 (2014).

[36] *See, e.g.,* Midcontinent Independent System Operator Attachment O formula rate, 2–3 (stating that general and intangible plant and administrative and general costs are allocated to transmission rates based on a wages and salaries allocator).

investments that are eligible for incentives, as more fully described above, to request an ROE adder of 200 basis points (Cybersecurity ROE Incentive) that would be applied to the incentive-eligible investments. Any incentive granted under this proposal would be subject to the total base and incentive return being capped at the top of the utility's zone of reasonableness.[37] This Cybersecurity ROE Incentive is intended to encourage utilities to proactively make additional investments in cybersecurity systems. We believe that a 200-basis point ROE adder may be appropriate to provide a meaningful incentive to encourage utilities to improve their systems' cybersecurity. We recognize that this amount exceeds the ROE incentives for transmission facilities that the Commission typically provides pursuant to FPA section 219. However, given the relatively small cost of cybersecurity investments compared to conventional transmission projects, a higher ROE may be necessary to affect the expenditure decisions of utilities, without unduly burdening ratepayers. On balance, we believe that the Cybersecurity ROE Incentive satisfies the Congressional directive to benefit consumers by encouraging: (1) investments by utilities in advanced cybersecurity technology; and (2) participation by utilities in cybersecurity threat information sharing programs.

37. We propose that enterprise-wide investments—which are not specific to transmission but a portion of which are recovered through transmission rates—may also be eligible for the 200 basis-point ROE adder incentive if the Commission determines that the investments merit incentives, based on the eligibility criteria described above. However, consistent with both longstanding cost-causation ratemaking principles [38] and the statutory requirement that rates inclusive of incentives be just and reasonable, we propose that only the conventionally allocated portion of such investments that flows through to cost-of-service rates on file with the Commission would be eligible for this rate treatment. For example, if a utility seeks an incentive for a cybersecurity investment that it made to its general plant facilities, both the underlying investment and associated incentive must be allocated based on conventions of the rates (*e.g.,* the transmission share using a wages and salaries allocator for general plant in most transmission cost-of-service rates). With this limitation, we seek to ensure that the cybersecurity incentives policy adheres to the ratemaking principle of cost-causation by, for example, limiting a transmission customer's share of incentive costs to the share of such investments that serve transmission.

38. We preliminarily find that the same expenditure should not be eligible for both the Cybersecurity ROE Incentive and the Regulatory Asset Incentive, discussed below. Given that regulatory asset treatment may be approved for costs that are normally treated as expenses (*i.e.,* as regulatory assets, discussed below), we preliminarily find that costs that are allowed to be deferred as a regulatory asset should be included in rate base for determination of the base return but not for the additional return associated with the 200-basis point ROE adder.

2. Deferral of Certain Cybersecurity Expenses for Rate Recovery

39. We propose to add § 35.48(e)(2) to the Commission's regulations to allow a utility that makes cybersecurity investments that are eligible for incentives, as more fully described above, to seek deferred cost recovery. We believe that, in limited circumstances, it may be appropriate to allow a utility to defer recovery of certain cybersecurity costs that are generally expensed as they are incurred, and treat them as regulatory assets, while also allowing such regulatory assets to be included in transmission rate base (Regulatory Asset Incentive). Many costs associated with cybersecurity are in the form of expenses, often to third party vendors, rather than capital investments. Moreover, certain cost categories that companies historically have purchased and capitalized, such as software, are now often procured as services with periodic payments to vendors that are recorded as expenses. Therefore, to encourage investment in cybersecurity, we believe that it may be appropriate to allow utilities to defer and amortize eligible costs that are typically recorded as expenses including those that are associated with third-party provision of hardware, software, and computing and networking services. We propose that eligible expenses, that would otherwise be includable in cost-of-service as current period expenses, may receive an incentive by deferring such costs as regulatory assets if they are incurred after the effective date of the Commission order granting a utility's request for incentives. Additionally, we seek comment on whether it would be preferable to permit only 50% of incentive-eligible expenses to be treated as regulatory assets.

40. A range of implementation costs associated with cybersecurity investments may be eligible for deferred rate treatment. Such costs may include, for example, training to implement new cybersecurity practices and systems. However, we propose that, to be eligible for the incentive of deferred cost recovery, such training costs must be distinct from costs associated with pre-existing training on cybersecurity practices. Another potentially eligible implementation cost may be internal system evaluations and assessments or analyses by third parties described above, to the extent that they are associated with a capitalizable item and are part of eligible capitalizable expenses. We propose that any implementation costs that are not conventionally booked as plant and thus capitalized can be considered for deferral as a regulatory asset. Recurring costs may be eligible for deferral as a regulatory asset and include, for example, subscriptions, service agreements, and post-implementation training costs. Specifically, they may include ongoing dues for participation by utilities in cybersecurity threat information sharing programs that satisfy the Commission's incentive eligibility criteria described above.

41. Because FPA section 219A(c)(2) directs the Commission to offer incentives to encourage *participation* by public utilities in cybersecurity threat information sharing programs, we seek comment on whether we should allow utilities who are already participating in an eligible cybersecurity threat information sharing program to seek to recover this incentive.

42. We note that the Commission's rules and regulations in the Uniform System of Accounts [39] already require public utilities to maintain records supporting any entries to the regulatory asset account so that the public utility can furnish full information as to the nature and amount of, and justification

[37] *See, e.g., Emera Me.* v. *FERC,* 854 F.3d 9, 23 (D.C. Cir. 2017) (''The zone of reasonableness informs FERC's selection of a just and reasonable rate.''); *see also Permian Basin,* 390 U.S. 747, 767 (1968) (stating that as long as the rate selected by the Commission is within the zone of reasonableness, the Commission is not required to adopt as just and reasonable any particular rate level).

[38] *See Old Dominion Elec. Coop.* v *FERC,* 898 F.3d 1254, 1255 (D.C. Cir. 2018), (''For decades, the Commission and the courts have understood this requirement to incorporate a ''cost-causation principle''—the rates charged for electricity should reflect the costs of providing it.); *see, e.g., Ala. Elec. Coop., Inc.* v. *FERC,* 684 F.2d 20, 27 (D.C. Cir. 1982).

[39] *See* 18 CFR part 101, Account Definition Account 182.3, Other Regulatory Assets, paragraph D.

for, each regulatory asset recorded in the account. Therefore, pursuant to our existing regulations, utilities must maintain sufficient records to support the distinction of any expenditures that are afforded incentive-based rate treatment.[40]

43. Additionally, consistent with the proposal for the Cybersecurity ROE Incentive for eligible cybersecurity capital investments, we propose that only directly assigned transmission costs or the conventionally allocated portion of enterprise-wide expenses (*e.g.,* using the wages and salaries allocator) would be eligible for the Regulatory Asset Incentive in transmission rates.

3. Performance-Based Rates

44. Section 219A(c) of the FPA directs the Commission to establish incentive-based, including performance-based, rate treatments. Performance-based rate treatments can potentially reward utilities for achieving stated goals, as opposed to specific actions that only contribute to those goals. Because it is difficult to directly observe the level of effort a utility expends on ensuring cybersecurity, performance-based regulation could theoretically provide a valuable tool to motivate utilities to maintain and operate their systems reliably and efficiently. Performance-based ratemaking can take multiple forms, but ultimately requires the ability to measure and tie rate treatments to actual performance.

45. We seek comment on performance-based rates and whether and how the principles of performance-based regulation could apply to utilities with respect to cybersecurity investments.[41] We seek comment on specific cybersecurity performance metrics that could be subject to a performance standard. In particular, we seek comment on whether any widely accepted metrics for cybersecurity performance could lend themselves to be benchmarks needed for performance-based rates, or whether new appropriate metrics could be developed. We further seek comment on what rate mechanisms could accompany such metrics. We ask that any proposed mechanisms: (1) rely on cybersecurity performance benchmarks and not expenditures or practices; and (2) consider ratepayer impacts, given the relatively small costs of cybersecurity expenditures compared to utilities' overall cost-of-service.

C. Proposed Incentive Implementation

1. Cybersecurity ROE Incentive Duration

46. We propose to add § 35.48(f)(1) to the Commission's regulations to allow a utility granted a Cybersecurity ROE Incentive to receive that incentive until the earliest of: (1) the conclusion of the depreciation life of the underlying asset; (2) five years from when the cybersecurity investment(s) enter service; [42] (3) the time that the investment(s) or activities that serve as the basis of that incentive become mandatory pursuant to a Reliability Standard approved by the Commission, or local, state, or Federal law; or (4) the recipient no longer meets the requirements for receiving the incentive. Incentive-eligible cybersecurity investments primarily include equipment or system modifications that typically have short depreciation lives, as opposed to long-lived assets like physical structures. Thus, we believe that most cybersecurity incentives granted under this rulemaking would remain in effect until the conclusion of the depreciation life of the underlying asset. However, for investments with useful lives exceeding five years, we propose that the incentive end at the conclusion of five years from the time that the asset receiving the cybersecurity incentive entered service. The vast majority of information technology-related investments feature expected useful lives and corresponding cost-of-service depreciation rates of no longer than five years. Consequently, we preliminarily find that five years is a reasonable expected life to encourage utilities to make an investment and to ensure just and reasonable rates. However, we seek comment on whether the proposed duration should be three years instead of five years.

2. Regulatory Asset Incentive Duration and Amortization Period

47. We propose to add § 35.48(f)(3)(i) to the Commission's regulations to specify that a utility granted the Regulatory Asset Incentive must amortize the regulatory asset over five years.[43] We believe that this may reflect the generally short-lived nature of cybersecurity activities and corresponds to the depreciation rates for investments described above. This period generally corresponds to the expected useful life and corresponding cost-of-service amortization period of cybersecurity investments.

48. We also propose to add § 35.48(f)(3)(ii) to the Commission's regulations to specify that a utility granted the Regulatory Asset Incentive may defer eligible expenses for up to five years from the date of Commission approval of the incentive. Under this provision, we propose that eligible expenses incurred for five years could be added to the regulatory asset that is allowed in rate base and amortized over five subsequent years, as discussed above.[44] We preliminarily find that this limit is appropriate, given the potentially indefinite nature of certain expenses. Such a limit also reflects that cybersecurity risks and solutions evolve over time and matches the five-year maximum duration of the Cybersecurity ROE Incentive discussed above. We preliminarily find that a five-year limit appropriately balances the goal of providing an incentive of a sufficient size to encourage utilities to make eligible improvements in their cybersecurity posture with the requirement to protect ratepayers.

49. However, we propose to make an exception to this sunsetting provision for eligible cybersecurity threat information sharing programs. FPA section 219A(c)(2) directs the Commission to provide incentives for participation in cybersecurity threat information sharing programs. We find that participation in such cybersecurity threat information sharing programs, which provide participants with ongoing updates about active cybersecurity threats and are therefore distinct from discrete cybersecurity investments that may become obsolete with the passage of time, warrants a different incentive treatment than other investments. Consequently, we propose that utilities be able to continue deferring these expenses and including them in their rate base for each annual tranche of expenses, for as long as: (1) the utility continues incurring costs for its participation in the program; and (2) the program remains eligible for incentives.

[40] *Id.*

[41] Consistent with Order No. 679, which implemented FPA section 219, we interpret ''incentive-based, including performance-based, rate treatments'' in FPA section 219A to require the Commission to consider performance-based rates as an option among incentive ratemaking treatments. *Promoting Transmission Inv. through Pricing Reform,* Order No. 679, 71 FR 43293 (July 31, 2006), 116 FERC ¶ 61,057 (2006), *order on reh'g,* Order No. 679–A, 117 FERC ¶ 61,345 (2006), *order on reh'g,* 119 FERC ¶ 61,062 (2007).

[42] For participation in an information sharing program, the ''investment'' would recur annually.

[43] As noted above, the investment for participation in an information sharing program would recur annually.

[44] We propose that, in their FPA section 205 filings, incentive recipients must include notes to their formula rates specifying the Commission order(s) which approved the incentive and stating that the associated regulatory asset incentive must terminate in the earlier of: (1) five years from the date of the later of the Commission approving the incentive or the expense being incurred; and (2) the expenditure becoming mandatory.

3. Filing Process

50. We propose to add § 35.48(g) to the Commission's regulations to require a utility's request for one or more incentive-based rate treatments to be made in a filing pursuant to FPA section 205.[45] As proposed, such a request must include a detailed explanation of how the utility plans to implement one or both of the proposed incentive approaches and the requested rate treatment. We propose that utilities provide detail on the expenditures for which they seek incentives, and show how its cybersecurity-related expenditure(s) meet the eligibility requirements, as described in more detail below.

51. In addition, under § 35.48(g) of the proposed regulation, a utility seeking one or more incentive-based rate treatments must receive Commission approval prior to implementing any incentive in its rate on file with the Commission.[46] In order to effectuate an incentive in rates, utilities would need to propose in their FPA section 205 filing conforming revisions to their formula rates, as appropriate, to reflect incentive rate treatment granted pursuant to these proposed regulations.[47]

52. Filings under the PQ List approach must provide evidence that the utility has made one or more pre-qualified cybersecurity expenditures and otherwise complies with all appropriate requirements.

53. A utility requesting the Cybersecurity ROE Incentive must provide the anticipated cost of the capital investment and the identity of the rate schedule(s) on file with the Commission under which it will recover the increased ROE. Alternatively, a utility requesting the Regulatory Asset Incentive must provide a description of the covered expense(s), including whether the expense(s) are associated with the third-party provision of hardware, software, and computing network services or incurred for training to implement network analysis and monitoring programs, as well as an estimate of the cost of such expense(s) and when the cost is expected to be incurred.

4. Reporting Requirements

54. In order to ensure that a utility receiving incentive rate treatment has implemented the requirements of the incentive and to ensure that it continues to adhere to the requirements, we propose to add § 35.48(h) of the Commission's regulations to require utilities to submit informational reports to the Commission for the duration of the incentive.

55. A utility that has received cybersecurity incentives under this section must make an annual informational filing by June 1, provided that the utility has received Commission-approval for the incentive at least 60 days prior to June 1 of that year. Utilities that receive Commission-approval for an incentive later than 60 days prior to June 1 would be required to submit an annual informational filing beginning on June 1 of the following year.[48] The annual filing should detail the specific investments, if any, as of that date, that were made pursuant to the Commission's approval and the corresponding FERC account for which expenditures are booked. For recipients of the Cybersecurity ROE Incentive, each annual informational filing should describe the parts of its network that it upgraded in addition to the nature and cost of the various investments. For recipients of the Regulatory Asset Incentive, each annual informational filing should describe such expenses in sufficient detail to demonstrate that such expenses are specifically related to the eligible cybersecurity investment underlying the incentives and not for ongoing services including system maintenance, surveillance, and other labor costs.

56. The Commission may also conduct periodic verification to assess cybersecurity investments and expenses for which it has approved incentives. The Commission could perform such verifications through multiple means (*i.e.,* directing further informational filings, audits, etc.). The annual informational filings will inform the Commission on how and when any additional verification is warranted.

IV. Information Collection Statement

57. The information collection requirements contained in this NOPR are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 at 44 U.S.C. 3507(d). OMB's regulations require approval of certain information collection requirements imposed by agency rules.[49] Upon approval of a collection of information, OMB will assign an OMB control number and expiration date. Respondents subject to the filing requirements of this proposed rule will not be penalized for failing to respond to this collection of information unless the collection of information displays a valid OMB Control Number. This NOPR would establish the Commission's regulations with respect to the implementation of the Infrastructure and Job Act.[50]

58. Interested persons may obtain information on the reporting requirements by contacting Ellen Brown, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, via email (*DataClearance@ferc.gov*) or telephone ((202) 502–8663).

59. The Commission solicits comments on this collection of information within 60 days of the publication of this NOPR in the **Federal Register**. Public comments may include, but are not limited to, following topics: the Commission's need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

60. Please send comments concerning the collection of information and the associated burden estimates to: OMB through *www.reginfo.gov/public/do/PRAMain,* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number 1902–0248 in the subject line.

61. *Instructions:* OMB submissions must be formatted and filed in accordance with submission guidelines at: *www.reginfo.gov/public/do/PRAMain*; using the search function under the ''Currently Under Review field,'' select Federal Energy Regulatory Commission, click ''submit,'' and select ''comment'' to the right of the subject collection.

62. *Title:* FERC–725B, Incentives for Advanced Cybersecurity Investment.

63. *Action:* Proposed revision of FERC–725B.

64. *OMB Control No.:* 1902–0248.

[45] As discussed in section III.A.2., consistent with our precedent for incentives under FPA section 219, while a utility may first file a petition for declaratory order to seek a ruling on its eligibility for an incentive, a utility still must make a filing under FPA section 205 for Commission review of any rate changes.

[46] We note that FPA section 219A(e)(2) expressly prohibits unjust and unreasonable double recovery for advanced cybersecurity technology.

[47] Utilities with stated rates may file under FPA section 205 to seek incentives as part of a larger rate case or make a request for single issue ratemaking, which the Commission will evaluate on a case-by-case basis to ensure that the rate, inclusive of the incentive, is just and reasonable.

[48] If a utility first receives Commission-approval for the incentive on April 1 or later, the initial annual informational filing would be due on June 1 of the following year.

[49] 5 CFR 1320.11.

[50] Public Law 117–55, 135 Stat. 951 (2021) (to be codified at 16 U.S.C. 824s–1).

65. *Respondents for this Rulemaking:* Public utilities and non-public utilities that have or will have a rate on file with the Commission.

66. Frequency of Information Collection:

(1) *On occasion:* Voluntary filings seeking incentive-based rate treatment for cybersecurity expenditures; and

(2) *Annually:* A informational filing on June 1 of each year, required of entities that have been granted incentive-based rate treatment for cybersecurity expenditures.

67. *Abstract:* The NOPR would provide that a utility may seek incentive-based rate treatment for cybersecurity investments by making a rate filing in accordance with section 205 of the FPA. The NOPR states that one approach the Commission may use in evaluating such a filing is to consider whether prospective cybersecurity investments would match one of the types of investments listed at proposed 18 CFR 35.48(d). The NOPR refers to this list of pre-qualified expenditures that are eligible for incentives as the ''PQ List.'' The Commission proposes that any cybersecurity expenditure that is on the PQ List would be entitled to a rebuttable presumption of eligibility for an incentive.

The NOPR also discusses and seeks comment on a potential alternative approach, in which a utility's cybersecurity expenditure would be evaluated on a case-by-case basis to determine if it is eligible for an incentive. Under that approach, the utility would need to demonstrate that the prospective investment is voluntary and would materially improve cybersecurity through either an investment in advanced cybersecurity technology or participation in cybersecurity threat information sharing program. Under either approach, the utility would need to demonstrate that its rate, inclusive of the incentive, is just and reasonable.

68. The NOPR also would provide that a utility that is granted incentive-based rate treatment must submit an annual informational filing to the Commission by June 1 of each year, provided that the utility has received Commission approval of the incentive at least 60 days prior to June 1 of that year. Utilities that receive Commission approval of an incentive later than 60 days prior to June 1 would be required to submit an annual informational filing beginning on June 1 of the following year. The informational filing must describe the specific investments, if any, as of that date, that were made pursuant to the Commission's approval and the corresponding FERC account for which expenditures are booked. For incentives where the Commission allows deferral of expenses, annual informational filings should describe such expenses in sufficient detail to demonstrate that such expenses are specifically related to the cybersecurity investment for which the incentive was granted, and not for ongoing services including system maintenance, surveillance, and other labor costs.

69. *Necessity of Information:* Required to obtain or retain benefits.

70. *Internal Review:* The Commission has reviewed the changes and has determined that such changes are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Commission has specific, objective support for the burden estimates associated with the information collection requirements.

71. The NERC Compliance Registry, as of August 5, 2022, identifies approximately 1,669 utilities, both public and non-public, in the U.S. that would be eligible for this proposed incentive and rate treatment. The Commission estimates that the NOPR may affect the burden [51] and cost [52] as follows:

FERC–725B—PROPOSED CHANGES IN NOPR IN DOCKET NO. RM22–19–000

A. Area of modification	B. Number of respondents	C. Annual estimated number of responses per respondent	D. Annual estimated number of responses (Column B × Column C)	E. Average burden hours & cost ($) per response	F. Total estimated burden hours & total estimated cost ($) (Column D × Column E)
Voluntary filing seeking incentive rate treatment for cybersecurity investment. Proposed 18 CFR 35.48(b).	50	1	50	80 hours; $7,280 ...	4,000 hours; $364,000.
Annual informational filing required where Commission has granted incentive rate treatment. Proposed 18 CFR 35.48(h).	50	1	50	40 hours; $3,640 ...	2,000 hours; $182,000.
Totals	.....	.....	.....	.....	6,000 hours; $546,000.

V. Environmental Assessment

72. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[53] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion are rules that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended.[54] The actions proposed herein fall within this categorical exclusion in the Commission's regulations.

[51] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[52] Commission staff estimates that respondents' hourly wages (including benefits) are comparable to those of FERC employees in Fiscal Year 2022. Therefore, the hourly cost used in this analysis is $91 and $188,992 annually.

[53] *Reg'ls. Implementing the Nat'l. Env'nt. Pol'y Act,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986–1990 ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

[54] 18 CFR 380.4(a)(2)(ii).

VI. Regulatory Flexibility Act

73. The Regulatory Flexibility Act of 1980 [55] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The Small Business Administration (SBA) sets the threshold for what constitutes a small business. Under SBA's size standards,[56] transmission owners all fall under the category of Electric Bulk Power Transmission and Control (NAICS code 221121), with a size threshold of 500 employees (including the entity and its associates).[57] The NERC Compliance Registry, as of August 5, 2022, identifies approximately 1,669 utilities, both public and non-public, in the U.S. that potentially would be affected by the voluntary information collection associated with the proposed incentive and rate treatment in this NOPR. Based on the Compliance Registry, we have reviewed a randomly selected sample of 92 entities, and we have determined that approximately 80% of the listed entities are small entities (*i.e.,* with fewer than 500 employees).

74. Regarding information collection activities, we estimate an average one-time cost of $7,280 for each of 50 new filers, and an average annual cost of $3,640 for each of 50 continuing recipients of rate incentives.

75. According to SBA guidance, the determination of significance of impact ''should be seen as relative to the size of the business, the size of the competitor's business, the number of filers received annually, and the impact this regulation has on larger competitors.'' [58]

76. Moreover, this NOPR involves voluntary actions by utilities for the purpose of benefitting consumers by encouraging investments by utilities in advanced cybersecurity technology and participation by utilities in cybersecurity threat information sharing programs. The proposal does not mandate or require action by any utility. As a result, we certify that the proposals in this NOPR will not have a significant economic impact on a substantial number of small entities.

[55] 5 U.S.C. 601–612.

[56] 13 CFR 121.201.

[57] The threshold for the number of employees indicates the maximum allowed for a concern and its affiliates to be considered small.

[58] U.S. Small Business Administration, *A Guide for Government Agencies How to Comply with the Regulatory Flexibility Act,* 18 (May 2012), *https://www.sba.gov/sites/default/files/advocacy/rfaguide_0512_0.pdf.*

VII. Comment Procedures

77. The Commission invites interested persons to submit comments on the matters and issues proposed in this NOPR to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due 30 days after the date of publication in the **Federal Register**, and reply comments are due 45 days after the date of publication in the **Federal Register**. Any comment must refer to Docket No. RM22–19–000, and must include the commenter's name, the organization it represents, if applicable, and its address in its comments. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

78. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at *https://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software must be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

79. Commenters that are not able to file comments electronically may file an original of their comments by USPS mail or by courier-or other delivery services. For submission sent via USPS only, filings should be mailed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submission of filings other than by USPS should be delivered to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

VIII. Document Availability

80. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons with an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*https://www.ferc.gov*).

81. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this number in the docket number field.

82. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

List of Subjects in 18 CFR Part 35

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

By direction of the Commission. Commissioner Phillips is concurring with a separate statement attached.

Issued: September 22, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

In consideration of the foregoing, the Commission proposes to amend part 35, chapter I, title 18, Code of Federal Regulations, as follows:

PART 35—FILING OF RATE SCHEDULES AND TARIFFS

■ 1. The authority citation for part 35 continues to read as follows:

Authority: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

■ 2. Add subpart K, consisting of § 35.48, to read as follows:

Subpart K—Cybersecurity Investment Provisions

§ 35.48 Cybersecurity investment.

(a) *Purpose.* This section establishes rules for incentive-based rate treatments for utilities that voluntarily make cybersecurity investments as described in this section.

(b) *Incentive-based rate treatment for cybersecurity investment.* The Commission will authorize incentive-based rate treatment for a utility that voluntarily makes an investment in advanced cybersecurity technology and for a utility that voluntarily participates in a cybersecurity threat information sharing program under this section. Incentive-based rate treatment is available to both public and non-public utilities that have or will have a rate on file with the Commission. A utility may request incentive-based rate treatment for an eligible cybersecurity investment that meets the eligibility criteria set forth in paragraph (c) of this section.

(c) *Eligibility criteria.* A utility may receive incentive-based rate treatment for a cybersecurity investment that:

(1) Materially improves cybersecurity through either investment in advanced

cybersecurity technology or participation in a cybersecurity threat information sharing program; and

(2) Is not already mandated by the mandatory and enforceable Critical Infrastructure Protection Reliability Standards as maintained by the Electric Reliability Organization, or otherwise mandated by local, state, or Federal law. A utility may receive incentive-based rate treatment for the investment pursuant to paragraphs (d) through (h) of this section.

(d) *Pre-qualified cybersecurity expenditure.* A utility must demonstrate that a cybersecurity expenditure qualifies as one or more of the pre-qualified cybersecurity expenditures identified by the Commission pursuant to this paragraph (d). A utility should seek critical energy/electric infrastructure information treatment with the Commission, as appropriate, for any part of its filing seeking incentive-based rate treatment that has specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure. Pre-qualified cybersecurity expenditures include:

(1) Expenditures associated with participation in the Department of Energy's Cybersecurity Risk Information Sharing Program.

(2) Expenditures associated with internal network security monitoring within the utility's cyber systems.

(e) *Types of incentive-based rate treatment for cybersecurity investment.* For purposes of paragraph (b) of this section, incentive-based rate treatment shall mean either of the following:

(1) An increase in rate of return on equity of 200 basis points that would be applied to the incentive-eligible investment; or

(2) Deferral of expenses as a regulatory asset;

(f) *Incentive duration.* (1) A return on equity incentive-based rate treatment approved pursuant to this section shall last no longer than the earliest of:

(i) The depreciation life of the underlying asset;

(ii) Five years from when the cybersecurity investment enters service;

(iii) When the cybersecurity investment or activity that serves as the basis of that incentive becomes mandatory; or

(iv) When the utility no longer meets the requirements for receiving the incentive.

(2) An incentive granted for participation in a qualified cybersecurity threat information sharing program will not be subject to a sunset, such that a utility participating in a qualified cybersecurity threat information sharing program is eligible to continue deferring expenses associated with membership, which for each year would be amortized over the next five years, for as long as it is a member and participation is not mandatory.

(3) A deferred regulatory asset whose costs are typically expensed should be:

(i) Amortized over a five-year period; and

(ii) Limited to expenses incurred in the first five years following Commission approval of the incentive.

(g) *Incentive applications.* For the purpose of paragraphs (b) and (c) of this section, a utility's request for one or more incentive based-rate treatments, to be made in a filing pursuant to section 205 of the Federal Power Act, must include a detailed explanation of the proposed rate treatment and include the following information:

(1) Evidence that it has made one or more pre-qualified cybersecurity expenditures and otherwise complies with all requirements of this section.

(2) For applications requesting an increase in rate of return on equity of 200 basis points:

(i) The anticipated cost of the capital investment; and

(ii) The identity of the rate schedule(s) on file or to be filed with the Commission under which it will recover the increased return on equity.

(3) For applications requesting deferred cost recovery:

(i) A description of any expenses, including whether the expenses are:

(A) Expenses associated with third-party provision of hardware, software, and computing networking services; and/or

(B) Expenses for training to implement network analysis and monitoring programs;

(ii) Estimates of the cost of such expenses; and

(iii) When the costs are expected to be incurred.

(h) *Reporting requirements.* A utility that has received an incentive under this section must make an annual informational filing on June 1, provided that the utility has received Commission-approval for the incentive at least 60 days prior to June 1 of that year. The annual filing should detail the specific investments that were made pursuant to the Commission's approval and the corresponding FERC account used. A utility that has received an incentive under this section must describe any parts of its network that it upgraded in addition to the nature and cost of the various investments. For incentives where the Commission allows deferral of expenses, annual informational filings should describe such expenses in sufficient detail to demonstrate that such expenses are specifically related to the cybersecurity investment granted incentives and not for ongoing services including system maintenance, surveillance, and other labor costs.

Note: The following appendix will not appear in the Code of Federal Regulations.

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Incentives for Advanced Cybersecurity Investment, Docket Nos. RM22–19–000, RM21–3–000

PHILLIPS, Commissioner, *concurring:*

1. I concur in today's Notice of Proposed Rulemaking [1] to highlight the importance of today's action and to encourage stakeholder comment in certain areas. In today's highly interconnected world, the nation's security and economic well-being depends on reliable and cyber-resilient energy infrastructure. This is why it is critical that we continue to build upon the mandatory framework that the industry has already identified through the North American Electric Reliability Corporation (NERC) Critical Infrastructure Protection (CIP) standards. But, these mandatory CIP standards are just a baseline and can take years to implement. Recent cyber-attacks in Ukraine and here at home remind us of the constant threat of foreign and domestic attacks on our critical infrastructure, and the need for advanced and innovative technology and threat information sharing programs for emerging threats. Therefore, I fully support this action we are taking under section 219A of the Federal Power Act (FPA) [2] to encourage utilities to proactively make additional cybersecurity investments in their systems.

2. There are significant costs when there is a cybersecurity breach on the electric or gas system. Not only are consumers impacted by loss of service, but the recovery costs are significant. For example, the Colonial Pipeline cybersecurity breach effectively shut down half of the country's fuel supply, and even though the pipeline invested $200 million dollars over five years to contain a potential attack,[3] Colonial

[1] *Incentives for Advanced Cybersecurity Investment,* 180 FERC ¶ 61,189 (2022) (NOPR).

[2] 16 U.S.C. 824s–1.

[3] *See* Cyber Threats in the Pipeline: Using Lessons from the Colonial Ransomware Attack to Defend Critical Infrastructure, Hearing Before the Committee on Homeland Security, 117th Cong. (2021) (Statement of Joseph A. Blount).

Pipeline still spent millions more to recover from the event in 2021.[4]

3. This NOPR serves as a critical step to incent public and non-public utilities to make urgent cybersecurity investments in advanced technology. First, the NOPR proposes to incentivize expenditures that materially improve the cybersecurity posture of utilities.[5] Second, the NOPR provides that those cybersecurity investments must not already ''be mandated by [CIP] Reliability Standards, or local, state, of federal law.'' [6] Third, the NOPR proposes that the Commission either use a pre-qualified (PQ) list of approved cybersecurity expenditures, where any expenditures that meet the list would be entitled to a rebuttable presumption that the utility is eligible for an incentive,[7] or that the Commission assess expenditures on a case-by-case basis.[8] Lastly, the NOPR proposes that if a utility meets the requirements for an incentive, it could either receive a return on equity (ROE) adder of 200 basis points or deferred cost recovery for expenditures that enables the utility to defer expenses and include the unamortized portion in rate base.[9] All of these items are essential to improving utilities' ability to protect, detect, respond to, and recover from a cybersecurity threat.

4. Specifically, I am interested in feedback on whether the proposed PQ list is broad enough to include all expenditures that may warrant incentives. As proposed, if an expense is associated with participation in the Cybersecurity Risk Sharing Program (CRISP) [10] or if an expenditure is associated with internal network security monitoring within the utility's cyber systems,[11] there would be a rebuttable presumption that that expense is entitled to an incentive. I agree that each eligible cybersecurity expenditure on the PQ list should have a single, clear, and non-trivial benchmark that must be met for a utility to qualify for incentive rate treatment. But, the proposed PQ list is limited. For example, 75% of electricity customers in the continental U.S. are served by investor-owned utilities that already participate in CRISP,[12] which demonstrates the limited potential benefits from this incentive. Under the NOPR proposal, it is unclear whether a utility that already participates in CRISP could receive an incentive for future subscription costs for continued CRISP participation. I encourage comments on whether any final rule should clarify that such continued CRISP participation is indeed entitled to an incentive.

5. I also recognize that a case-by-case approach, as opposed to the proposed PQ list, would be more adaptable and less prescriptive, allowing a variety of solutions that utilities could potentially tailor to their specific situations. However, given the diverse and evolving nature of cybersecurity activities, this option could be very time-consuming and administratively inefficient. Thus, I believe that an expanded PQ list is a reasonable approach that would satisfy the applicable statutory directives while providing a high degree of certainty for regulated entities. I urge all interested stakeholders to provide comments on whether the Commission should widen the PQ list's universe of potential expenditures. I especially encourage stakeholders to comment on whether the Commission should consider external penetration tests, a security awareness program, a patch management program, and/or the capability to disconnect operational technology from the information technology network for the PQ list.

6. I also want to underscore the need for utilities to conduct analyses of electric and gas interdependencies, and how such actions would benefit cybersecurity on the bulk electric system. I fully recognize that FPA section 219A states that the Commission can establish ''incentive-based, including performance-based, rate treatments for the transmission of *electric energy in interstate commerce,*'' [13] and the Infrastructure Act only modified section 219 regarding incentives and not the Natural Gas Act (NGA).[14] However, electric and gas companies are especially vulnerable to cyberattacks, particularly because utilities that use both sources have an expansive and increasing attack surface, arising from their geographic and organizational complexity. Indeed, the electric and gas sector's unique interdependencies increase their vulnerability to exploitation, which can include the commandeering of the operational-technology system to stop energy infrastructure from working at times when consumers most need it. To the extent we can identify the need for cybersecurity information sharing between the natural gas and electric systems, and incentivize participation in such a program, I encourage stakeholder comment.

7. I further urge stakeholders to comment on whether the proposed duration of the incentives is sufficient and whether a 200-basis point adder is reasonable, as the NOPR contemplates.[15] To be clear, I do not support open-ended or permanent cyber incentives. I believe the 5-year proposed duration and the 200-basis point adder are adequate to properly incent utilities. Unlike expenses in the traditional transmission incentives context,[16] the dollar amounts in cybersecurity investments are typically small. Yet, the benefits of additional, advanced cybersecurity investments cannot be ignored. Offering anything less than what is proposed would likely be

[4] *See Everhart* v. *Colonial Pipeline Company,* 2022 WL 3699967, (N.D. Ga. 2022) (''Colonial paid the cybercriminals . . . a $4.4 million ransom in return for a decryption tool that allowed Colonial to retrieve the encrypted or locked data.'').

[5] NOPR at PP 2, 20, 22.

[6] NOPR at PP 2, 22.

[7] NOPR at PP 3, 19; *see infra* at PP 4–5.

[8] NOPR at PP 3, 19, 22–23.

[9] NOPR at PP 4, 34, 37.

[10] Co-funded by the Department of Energy (DOE) and industry and managed by E–ISAC, CRISP is a public-private partnership that enables and manages the near real-time sharing of IT network information between electricity utilities and key DOE resources. The purpose of CRISP is to enable collaboration among energy sector partners to facilitate the timely bi-directional sharing of unclassified and classified threat information and to develop situational awareness tools that enhance the energy sector's ability to identify, prioritize, and coordinate the protection of critical infrastructure.

[11] The Commission issued a NOPR that proposed to direct NERC to develop a mandatory standard regarding internal network security monitoring in the context of high and medium impact bulk electric system. *See Internal Network Security Monitoring for High and Medium Impact Bulk Electric System Cyber Systems,* 178 FERC ¶ 61,038 (2022).

[12] *See Energy Sector Cybersecurity Preparedness,* available at: *https://www.energy.gov/ceser/energy-sector-cybersecurity-preparedness.*

[13] 16 U.S.C. 824s–1(c) (emphasis added).

[14] The Infrastructure Investment and Jobs Act (Infrastructure Act) modified Section 219 of the FPA regarding electric energy rate treatments and directed the Commission to consider incentives for the transmission of electric energy regarding cybersecurity. Section 219 did not, however, explicitly reference or modify the NGA regarding gas incentives.

[15] NOPR at PP 4, 33, 36–37; *see, e.g.,* Initial Comments of Edison Electric Institute., Docket No. RM21–3–000, at 2 (filed April 6, 2021) (''EEI agrees that given the relatively low dollar amounts associated with cybersecurity investments . . . the proposed 200 basis point cap is reasonable.''); Comments of MISO Transmission Owners, Docket No. RM21–3–000, at 9 (filed April 6, 2021) (explaining why inclusion of enterprise-wide costs is appropriate to incent investment in critical facilities).

[16] Brattle-Grid Strategies Oct. 2021 Report at 2 (citing Johannes Pfeifenberger & John Tsoukalis, The Brattle Group, *Transmission Investment Needs and Challenges,* at slide 2 (June 1, 2021), *https://www.brattle.com/wp-content/uploads/2021/10/Transmission-Investment-Needs-and-Challenges.pdf*); Johannes Pfeifenberger et al., The Brattle Group, *Cost Savings Offered by Competition in Electric Transmission: Experience to Date and the Potential for Additional Customer Value,* at 2–3 & fig.1 (Apr. 2019), available at: *https://www.brattle.com/wp-content/uploads/2021/05/16726_cost_savings_offered_by_competition_in_electric_transmission.pdf* (Brattle Apr. 2019 Competition Report).

insufficient to incent any action by utilities, as required by Congress. Therefore, commenters should provide specific, compelling reasons if they oppose the NOPR proposal regarding the duration of the incentive and the amount added to a utility's ROE.

8. Finally, I note that for years now, the White House, the U.S. Congress, and senior government leaders have sounded the alarm on increasing cybersecurity threats and their sophistication.[17] I also note that the Commission began assessing the potential use of incentives to improve cybersecurity prior to the passage of the Infrastructure Act.[18] While we are terminating the proceeding in Docket No. RM21–3–000, I am heartened that the Commission remains committed to this issue. I look forward to examining all the comments as we seek to issue a final rule around these topics.

For these reasons, I respectfully concur.

Willie L. Phillips

Commissioner

[FR Doc. 2022–21003 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

[17] For example, President Biden told utilities and other companies that ''critical infrastructure owners and operators must accelerate efforts to lock their digital doors.'' *See Statement by President Biden on Our Nation's Cybersecurity,* available at: *https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/21/statement-by-president-biden-on-our-nations-cybersecurity.* President Biden has also since announced an executive order on cybersecurity and is using funds from the Infrastructure Act to provide grants to state, local, and territorial governments as they respond to cyber threats. *See* Exec. Order No. 14,028, 86 FR 26633 (2021). Former President Obama declared that cybersecurity threats are ''the most serious economic and national security challenge[ ] we face as a nation'' and that ''America's economic prosperity . . . will depend on cybersecurity.'' *See* National Security Council, *Cyber Security,* available at: *http://www.whitehouse.gov/administration/eop/nsc/cybersecurity.* Former Defense Secretary Leon Panetta warned that the country is ''increasingly vulnerable to foreign computer hackers who could dismantle the nation's power grid.'' *See* Elizabeth Bumiller and Thom Shanker, *Panetta Warns of Dire Threat of Cyberattacks on U.S.,* The New York Times, October 11, 2021, available at: *http://www.nytimes.com/2012/10/12/world/panetta-warns-of-dire-threat-of-cyberattack.html?pagewanted=all.*

[18] *See, e.g.,* FERC, *Cybersecurity Incentives Policy White Paper,* Docket No. AD20–19–000, (June 2020), available at: *https://www.ferc.gov/sites/default/files/2020-06/notice-cybersecurity.pdf* (discussing the potential new framework for providing transmission incentives to utilities for cybersecurity investments); *Cybersecurity Incentives*, 87 FR 4173 (Jan. 27, 2021), 173 FERC ¶ 61,240 (2020) (proposing to allow utilities to request incentives for certain cybersecurity investments that go above and beyond the requirements of the CIP reliability standards). This NOPR supersedes the *Cybersecurity Incentives* NOPR, but it illustrates my colleagues' commitment to building out a more resilient electric system.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2021–0166; FF09E21000 FXES1111090FEDR 223]

RIN 1018–BE91

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Louisiana Pinesnake

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to designate critical habitat for the Louisiana pinesnake (*Pituophis ruthveni*) under the Endangered Species Act of 1973, as amended (Act). In total, approximately 209,520 acres (84,790 hectares) in Bienville, Grant, Rapides, and Vernon parishes, Louisiana, and in Newton, Angelina, and Jasper Counties, Texas, fall within the boundaries of the proposed critical habitat designation. We also announce the availability of a draft economic analysis of the proposed designation of critical habitat for the Louisiana pinesnake.

DATES: We will accept comments received or postmarked on or before December 5, 2022. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by November 21, 2022.

ADDRESSES:

Written comments: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *https://www.regulations.gov.* In the Search box, enter FWS–R4–ES–2021–0166, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on ''Comment.''

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–R4–ES–2021–0166, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *https://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

Availability of supporting materials: The coordinates or plot points or both from which the maps are generated are included in the decision file for this proposed critical habitat designation and are available at *https://www.regulations.gov* under Docket No. FWS–R4–ES–2021–0166 and on the Service's website, at *https://www.fws.gov/office/louisiana-ecological-services/library.* Additional supporting information that we developed for this proposed critical habitat designation will be available on the Service's website, at *https://www.regulations.gov,* or both.

FOR FURTHER INFORMATION CONTACT: Brigette Firmin, Deputy Field Supervisor, U.S. Fish and Wildlife Service, Louisiana Ecological Services Field Office, 200 Dulles Drive, Lafayette, LA 70506; telephone 337–291–3100. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Endangered Species Act, any species that is determined to be an endangered or threatened species requires critical habitat to be designated, to the maximum extent prudent and determinable. Designation and revisions of critical habitat can only be completed by issuing a rule through the Administrative Procedure Act rulemaking process.

What this document does. We propose to designate critical habitat for the Louisiana pinesnake, which is listed as a threatened species.

The basis for our action. Section 4(a)(3) of the Act requires the Secretary of the Interior (Secretary) to designate critical habitat concurrent with listing, to the maximum extent prudent and determinable. Section 3(5)(A) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the

species and (II) which may require special management considerations or protections; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. Section 4(b)(2) of the Act states that the Secretary must make the designation on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impact of specifying any particular area as critical habitat.

Draft economic analysis of the proposed designation of critical habitat. In order to consider the economic impacts of designating critical habitat for the Louisiana pinesnake, we compiled information pertaining to the potential incremental economic impacts for this proposed critical habitat designation. The information we used in determining the economic impacts of the proposed critical habitat is summarized in this proposed rule (see *Consideration of Economic Impacts,* below) and is available at *https://www.regulations.gov* under Docket No. FWS–R4–ES–2021–0166 and at the Louisiana Field Office at (see **FOR FURTHER INFORMATION CONTACT**). We are soliciting public comments on the economic information provided and any other potential economic impact of the proposed designation. We will continue to reevaluate the potential economic impacts between this proposal and our final designation.

Peer review. We are seeking comments from independent specialists to ensure that our proposal is based on scientifically sound data and analyses. We have invited four peer reviewers to comment on our specific assumptions and conclusions in this proposed rule.

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including information to inform the following factors that the regulations identify as reasons why designation of critical habitat may be not prudent:

(a) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species; or

(b) Such designation of critical habitat would not be beneficial to the species. In determining whether a designation would not be beneficial, the factors the Services may consider include but are not limited to: Whether the present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or whether any areas meet the definition of ''critical habitat.''

(2) Specific information on:

(a) The amount and distribution of Louisiana pinesnake habitat;

(b) What areas occurring within the range of the species, in Louisiana and Texas, should be included in the designation because they (i) were occupied at the time of listing and contain the physical or biological features that are essential to the conservation of the species and that may require special management considerations, or (ii) were unoccupied at the time of listing and are essential for the conservation of the species; and

(c) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change.

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(4) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation, and the related benefits of including or excluding specific areas.

(5) Information on the extent to which the description of probable economic impacts in the draft economic analysis is a reasonable estimate of the likely economic impacts and any additional information regarding probable economic impacts that we should consider.

(6) Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act, in particular for those lands managed under a Service-approved plan (*e.g.,* safe harbor agreement, candidate conservation agreement, or other land management plan). If you think we should exclude any additional areas, please provide information supporting a benefit of exclusion.

(7) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include. If you request exclusion of a particular area or areas from the final designation, please provide credible information regarding the existence of a meaningful economic or other relevant impact supporting the benefit of exclusion of that particular area.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, do not provide substantial information necessary to support a determination. Section 4(b)(2) of the Act directs that the Secretary shall designate critical habitat on the basis of the best scientific information available.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *https://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *https://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *https://www.regulations.gov.*

Because we will consider all comments and information we receive during the comment period, our final critical habitat designation may differ from this proposal. Based on the new information we receive (and any comments on that new information), our final designation may not include all areas proposed, may include some additional areas that meet the definition of critical habitat, and may exclude some areas if we find the benefits of

exclusion outweigh the benefits of inclusion.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. We may hold the public hearing in-person or virtually (via webinar). We will announce any public hearing on our website, in addition to the **Federal Register**. The use of virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

On October 6, 2016, we published in the **Federal Register** (81 FR 69454) a proposed rule to list the Louisiana pinesnake as a threatened species under the Act. In that proposed rule, we determined that critical habitat was prudent but not determinable because we lacked specific information on the impacts of our designation. On April 6, 2018, we published in the **Federal Register** (83 FR 14958) our final rule to list the Louisiana pinesnake as a threatened species under the Act. In that final rule, we stated that we were in the process of obtaining information on the impacts of critical habitat designation for the species.

On April 6, 2018, we published in the **Federal Register** (83 FR 14836) a proposed rule to adopt a species-specific rule under section 4(d) of the Act (a ''4(d) rule'') to provide for the conservation of the Louisiana pinesnake. On February 27, 2020, we published in the **Federal Register** (85 FR 11297) the final 4(d) rule for the species.

All other previous Federal actions are described in the October 6, 2016, proposed rule (81 FR 69454).

Supporting Documents

A Service biologist prepared an SSA report for the Louisiana pinesnake in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species. In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act, we sought the expert opinions of 8 appropriate specialists regarding the SSA. We received 4 responses.

Background

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for threatened and endangered species. In 2019, jointly with the National Marine Fisheries Service, the Service issued final rules that revised the regulations in 50 CFR parts 17 and 424 regarding how we add, remove, and reclassify threatened and endangered species and the criteria for designating listed species' critical habitat (84 FR 45020 and 84 FR 44752; August 27, 2019).

However, on July 5, 2022, the U.S. District Court for the Northern District of California vacated the 2019 regulations (*Center for Biological Diversity* v. *Haaland,* No. 4:19–cv–05206–JST, Doc. 168 (N.D. Cal. July 5, 2022) (*CBD* v. *Haaland*)), reinstating the regulations that were in effect before the effective date of the 2019 regulations as the law governing species classification and critical habitat decisions. Accordingly, in developing the analysis contained in this proposal, we applied the pre-2019 regulations, which may be reviewed in the 2018 edition of the Code of Federal Regulations at 50 CFR 424.02 and 424.12(a)(1) and (b)(2)). Because of the ongoing litigation regarding the court's vacatur of the 2019 regulations, and the resulting uncertainty surrounding the legal status of the regulations, we also undertook an analysis of whether the proposal would be different if we were to apply the 2019 regulations. That analysis, which we described in a separate memo in the decisional file and posted on *https://www.regulations.gov,* concluded that we would have reached the same proposal if we had applied the 2019 regulations because under either regulatory scheme we find that critical habitat is prudent for the Louisiana pinesnake and that unoccupied critical habitat is essential for the conservation of the species. With a low number of extant populations and threats of habitat loss from land use change, lack of prescribed fire, and synergistic effects from mortality due to vehicle strikes and predators acting on vulnerable, reduced populations, areas of unoccupied habitat were determined essential for the conservation of the species. It is reasonably certain that the unoccupied unit will contribute to the conservation of the species by providing additional areas for Louisiana pinesnake recovery actions, including population establishment, and the unoccupied unit contains one or more of the physical or biological features that are essential to the conservation of the species and it has the abiotic and biotic features that currently or periodically contain the resources and conditions necessary to support one or more life processes of the Louisiana pinesnake.

On September 21, 2022, the U.S. Circuit Court of Appeals for the Ninth Circuit stayed the district court's July 5, 2022, order vacating the 2019 regulations until a pending motion for reconsideration before the district court is resolved (*In re: Cattlemen's Ass'n,* No. 22–70194). The effect of the stay is that the 2019 regulations are currently the governing law. Because a court order requires us to submit this proposal to the **Federal Register** by September 30, 2022, it is not feasible for us to revise the proposal in response to the Ninth Circuit's decision. Instead, we hereby adopt the analysis in the separate memo that applied the 2019 regulations as our primary justification for the proposal. However, due to the continued uncertainty resulting from the ongoing litigation, we also retain the analysis in this preamble that applies the pre-2019 regulations and we conclude that, for the reasons stated in our separate memo analyzing the 2019 regulations, this proposal would have been the same if we had applied the 2019 regulations.

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.,* range). Such areas may

include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.,* migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals).

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation also does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the Federal agency would be required to consult with the Service under section 7(a)(2) of the Act. However, even if the Service were to conclude that the proposed activity would result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement ''reasonable and prudent alternatives'' to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat).

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information developed during the listing process for the species. Additional information sources may include species status assessments for the species; any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed journals; conservation plans developed by States and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) the prohibitions found in section 9 of the Act. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of the species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of those planning efforts calls for a different outcome.

Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary shall designate critical habitat at the time the species is determined to be an endangered or threatened species. Our regulations (50 CFR 424.12(a)(1)) state that a designation of critical habitat is not prudent when any of the following situations exist:

(i) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species; or

(ii) Such designation of critical habitat would not be beneficial to the species. In determining whether a designation would not be beneficial, the factors the Services may consider include but are not limited to: Whether the present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or whether any areas meet the definition of ''critical habitat.''

In the final listing rule (83 FR 14958; April 6, 2018), no imminent threat of take attributed to collection or vandalism under Factor B was identified for the Louisiana pinesnake, and identification and mapping of critical habitat is not expected to initiate any such threat. Additionally, in the

final listing rule, we determined that the present or threatened destruction, modification, or curtailment of habitat or range is a threat to this species, primarily due to silviculture practices incompatible with providing open pine conditions over time, fire suppression, road and right-of-way construction, and urbanization. Therefore, because none of the circumstances enumerated in our regulations at 50 CFR 424.12(a)(1) have been met, we have determined that the designation of critical habitat is prudent for the Louisiana pinesnake.

Critical Habitat Determinability

Having determined that designation is prudent, under section 4(a)(3) of the Act we must find whether critical habitat for the Louisiana pinesnake is determinable. Our regulations at 50 CFR 424.12(a)(2) state that critical habitat is not determinable when one or both of the following situations exist:

(i) Data sufficient to perform required analyses are lacking; or

(ii) The biological needs of the species are not sufficiently well known to identify any area that meets the definition of ''critical habitat.''

When critical habitat is not determinable, the Act allows the Service an additional year to publish a critical habitat designation (16 U.S.C. 1533(b)(6)(C)(ii)).

When we published the proposed listing rule (81 FR 69454; October 6, 2016) and final listing rule (83 FR 14958; April 6, 2018) for the Louisiana pinesnake, specific information needed to perform the required analysis of the impacts of designation was lacking, such as information on areas to be proposed for designation and the potential economic impacts associated with designation of these areas, leading us to find that critical habitat was not determinable. We continued to review the available information related to the draft economic analysis, as well as newly acquired biological information necessary to perform this assessment. This and other information represent the best scientific data available, and we now find the data are sufficient for us to analyze the impacts of critical habitat designation. Accordingly, we conclude that the designation of critical habitat is determinable for the Louisiana pinesnake.

Physical or Biological Features Essential to the Conservation of the Species

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12(b), in determining which areas we will designate as critical habitat within the geographical area occupied by the species at the time of listing, we consider the physical or biological features that are essential to the conservation of the species and that may require special management considerations or protection. The regulations at 50 CFR 424.02 define ''physical or biological features'' as the features that support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity. For example, physical features essential to the conservation of the species might include gravel of a particular size required for spawning, alkaline soil for seed germination, protective cover for migration, or susceptibility to flooding or fire that maintains necessary early-successional habitat characteristics. Biological features might include prey species, forage grasses, specific kinds or ages of trees for roosting or nesting, symbiotic fungi, or absence or a particular level of nonnative species consistent with conservation needs of the listed species. The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic essential to support the life history of the species.

In considering whether features are essential to the conservation of the species, we may consider an appropriate quality, quantity, and spatial and temporal arrangement of habitat characteristics in the context of the life-history needs, condition, and status of the species. These characteristics include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing (or development) of offspring; and habitats that are protected from disturbance.

Details on habitat characteristics for the Louisiana pinesnake can be found in the proposed listing rule (81 FR 69454; October 6, 2016) and final listing rule (83 FR 14958; April 6, 2018). We summarize below the more important habitat characteristics, particularly those that support the description of physical or biological features essential to the conservation of the Louisiana pinesnake.

Habitat Representative of the Historical, Geographical, and Ecological Distributions of the Species

The Louisiana pinesnake occurs in a disjunct portion of the historical southeastern U.S. longleaf-dominated pine ecosystem in west-central Louisiana and east Texas (Conant 1956, p. 19; Reichling 1995, p. 186). Much of the natural longleaf pine habitat has been lost or degraded through historical conversion to intensive pine plantation and suppression of the naturally occurring fire regime. As a result, Louisiana pinesnake habitat now occurs in smaller, isolated patches of open-canopy forests dominated by longleaf pine or other pine species. These habitats include species such as longleaf, shortleaf, slash, or loblolly pines with a sparse midstory, and well-developed herbaceous groundcover dominated by grasses and forbs (Young and Vandeventer 1988, p. 204; Rudolph and Burgdorf 1997, p. 117). Louisiana pinesnakes are found in pine habitats characterized by relatively few (<10) large trees (greater than 10 inches (in) (25 centimeters (cm)) diameter at breast height) and abundant light penetration (Himes et al. 2006, pp. 108–110, 113).

Space for Individual and Population Growth and for Normal Behavior

A broad distribution of home range sizes for the Louisiana pinesnake has been estimated from telemetry studies. Louisiana pinesnakes are semi-fossorial and diurnal, and move relatively small distances (495–3,802 feet (ft) (150–1,159 meters (m)) (Himes 1998, p. 18; Ealy et al. 2004, pp. 390–391). The maximum distance across a home range for an individual Louisiana pinesnake is 2.1 kilometers (km) (1.3 miles (mi)) (Sperry 2018, unpub. data). The species has a relatively small average home range size, although there is extensive variation among individuals in behavior and habitat (Sperry et al. 2021, p. 273). Using a method to determine the species' home range boundaries by connecting the outer location points, adult Louisiana pinesnake home range estimates range from 16 acres (ac) (6.5 hectares (ha)) to 412.2 ac (166.8 ha) (Himes 1998, p. 18; Himes et al. 2006, p. 108; Sperry et al. 2021, pp. 273, 288), with an average home range of 124 ac (50 ha). Adult Louisiana pinesnake males typically have larger home ranges than adult females, and adult snakes have larger home ranges than juveniles (Himes et al. 2006, pp. 18, 107). In addition, individual Louisiana

pinesnake home ranges may partially or nearly completely overlap with other individuals' home ranges, irrespective of sex (Sperry et al. 2021, p. 275).

The minimum amount of habitat necessary to support a sustainable Louisiana pinesnake population has not been determined. However, a related species, the Florida pinesnake (*Pituophis melanoleucus mugitus*), requires a minimum of approximately 7,413 ac (3,000 ha) of suitable habitat as determined by calculating the area of non-overlapping home ranges of 50 Florida pinesnakes (Miller 2008, pp. 27–28). To calculate a potential minimum area required for a Louisiana pinesnake population using a similar methodology, we considered several factors including minimum effective population size and average home range size. A population of 50 individuals has been proposed as a minimum effective population size for many vertebrate species, and we use this value in our calculations of potential minimum area requirement (Franklin 1980, p. 147). A ratio of 0.58 of the effective population size to population size (Ne/N) represented the greatest effective population size for a given population size that included the most comprehensive suite of pertinent data and was similar to other animals with low fecundity (Frankham 1997, p. 99). To develop a potential minimum area required by the Louisiana pinesnake, we estimated an actual population size by applying this ratio to the 50 Ne value from Franklin (1980), which yielded an estimated actual population size of 86 individuals for the Louisiana pinesnake. Using the calculated actual population size, we adjusted the population areal minimum analysis from Miller (2008) to use species-appropriate partially overlapping polygons (instead of non-overlapping) of 124 ac (50 ha) as the mean home range for Louisiana pinesnake. This modeling exercise used varying degrees of overlap among the polygons and yielded total estimates between 5,312 to 10,625 ac (2,150 to 4,300 ha). When each home range partially overlapped four neighboring home ranges, we determined approximately 7,166 ac (2,900 ha) was the minimum area needed for a Louisiana pinesnake population. This estimate assumes that the area is composed of mostly unfragmented, suitable habitat; more area may be necessary to meet the Louisiana pinesnake's life-history needs if the habitat is in less suitable condition.

This calculated minimum required habitat area estimate is analogous to the area needed by the threatened eastern indigo snake (*Drymarchon couperi*), a large-bodied, wide-ranging snake that is also a longleaf pine ecosystem specialist. Although the eastern indigo snake's average home range sizes are larger than that of the Louisiana pinesnake, sizeable areas are needed to support large, wide-ranging snake species sensitive to landscape fragmentation. For example, tracts of 2,500 to 10,000 ac (1,012 to 4,047 ha) of suitable habitat should be maintained in order to have a high probability of sustaining eastern indigo snake populations of varying sizes long-term (Moler 1992, p. 185; Sytsma et al. 2012, pp. 39–40). Thus, based on the best available information regarding long-distance movement and home range size for the Louisiana pinesnake, we determined that 7,166 ac (2,900 ha) of open-canopy pine forest habitat is an appropriate estimate of the minimum area to meet the life-history requirements of a Louisiana pinesnake population.

Unlike some snake species whose wintering areas may be located some distance from areas used during the rest of the year or may differ substantially in habitat type, the Louisiana pinesnake remains within its home range and does not migrate or require seasonally unique habitat (Rudolph et al. 2007, p. 561; Pierce et al. 2014, p. 140). During the winter, Louisiana pinesnakes primarily use Baird's pocket gopher (*Geomys breviceps*) underground burrows as hibernacula (Rudolph et al. 2007, p. 561; Pierce et al. 2014, p. 140). Louisiana pinesnake activity varies seasonally, with most activity March to May and September to November (with activity peaking in November), and least activity December to February and during the summer (particularly August) (Himes 1998, p. 12).

Most of the information known about the life-history requirements of the Louisiana pinesnake comes from studies and observations of adult individuals. Life-history requirements specific to hatchlings and juveniles (generally less than 47 in (120 cm) total length) are largely unknown, and we assume requirements are relatively similar to those of adults. Accordingly, habitat characteristics that support adult Louisiana pinesnakes also support hatchling and juvenile snakes. Therefore, no specific physical or biological features unique to hatchlings or juveniles have been identified.

Food, Water, Air, Light, Minerals, or Other Nutritional or Physiological Requirements

Food—Prey and Vegetation

Louisiana pinesnakes rely on Baird's pocket gopher as a primary prey item and also use gopher burrows as refugia and hibernacula. The Louisiana pinesnake and Baird's pocket gopher are strongly associated and occur together in upland pine habitats with herbaceous vegetation, areas with nonexistent or sparse midstory, and a low pine basal area (Rudolph and Burgdorf 1997, p. 117; Ealy et al. 2004, p. 389; Himes et al. 2006, pp. 110, 112; Wagner et al. 2017, p. 22). Habitat selection by the Louisiana pinesnake is determined, in part, by the abundance and distribution of pocket gophers and their burrow systems (Rudolph and Burgdorf 1997, p. 117). The Baird's pocket gopher requires well-drained, sandy soils with low clay content in the topsoil for burrow construction and a diverse herbaceous (non-woody) plant community with adequate forbs (non-grass herbaceous vegetation) that provide forage (Davis et al. 1938, p. 414).

The Baird's pocket gopher comprises an estimated 53 percent of individual prey items and 75 percent of total prey biomass for Louisiana pinesnakes (Rudolph et al. 2002, p. 58; Rudolph et al. 2012, p. 243). The Louisiana pinesnake also consumes other mammals that occur in pine habitats, including eastern moles (*Scalopus aquaticus*), cotton rats (*Sigmodon hispidus*), deer mice (*Peromyscus* sp.), and harvest mice (*Reithrodontomys* sp.) (Rudolph et al. 2002, p. 59; Rudolph et al. 2012, p. 244). These smaller animals may also be the preferred prey items for juvenile Louisiana pinesnakes; however, Louisiana pinesnakes have the largest hatchling size in the genus, giving young snakes an advantage in ingesting larger prey like pocket gophers at a younger age compared to other co-occurring snake species.

As well as serving as prey items, Baird's pocket gophers also create the burrow systems in which Louisiana pinesnakes are most frequently found (Rudolph and Conner 1996, p. 2; Rudolph and Burgdorf 1997, p. 117; Himes 1998, p. 42; Rudolph et al. 1998, p. 146; Rudolph et al. 2002, p. 62; Himes et al. 2006, p. 107). Louisiana pinesnakes use pocket gopher burrow systems as nocturnal and diurnal refugia and winter hibernacula, and to escape from predators and fire (Rudolph and Burgdorf 1997, p. 117; Rudolph et al. 1998, p. 147; Ealy et al. 2004, p. 386; Rudolph et al. 2007 p. 561; Pierce et al. 2014, p. 140). Active Louisiana

pinesnakes occasionally use debris, logs, and low vegetation as temporary surface shelters, and decayed or burned stumps, or nine-banded armadillo (*Dasypus novemcinctus*) burrows, as underground refugia (Rudolph and Burgdorf 1997, p. 117; Himes 1998, p. 26; Ealy et al. 2004, pp. 386, 389).

In summary, the Louisiana pinesnake relies on Baird's pocket gophers as a primary prey item and uses pocket gopher burrows as refugia and hibernacula. Therefore, based on the information in the previous paragraphs, we identify adequate Baird's pocket gopher populations as a necessary biological feature for the species.

Soil Characteristics

Louisiana pinesnakes occur most often in sandy soils within open-canopy pine forest habitat (Wagner et al. 2014, p. 152). In addition to suitable forest structure and herbaceous vegetation, specific soil characteristics are an important determinant of Louisiana pinesnake occurrence (Wagner et al. 2014, entire). These well-drained soil types are characterized by a high sand content and a low water table (Duran 2010, p. 11; Wagner et al. 2014, p. 152). Louisiana pinesnakes are efficient burrowers, as indicated by the species' pointed snout and large rostral scale on the tip of the nose (Conant and Collins 1991, pp. 201–202). In addition, Louisiana pinesnakes can excavate their own burrows, although they are closely associated with pocket gopher burrow systems. The Louisiana pinesnake's preferred prey, pocket gophers, also prefer well-drained, sandy soils with low clay content in the topsoil (Davis et al. 1938, p. 414).

Summary of Essential Physical or Biological Features

We derive the specific physical or biological features essential to the conservation of the Louisiana pinesnake from studies of this species' habitat, ecology, and life history as described below. Additional information can be found in the proposed listing rule (81 FR 69454; October 6, 2016) and final listing rule (83 FR 14958; April 6, 2018). We have determined that the following physical or biological features are essential to the conservation of the Louisiana pinesnake:

(i) Upland natural pine habitats that contain open-canopy stands of longleaf, shortleaf, slash, or loblolly pine trees that have:

(A) Low midstory tree density;

(B) Low midstory pine tree basal area;

(C) Low scrub/shrub cover; and

(D) Abundant, diverse, and native herbaceous vegetative groundcover, including a mix of grasses and forbs.

(ii) Suitable habitat in large (7,166 ac (2,900 ha)), contiguous blocks.

(iii) Soils with high sand content and a low water table.

(iv) An adequate Baird's pocket gopher population, as evidenced by abundant and widely distributed active mound complexes.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features which are essential to the conservation of the species and which may require special management considerations or protection. The features essential to the conservation of the Louisiana pinesnake may require special management considerations or protection to reduce the following threats: Loss of upland pine forest with an open canopy, reduced midstory, and abundant herbaceous ground cover; fragmentation of large areas of upland pine forest habitat; and subsurface disturbance that affects the Baird's pocket gopher. For a detailed discussion of threats, see Summary of Factors Affecting the Species in our proposed listing rule (81 FR 69454, October 6, 2016, pp. 81 FR 69464–69472). Additional information may be found in the final listing rule (83 FR 14958; April 6, 2018).

High-quality natural upland pine forest habitat for the Louisiana pinesnake is generally characterized by a high, open canopy and shallow litter and duff layers. The forest structure is maintained by frequent, low-intensity fires, which, in turn, restrict a woody midstory and promote the flowering and seed production of fire-stimulated groundcover plants (Oswalt et al. 2012, pp. 2–3). The Louisiana pinesnake is historically associated with unfragmented natural upland pine forests, which were maintained by natural processes (*e.g.,* fire) and include abundant herbaceous vegetation necessary to support the species' primary prey, the Baird's pocket gopher (Himes 1998, p. 43; Sulentich et al. 1991, p. 3; Rudolph and Burgdorf 1997, p. 17). One of the primary threats to the Louisiana pinesnake is the continuing loss and degradation of the open pine forest habitat that supports the Baird's pocket gopher, including the decline in or absence of fire on the landscape. Prescribed fire reduces midstory and understory hardwoods and promotes abundant herbaceous groundcover in the natural communities of the upland dominant pine ecosystem where the Louisiana pinesnake most often occurs. In the absence of regularly recurring, unsuppressed fires, open pine forest habitat requires active management activities to produce and maintain Louisiana pinesnake habitat. These activities, such as thinning, prescribed burning, reforestation and afforestation, midstory woody vegetation control, herbaceous vegetation (especially forbs) enhancement, and harvest (particularly in stands that require substantial improvement) are necessary to maintain or restore forests to the conditions that are suitable for pocket gophers and Louisiana pinesnakes.

Forested areas managed with incompatible silvicultural practices that cause substantial subsurface disturbance and preclude continual, robust herbaceous vegetation growth have significant reductions in Baird's pocket gopher populations and may no longer support viable Louisiana pinesnake populations (Rudolph et al. 2006, p. 470). The Baird's pocket gopher forages on herbaceous vegetation and does not occur in areas with insufficient herbaceous vegetation. For example, pine plantation sites, which are generally lacking in herbaceous vegetation, are expected to support lower densities of Baird's pocket gophers than stands managed for a healthy understory. In addition, disturbance of subsoils (particularly those deeper than 4 in (10 cm)) may directly impact pocket gophers and Louisiana pinesnakes within burrows. Special management of the upland pine forest will ensure an open canopy, reduced midstory, and abundant herbaceous groundcover required for Louisiana pinesnake viability. Practices that create or maintain large areas of open-canopy forest with abundant herbaceous groundcover necessary for the Louisiana pinesnake include frequent prescribed burning (1- to 3-year fire interval) with seasonal variability; avoidance of intensive site preparation or other activities that disturb or destroy herbaceous vegetation; avoidance of bedding practices (mounding of tilled soil prior to planting); reduced planting densities or regularly planned stem thinning; avoidance of destruction of underground structure, such as pocket gopher burrows, small mammal burrows, and stump holes; and protection of upland pine forest habitat from development and new road construction.

The Louisiana pinesnake requires large, intact, unfragmented areas of high-quality, open-canopy upland pine habitat for sufficient viability. Within

the intact, unfragmented upland pine habitat, not all areas are expected to fully support all Louisiana pinesnake needs at all times. However, the landscape-level habitat heterogeneity provided by intact, unfragmented areas (particularly when those areas are fire-managed) allows the species to select habitats and microhabitats that meet species' life-history requirements and provide corridors for movement. As described above in *Space for Individual and Population Growth and for Normal Behavior,* these intact, unfragmented forested areas allow space for Louisiana pinesnake populations to maintain adequate home ranges, support species' dispersal, and allow movement to areas of higher-quality habitat with more resources available in periods of adverse conditions. In addition, large areas of intact, unfragmented upland pine habitats support sufficient Baird's pocket gopher populations spatially distributed within the habitat.

Fragmentation of intact, unfragmented habitat by roads also causes disruption in Louisiana pinesnake movements to seek out feeding, breeding, or sheltering resources due to avoidance of these areas by the species (Clark et al. 2010, pp. 1059, 1067). In addition, roads surrounding and traversing the remaining Louisiana pinesnake habitat pose a direct threat to the species through vehicle strike mortality.

Special management considerations may be required within critical habitat areas to address these threats. Management activities that could minimize or ameliorate these threats include, but are not limited to: (1) Application of prescribed fire and other forest management activities (*e.g.,* thinning, midstory control, harvest) to promote a diverse, abundant herbaceous groundcover and open-canopy pine habitat; (2) minimization of ground and subsurface disturbance from silviculture practices such as bedding or disking; (3) protection of large, intact areas of upland pine forest habitat from development and new road construction; and (4) establishment of additional populations through captive rearing and translocation efforts. These management activities would protect the physical or biological features for the species by maintaining or restoring open-canopy pine habitat; reducing effects of silviculture practices on the Baird's pocket gopher; maintaining large, contiguous areas of open pine habitat by decreasing fragmentation; and improving population resiliency and species redundancy across the range of the Louisiana pinesnake.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify specific areas within the geographical area occupied by the species at the time of listing and any specific areas outside the geographical area occupied by the species to be considered for designation as critical habitat.

To determine and select appropriate occupied areas that contain the physical or biological features essential to the conservation of the species or areas otherwise essential for the conservation of the Louisiana pinesnake, we developed a conservation strategy for the species. The goal of our conservation strategy for the Louisiana pinesnake is to improve the Louisiana pinesnake's viability through increases in resiliency, redundancy, and representation. The role of critical habitat in achieving this conservation goal is to identify the specific areas within the species' range that provide essential physical or biological features, without which rangewide resiliency, redundancy, and representation could not be achieved. The current distribution of the Louisiana pinesnake is reduced from its historical distribution, and we anticipate that recovery will require not only continued protection of the remaining extant populations and upland pine habitat but also reintroduction of populations in additional areas of the species' historical range to ensure there are adequate numbers of snakes in stable populations and that these populations occur over a wide geographic area. This strategy will help to ensure that catastrophic events, such as high-intensity wildfire or intense drought (which can remove or reduce suitable habitat, herbaceous vegetation, and prey in upland pine habitat), cannot simultaneously affect all known populations. In formulating the proposed critical habitat designation, we also took into account rangewide recovery considerations, such as maintaining or improving existing genetic diversity and striving for representation of all major portions of the species' current range, representation across the species' historical range, and the potential feasibility of augmentation and reintroduction efforts in suitable Louisiana pinesnake habitat. These considerations require an understanding of the fundamental parameters of the species' biology and ecology based on well-accepted conservation-biology and ecological principles for conserving species and their habitats (Carroll et al. 1996, pp. 1–12; Shaffer and Stein 2000, pp. 301–321; Tear et al. 2005, pp. 835–849; Groom et al. 2006, pp. 419–551; Redford et al. 2011, pp. 39–48; Wolf et al. 2015, pp. 200–207).

We are proposing to designate critical habitat in areas within the geographical area occupied by the species at the time of listing in 2018. We also are proposing to designate one area outside the geographical area occupied by the species because we have determined that the area is essential for the conservation of the species. This area contains suitable upland pine habitat for the species but is not known to be currently occupied by the species. With only seven known occupied areas, we have determined that this unoccupied area is essential for the conservation of the species. Establishment of new populations in unoccupied areas is necessary to ensure that there are adequate numbers of snakes in multiple populations over a wide geographic area, so that catastrophic events, such as high-severity wildfire or intense drought, would be less likely to simultaneously affect all known populations.

All occupied units proposed for critical habitat designation were occupied at the time of listing and are currently occupied by the Louisiana pinesnake, contain some or all of the physical or biological features essential to the conservation of the species (including large, contiguous blocks of upland natural pine habitat; suitable soils; and Baird's pocket gopher populations). The unoccupied unit proposed for critical habitat designation was historically occupied by the Louisiana pinesnake, but was not occupied at the time of listing. We have determined it is essential for the conservation of the Louisiana pinesnake because it will provide additional areas for Louisiana pinesnake recovery actions, including population establishment. The unoccupied unit also contains one or more of the physical or biological features that are essential to the conservation of the species as described above.

Guided by our conservation strategy goals, we determined which occupied and unoccupied areas to include as proposed critical habitat for the Louisiana pinesnake by focusing on the occupied habitat areas identified in our previous Federal actions for the species (proposed listing rule (81 FR 69454;

October 6, 2016), final listing rule (83 FR 14958; April 6, 2018), proposed 4(d) rule (83 FR 14836; April 6, 2018), and final 4(d) rule (85 FR 11297; February 27, 2020)); areas that are presently contributing to the viability of the species but in which resiliency can be improved; and other, unoccupied areas within the historical range of the species where reintroductions of Louisiana pinesnake will improve species' redundancy, which is essential for the conservation of the species.

We have determined that all areas known to be occupied at the time of listing and of sufficient areal extent should be proposed for critical habitat designation. However, recognizing that occupied habitat alone is not adequate for the conservation of the Louisiana pinesnake, we also used habitat and historical occurrence data to identify the historical range of the species and necessary habitat features to help us determine which unoccupied habitat areas are essential for the conservation of the species. To determine the general extent, location, and boundaries of critical habitat, we used Esri ArcGIS mapping software for mapping and calculating areas along with spatial data layers including: (1) Historical and current records of Louisiana pinesnake occurrences, distribution, and habitat requirements found in publications, agency reports, and personal communications; (2) geographic information system (GIS) data showing the estimated occupied habitat areas (EOHAs) and land ownership boundaries; (3) GIS data showing the location and extent of relatively unfragmented, continuously (1985 to 2015) forested areas (Hibbitts et al. 2016, entire); and (4) GIS data depicting soils and vegetation type to determine the presence of physical or biological features (U.S. Department of Agriculture 2020, unpaginated).

Areas Occupied at the Time of Listing

For the purposes of the proposed critical habitat designation, and for areas within the geographical area occupied by the species at the time of listing, we determined a unit to be occupied at the time of listing based on occurrence records used to articulate the EOHAs (*i.e.,* observations or collections between 1993 and 2018) and subsequent surveys conducted prior to listing. Based on the best available scientific data, we determined that all currently known occupied habitat for the Louisiana pinesnake was also occupied by the species at the time of listing, and that these areas contain the physical or biological features essential to the conservation of the species which may require special management considerations or protection.

To delineate proposed critical habitat units, we first determined the area occupied by the Louisiana pinesnake at the time of listing (the April 6, 2018, final rule to list the species (83 FR 14958) had an effective date of May 7, 2018). We began by examining the species' occurrence records used to delineate the EOHAs referenced in both the listing and 4(d) rules. The EOHAs consist of a minimum convex polygon (polygon) drawn around a cluster of post-1993 (after extensive trapping and monitoring began) occurrence records meeting inclusion criteria (with a 1-km buffer around the polygon to account for home range activity around the occurrence record locations of the snakes in the cluster). The Service originally identified EOHAs in 2008, in an effort to focus conservation actions in areas where the Louisiana pinesnake is most likely to occur. The boundaries of EOHAs do not encompass all areas potentially occupied by the species. Most EOHA occurrence records are trap captures. Therefore, the information provided on Louisiana pinesnake's distribution and abundance is limited by the extent of trapping efforts, primarily the numbers of traps and targeted trapping in locations designed to improve catch rates. As a result, the areal extent of the EOHAs alone also cannot be used to estimate the species' occupied range. We note that not all areas within the EOHAs comprise suitable habitat, but not all suitable habitat is likely to be occupied. Additionally, because the EOHAs are based solely on occurrence records and not on habitat conditions such as soil type or vegetation structure, we used additional data specific to the Louisiana pinesnake's habitat associations to incorporate the habitat used by the species and refine EOHAs. These modeled areas are considered occupied by the species based on the continuous nature of the habitat and are within the dispersal distance and home ranges of the species.

For areas within the geographic area occupied by the species at the time of listing, we delineated critical habitat unit boundaries using the following criteria:

(1) We compiled all available current and historical occurrence data records meeting the inclusion criteria of the EOHAs as described in the proposed listing rule (81 FR 69454; October 6, 2016). The EOHAs were delineated by the Service and partners in 2016. We relied on Louisiana pinesnake verified occurrence records obtained between 1993 and 2015 when delineating EOHAs ahead of the proposed listing rule. We excluded all records prior to 1993 (before extensive trapping began) and records older than 11 years (from the time of 2015 analysis; 11 years is the estimated Louisiana pinesnake generational turnover period (Marti 2014, pers. comm.)), when traps within 0.6 mi (1 km) of those records had been unproductive for 5 years of trap effort following the date of the records. In addition to the EOHAs, we also considered occurrence records obtained after the EOHA delineation (2016–2018).

(2) We evaluated habitat suitability of terrestrial areas contiguous with identified EOHAs that contain well-drained sandy soils with low clay content in the topsoil and a low water table and coarse scale suitable vegetation type (forest, shrub, and herbaceous) (Davis et al. 1938, p. 414; Wagner et al. 2014, p. 152; Ealy et al. 2004, p. 389).

(3) We selected areas of relatively unfragmented, continuously forested (assumed highest quality) habitat greater than 2,000 ha (4,942 ac) as identified by the Texas A&M University Natural Resources Institute and the U.S. Forest Service (USFS) habitat suitability model (Hibbitts et al. 2016, entire; Ryberg et al. 2016, entire). We based this criteria on the species' need for large, unfragmented areas of upland pine habitat of at least 2,900 ha (7,166 ac) as described in *Space for Individual and Population Growth and for Normal Behavior.* To allow for uncertainty in the model and variability of habitat conditions, we selected an area smaller than the species' requirement as a refining criteria for critical habitat unit delineation.

Using the approaches described above, we delineated a total of seven areas considered to be occupied at the time of listing for the Louisiana pinesnake. These areas have well-documented, recent occurrence information. Two of these areas consist primarily of lands within the Joint Readiness Training Center at Peason Ridge and Fort Polk. The entire Joint Readiness Training Center at Peason Ridge and a portion of Fort Polk are covered by an approved integrated natural resources management plan (INRMP) that provides benefits to the Louisiana pinesnake and its habitat and thus are exempted from the proposed designation under section 4(a)(3)(B)(i) of the Act (see Exemptions, below). Of the seven delineated occupied areas, the Peason Ridge unit is exempted from critical habitat designation. We are proposing to designate as critical habitat for the Louisiana pinesnake the five

remaining units occupied at the time of listing; they are described below (see Proposed Critical Habitat Designation, below).

Areas Unoccupied at the Time of Listing

We evaluated unoccupied areas within the species' range with historical occurrences and identified areas essential for the conservation of the species.

For areas outside the geographic area occupied by the species at the time of listing, we delineated critical habitat unit boundaries using the criteria described above to delineate occupied critical habitat with the additional following criteria:

We evaluated unoccupied areas of the Louisiana pinesnake's range with historical occurrences or occurrences not meeting the EOHA criteria, appropriate soil types and coarse scale suitable vegetation type, and areas of relatively unfragmented, continuously forested habitat as described above in the evaluation of occupied areas. The proposed unoccupied unit is almost entirely on USFS lands in the Evangeline Ranger District of the Kisatchie National Forest, with a small number of inholdings in private ownership. The USFS has managed habitat in the Kisatchie National Forest in a way that is compatible with Louisiana pinesnake's life-history requirements, has been engaged in reintroduction efforts with this species since 2010, and is expected to remain an engaged partner in species recovery. The unoccupied unit constitutes habitat for the Louisiana pinesnake based on the appropriate soil type, habitat condition, and management actions within the unit. Further, the following physical or biological features occur within the unoccupied unit: (1) Upland natural pine habitats that contain open-canopy stands of longleaf, shortleaf, slash, or loblolly pine trees that have low midstory tree density, low midstory pine tree basal area, low scrub/shrub cover; and an abundant, diverse, and native herbaceous vegetative groundcover, including a mix of grasses and forbs; (2) suitable habitat in large (7,166 ac (2,900 ha)), contiguous blocks; (3) soils with high sand content and a low water table. Although we do not have specific information on Baird's pocket gopher populations, the habitat conditions are expected to support the gopher. Therefore, we have reasonable certainty that this unit is essential for the conservation of the Louisiana pinesnake.

When determining proposed critical habitat boundaries, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack the physical or biological features necessary for the Louisiana pinesnake. The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this proposed rule have been excluded by text in the proposed rule and are not proposed for designation as critical habitat. Therefore, if the critical habitat is finalized as proposed, a Federal action involving these lands would not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat.

We propose to designate as critical habitat lands that we have determined are occupied at the time of listing (*i.e.,* currently occupied) and that contain one or more of the physical or biological features that are essential to support the life-history processes of the species. We have also identified, and propose for designation as critical habitat, unoccupied areas that are essential for the conservation of the species.

Units are proposed for designation based on one or more of the physical or biological features being present to support the Louisiana pinesnake's life-history processes. Some units contain all of the identified physical or biological features and support multiple life-history processes. Some units contain only some of the physical or biological features necessary to support the Louisiana pinesnake's particular use of that habitat. However, all units are of sufficient size to sustain a Louisiana pinesnake population.

The proposed critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of this document under Proposed Regulation Promulgation. We include more detailed information on the boundaries of the critical habitat designation in the preamble of this document. We will make the coordinates or plot points or both on which each map is based available to the public on *https://www.regulations.gov* at Docket No. FWS–R4–ES–2021–0166 and on our internet site, *https://www.fws.gov/office/louisiana-ecological-services/library.*

Proposed Critical Habitat Designation

We are proposing six units as critical habitat for the Louisiana pinesnake. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for the Louisiana pinesnake. The six units we propose as critical habitat are: (1) Bienville, (2) Catahoula, (3) Evangeline, (4) Fort Polk/Vernon, (5) Scrappin' Valley, and (6) Angelina. Table 1 shows the proposed critical habitat units and the approximate area of each unit.

TABLE 1—PROPOSED CRITICAL HABITAT UNITS FOR THE LOUISIANA PINESNAKE

[Area estimates reflect all land within critical habitat unit boundaries.]

Unit number and name	Ownership (acres (hectares))			Total area (acres (hectares))	Occupied?
	Federal	State	Private		
1. Bienville	0 (0)	333 (135)	60,750 (24,585)	61,083 (24,720)	Yes.
2. Catahoula	24,436 (9,889)	0 (0)	1,967 (796)	26,403 (10,685)	Yes.
3. Evangeline	54,507 (22,058)	0 (0)	2,716 (1,099)	57,223 (23,157)	No.
4. Fort Polk/Vernon	42,897 (17,360)	0 (0)	892 (361)	43,789 (17,721)	Yes.
5. Scrappin' Valley	0 (0)	0 (0)	5,058 (2,047)	5,058 (2,047)	Yes.
6. Angelina	14,424 (5,837)	0 (0)	1,542 (624)	15,966 (6,461)	Yes.
Total	136,264 (55,144)	333 (135)	72,925 (29,512)	209,520 (84,790)	

Note: Area sizes may not sum due to rounding.

More than half of the proposed critical habitat for the Louisiana pinesnake (129,902 ac (52,569 ha), or 62 percent) falls on USFS lands managed as habitat management units (HMU) to benefit the Louisiana pinesnake. The USFS land and resource management plans and the 2013 Programmatic Candidate Conservation Agreement with Assurances with the Louisiana Department of Wildlife and Fisheries (LDWF CCAA) provide guidelines on habitat management to benefit Louisiana pinesnake (and red-cockaded woodpecker, *Picoides borealis*) through management of upland pine habitat, including the use of tree thinning, chemical and mechanical hardwood and shrub removal, prescribed fire, and other actions to maintain and restore upland pine habitat (USFS 1996, pp. 107–134; USFS 1999, pp. 2–61 to 2–73; CCA 2003, entire).

We present brief descriptions of all proposed units, and reasons why they meet the definition of critical habitat for the Louisiana pinesnake, below.

Unit 1: Bienville

Unit 1 consists of 61,083 ac (24,720 ha) in central Bienville Parish, Louisiana, west of Highway 155 and east of Highway 507, approximately 40 mi (64 km) southeast of Shreveport, Louisiana. In Unit 1, approximately 60,750 ac (24,585 ha) are located on private lands. Lands in State ownership in this unit include the 333-ac (135-ha) Big Cypress State Park (Louisiana Department of Culture, Recreation, and Tourism). Approximately 5,388 ac (2,180 ha) in this proposed unit are currently enrolled in the Service-approved and permitted LDWF CCAA, which includes conservation measures that provide a net benefit to the Louisiana pinesnake. This unit was occupied at the time of listing and is currently occupied by the Louisiana pinesnake. Unit 1 contains all of the physical or biological features essential to the conservation of the Louisiana pinesnake.

The physical or biological features essential to the conservation of the species in Unit 1 may require special management considerations or protection due to the following: Loss of upland pine forest with an open canopy, reduced midstory, and abundant herbaceous ground cover; fragmentation of large areas of upland pine forest habitat; and subsurface disturbance that affects the Baird's pocket gopher, as described above in Special Management Considerations or Protection. Management activities in upland pine forest habitat that could minimize or ameliorate these threats in Unit 1 include, but are not limited to: (1) Application of prescribed fire and other forest management activities (*e.g.,* thinning, midstory control, harvest) to promote a diverse, abundant herbaceous groundcover and open-canopy pine habitat; (2) implementation of silviculture best management practices that minimize subsurface disturbance; and (3) minimization of new road construction and closure of unused roads, particularly following timber harvest.

As noted above, approximately 5,388 ac (2,180 ha) in Unit 1 are lands in private ownership enrolled in the Service-approved and permitted LDWF CCAA (2013). All or some of these lands may be excluded from the final critical habitat designation under section 4(b)(2) of the Act (see *Consideration of Other Relevant Impacts* under Consideration of Impacts under Section 4(b)(2) of the Act later in this proposed rule). Following publication of this proposed critical habitat rule, some lands in private ownership in Unit 1 may be enrolled in the Louisiana Pinesnake Programmatic Safe Harbor Agreement, currently under development. All or some of these lands may be excluded from the final critical habitat designation under section 4(b)(2) of the Act (see *Consideration of Other Relevant Impacts* under Consideration of Impacts under Section 4(b)(2) of the Act later in this proposed rule).

Unit 2: Catahoula

Unit 2 consists of 26,403 ac (10,685 ha) located in Grant Parish, Louisiana. In Unit 2, 1,967 ac (796 ha) are located on private lands. Approximately 24,436 ac (9,889 ha) are located within the Kisatchie National Forest—Catahoula Ranger District. The USFS lands in Unit 2 encompass an HMU dedicated to the Louisiana pinesnake. Within the HMU, management and conservation actions implemented to benefit the Louisiana pinesnake include tree thinning, chemical and mechanical hardwood and shrub removal, and prescribed fire. This unit was occupied at the time of listing and is currently occupied by the Louisiana pinesnake. Unit 2 contains at least three of the physical or biological features essential to the conservation of the Louisiana pinesnake. The presence of Baird's pocket gopher mounds has not been assessed, but the habitat is suitable for this species, and pocket gophers are expected to occur in Unit 2.

The physical or biological features essential to the conservation of the species in Unit 2 may require special management considerations or protection due to the following: Loss of upland pine forest with an open canopy, reduced midstory, and abundant herbaceous ground cover; fragmentation of large areas of upland pine forest habitat; and subsurface disturbance that affects the Baird's pocket gopher, as described above in Special Management Considerations or Protection. Special management considerations or protection may be required within Unit 2 to alleviate impacts from suboptimal habitat management resulting in increased woody understory and midstory vegetation, including actions to restore or maintain suitable forest conditions for the species. Management activities in upland pine habitat that could benefit the species and habitat in this subunit include, but are not limited to: (1) Application of prescribed fire and other forest management activities to promote a diverse, abundant herbaceous groundcover and open-canopy pine habitat; (2) implementation of silviculture best management practices that minimize subsurface disturbance; and (3) consideration of upland pine habitat in planning development and new road construction. These management activities would protect the physical or biological features for the species by maintaining or restoring open-canopy pine habitat; reducing effects of silviculture practices on the Baird's pocket gopher; and maintaining large, contiguous areas of open pine habitat by decreasing fragmentation.

Following publication of this proposed critical habitat rule, some lands in private ownership in Unit 2 may be enrolled in the Louisiana Pinesnake Programmatic Safe Harbor Agreement under development. All or some of these lands may be excluded from the final critical habitat designation under section 4(b)(2) of the Act (see *Consideration of Other Relevant Impacts* under Consideration of Impacts under Section 4(b)(2) of the Act later in this proposed rule).

Unit 3: Evangeline

Unit 3 consists of 57,223 ac (23,157 ha) located in Rapides Parish, Louisiana. In Unit 3, approximately 2,716 ac (1,099 ha) are located on private lands. Approximately 54,507 ac (22,058 ha) occur within the Kisatchie National Forest—Calcasieu Ranger District—Evangeline Unit. The USFS lands in Unit 3 encompass an HMU dedicated to the Louisiana pinesnake. Within the HMU, management and conservation actions implemented to benefit the Louisiana pinesnake include tree thinning, chemical and mechanical hardwood and shrub removal, and prescribed fire. This unit was historically occupied by the Louisiana pinesnake and contains at least three

physical or biological features essential to the conservation of the Louisiana pinesnake. The presence of Baird's pocket gopher mounds has not been assessed, but the habitat is suitable for this species, and pocket gophers are expected to occur in Unit 3.

This unit is currently unoccupied by the Louisiana pinesnake but is essential for the conservation of the species because it serves to protect habitat needed to recover the species by reestablishing wild populations within the historical range of the species. In addition, this unit contains at least three of the physical or biological features, is protected and actively managed as an HMU to benefit the Louisiana pinesnake, and has an appropriate spatial distribution falling within the range of the species. We have also determined that the unoccupied area constitutes habitat for the Louisiana pinesnake because it contains the appropriate soil type, habitat condition, and management actions within the unit. Further, the following physical or biological features occur within the unoccupied unit: (1) Upland natural pine habitats that contain open-canopy stands of longleaf, shortleaf, slash, or loblolly pine trees that have low midstory tree density, low midstory pine tree basal area, low scrub/shrub cover; and an abundant, diverse, and native herbaceous vegetative groundcover, including a mix of grasses and forbs; (2) suitable habitat in large (7,166 ac (2,900 ha)), contiguous blocks; (3) soils with high sand content and a low water table. Although we do not have specific information regarding Baird's pocket gopher populations on this unit, the habitat conditions are expected to support adequate prey populations.

Following publication of this proposed critical habitat rule, some lands in private ownership in Unit 3 may be enrolled in the Louisiana Pinesnake Programmatic Safe Harbor Agreement under development. All or some of these lands may be excluded from the final critical habitat designation under section 4(b)(2) of the Act (see *Consideration of Other Relevant Impacts* under Consideration of Impacts under Section 4(b)(2) of the Act later in this proposed rule).

Unit 4: Fort Polk/Vernon

Unit 4 consists of 43,789 ac (17,721 ha) located in Vernon Parish, Louisiana. In Unit 4, approximately 892 ac (361 ha) occur on lands in private ownership. The remaining 42,897 ac (17,360 ha) of Unit 4 is owned by the USFS and is within the Joint Readiness Training Center and Fork Polk, Louisiana (Fort Polk). This unit was occupied at the time of listing and is currently occupied by the Louisiana pinesnake. Unit 4 contains all of the physical or biological features essential to the conservation of the Louisiana pinesnake.

The physical or biological features essential to the conservation of the species in Unit 4 may require special management considerations or protection due to the following: Loss of upland pine forest with an open canopy, reduced midstory, and abundant herbaceous ground cover; fragmentation of large areas of upland pine forest habitat; and subsurface disturbance that affects the Baird's pocket gopher, as described above in Special Management Considerations or Protection. Special management considerations or protection may be required within Unit 4 to alleviate impacts from suboptimal habitat management resulting in increased woody understory and midstory vegetation, including actions to restore or maintain suitable forest conditions for the species. Management activities in upland pine habitat that could benefit the species and habitat in this subunit include, but are not limited to: (1) Application of prescribed fire and other forest management activities to promote a diverse, abundant herbaceous groundcover and open-canopy pine habitat; (2) implementation of silviculture best management practices that minimize subsurface disturbance; and (3) consideration of upland pine habitat in planning development and new road construction. These management activities would protect the physical or biological features for the species by maintaining or restoring open-canopy pine habitat; reducing effects of silviculture practices on the Baird's pocket gopher; and maintaining large, contiguous areas of open pine habitat by decreasing fragmentation.

The 42,897 ac (17,360 ha) of USFS-owned lands permitted for use by Fort Polk will be considered for exclusion from final critical habitat designation. All or some of these lands may be excluded from the final critical habitat designation under section 4(b)(2) of the Act (see *Consideration of National Security Impacts* under Consideration of Impacts under Section 4(b)(2) of the Act later in this proposed rule). Additionally, following publication of this proposed critical habitat rule, some lands in private ownership in Unit 4 may be enrolled in the Louisiana Pinesnake Programmatic Safe Harbor Agreement under development. All or some of these lands may be excluded from the final critical habitat designation under section 4(b)(2) of the Act (see *Consideration of Other Relevant Impacts* under Consideration of Impacts under Section 4(b)(2) of the Act later in this proposed rule).

Unit 5: Scrappin' Valley

Unit 5 is located in northern Newton County, Texas. The entire 5,058 ac (2,047 ha) in this unit are located on private lands. The Nature Conservancy (TNC) holds 1,675 ac (678 ha) in Unit 5 in a long-term conservation easement and implements conservation actions on the easement. This unit was occupied at the time of listing and is currently occupied by the Louisiana pinesnake. Unit 5 contains at least three of the physical or biological features essential to the conservation of the Louisiana pinesnake. The presence of Baird's pocket gopher mounds has not been assessed, but the habitat is suitable for this species, and pocket gophers are expected to occur in Unit 5.

The physical or biological features essential to the conservation of the species in Unit 5 may require special management considerations or protection due to the following: Loss of upland pine forest with an open canopy, reduced midstory, and abundant herbaceous ground cover; fragmentation of large areas of upland pine forest habitat; and subsurface disturbance that affects the Baird's pocket gopher, as described above in Special Management Considerations or Protection. Management activities in upland pine forest habitat that could minimize or ameliorate these threats in Unit 5 include, but are not limited to: (1) Application of prescribed fire and other forest management activities (*e.g.,* thinning, midstory control, harvest) to promote a diverse, abundant herbaceous groundcover and open-canopy pine habitat; (2) implementation of silviculture best management practices that minimize subsurface disturbance; and (3) minimization of new road construction and closure of unused roads, particularly following timber harvest.

Of the lands in private ownership, TNC holds 1,675 ac (678 ha) in Unit 5 in a long-term conservation easement with conservation measures in place expected to benefit the Louisiana pinesnake, including prescribed fire. All or some of these lands may be excluded from the final critical habitat designation under section 4(b)(2) of the Act (see *Consideration of Other Relevant Impacts* under Consideration of Impacts under Section 4(b)(2) of the Act later in this proposed rule). Additionally, following publication of this proposed critical habitat rule, some lands in private ownership in Unit 5 may be enrolled in the Louisiana

Pinesnake Programmatic Safe Harbor Agreement under development. All or some of these lands may be excluded from the final critical habitat designation under section 4(b)(2) of the Act (see *Consideration of Other Relevant Impacts* under Consideration of Impacts under Section 4(b)(2) of the Act later in this proposed rule).

Unit 6: Angelina

Unit 6 is comprised of 15,966 ac (6,461 ha) located in northwestern Jasper and southeastern Angelina Counties, Texas. Within Unit 6, approximately 1,542 ac (624 ha) are lands in private ownership. Approximately 14,424 ac (5,837 ha) are USFS lands and fall within the Angelina National Forest; the western portion of Unit 6 falls within the Upland Island Wilderness Area in the Angelina National Forest. The USFS lands in Unit 6 encompass an HMU dedicated to conservation efforts to benefit the Louisiana pinesnake. Within the HMU, management and conservation actions implemented to benefit the Louisiana pinesnake include tree thinning, chemical and mechanical hardwood and shrub removal, and prescribed fire. This unit was occupied at the time of listing and is currently occupied by the Louisiana pinesnake. Unit 6 contains at least three of the physical or biological features essential to the conservation of the Louisiana pinesnake. The presence of Baird's pocket gopher mounds has not been assessed, but the habitat is suitable for this species, and pocket gophers are expected to occur in Unit 6.

The physical or biological features essential to the conservation of the species in Unit 6 may require special management considerations or protection due to the following: Loss of upland pine forest with an open canopy, reduced midstory, and abundant herbaceous ground cover; fragmentation of large areas of upland pine forest habitat; and subsurface disturbance that affects the Baird's pocket gopher, as described above in Special Management Considerations or Protection. Management activities in upland pine forest habitat that could minimize or ameliorate these threats in Unit 6 include, but are not limited to: (1) Application of prescribed fire and other forest management activities (*e.g.,* thinning, midstory control, harvest) to promote a diverse, abundant herbaceous groundcover and open-canopy pine habitat; (2) implementation of silviculture best management practices that minimize subsurface disturbance; and (3) minimization of new road construction and closure of unused roads, particularly following timber harvest.

Following publication of this proposed critical habitat rule, some lands in private ownership in Unit 6 may be enrolled in the Louisiana Pinesnake Programmatic Safe Harbor Agreement under development. All or some of these lands may be excluded from the final critical habitat designation under section 4(b)(2) of the Act (see *Consideration of Other Relevant Impacts* under Consideration of Impacts under Section 4(b)(2) of the Act later in this proposed rule).

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

We published a final rule revising the definition of destruction or adverse modification on February 11, 2016 (81 FR 7214) (although we also published a revised definition after that on August 27, 2019). Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Examples of actions that are subject to the section 7 consultation process are actions on State, Tribal, local, or private lands that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation.

Compliance with the requirements of section 7(a)(2) is documented through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect, and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define ''reasonable and prudent alternatives'' (at 50 CFR 402.02) as alternative actions identified during consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Service Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species and/or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 set forth requirements for Federal agencies to reinitiate formal consultation on previously reviewed actions. These requirements apply when the Federal agency has retained discretionary involvement or control over the action (or the agency's discretionary involvement or control is authorized by law) and, subsequent to the previous consultation: (1) If the amount or extent of taking specified in the incidental take statement is exceeded; (2) if new information reveals effects of the action that may affect listed species or critical

habitat in a manner or to an extent not previously considered; (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or (4) if a new species is listed or critical habitat designated that may be affected by the identified action.

In such situations, Federal agencies sometimes may need to request reinitiation of consultation with us, but the regulations also specify some exceptions to the requirement to reinitiate consultation on specific land management plans after subsequently listing a new species or designating new critical habitat. See the regulations for a description of those exceptions.

Application of the ''Destruction or Adverse Modification'' Standard

The key factor related to the destruction or adverse modification determination is whether implementation of the proposed Federal action directly or indirectly alters the designated critical habitat in a way that appreciably diminishes the value of the critical habitat as a whole for the conservation of the listed species. As discussed above, the role of critical habitat is to support physical or biological features essential to the conservation of a listed species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may violate section 7(a)(2) of the Act by destroying or adversely modifying such habitat, or that may be affected by such designation.

Activities that the Services may, during a consultation under section 7(a)(2) of the Act, consider likely to destroy or adversely modify critical habitat include, but are not limited to:

(1) Actions that would significantly alter the suitability of open-canopy upland pine habitat in a manner incompatible with Louisiana pinesnake's life-history requirements. Such activities could include, but are not limited to: forest and silvicultural activities, such as disking, bedding, and other management actions, that involve substantial ground disturbance; conversion to densely stocked pine plantations; and chemical applications (pesticides or herbicides) that are either not applied in accordance with label directions or that are not directly aimed at hazardous fuels reduction, midstory hardwood control, or noxious weed control. These activities could destroy or alter the pine forest habitats and refugia necessary for the growth and development of Louisiana pinesnakes, and may reduce populations of the snake's primary prey (Baird's pocket gopher), either through direct extermination or through loss of the forage necessary to sustain the prey base.

(2) Actions that would significantly fragment Louisiana pinesnake habitat. Such activities could include, but are not limited to: Conversion of upland pine forested habitat to other uses (agricultural, urban/residential development) and construction of new structures or roads. These activities could lead to degradation or elimination of forest habitat, limit or prevent breeding opportunities for Louisiana pinesnakes, limit access to familiar refugia or nesting sites within individual home ranges, and increase the frequency of road mortality from road crossings.

Exemptions

Application of Section 4(a)(3) of the Act

The Sikes Act Improvement Act of 1997 (Sikes Act) (16 U.S.C. 670a) required each military installation that includes land and water suitable for the conservation and management of natural resources to complete an INRMP by November 17, 2001. An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found on the base. Each INRMP includes:

(1) An assessment of the ecological needs on the installation, including the need to provide for the conservation of listed species;

(2) A statement of goals and priorities;

(3) A detailed description of management actions to be implemented to provide for these ecological needs; and

(4) A monitoring and adaptive management plan.

Among other things, each INRMP must, to the extent appropriate and applicable, provide for fish and wildlife management; fish and wildlife habitat enhancement or modification; wetland protection, enhancement, and restoration where necessary to support fish and wildlife; and enforcement of applicable natural resource laws.

The National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108–136) amended the Act to limit areas eligible for designation as critical habitat. Specifically, section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that the Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the DoD, or designated for its use, that are subject to an INRMP prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.

We consult with the military on the development and implementation of INRMPs for installations with listed species. We analyzed INRMPs developed by military installations located within the range of the proposed critical habitat designation for the Louisiana pinesnake to determine if they meet the criteria for exemption from critical habitat under section 4(a)(3) of the Act. The following areas are DoD lands with completed, Service-approved INRMPs within the proposed critical habitat designation.

Approved INRMPs

Joint Readiness Training Center at Peason Ridge and Fort Polk; 30,758 ac (12,447 ha)

The Joint Readiness Training Center at Peason Ridge and Fort Polk is located in Natchitoches, Sabine, and Vernon parishes, Louisiana. The installation is divided into two separate areas: Peason Ridge Training Area (Peason Ridge) to the north and Fort Polk Military Reservation (Fort Polk) to the south. Peason Ridge is located on DoD-owned lands and is managed by the DoD in coordination with the LDWF. Fort Polk is located on DoD-owned land and uses adjacent USFS property for training under permit. These lands are managed by the DoD and the USFS in coordination with the LDWF. The USFS-permitted lands are governed by a special use permit and plan of operation effective from 2004 to 2024. Fort Polk has a Service-approved INRMP, which serves as the principal management plan governing all natural resource activities on DoD lands on the Fort Polk and Peason Ridge installations. The INRMP for the Joint Readiness Training Center at Peason Ridge and Fort Polk (Fort Polk INRMP) covers fiscal years 2020 to 2024, and serves as the principal management plan governing all natural resource activities on DoD lands on the installations.

For several decades, the Fort Polk INRMP benefited the Louisiana pinesnake through ongoing ecosystem management and active management of red-cockaded woodpecker habitat, which provided habitat for Louisiana pinesnake. More recently, the INRMP has included management actions

intended to specifically benefit the Louisiana pinesnake (U.S. Army 2020, p. 85). Among the goals and objectives listed in the Endangered Species Management Component of the INRMP is habitat management for rare, threatened, and endangered species, and the Louisiana pinesnake is included in this plan. Management actions and elements that benefit the Louisiana pinesnake and its habitat include: Management of upland pine habitats within Louisiana pinesnake habitat management units in a way compatible with the species' needs; Louisiana pinesnake monitoring studies, surveys, and research on breeding habitat, diseases, and behavior; implementation of awareness and education programs for the public and soldiers to reduce snake mortality or collection; and surveys for Baird's pocket gopher in advance of projects (U.S. Army 2020, pp. 81–82). Additional elements of the INRMP that will benefit Louisiana pinesnake and its habitat are awareness training for U.S. Army personnel to continue to avoid and reduce impacts to Louisiana pinesnakes during training, as well as public outreach and education. These conservation efforts reflect actions, reporting, and coordination described in an earlier candidate conservation agreement for the Louisiana pinesnake to which Fort Polk was a party (USFWS 2013).

Approximately 3,147 ac (1,273 ha) on the Peason Ridge installation and 27,611 ac (11,174 ha) are located within the area covered by this INRMP. Based on the above considerations, and in accordance with section 4(a)(3)(B)(i) of the Act, we have determined that the identified lands are subject to the Fort Polk INRMP and that conservation efforts identified in the INRMP provide a benefit to the Louisiana pinesnake. Therefore, DoD lands within these installations that are covered under the Fort Polk INRMP are exempt from critical habitat designation under section 4(a)(3) of the Act. We are not including approximately 3,147 ac (1,273 ha) of habitat on Peason Ridge and 27,611 ac (11,174 ha) of habitat on Fort Polk in this proposed critical habitat designation because of this exemption.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from designated critical habitat based on economic impacts, impacts on national security, or any other relevant impacts. Exclusion decisions are governed by the regulations at 50 CFR 424.19 and the Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act (hereafter, the ''2016 Policy''; 81 FR 7226, February 11, 2016), both of which were developed jointly with the National Marine Fisheries Service (NMFS). We also refer to a 2008 Department of the Interior Solicitor's opinion entitled ''The Secretary's Authority to Exclude Areas from a Critical Habitat Designation under Section 4(b)(2) of the Endangered Species Act'' (M–37016). We explain each decision to exclude areas, as well as decisions not to exclude, to demonstrate that the decision is reasonable.

In considering whether to exclude a particular area from the designation, we identify the benefits of including the area in the designation, identify the benefits of excluding the area from the designation, and evaluate whether the benefits of exclusion outweigh the benefits of inclusion, the Secretary may exercise discretion to exclude the area only if such exclusion would not result in the extinction of the species. In making the determination to exclude a particular area, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor. We describe below the process that we undertook for taking into consideration each category of impacts and our analyses of the relevant impacts.

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a designation, we must first evaluate specific land uses or activities and projects that may occur in the area of the critical habitat. We then must evaluate the impacts that a specific critical habitat designation may have on restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the areas proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat for this particular species. The probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios both ''with critical habitat'' and ''without critical habitat.''

The ''without critical habitat'' scenario represents the baseline for the analysis, which includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (*e.g.,* under the Federal listing as well as other Federal, State, and local regulations). Therefore, the baseline represents the costs of all efforts attributable to the listing of the species under the Act (*i.e.,* conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts would not be expected without the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we choose to conduct a discretionary section 4(b)(2) exclusion analysis.

For this particular designation, we developed an incremental effects memorandum (IEM) considering the probable incremental economic impacts that may result from this proposed designation of critical habitat. The information contained in our IEM was then used to develop a screening analysis of the probable economic effects of the designation of critical habitat for the Louisiana pinesnake (Industrial Economics, Incorporated (IEc) 2021). We began by conducting a screening analysis of the proposed designation of critical habitat in order to focus our analysis on the key factors that are likely to result in incremental economic impacts. The purpose of the screening analysis is to filter out particular geographic areas of critical habitat that are already subject to such protections and are, therefore, unlikely to incur incremental economic impacts. In particular, the screening analysis considers baseline costs (*i.e.,* absent critical habitat designation) and includes any probable incremental economic impacts where land and water use may be subject to conservation plans, land management plans, best management practices, or regulations that protect the habitat area as a result of the Federal listing status of the species. Ultimately, the screening analysis allows us to focus our analysis

on evaluating the specific areas or sectors that may incur probable incremental economic impacts as a result of the designation. The presence of the listed species in occupied areas of critical habitat means that any destruction or adverse modification of those areas will also jeopardize the continued existence of the species. Therefore, designating occupied areas as critical habitat typically causes little if any incremental impacts above and beyond the impacts of listing the species. If the proposed critical habitat designation contains any unoccupied units, the screening analysis assesses whether those units are unoccupied because they require additional management or conservation efforts that may incur incremental economic impacts. This screening analysis combined with the information contained in our IEM constitute what we consider to be our draft economic analysis (DEA) of the proposed critical habitat designation for the Louisiana pinesnake; our DEA is summarized in the narrative below.

Executive Orders (E.O.s) 12866 and 13563 direct Federal agencies to assess the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the E.O. regulatory analysis requirements, our effects analysis under the Act may take into consideration impacts to both directly and indirectly affected entities, where practicable and reasonable. If sufficient data are available, we assess to the extent practicable the probable impacts to both directly and indirectly affected entities. As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas likely affected by the critical habitat designation. In our evaluation of the probable incremental economic impacts that may result from the proposed designation of critical habitat for the Louisiana pinesnake, first we identified, in the IEM dated March 2, 2021, probable incremental economic impacts associated with the following categories of activities: (1) Federal lands management (USFS, DoD), (2) agriculture, (3) commercial and residential development, (4) forest management, (5) conservation and restoration, (6) timber/lumber operations, and (7) transportation and utility projects. We considered each industry or category individually. Additionally, we considered whether their activities have any Federal involvement. Critical habitat designation generally will not affect activities that do not have any Federal involvement; under the Act, designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. In areas where the Louisiana pinesnake is present, Federal agencies would be required to consult with the Service under section 7 of the Act on activities they fund, permit, or implement that may affect the species. If we finalize this proposed critical habitat designation, our consultation would include an evaluation of measures to avoid the destruction or adverse modification of critical habitat.

In our IEM, we attempted to clarify the distinction between the effects that result from the species being listed and those that would be attributable to the critical habitat designation (*i.e.,* difference between the jeopardy and adverse modification standards) for the Louisiana pinesnake. Because the designation of critical habitat for the Louisiana pinesnake is being proposed several years following the listing of the species, data, such as from consultation history, are available to help us discern which conservation efforts are attributable to the species being listed and those that would result solely from the designation of critical habitat. The following specific circumstances in this case help to inform our evaluation: (1) The essential physical or biological features identified for critical habitat are the same features essential for the life requisites of the species, and (2) any actions that would result in sufficient harm or harassment to constitute jeopardy to the Louisiana pinesnake would also likely adversely affect the essential physical or biological features of critical habitat. The IEM outlines our rationale concerning this limited distinction between baseline conservation efforts and incremental impacts of the designation of critical habitat for this species. This evaluation of the incremental effects has been used as the basis to evaluate the probable incremental economic impacts of this proposed designation of critical habitat.

The proposed critical habitat designation for the Louisiana pinesnake totals approximately 209,520 ac (84,790 ha) in six units in Louisiana and Texas. Five of the six units are currently occupied by the Louisiana pinesnake; the remaining unit is within the snake's historical range but was not occupied at the time the species was listed in 2018, and is not known to be currently occupied. Included lands are under Federal, State, and private ownership, and Federal land is predominant in Units 2, 3, 4 and 6. The proposed critical habitat is composed of lands under private (35 percent), State (0.1 percent), and Federal (65 percent) ownership. Occupied units represent 73 percent of the proposed critical habitat area. Table 1, above, sets forth specific information concerning each unit, including occupancy and land ownership. The proposed critical habitat does not overlap with designated or proposed critical habitat for any other endangered or threatened species.

Within the occupied units, any actions that may affect the species or its habitat would also affect designated critical habitat, and it is unlikely that any additional conservation efforts would be recommended to address the adverse modification standard over and above those recommended as necessary to avoid jeopardizing the continued existence of the Louisiana pinesnake. Therefore, only administrative costs are expected for actions affecting approximately 73 percent of the proposed critical habitat designation. While the analysis for adverse modification of critical habitat will require time and resources by both the Federal action agency and the Service, it is believed that, in most circumstances, these costs would predominantly be administrative in nature and would not be significant.

The remaining 57,223 ac (23,157 ha) (27 percent of the total proposed critical habitat designation) are currently unoccupied by the species but are essential for the conservation of the species. In these unoccupied areas, any conservation efforts or associated probable impacts would be considered incremental effects attributed to the critical habitat designation. Within the 57,223-ac (23,157-ha) unoccupied proposed critical habitat, few actions are expected to occur that would result in additional section 7 consultation or associated project modifications outside of the current Service-approved USFS land and resource management plan. Proposed Unit 3 (Evangeline) is located on lands in USFS and private ownership. The USFS is currently implementing management and conservation actions to benefit the Louisiana pinesnake on HMUs in the Kisatchie National Forest, including lands in Unit 3, under the 2003 candidate conservation agreement for the Louisiana pinesnake and a USFS land and resource management plan. Communications with affected entities indicated that critical habitat designation would likely result in just a few consultations in this unit, with minor additional conservation efforts that would be expected to result in relatively low probable economic impacts. Based on the geographic

distribution of historical section 7 consultations and technical assistance, as well as the assumption that administrative costs would be higher in unoccupied areas, the highest costs are anticipated in Unit 3.

The entities most likely to incur incremental costs are parties to section 7 consultations, including Federal action agencies and, in some cases, third parties, most frequently State agencies or municipalities. Activities we expect would be subject to consultations that may involve private entities as third parties are residential and commercial development that may occur on private lands; however, costs to private entities within these sectors are expected to be minor, as much of the proposed critical habitat is in Federal ownership (65 percent). The proposed designation for the Louisiana pinesnake includes some private lands (35 percent), although some of the private lands are conserved in perpetuity. As such, incremental costs from public perception of the designation have some potential to arise, but are speculative. However, a robust consultation history exists for this species, as well as for the red-cockaded woodpecker, a listed species with an overlapping range and similar habitat structure needs. Landowners in these areas are, therefore, less likely to experience regulatory uncertainty associated with critical habitat. While perceptional effects on land values are possible, the likelihood and magnitude of such effects are uncertain.

The probable incremental economic impacts of this proposed critical habitat designation for the Louisiana pinesnake are expected to be limited to additional administrative effort as well as minor costs of conservation efforts resulting from a small number of future section 7 consultations. This is due to two factors: (1) A large portion of proposed critical habitat is considered to be occupied by the species (73 percent), where incremental economic impacts of critical habitat designation, other than administrative costs, are unlikely; and (2) in proposed areas that are not occupied by the Louisiana pinesnake (27 percent), few actions are anticipated that would result in section 7 consultation or associated project modifications. Because of the volume of lands that are State-, county-, or privately owned, and the substantial amount of lands that are already being managed for conservation, the numbers of section 7 consultations expected annually are modest (approximately 2 formal, 58 informal, and 15 technical assistance efforts annually across the designation).

Critical habitat designation for the Louisiana pinesnake is unlikely to generate costs or benefits exceeding $100 million in a single year. Therefore, this proposed rule is unlikely to meet the threshold for an economically significant rule, with regard to costs, under E.O. 12866. In fact, the total annual incremental costs of critical habitat designation for the Louisiana pinesnake are anticipated to be less than $240,000 per year, and economic benefits are also anticipated to be small.

We are soliciting data and comments from the public on the DEA discussed above, as well as all aspects of this proposed rule and our required determinations. During the development of a final designation, we will consider the information presented in the DEA and any additional information on economic impacts we receive during the public comment period to determine whether any specific areas should be excluded from the final critical habitat designation under authority of section 4(b)(2) of the Act and our implementing regulations at 50 CFR 424.19.We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area, provided the exclusion will not result in the extinction of this species.

Consideration of National Security Impacts

Section 4(a)(3)(B)(i) of the Act may not cover all DoD lands or areas that pose potential national-security concerns (*e.g.,* a DoD installation that is in the process of revising its INRMP for a newly listed species or a species previously not covered). If a particular area is not covered under section 4(a)(3)(B)(i), national-security or homeland-security concerns are not a factor in the process of determining what areas meet the definition of ''critical habitat.'' However, the Service must still consider impacts on national security, including homeland security, on those lands or areas not covered by section 4(a)(3)(B)(i), because section 4(b)(2) requires the Service to consider those impacts whenever it designates critical habitat. Accordingly, if DoD, Department of Homeland Security (DHS), or another Federal agency has requested exclusion based on an assertion of national-security or homeland-security concerns, or we have otherwise identified national-security or homeland-security impacts from designating particular areas as critical habitat, we generally have reason to consider excluding those areas.

However, we cannot automatically exclude requested areas. When DoD, DHS, or another Federal agency requests exclusion from critical habitat on the basis of national-security or homeland-security impacts, we must conduct an exclusion analysis if the Federal requester provides information, including a reasonably specific justification of an incremental impact on national security that would result from the designation of that specific area as critical habitat. That justification could include demonstration of probable impacts, such as impacts to ongoing border-security patrols and surveillance activities, or a delay in training or facility construction, as a result of compliance with section 7(a)(2) of the Act. If the agency requesting the exclusion does not provide us with a reasonably specific justification, we will contact the agency to recommend that it provide a specific justification or clarification of its concerns relative to the probable incremental impact that could result from the designation. If we conduct an exclusion analysis because the agency provides a reasonably specific justification or because we decide to exercise the discretion to conduct an exclusion analysis, we will defer to the expert judgment of DoD, DHS, or another Federal agency as to: (1) Whether activities on its lands or waters, or its activities on other lands or waters, have national-security or homeland-security implications; (2) the importance of those implications; and (3) the degree to which the cited implications would be adversely affected in the absence of an exclusion. In that circumstance, in conducting a discretionary section 4(b)(2) exclusion analysis, we will give great weight to national-security and homeland-security concerns in analyzing the benefits of exclusion.

We have evaluated whether any of the lands within the proposed designation of critical habitat are owned by DoD or DHS or could lead to national-security or homeland-security impacts if designated. In this discussion, we describe the areas within the proposed designation that are owned by DoD or DHS or for which designation could lead to national-security or homeland-security impacts. For each area, we describe the available information indicating whether we have reason to consider excluding the area from the designation. If, during the comment period, we identify or receive information about additional areas for which designation may result in incremental national-security or homeland-security impacts, then we will consider whether to exclude those

additional areas under the authority of section 4(b)(2) of the Act.

Fort Polk

In preparing this proposal, we have determined that some lands within Unit 4 of the proposed designation of critical habitat for the Louisiana pinesnake are used under permit by the U.S. Army, which is part of DoD. We have previously described two areas (Peason Ridge and Fort Polk) with an approved INRMP under application of section 4(a)(3)(B)(i) of the Act, above. As discussed in the Unit 4 description, above, the USFS-permitted lands used by Fort Polk are located to the south of the DoD lands and are separated into two areas: the Intensive Use Area (IUA) and the Limited Use Area (LUA). None of the acreage within the IUA or LUA is covered under the Fort Polk INRMP; thus, none of this acreage was considered for exemption under section 4(a)(3)(B)(i) of the Act (see *Approved INRMPs* under Exemptions, above).

The IUA and LUA are operated by the DoD for training and maneuver exercises in an area of the Vernon Unit, Calcasieu Ranger District, of the Kisatchie National Forest in Vernon Parish, Louisiana. The DoD uses this area under a special use permit from the USFS, who is the primary landowner and manager within the installation boundary.

The DoD has expressed concern that the designation of critical habitat on the IUA and LUA would have implications for national security, as summarized below. The potential impacts of designating the IUA or LUA on national security include restrictions on military training exercises. Lands within the IUA and LUA are used for artillery training that provides soldiers with essential battlefield combat skills. Excluding these USFS lands from critical habitat designation would remove the potential impact that a designation of critical habitat could have on the ability to maintain national security. Additionally, the IUA and LUA are cooperatively managed by the DoD, USFS, and LDWF to benefit the Louisiana pinesnake and red-cockaded woodpecker, including prescribed burning of upland pine stands as part of the candidate conservation agreement on USFS habitat management units (U.S. Army appendix D.3 2020, p. 31). Therefore, we are considering for exclusion from the final critical habitat designation 42,897-ac (17,360-ha) of USFS-owned lands in proposed Unit 4 as a result of impacts to national security under section 4(b)(2) of the Act.

Consideration of Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security discussed above. To identify other relevant impacts that may affect the exclusion analysis, we consider a number of factors, including whether there are permitted conservation plans covering the species in the area—such as HCPs, safe harbor agreements (SHAs), or candidate conservation agreements with assurances (CCAAs)—or whether there are non-permitted conservation agreements and partnerships that may be impaired by designation of, or exclusion from, critical habitat. In addition, we look at whether Tribal conservation plans or partnerships, Tribal resources, or government-to-government relationships of the United States with Tribal entities may be affected by the designation. We also consider any State, local social, or other impacts that might occur because of the designation.

When analyzing other relevant impacts of including a particular area in a designation of critical habitat, we weigh those impacts relative to the conservation value of the particular area. To determine the conservation value of designating a particular area, we consider a number of factors, including, but not limited to, the additional regulatory benefits that the area would receive due to the protection from destruction or adverse modification as a result of actions with a Federal nexus, the educational benefits of mapping essential habitat for recovery of the listed species, and any benefits that may result from a designation due to State or Federal laws that may apply to critical habitat.

In the case of the Louisiana pinesnake, the benefits of critical habitat include public awareness of the presence of the Louisiana pinesnake and the importance of habitat protection, and, where a Federal nexus exists, increased habitat protection for the Louisiana pinesnake due to protection from destruction or adverse modification of critical habitat. Continued implementation of an ongoing management plan that provides conservation equal to or more than the protections that result from a critical habitat designation would reduce those benefits of including that specific area in the critical habitat designation.

We evaluate the existence of a conservation plan when considering the benefits of inclusion. We consider a variety of factors, including, but not limited to, whether the plan is finalized; how it provides for the conservation of the essential physical or biological features; whether there is a reasonable expectation that the conservation management strategies and actions contained in a management plan will be implemented into the future; whether the conservation strategies in the plan are likely to be effective; and whether the plan contains a monitoring program or adaptive management to ensure that the conservation measures are effective and can be adapted in the future in response to new information.

After identifying the benefits of inclusion and the benefits of exclusion, when conducting an exclusion analysis we carefully weigh the two sides to evaluate whether the benefits of exclusion outweigh those of inclusion. If our analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, we then determine whether exclusion would result in extinction of the species. If exclusion of an area from critical habitat will result in extinction, we will not exclude it from the designation.

Private or Other Non-Federal Conservation Plans or Agreements and Partnerships, in General

We sometimes exclude specific areas from critical habitat designations based in part on the existence of private or other non-Federal conservation plans or agreements and their attendant partnerships. A conservation plan or agreement describes actions that are designed to provide for the conservation needs of a species and its habitat, and may include actions to reduce or mitigate negative effects on the species caused by activities on or adjacent to the area covered by the plan. Conservation plans or agreements can be developed by private entities with no Service involvement, or in partnership with the Service, sometimes through the permitting process under section 10 of the Act.

When we undertake a discretionary section 4(b)(2) analysis, we evaluate a variety of factors to determine how the benefits of any exclusion and the benefits of inclusion are affected by the existence of private or other non-Federal conservation plans or agreements and their attendant partnerships. The factors we consider may differ, depending on whether we are evaluating a conservation plan that involves permits under section 10 or a non-permitted plan (see sections c and b, respectively, of the 2016 Policy).

Private or Other Non-Federal Conservation Plans Related to Permits Under Section 10 of the Act

HCPs for incidental take permits under section 10(a)(1)(B) of the Act provide for partnerships with non-Federal entities to minimize and mitigate impacts to listed species and their habitats. In some cases, HCP permittees agree to do more for the conservation of the species and their habitats on private lands than designation of critical habitat would provide alone. We place great value on the partnerships that are developed during the preparation and implementation of HCPs.

CCAAs and SHAs are voluntary agreements designed to conserve candidate and listed species, respectively, on non-Federal lands. In exchange for actions that contribute to the conservation of species on non-Federal lands, participating property owners are covered by an ''enhancement of survival'' permit under section 10(a)(1)(A) of the Act, which authorizes incidental take of the covered species that may result from implementation of conservation actions, specific land uses, and, in the case of SHAs, the option to return to a baseline condition under the agreements. The Service also provides enrollees assurances that we will not impose further land-, water-, or resource-use restrictions, or require additional commitments of land, water, or finances, beyond those agreed to in the agreements.

When we undertake a discretionary section 4(b)(2) exclusion analysis based on permitted conservation plans such as CCAAs, SHAs, and HCPs, we anticipate consistently excluding such areas if incidental take caused by the activities in those areas is covered by the permit under section 10 of the Act and the CCAA/SHA/HCP meets all of the following three factors (see the 2016 Policy for additional details):

a. The permittee is properly implementing the CCAA/SHA/HCP and is expected to continue to do so for the term of the agreement. A CCAA/SHA/HCP is properly implemented if the permittee is and has been fully implementing the commitments and provisions in the CCAA/SHA/HCP, implementing agreement, and permit.

b. The species for which critical habitat is being designated is a covered species in the CCAA/SHA/HCP, or very similar in its habitat requirements to a covered species. The recognition that the Services extend to such an agreement depends on the degree to which the conservation measures undertaken in the CCAA/SHA/HCP would also protect the habitat features of the similar species.

c. The CCAA/SHA/HCP specifically addresses that species' habitat and meets the conservation needs of the species in the planning area.

The proposed critical habitat designation includes areas that are covered by the following permitted plan providing for the conservation of Louisiana pinesnake: Programmatic Candidate Conservation Agreement with Assurances with the Louisiana Department of Wildlife and Fisheries (LDWF CCAA).

The LDWF CCAA is intended to further the conservation of the Louisiana pinesnake on private lands by protecting known populations and additional potential habitat through reducing threats to the species' habitat and survival, restoring degraded potential habitat on suitable soils, and potentially reintroducing captive-bred snakes to select areas of the restored habitat.

Signed in 2017, the LDWF CCAA for Louisiana pinesnake is an umbrella document under which individual landowners in Bienville, Beauregard, Jackson, Natchitoches, Rapides, Sabine, Vernon, Winn, Grant, and Allen parishes, Louisiana, may participate. Three private landowners within the range of the Louisiana pinesnake hold certificates of inclusion under the enhancement of survival permit that expires in 2116. All enrolled parcels are in Bienville Parish, Louisiana, and total 5,388 ac (2,180 ha). The three properties consist of Bienville Kep, a 1,067-ac (432-ha) ranch; Bienville Plan, a 2,698-ac (1,092-ha) property; and Bienville San, a 1,624-ac (657-ha) property. They are of sufficient size to benefit the Louisiana pinesnake when conservation measures are implemented. Each landowner implements conservation measures designed to protect and enhance habitat for the benefit of the Louisiana pinesnake on private lands enrolled under the agreement. The three landowners must maintain upland pine habitats compatible with Louisiana pinesnake's life-history requirements in accordance with each certificate of inclusion. Conservation land use practices vary according to the needs of a particular enrolled landowner, but the three landowners currently enrolled use land management practices of prescribed fire, forest thinning, and replanting of native species on enrolled lands. The use of these measures maintains or improves the physical and biological features required by the Louisiana pinesnake, namely natural upland pine forests that contain open canopy stands of longleaf, shortleaf, slash, or loblolly pine trees that have low midstory tree density and pine tree basal area, limited scrub/shrub cover, and abundant, diverse, and native herbaceous vegetative groundcover (including a mix of grasses and forbs) to support the Louisiana pinesnake's primary prey item (Baird's pocket gopher). The LDWF CCAA also allows for implementation of other conservation measures beneficial to the Louisiana pinesnake that may be developed in the future.

After considering the factors described above, we have identified the following areas that we have reason to consider excluding because of permitted plans: 5,388 ac (2,180 ha) of private lands in Bienville Parish, Louisiana, currently enrolled in the LDWF CCAA for the Louisiana pinesnake. We describe below our reasons for considering these areas for potential exclusion.

Programmatic Candidate Conservation Agreement With Assurances With the Louisiana Department of Wildlife and Fisheries (LDWF CCAA)

Critical habitat within Unit 1 that is currently associated with the LDWF CCAA is wholly comprised of the three enrolled properties described above. Based on our review of the LDWF CCAA and proposed critical habitat for the Louisiana pinesnake, we do not anticipate requesting any additional conservation measures for the species beyond those that are currently in place. The LDWF CCAA covers the Louisiana pinesnake, addresses the specific habitat of the species and meets the conservation needs of the species, and is currently being implemented properly. Therefore, at this time, we are considering excluding those specific lands associated with the LDWF CCAA from the final designation of critical habitat for the Louisiana pinesnake. However, we will more thoroughly review the CCAA, the implementation of its conservation measures for the Louisiana pinesnake and its habitat, and public comment on this issue prior to finalizing critical habitat, and, if appropriate, we will exclude from critical habitat for the Louisiana pinesnake those lands enrolled in the LDWF CCAA.

Draft Programmatic Safe Harbor Agreement (SHA) for the Louisiana Pinesnake in Louisiana and Texas (Unknown Acreage)

The draft SHA was developed in 2021, and is expected to be finalized in 2022, with an enhancement of survival permit issued at the time of finalization. The parties to the draft SHA include the

LDWF, Texas A&M Forest Service, Texas Parks and Wildlife Department, and the Service. Non-federal landowners (''enrolled cooperators'') within the range of the species in western and central Louisiana and eastern Texas will be eligible to enroll suitable property under the SHA, when finalized, and receive a certificate of inclusion. The geographic area covered by the draft SHA includes Angelina, Hardin, Jasper, Nacogdoches, Newton, Polk, Sabine, San Augustine, Trinity, Tyler, and Wood counties in Texas, and Bienville, Beauregard, Jackson, Natchitoches, Rapides, Sabine, and Vernon parishes, and as well as additional lands in Winn, Grant, and Allen parishes, in Louisiana. Conservation measures implemented on enrolled properties are site-specific but will address loss and degradation of suitable habitat, isolated populations, and vehicle mortality, and will provide a net conservation benefit to the Louisiana pinesnake. Management actions specified in the draft SHA include prescribed fire, chemical vegetation control, thinning and conversion of loblolly and slash pine stands to longleaf pine forest, silviculture best management practices, and species and habitat monitoring. The use of these measures maintains or improves the physical and biological features required by the Louisiana pinesnake, namely upland natural pine forests that contain open-canopy stands of longleaf, shortleaf, slash, or loblolly pine trees that have low midstory tree density and pine tree basal area, limited scrub/shrub cover, and abundant, diverse, and native herbaceous vegetative groundcover (including a mix of grasses and forbs) to support the Louisiana pinesnake's primary prey item (Baird's pocket gopher). The draft SHA also allows for implementation of other conservation measures beneficial to the Louisiana pinesnake that may be developed in the future. Critical habitat within the range of the species that may be associated with the SHA is yet to be determined. When the draft SHA is finalized and the associated enhancement of survival permit issued, an unknown number of private properties in all proposed critical habitat units may be enrolled in the SHA. Based on our review of the draft SHA and proposed critical habitat for the Louisiana pinesnake, we find that the conservation measures within the draft SHA are sufficient to provide for the conservation of the Louisiana pinesnake on the enrolled lands. The draft SHA covers the Louisiana pinesnake, addresses the specific habitat of the species and meets the conservation needs of the species, and is expected to be implemented. Therefore, at this time, we are considering excluding from the final critical habitat designation those specific lands in private ownership that will be enrolled in the SHA prior to development of the final critical habitat designation for the Louisiana pinesnake. However, we will more thoroughly review the SHA, its conservation measures for the Louisiana pinesnake and its habitat, and public comment on this issue prior to finalizing critical habitat, and, if appropriate, we will exclude from critical habitat for the Louisiana pinesnake those lands enrolled in the finalized and permitted SHA.

Non-Permitted Conservation Plans, Agreements, or Partnerships

Shown below is a non-exhaustive list of factors that we consider in evaluating how non-permitted plans or agreements affect the benefits of inclusion or exclusion. These are not required elements of plans or agreements. Rather, they are some of the factors we may consider, and not all of these factors apply to every plan or agreement.

(i) The degree to which the record of the plan, or information provided by proponents of an exclusion, supports a conclusion that a critical habitat designation would impair the realization of the benefits expected from the plan, agreement, or partnership.

(ii) The extent of public participation in the development of the conservation plan.

(iii) The degree to which agency review and required determinations (*e.g.,* State regulatory requirements) have been completed, as necessary and appropriate.

(iv) Whether National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) compliance was required.

(v) The demonstrated implementation and success of the chosen mechanism.

(vi) The degree to which the plan or agreement provides for the conservation of the essential physical or biological features for the species.

(vii) Whether there is a reasonable expectation that the conservation management strategies and actions contained in a management plan or agreement will be implemented.

(viii) Whether the plan or agreement contains a monitoring program and adaptive management to ensure that the conservation measures are effective and can be modified in the future in response to new information.

The proposed critical habitat designation includes areas that are covered by the following non-permitted plan providing for the conservation of Louisiana pinesnake: The Nature Conservancy's Scrappin' Valley Easement (1,675 ac (678 ha)).

The Nature Conservancy of Texas holds a conservation easement in perpetuity on 1,675 ac (678 ha) of longleaf-dominated upland pine habitat in private ownership in Newton County, Texas. The land is managed with conservation actions, including prescribed fire, hardwood removal, thinning of loblolly and slash pine, and restoration planting, that maintain and improve the longleaf pine habitat for red-cockaded woodpeckers and also benefit the Louisiana pinesnake. The use of these measures maintains or improves the physical and biological features required by Louisiana pinesnake, namely upland natural pine forests that contain open-canopy stands of longleaf, shortleaf, slash, or loblolly pine trees that have low midstory tree density and pine tree basal area, limited scrub/shrub cover, and abundant, diverse, and native herbaceous vegetative groundcover (including a mix of grasses and forbs) that are required to support the Louisiana pinesnake's primary prey item (Baird's pocket gopher).

After considering the factors described above, we have identified the following areas that we have reason to consider excluding because of non-permitted plans: 1,675 ac (678 ha) of private lands in Scrappin' Valley under conservation easement held by The Nature Conservancy. Below, we describe our reasons for considering this area for potential exclusion.

The Nature Conservancy's Scrappin' Valley Easement

Critical habitat within proposed Unit 5 that is currently part of a perpetual conservation easement held by The Nature Conservancy of Texas is limited to the private lands described above. Based on our review of the easement and proposed critical habitat for the Louisiana pinesnake, we do not anticipate requesting any additional conservation measures for the species beyond those that are currently in place. The landowners have implemented conservation actions including habitat management that improves the vegetation structure of the habitat and benefits the Louisiana pinesnake. As described above, these efforts provide for the conservation of the physical or biological features essential to the conservation of the Louisiana pinesnake by maintaining or improving the upland natural pine forests so that they are characterized by open-canopy stands

with low midstory tree density and pine tree basal area, limited scrub/shrub cover, and abundant, diverse, and native herbaceous groundcover. The conservation easement is perpetual and we have a reasonable expectation that the strategies and actions will be implemented in the future to a similar degree they have in the past based on the habitat condition. The conservation easement includes a monitoring component and adaptive management to ensure conservation measures are effective and can be modified based on management results and conservation needs. We recognize that the private lands under the conservation easement make an important contribution to the conservation and recovery of the Louisiana pinesnake and expect these lands will continue to do so if excluded from the critical habitat designation for the species. Therefore, at this time, we are considering excluding those specific lands associated with the easement from the final designation of critical habitat for the Louisiana pinesnake. However, we will more thoroughly review the easement, the implementation of its conservation measures for the Louisiana pinesnake and its habitat, and public comment on this issue prior to finalizing critical habitat, and, if appropriate, we will exclude from critical habitat for the Louisiana pinesnake those lands covered by the easement.

Tribal Lands

Several Executive Orders, Secretarial Orders, and policies concern working with Tribes. These guidance documents generally confirm our trust responsibilities to Tribes, recognize that Tribes have sovereign authority to control Tribal lands, emphasize the importance of developing partnerships with Tribal governments, and direct the Service to consult with Tribes on a government-to-government basis.

A joint Secretarial Order that applies to both the Service and the National Marine Fisheries Service (NMFS)—Secretarial Order 3206, *American Indian Tribal Rights, Federal—Tribal Trust Responsibilities, and the Endangered Species Act* (June 5, 1997) (S.O. 3206)—is the most comprehensive of the various guidance documents related to Tribal relationships and Act implementation, and it provides the most detail directly relevant to the designation of critical habitat. In addition to the general direction discussed above, the appendix to S.O. 3206 explicitly recognizes the right of Tribes to participate fully in any listing process that may affect Tribal rights or Tribal trust resources; this includes the designation of critical habitat. Section 3(b)(4) of the appendix requires the Service to consult with affected Tribes when considering the designation of critical habitat in an area that may impact Tribal trust resources, Tribally owned fee lands, or the exercise of Tribal rights. That provision also instructs the Service to avoid including Tribal lands within a critical habitat designation unless the area is essential to conserve a listed species, and it requires the Service to evaluate and document the extent to which the conservation needs of the listed species can be achieved by limiting the designation to other lands.

Our implementing regulations at 50 CFR 424.19 and the 2016 Policy are consistent with S.O. 3206. When we undertake a discretionary exclusion analysis under section 4(b)(2) of the Act, in accordance with S.O. 3206, we consult with any Tribe whose Tribal trust resources, Tribally owned fee lands, or Tribal rights may be affected by including any particular areas in the designation, and we evaluate the extent to which the conservation needs of the species can be achieved by limiting the designation to other areas and give great weight to Tribal concerns in analyzing the benefits of exclusion.

However, S.O. 3206 does not override the Act's statutory requirement of designation of critical habitat. As stated above, we must consult with any Tribe when a designation of critical habitat may affect Tribal lands or resources. The Act requires us to identify areas that meet the definition of ''critical habitat'' (*i.e.,* areas occupied at the time of listing that contain the essential physical or biological features which may require special management considerations or protection, and unoccupied areas that are essential to the conservation of a species), without regard to land ownership. While S.O. 3206 provides important direction, it expressly states that it does not modify the Secretary's statutory authority under the Act or other statutes. There are no Tribal lands within the proposed critical habitat for the Louisiana pinesnake.

Federal Lands

Federal land managers have unique obligations under the Act. First, Congress declared its policy that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act (section 2(c)(1)). Second, all Federal agencies have responsibilities under section 7 of the Act to carry out programs for the conservation of listed species and to ensure their actions are not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. Therefore, in general we focus our exclusions on non-Federal lands. Our regulations at 50 CFR 424.19 and the 2016 Policy provide for the consideration of the exclusion of Federal lands in particular instances.

In preparing this proposal, we have determined that portions of the Catahoula and Calcasieu ranger districts in the Kisatchie National Forest (Units 2, 3, 4) and the Angelina National Forest (Unit 6) are Federal lands that meet the definition of critical habitat for the Louisiana pinesnake. However, at this time, we are not aware of information of economic or other relevant impact that is meaningful to support a benefit of exclusion on those Federal lands. Therefore, we are not considering to exclude any Federal lands, other than those discussed above that we are considering for exclusion for national security reasons, from this proposed designation of critical habitat. However, if, through the public comment period, we receive information regarding impacts to Federal lands within the proposed designation of critical habitat for the Louisiana pinesnake, then as part of developing the final designation of critical habitat, we will evaluate that information to determine whether to conduct a discretionary exclusion analysis to determine whether to exclude those areas under the authority of section 4(b)(2) of the Act and our implementing regulations at 50 CFR 424.19. If after this evaluation we do not exclude, we will fully explain our decision.

Summary of Exclusions Considered Under Section 4(b)(2) of the Act

Based on the information provided by entities seeking exclusion, as well as any additional public comments we receive, we will evaluate whether certain lands in the proposed critical habitat Units 1–6 are appropriate for exclusion from the final designation under section 4(b)(2) of the Act. If the analysis indicates that the benefits of excluding lands from the final designation outweigh the benefits of designating those lands as critical habitat, then the Secretary may exercise her discretion to exclude the lands from the final designation.

We have reason to consider excluding the following areas under section 4(b)(2) of the Act from the final critical habitat designation for Louisiana pinesnake. Table 2, below, provides approximate areas (ac, ha) of lands that meet the definition of critical habitat but for

which we are considering possible exclusion under section 4(b)(2) of the Act from the final critical habitat rule.

TABLE 2—AREAS CONSIDERED FOR EXCLUSION BY CRITICAL HABITAT UNIT

Unit	Specific area	Areas meeting the definition of critical habitat, in acres (hectares)	Areas considered for possible exclusion, in acres (hectares)	Rationale for proposed exclusion
Unit 1: Bienville	LDWF CCAA	61,083 (24,720)	5,388 (2,180)	Conservation partnership.
Unit 4: Fort Polk/Vernon	USFS lands permitted for use by DOD	43,789 (17,721)	42,897 (17,360)	National security.
Unit 5: Scrappin' Valley	TNC conservation easement	5,058 (2,047)	1,675 (678)	Conservation partnership.
Units 1–6	Louisiana Pinesnake Programmatic SHA.	Up to 209,520 (84,790)	Enrolled lands	Conservation partnership.

In conclusion, for this proposed rule, we have reason to consider excluding the areas identified above based on national security impacts and other relevant impacts. We specifically solicit comments on the inclusion or exclusion of such areas. During the development of a final designation, we will consider any information currently available or received during the public comment period regarding other relevant impacts of the proposed designation and will determine whether these or any other specific areas should be excluded from the final critical habitat designation under authority of section 4(b)(2) of the Act, our implementing regulations at 50 CFR 424.19, and the joint 2016 Policy.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

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

(3) Use clear language rather than jargon;

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

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this proposed rule is not significant.

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

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine whether potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

Under the RFA, as amended, and as understood in light of recent court decisions, Federal agencies are required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself; in other words, the RFA does not require agencies to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of

the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies would be directly regulated if we adopt the proposed critical habitat designation. There is no requirement under the RFA to evaluate the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities would be directly regulated by this rulemaking, the Service certifies that, if made final as proposed, this critical habitat designation will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if made final as proposed, this critical habitat designation will not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. In our economic analysis, we did not find that this proposed critical habitat designation would significantly affect energy supplies, distribution, or use, because these types of activities are not occurring and not expected to occur in areas being proposed as critical habitat. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following finding:

(1) This proposed rule would not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or Tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or Tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this proposed rule would significantly or uniquely affect small governments because the government-owned lands being proposed for critical habitat designation are owned by the State of Louisiana, the Department of Defense, and the U.S. Forest Service. None of these government entities fits the definition of ''small governmental jurisdiction.'' Small governments will be affected only to the extent that any programs having Federal funds, permits, or other authorized activities must ensure that their actions will not adversely affect the critical habitat. Therefore, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for the Louisiana pinesnake in a takings implications assessment. The Act does not authorize the Service to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership, or establish any closures, or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed for the proposed designation of critical habitat for Louisiana pinesnake, and it concludes that, if adopted, this designation of critical habitat does not pose significant takings implications for lands within or affected by the designation.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant Federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this

proposed critical habitat designation with, appropriate State resource agencies. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the proposed rule does not have substantial direct effects either on the States, or on the relationship between the national government and the States, or on the distribution of powers and responsibilities among the various levels of government. The proposed designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical or biological features of the habitat necessary for the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist State and local governments in long-range planning because they no longer have to wait for case-by-case section 7 consultations to occur.

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) of the Act would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. We have proposed designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, this proposed rule identifies the physical or biological features essential to the conservation of the species. The proposed areas of critical habitat are presented on maps, and the proposed rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This proposed rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We coordinated with the Chitimacha, Coushatta, Tunica-Biloxi, Alabama-Coushatta, and Jena Band of Choctaw Tribes as we began to develop the species status assessment for the Louisiana pinesnake in 2019, and we provided the IEM to the same Tribes as we began work on proposing critical habitat. We have determined that no Tribal lands fall within the boundaries of the proposed critical habitat for the Louisiana pinesnake, so no Tribal lands would be affected by the proposed designation.

References Cited

A complete list of references cited in this rulemaking is available on the internet at *https://www.regulations.gov* and upon request from the Louisiana Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Louisiana Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11, in paragraph (h), by revising the entry for ''Pinesnake, Louisiana'' in the List of Endangered and Threatened Wildlife under REPTILES to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	* * *
REPTILES				
*	*	*	*	* * *
Pinesnake, Louisiana	*Pituophis ruthveni*	Wherever found	T	83 FR 14958, 4/6/2018; 50 CFR 17.42(i);[4d] 50 CFR 17.95(c).[CH]
*	*	*	*	* * *

■ 3. Amend § 17.95, in paragraph (c), by adding an entry for ''Louisiana Pinesnake (*Pituophis ruthveni*)'', immediately following the entry for ''Black Pinesnake (*Pituophis melanoleucus lodingi*)'', to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(c) *Reptiles.*

* * * * *

Louisiana Pinesnake (*Pituophis ruthveni*)

(1) Critical habitat units are depicted for Bienville, Grant, Rapides, and Vernon parishes, Louisiana, and Angelina, Jasper, and Newton Counties, Texas, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of the Louisiana pinesnake consist of the following components:

(i) Upland natural pine habitats that contain open-canopy stands of longleaf, shortleaf, slash, or loblolly pine trees that have:

(A) Low midstory tree density;

(B) Low midstory pine tree basal area;

(C) Low scrub/shrub cover; and

(D) Abundant, diverse, and native herbaceous vegetative groundcover, including a mix of grasses and forbs.

(ii) Suitable habitat in large (7,166 acres (2,900 hectares)), contiguous blocks.

(iii) Soils with high sand content and a low water table.

(iv) An adequate Baird's pocket gopher (*Geomys breviceps*) population, as evidenced by abundant and widely distributed active mound complexes.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on [EFFECTIVE DATE OF FINAL RULE].

(4) Data layers defining map units were created with the U.S. Geological Survey's National Hydrography Dataset flowline data and the USFS Geodata Clearinghouse on a base map of roads and State and County boundaries from the U.S. Census Bureau Topologically Integrated Geographic Encoding and Referencing database files. Critical habitat units were mapped using the Geographic Coordinate System North American 1983 coordinates. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's internet site at *https://www.regulations.gov* at Docket No. FWS–R4–ES–2021–0166, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

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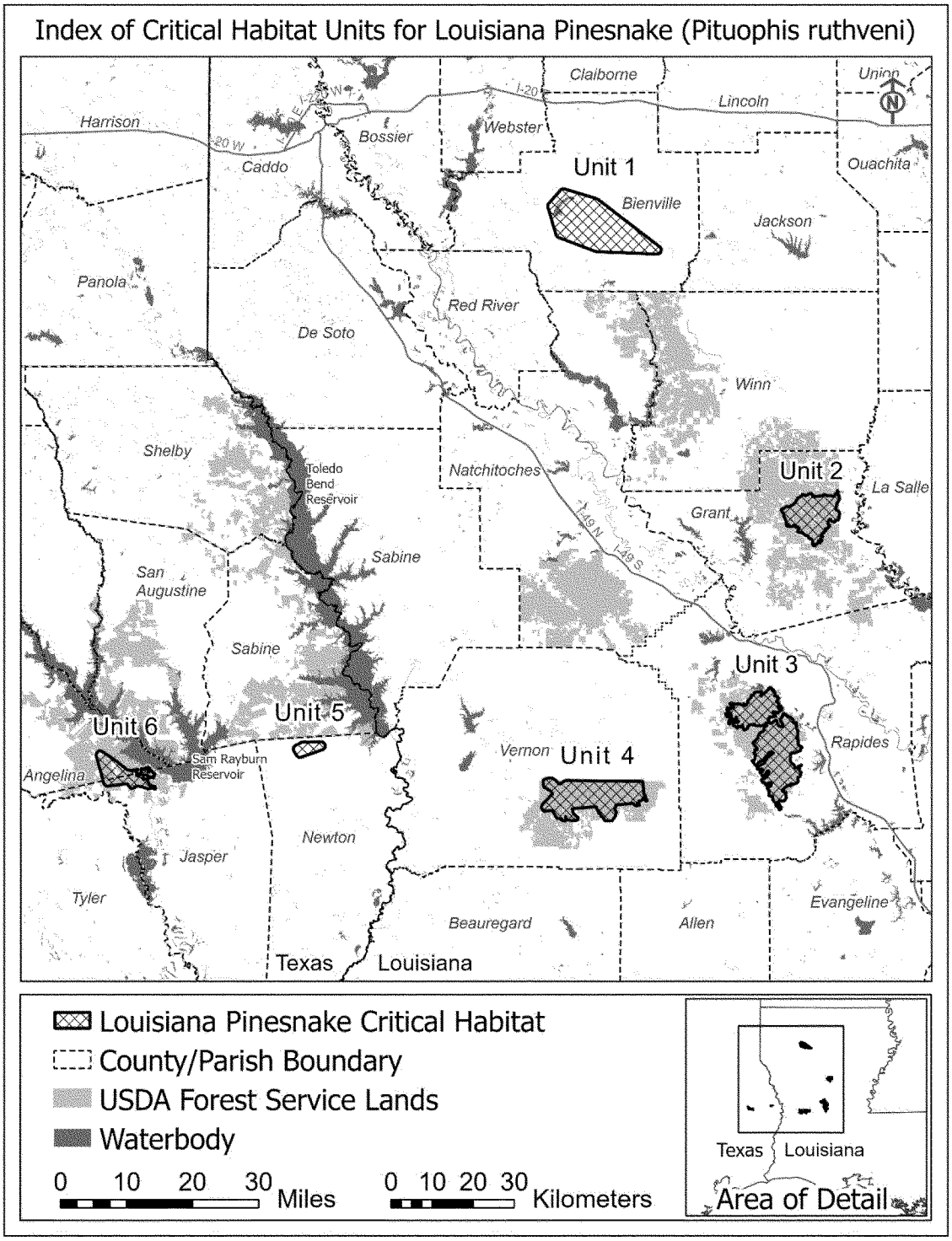
(5) Index map follows:

Figure 1 to Louisiana Pinesnake (*Pituophis ruthveni*) paragraph (5)

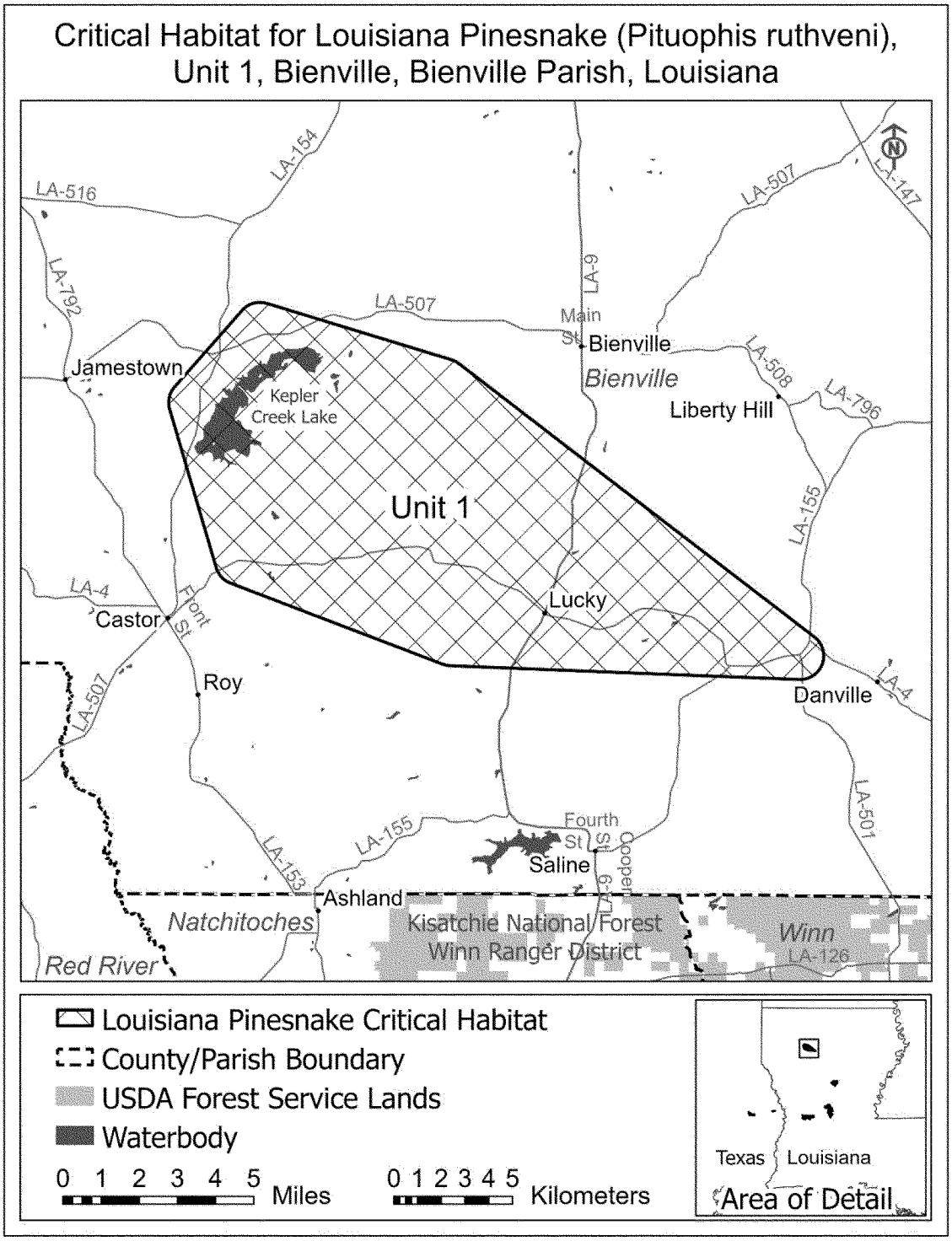


(6) Unit 1: Bienville, Bienville Parish, Louisiana.

(i) Unit 1 consists of 61,083 acres (ac) (24,720 hectares (ha)) west of Highway 155 and east of Highway 507, approximately 40 miles (64 kilometers) southeast of Shreveport, Louisiana, in Bienville Parish, Louisiana. Unit 1 is composed of lands in State (333 ac (135 ha)) and private (60,750 ac (24,585 ha)) ownership.

(ii) Map of Unit 1 follows:

Figure 2 to Louisiana Pinesnake (*Pituophis ruthveni*) paragraph (6)(ii)



(7) Unit 2: Catahoula, Grant Parish, Louisiana.

(i) Unit 2 consists of 26,403 ac (10,685 ha) east of U.S. Highway 167 and west of U.S. Highway 165 in Grant Parish, Louisiana, including lands in Federal (24,436 ac (9,889 ha)) and private (1,967 ac (796 ha)) ownership.

(ii) Map of Unit 2 follows:

Figure 3 to Louisiana Pinesnake (*Pituophis ruthveni*) paragraph (7)(ii)

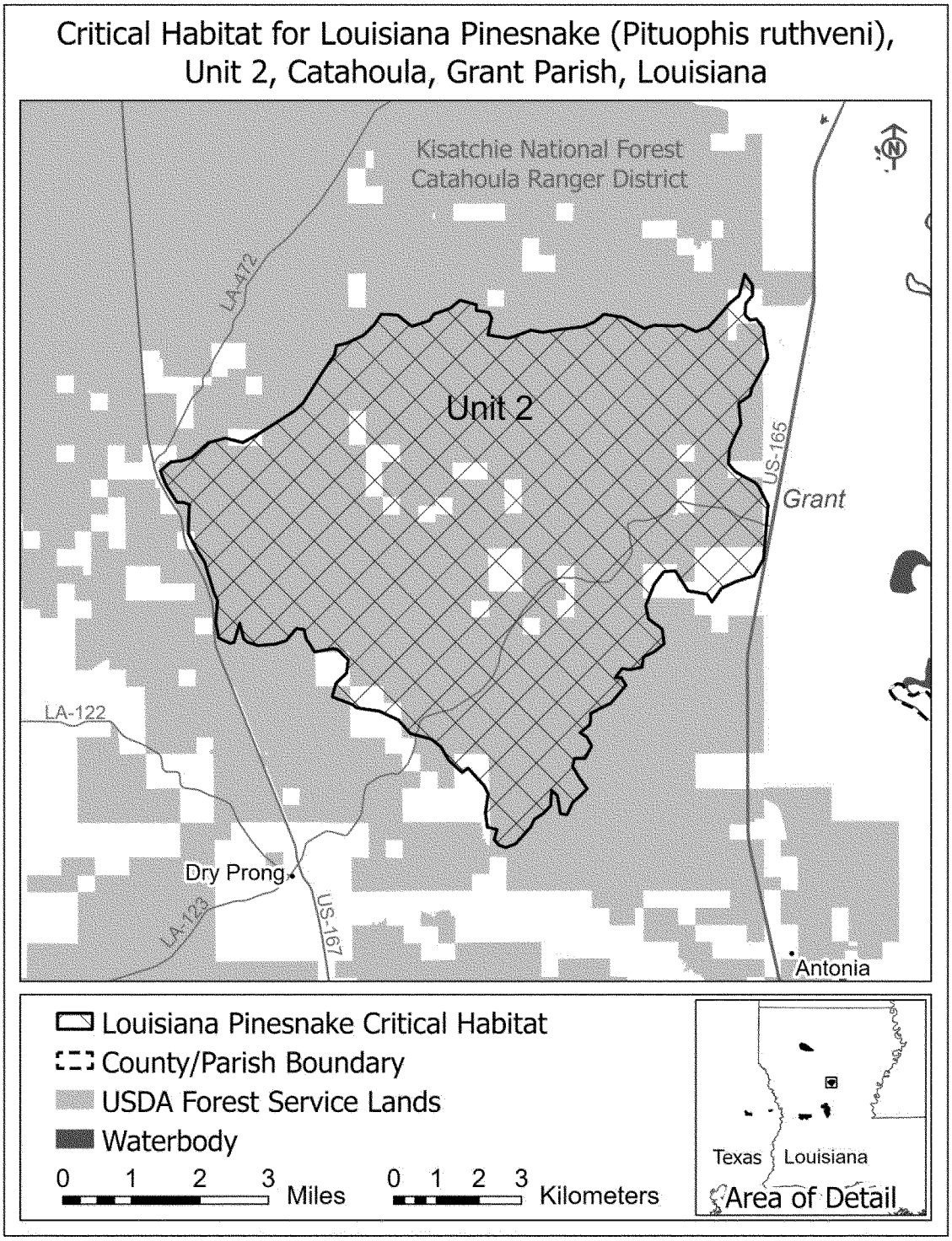
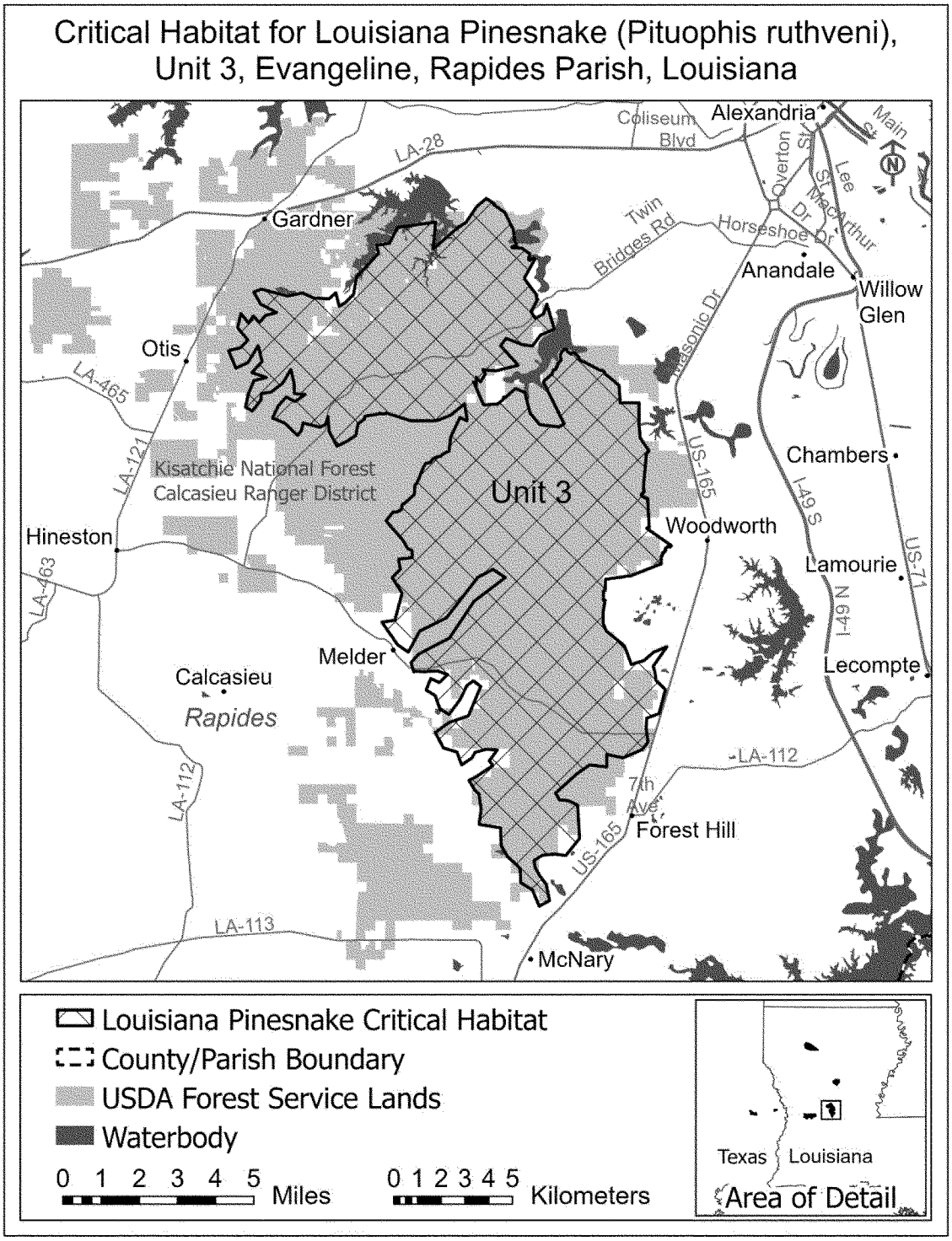


Figure 4 to Louisiana Pinesnake (*Pituophis ruthveni*) paragraph (8)(ii)

(8) Unit 3: Evangeline, Rapides Parish, Louisiana.

(i) Unit 3 consists of 57,223 ac (23,157 ha) approximately 10 miles (16 kilometers) southwest of Alexandria, Louisiana, in Rapides Parish, Louisiana, including lands in Federal (54,507 ac (22,058 ha)) and private (2,716 ac (1,099 ha)) ownership.

(ii) Map of Unit 3 follows:

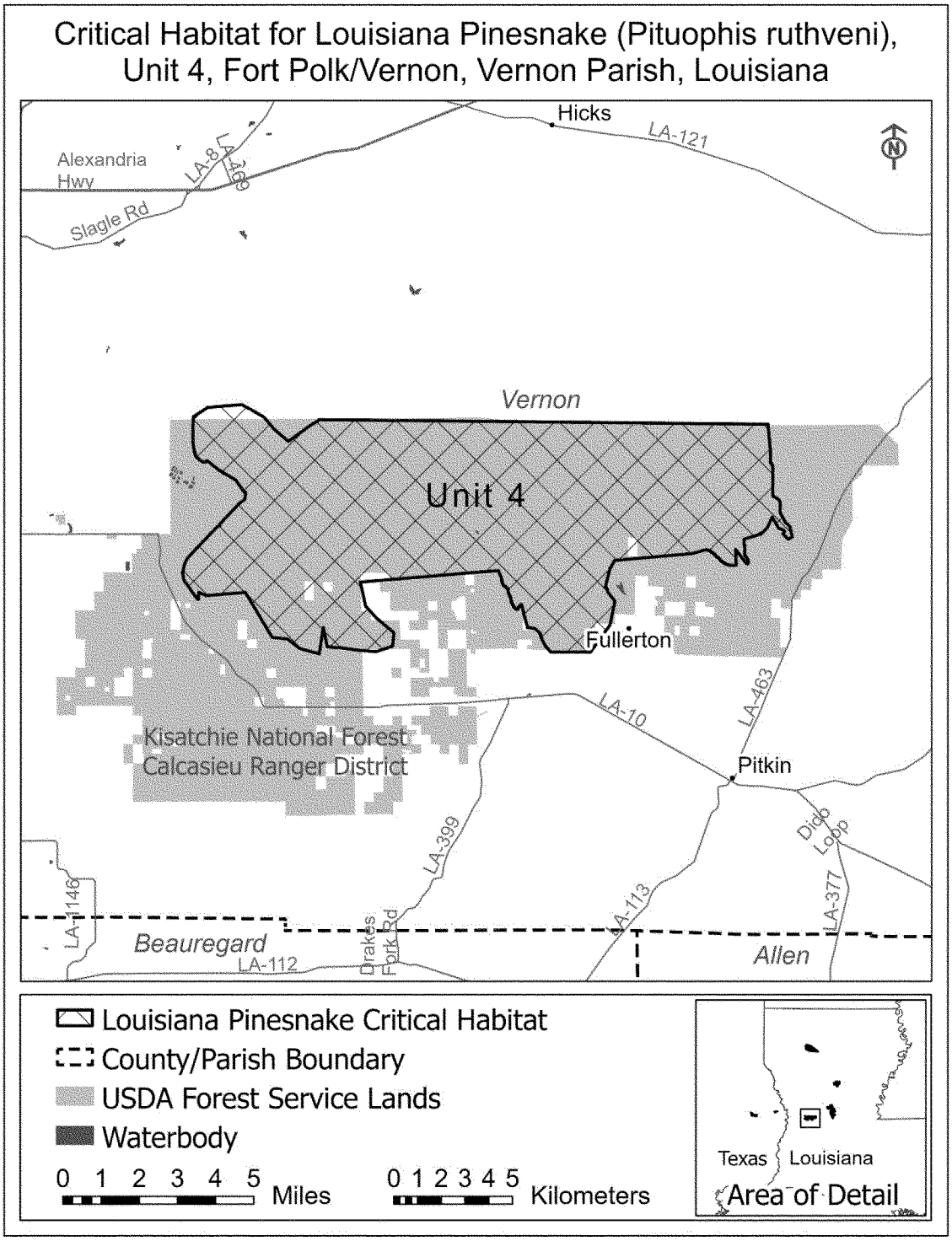


(9) Unit 4: Fort Polk/Vernon, Vernon Parish, Louisiana.

(i) Unit 4 consists of 43,789 ac (17,721 ha) approximately 12 miles (19 kilometers) northeast of Pitkin, Louisiana, and 12 miles south of Hicks, Louisiana, in Vernon Parish, Louisiana, including lands in Federal (42,897 ac (17,360 ha)) and private (892 ac (361 ha)) ownership.

(ii) Map of Unit 4 follows:

Figure 5 to Louisiana Pinesnake (*Pituophis ruthveni*) paragraph (9)(ii)

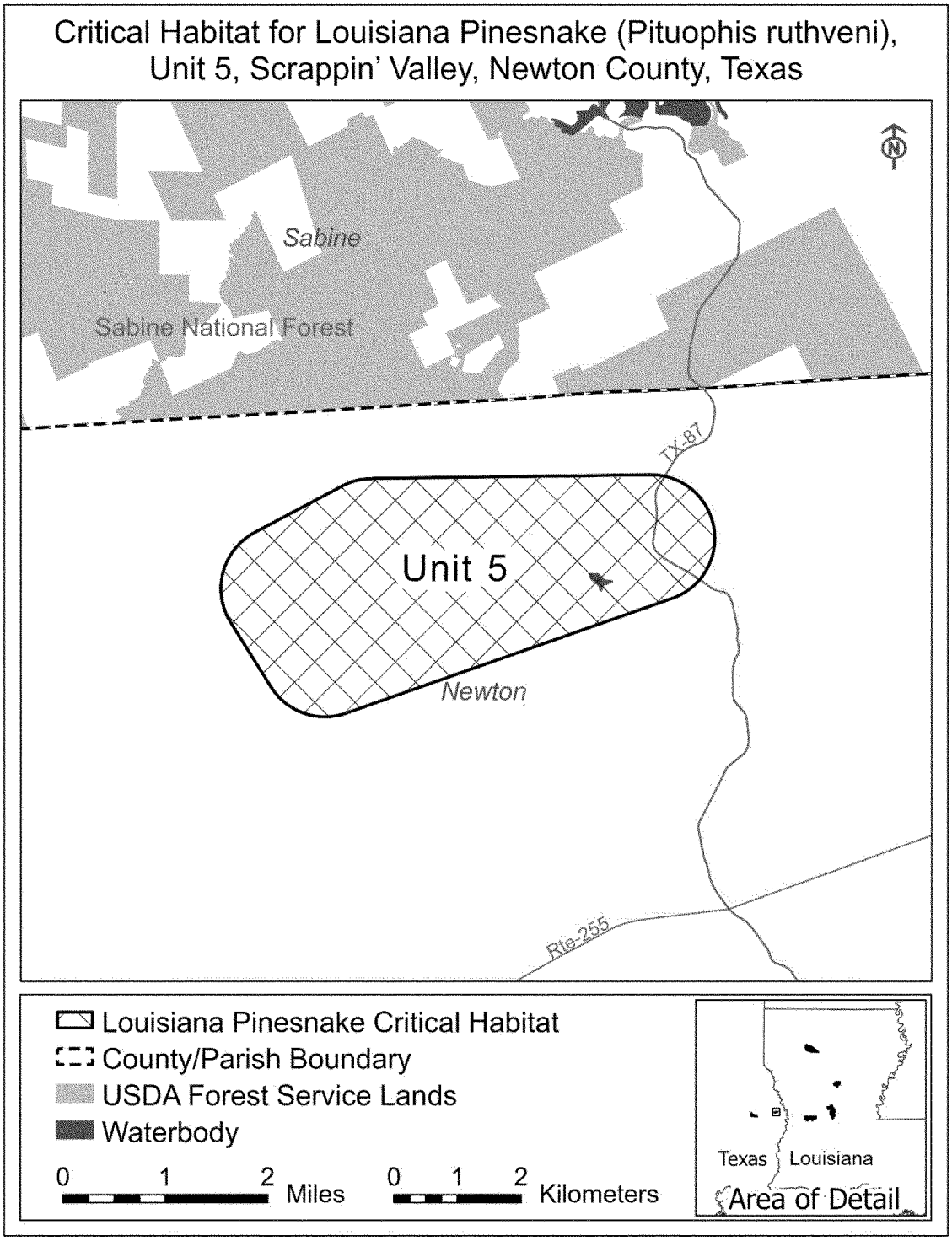


(10) Unit 5: Scrappin' Valley, Newton County, Texas.

(i) Unit 5 consists of 5,058 ac (2,047 ha) west of Texas State Highway 87 and north of Texas Recreational Road 255 in Newton County, Texas. Unit 5 is composed of lands in private ownership.

(ii) Map of Unit 5 follows:

Figure 6 to Louisiana Pinesnake (*Pituophis ruthveni*) paragraph (10)(ii)

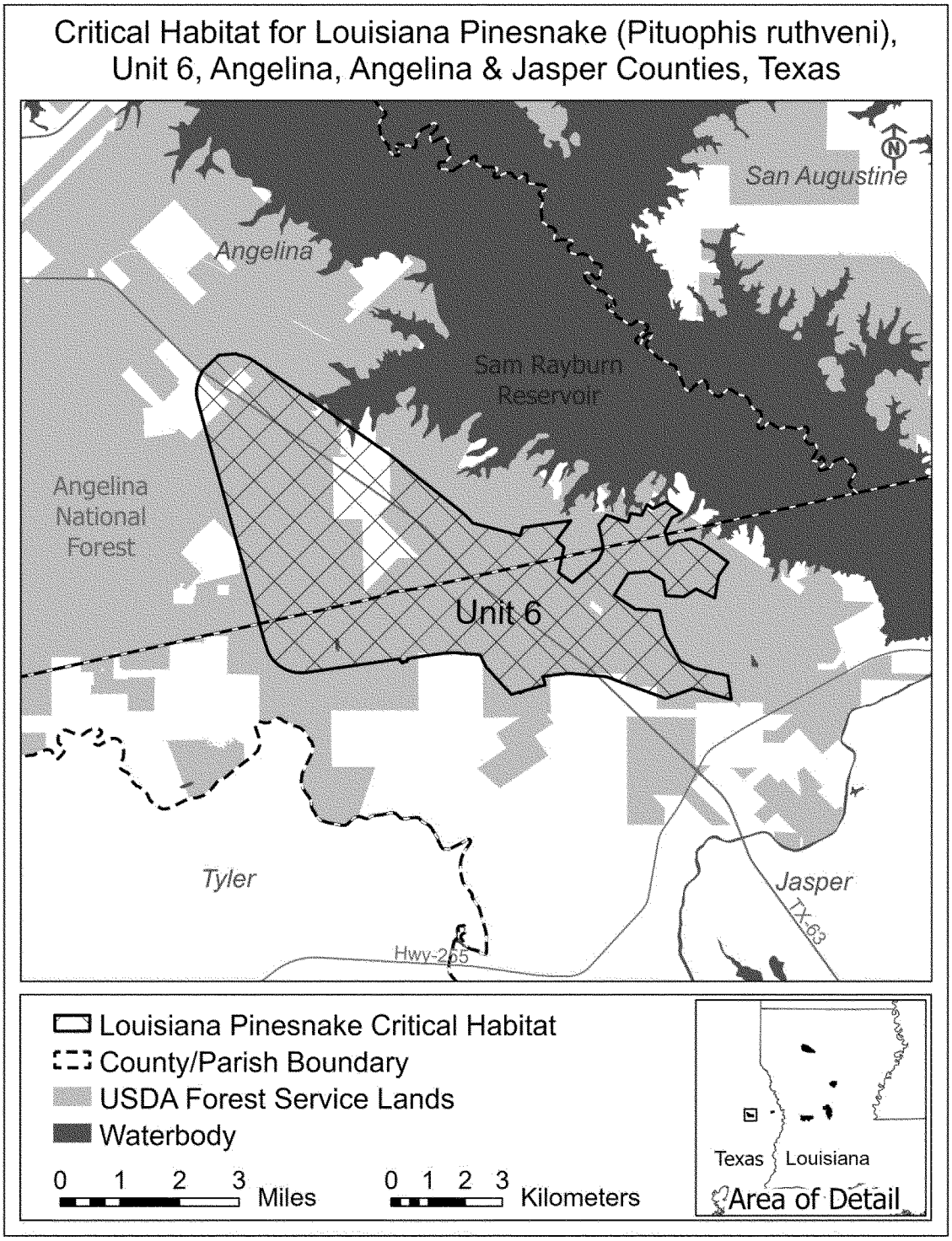


(11) Unit 6: Angelina, Angelina and Jasper Counties, Texas.

(i) Unit 6 consists of 15,966 ac (6,461 ha) approximately 7 miles (11 kilometers) southeast of Zavalla, Texas, in southeastern Angelina and northwestern Jasper Counties, Texas, including lands in Federal (14,424 ac (5,837 ha)) and private (1,542 ac (624 ha)) ownership.

(ii) Map of Unit 6 follows:

Figure 7 to Louisiana Pinesnake (*Pituophis ruthveni*) paragraph (11)(ii)


Critical Habitat for Louisiana Pinesnake (Pituophis ruthveni), Unit 6, Angelina, Angelina & Jasper Counties, Texas
San Augustine
Angelina
Sam Rayburn Reservoir
Angelina National Forest
Unit 6
Tyler
Jasper
TX-63
Hwy-255
Louisiana Pinesnake Critical Habitat
County/Parish Boundary
USDA Forest Service Lands
Waterbody
0 1 2 3 Miles
0 1 2 3 Kilometers
Texas
Louisiana
Area of Detail

* * * * *

Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2022–21333 Filed 10–5–22; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R8–ES–2022–0083; FF09E21000 FXES1111090FEDR 223]

RIN 1018–BF84

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Lassics Lupine and Designation of Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to list the Lassics lupine (*Lupinus constancei*), a plant species native to northern California, as an endangered species and designate critical habitat under the Endangered Species Act of 1973, as amended (Act). This determination also serves as our 12-month finding on a petition to list the Lassics lupine. After a review of the best available scientific and commercial information, we find that listing the species is warranted. If we finalize this rule as proposed, it would add this species to the List of Endangered and Threatened Plants and extend the Act's protections to the species. We also propose to designate critical habitat for the Lassics lupine under the Act. In total, approximately 512 acres (ac) (207 hectares (ha)) in Humboldt and Trinity Counties, California, fall within the boundaries of the proposed critical habitat designation. In addition, we announce the availability of a draft economic analysis (DEA) of the proposed designation of critical habitat for the Lassics lupine.

DATES: We will accept comments received or postmarked on or before December 5, 2022. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by November 21, 2022.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *https://www.regulations.gov.* In the Search box, enter FWS–R8–ES–2022–0083, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on ''Comment.''

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–R8–ES–2022–0083, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *https://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

Availability of supporting materials: For the proposed critical habitat designation, the coordinates or plot points or both from which the maps are generated are included in the decision file for this critical habitat designation and are available at *https://www.regulations.gov* at Docket No. FWS–R8–ES–2022–0083 and on the Service's website at *https://www.fws.gov/office/arcata-fish-and-wildlife.* Additional supporting information that we developed for this critical habitat designation will be available on the Service's website, at *https://www.regulations.gov,* or both.

FOR FURTHER INFORMATION CONTACT: Tanya Sommer, Field Supervisor, Arcata Fish and Wildlife Office, 1655 Heindon Road, Arcata, CA 95521; telephone 707–822–7201. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, a species warrants listing if it meets the definition of an endangered species (in danger of extinction throughout all or a significant portion of its range) or a threatened species (likely to become endangered within the foreseeable future throughout all or a significant portion of its range). If we determine that a species warrants listing, we must list the species promptly and designate the species' critical habitat to the maximum extent prudent and determinable. We have determined that the Lassics lupine meets the definition of an endangered species; therefore, we are proposing to list it as such and proposing a designation of its critical habitat. Both listing a species as an endangered or threatened species and designating critical habitat can be completed only by issuing a rule through the Administrative Procedure Act rulemaking process.

What this document does. We propose to list the Lassics lupine as an endangered species under the Act, and we propose the designation of critical habitat for the species.

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that the Lassics lupine is in danger of extinction primarily due to woody vegetation encroachment, pre-dispersal seed predation, fire, and reduced soil moisture due to drought associated with ongoing climate change.

Section 4(a)(3) of the Act requires the Secretary of the Interior (Secretary) to designate critical habitat concurrent with listing to the maximum extent prudent and determinable. Section 3(5)(A) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protections; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. Section 4(b)(2) of the Act states that the Secretary must make the designation on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impacts of specifying any particular area as critical habitat.

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule.

We particularly seek comments concerning:

(1) The species' biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for pollination, reproduction, and dispersal;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns, and the locations of any additional populations of this species;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Factors that may affect the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species and existing regulations that may be addressing those threats.

(4) Additional information concerning the historical and current status of this species.

(5) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including information to inform the following factors that the regulations identify as reasons why designation of critical habitat may be not prudent:

(a) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species; or

(b) Such designation of critical habitat would not be beneficial to the species. In determining whether a designation would not be beneficial, the factors the Services may consider include but are not limited to: Whether the present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or whether any areas meet the definition of ''critical habitat.''

(6) Specific information on:

(a) The amount and distribution of Lassics lupine habitat;

(b) Any additional areas occurring within the range of the species in Humboldt and Trinity Counties, California, that should be included in the designation because they either are occupied at the time of listing and contain the physical or biological features that are essential to the conservation of the species and that may require special management considerations, or are unoccupied at the time of listing and are essential for the conservation of the species;

(c) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change.

(7) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(8) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation, and the related benefits of including or excluding specific areas.

(9) Information on the extent to which the description of probable economic impacts in the draft economic analysis is a reasonable estimate of the likely economic impacts and any additional information regarding probable economic impacts that we should consider.

(10) Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act. If you think we should exclude any additional areas, please provide information supporting a benefit of exclusion.

(11) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, do not provide substantial information necessary to support a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made ''solely on the basis of the best scientific and commercial data available'' and section 4(b)(2) of the Act directs that the Secretary shall designate critical habitat on the basis of the best scientific information available.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *https://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *https://www.regulations.gov*.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *https://www.regulations.gov*.

Because we will consider all comments and information we receive during the comment period, our final determinations may differ from this proposal. Based on the new information we receive (and any comments on that new information), we may conclude that the species is threatened instead of endangered, or we may conclude that the species does not warrant listing as either an endangered species or a threatened species. For critical habitat, our final designation may not include all areas proposed, may include some additional areas that meet the definition of critical habitat, or may exclude some areas if we find the benefits of exclusion outweigh the benefits of inclusion.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers

at least 15 days before the hearing. We may hold the public hearing in person or virtually via webinar. We will announce any public hearing on our website, in addition to the **Federal Register**. The use of virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

On January 15, 2016, we were petitioned to list the Lassics lupine as an endangered species under the Act by Dave Imper, Sydney Carothers, the Center for Biological Diversity, and the California Native Plant Society (CNPS) (Imper et al. 2016, entire). On September 14, 2016, we published in the **Federal Register** (81 FR 63160) a 90-day finding stating that the petition presented substantial scientific or commercial information indicating that the petitioned action may be warranted. This proposed rule constitutes our 12-month finding on that petition.

Supporting Documents

A species status assessment (SSA) team prepared an SSA report for the Lassics lupine (Service 2022, entire). The SSA team was composed of Service biologists, and the report was prepared in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species. In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act, we sought the expert opinions of four appropriate specialists, with expertise in rare plant conservation and Lassics lupine biology, regarding the SSA report. We received four responses. Comments from peer reviewers have been incorporated into our SSA report as appropriate.

I. Proposed Listing Determination

Background

A thorough review of the taxonomy, life history, and ecology of the Lassics lupine (*Lupinus constancei*) is presented in the SSA report (version 1; Service 2022, pp. 11–18).

The following species description is largely paraphrased from the original species description and the Jepson Manual, 2nd edition (Nelson and Nelson 1983, entire; Baldwin et al. 2012, pp. 772–775). Lassics lupine is a taprooted, herbaceous perennial that grows to a height of less than 15 centimeters (cm) (6 inches (in)) from a short, slightly woody stem. The leaves and stem are covered in relatively long, shaggy hairs, and the plant is cespitose (growing close to the ground). Like other plants in the genus *Lupinus,* the leaves are palmately compound and generally clustered around the base.

Like other flowers of the family Fabaceae (legumes), the flowers of Lassics lupine are pea-like and composed of five unique petals. The flowers are pink and white with some variation between the individual petals. The flowers are arranged in a dense inflorescence called a raceme, meaning individuals flowers emerge on short stalks (pedicel) along a central axis. Mature plants can produce up to 20 or more inflorescences (clusters of flowers), but they typically produce fewer. Lassics lupine flowers develop into a fruit called a legume that splits in two halves (pods) that produce between one and five seeds, with an average of two seeds per fruit (Kurkjian 2012b, p. 5).

Lassics lupine reproduction occurs entirely through seed, and like many members of the legume family, they exhibit seed dormancy, meaning there is a physical barrier that prevents moisture from entering seeds (*i.e.,* an impermeable seed coat) (Guerrant 2007, p. 13). This seed coat prevents germination and allows the plant to form a persistent seed bank. This seed coat appears relatively robust upon inspection, and germination trials suggest that scarification (intentionally damaging the seed coat) is necessary for germination to occur in laboratory conditions (Guerrant 2007, p. 14). This suggests that abrasion or other damage to the seed coat is necessary for germination in natural conditions.

It is unknown exactly when the majority of Lassics lupine seeds typically germinate, but it is thought to occur shortly after snow has melted (which is typically between March and May) and temperatures begin to rise. Plants can flower and produce seed within their second year but more often, they take several years to reproduce (CDFW 2018, p. 13; Kurkjian 2012b, entire). Lassics lupine typically blooms from June to July but can start producing flowers as early as May (for example, plants were blooming in May in both 2020 and 2021) (Baldwin et al. 2012, p. 772).

Lassics lupine may be capable of self-pollination, based on evidence of partial fruit development in flowers that were experimentally hand-pollinated and excluded from pollinator visits (Crawford and Ross 2003, p. 3). However, Lassics lupine is also visited at high rates by three bee species: yellow-faced bumblebee (*Bombus vosnesenskii*), black-tailed bumblebee (*Bombus melanopygus*), and a mason bee species (*Osmia* spp.) (Crawford and Ross 2003, p. 2). All three of the bee species appear to be capable pollinators given that they are large enough to trigger the mechanism that releases pollen from the individual flowers, but no pollination experiments have taken place to quantify the rate or efficacy of these pollinator species (Crawford and Ross 2003, p. 3).

Lassics lupine is documented to occur between 1,700–1,800 meters (m) (5,600–5,800 feet (ft)) in elevation around Mount Lassic and Red Lassic on the border of Humboldt and Trinity Counties, California. The species is currently described in two elemental occurrences, or populations, as delineated by the California Natural Diversity Database (CNDDB). CNDDB considers populations to be spatially explicit if they are separated by a 0.4-kilometer (km) (0.25-mile (mi)) interval.

Lassics lupine occurs on or in the vicinity of serpentine soils in the Lassics Mountains, mainly on barren slopes with very shallow soil and low organic matter, or less commonly, near edges of Jeffrey pine (*Pinus jeffreyi*) forests. Most plants occur in areas with little to no tree overstory and can occur on flat or steep slopes with high proportions of gravel or cobble on the surface.

Two populations comprise the total of Lassics lupine occurrences: the Red Lassic and Mount Lassic populations (see figure 1, below). Over the previous 5 years of monitoring, the Red Lassic population has ranged in size from 0–125 individuals, and the Mount Lassic population has ranged in size from 67–481 individuals. Rangewide totals of adult plants have ranged from fewer than 200 to approximately 1,000 individuals over the previous 5 years of monitoring.

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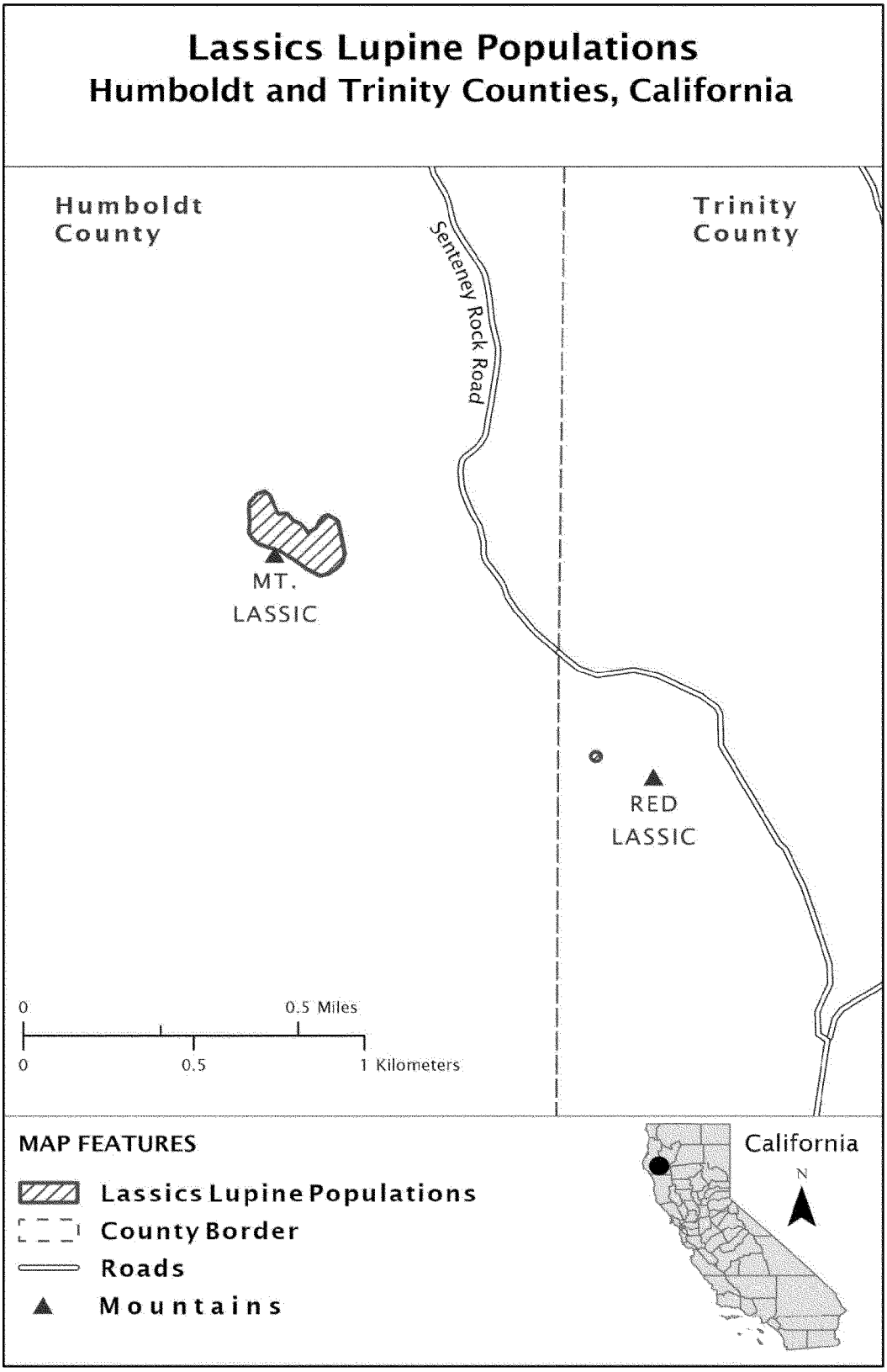

FIGURE 1. —LASSICS LUPINE POPULATIONS ON MOUNT LASSIC AND RED LASSIC.

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Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for threatened and endangered species. In 2019, jointly with the National Marine Fisheries Service, the Service issued final rules that revised the regulations in 50 CFR parts 17 and 424 regarding how we add, remove, and reclassify threatened and endangered species and the criteria for designating listed species' critical habitat (84 FR 45020 and 84 FR 44752; August 27, 2019). At the same time the Service also issued final regulations that, for species listed as threatened species after September 26, 2019, eliminated the Service's general protective regulations automatically applying to threatened species the prohibitions that section 9 of the Act applies to endangered species (collectively, the 2019 regulations).

However, on July 5, 2022, the U.S. District Court for the Northern District of California vacated the 2019 regulations (*Center for Biological Diversity* v. *Haaland,* No. 4:19–cv–05206–JST, Doc. 168 (N.D. Cal. July 5, 2022) (*CBD* v. *Haaland*)), reinstating the regulations that were in effect before the effective date of the 2019 regulations as the law governing species classification and critical habitat decisions. Accordingly, in developing the analysis contained in this proposal, we applied the pre-2019 regulations, which may be reviewed in the 2018 edition of the Code of Federal Regulations at 50 CFR 424.02, 424.11(d), and 424.12(a)(1) and (b)(2)). Because of the ongoing litigation regarding the court's vacatur of the 2019 regulations, and the resulting uncertainty surrounding the legal status of the regulations, we also undertook an analysis of whether the proposal would be different if we were to apply the 2019 regulations. That analysis, which we described in a separate memo in the decisional file and posted on *https://www.regulations.gov,* concluded that we would have reached the same proposal if we had applied the 2019 regulations because under either regulatory scheme we find that critical habitat is prudent for Lassics lupine and that the occupied areas proposed for critical habitat are adequate to ensure the conservation of the species.

On September 21, 2022, the U.S. Circuit Court of Appeals for the Ninth Circuit stayed the district court's July 5, 2022, order vacating the 2019 regulations until a pending motion for reconsideration before the district court is resolved (*In re: Cattlemen's Ass'n,* No. 22–70194). The effect of the stay is that the 2019 regulations are currently the governing law. Because a court order requires us to submit this proposal to the **Federal Register** by September 30, 2022, it is not feasible for us to revise the proposal in response to the Ninth Circuit's decision. Instead, we hereby adopt the analysis in the separate memo that applied the 2019 regulations as our primary justification for the proposal. However, due to the continued uncertainty resulting from the ongoing litigation, we also retain the analysis in this preamble that applies the pre-2019 regulations and we conclude that, for the reasons stated in our separate memo analyzing the 2019 regulations, this proposal would have been the same if we had applied the pre-2019 regulations.

The Act defines an ''endangered species'' as a species that is in danger of extinction throughout all or a significant portion of its range, and a ''threatened species'' as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term ''threat'' to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term ''threat'' includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term ''threat'' may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an ''endangered species'' or a ''threatened species.'' In determining whether a species meets either definition, we must evaluate all identified threats by considering the species' expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an ''endangered species'' or a ''threatened species'' only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

The Act does not define the term ''foreseeable future,'' which appears in the statutory definition of ''threatened species.'' Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis. The term ''foreseeable future'' extends only so far into the future as we can reasonably determine that both the future threats and the species' responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. ''Reliable'' does not mean ''certain''; it means sufficient to provide a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define the foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species' likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species' biological response include species-

specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent our decision on whether the species should be proposed for listing as an endangered or threatened species under the Act. However, it does provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket No. FWS–R8–ES–2022–0083 on *https://www.regulations.gov* and at *https://www.fws.gov/office/arcata-fish-and-wildlife.*

To assess Lassics lupine's viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency supports the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy supports the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation supports the ability of the species to adapt over time to long-term changes in the environment (for example, climate changes). In general, the more resilient and redundant a species is and the more representation it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the species' life-history needs. The next stage involved an assessment of the historical and current condition of the species' demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species' responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best available information to characterize viability as the ability of a species to sustain populations in the wild over time. We use this information to inform our regulatory decision.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of the species and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability.

Species Needs for the Lassics Lupine

Individual Needs

Individual Lassics lupines occur on gravelly, shallow serpentine or clastic soils that are relatively free of competing vegetation. It is unknown if soil microbes are necessary for germination of seeds, but increased germination success and plant vigor has been described in trials with native soil (presumably populated with soil microbes) from the Lassics (Guerrant 2007, pp. 14–15). Cross-pollination between Lassics lupine individuals is dependent on pollination by bees (Crawford and Ross 2003, entire).

Plants need a sufficient amount of sunlight and moisture. A sufficient amount of insolation (the amount of solar radiation reaching a given area) is necessary for Lassics lupine to reproduce, with increased vigor being documented in areas with higher insolation. However, too much insolation leads to decreased soil moisture. Plants typically occur either on north aspects, which provide orographic shading (when an obstacle, in this case a mountain peak, blocks solar radiation for at least part of day based on aspect), or on south aspects with some shading from nearby trees. Available soil moisture throughout the growing season is important for Lassics lupine to reproduce and to avoid desiccation.

In summary, individual Lassics lupine plants require native, shallow serpentine or clastic soils; a suitable range of solar insolation; sufficient moisture throughout the growing season; and access to pollinators (Service 2022, table 3.2).

Population Needs

To be adequately resilient, populations of Lassics lupine need sufficient numbers of reproductive individuals so that they are able to withstand stochastic events (expected levels of variation in environmental or demographic characteristics). For example, populations must be large enough to withstand annual variation in moisture levels that may cause mortality to some individuals. A minimum viable population (MVP) has not yet been calculated for Lassics lupine. However, we do know that the current population sizes are too small to withstand current rates of seed predation without significant management efforts, based on negative population growth rates and high probabilities of quasi-extinction (a population collapse that is predicted to occur when the population size reaches some given lower density, defined as 10 or fewer adult plants for the Lassics lupine) across all sites without significant management efforts (Kurkjian et al. 2017, entire).

In the SSA report, we estimated MVP for Lassics lupine by comparison to surrogate species (species with similar life histories). Based on our analysis (Service 2022, table 3.1), we suggest an estimated MVP in the intermediate range (250 to 1,500 individuals) would be a sufficient number to withstand stochastic events. This provisional MVP range will be revised in the future if accumulated data allow a more precise calculation.

Sufficient annual seed production and seedling establishment is necessary to offset mortality of mature Lassics lupine plants within a population. Because large individuals produce more seed (Kurkjian 2012a, entire), their loss could have detrimental effects on the overall population. Sensitivity analyses across all sites demonstrated that survival and growth of reproductive plants had the most influence on population growth rate, followed by vegetative plants and seeds, and then seedlings (Kurkjian et al. 2017, p 867). Cross-pollination between Lassics lupine individuals presumably contributes to genetic exchange within and between populations and subpopulations, and potentially between populations, and is dependent on sufficient abundance and diversity of pollinators (Crawford and Ross 2003, entire).

Gravelly or rocky habitat that is relatively free of forest encroachment and other vegetative competition is important for population persistence. Historically, these serpentine barrens were shaped by geologic forces and presumably kept free of forest and shrub encroachment by fire, perhaps both natural and anthropogenic. With a reduced fire frequency compared to historical levels, this habitat is susceptible to encroachment by native successional species such as Jeffrey pine, incense cedar (*Calocedrus*

decurrens), and pinemat manzanita (*Arctostaphylos nevadensis*) (Carothers 2008, entire). Lassics lupine requires relatively open canopy and limited competition from other plants for the limited moisture available during the growing season (Imper 2012, p. 142).

Species Needs

In order for the Lassics lupine to sustain itself in the wild over time, it should have a sufficient number (redundancy) of secure, sustainable populations (resiliency) that are well-distributed throughout its geographic range and throughout the variety of ecological settings in which the species is known to exist (representation). Suitable habitat must be available, and the number and distribution of adequately resilient populations must be sufficient for the species to withstand catastrophic events.

The historical extent and distribution of Lassics lupine is not precisely known. The species was possibly more abundant and more widespread in the past, although historical population boundaries are unknown. A comparison of soils from areas occupied by Lassics lupine to nearby areas that appear similar, but are not occupied, indicated that there are few sites that meet the species' specific soil requirements (Imper 2012, p. 27). This suggests that the distribution was not significantly more widespread than it is now, although vegetation encroachment has affected areas adjacent to and edges of the extant populations and there has been retraction of population boundaries of up to 20–30 percent in recent years (Service 2022, figure 4.2; Imper and Elkins 2016, pp. 16–18). Given the specialized adaptations to the harsh environment it occupies currently, it is unlikely that Lassics lupine ever occurred in a diverse range of ecological requirements, and the current distribution is likely a reflection of complex geological processes that shaped the Lassics Range. Additionally, it is unclear whether the species maintains sufficient genetic variability to persist under changing environmental conditions.

Threats

In this proposed rule, we discuss those threats in detail that could meaningfully impact the status of the species including six threats analyzed in the SSA report for the Lassics lupine (Service 2022): vegetation encroachment (Factor A), seed predation and herbivory (Factor C), fire (Factor A), climate change effects (Factor E), and invasive species (Factor A). We also evaluate existing regulatory mechanisms (Factor D) and ongoing conservation measures.

In the SSA, we also considered the following additional threats: overutilization due to commercial, recreational, educational, and scientific use (Factor B); disease (Factor C); and recreation (Factor E). We concluded that, as indicated by the best available scientific and commercial information, these threats are currently having little to no impact on the Lassics lupine, and thus their overall effect now and into the future is expected to be minimal. Therefore, we will not present summary analyses of those threats in this document, but we will consider them in our overall assessment of impacts to the species. For full descriptions of all threats and how they impact the species, please see the SSA report (Service 2022, pp. 22–33).

We note that, by using the SSA framework (Service 2016) to guide our analysis of the scientific information documented in the SSA report, we have not only analyzed individual effects on the species, but we have also analyzed their potential cumulative effects. We incorporate the cumulative effects into our SSA analysis when we characterize the current and future condition of the species. To assess the current and future condition of the species, we undertake an iterative analysis that encompasses and incorporates the threats individually and then accumulates and evaluates the effects of all the factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative effects analysis.

Vegetation Encroachment

Lassics lupine's density and vigor are highest in areas with sufficient insolation and when relatively free of competition for light and water (Imper 2012, p. 140). Since the 1930s, forest and chaparral vegetation communities in the range of the Lassics lupine have expanded in both distribution and density (Carothers 2017, entire; Service 2022, figures 4.1 and 4.2). On the north slope of Mount Lassic, Jeffrey pine and incense cedar have expanded; on the south slope of Mount Lassic, chaparral has matured and become more dense (Carothers 2017, p. 2). Increased distribution of the forest and chaparral communities in the areas surrounding Lassics lupine populations over the last 90 years may be due to fire suppression (Carothers 2017, entire). Based on suitable soil types and aspect, the north slope of Mount Lassic may have supported Lassics lupine in the past, connecting the three subpopulations that currently make up the Mount Lassic population.

The effects of vegetation encroachment on Lassics lupine populations are twofold. There is a subsequent increase in canopy cover and leaf litter, which reduces habitat suitability. There is also an increase in seed predators, which decreases fecundity. With an increase in the distribution and density of trees on the north slope of Mount Lassic, there is a subsequent increase in canopy cover and reduced insolation. Available soil moisture has been shown to decrease more rapidly in forested areas in the spring and summer (Imper 2012, p. 140). Additionally, these areas are now covered in a dense layer of leaf litter and forest duff, which may suppress the germination of Lassics lupine seeds and increase the risk of catastrophic fire by providing fuel in otherwise barren areas that likely burned at low severity in the past (Carothers 2017, p. 4; Imper 2012, pp. 139–140).

Overall, vegetation encroachment influences fecundity, habitat quality, and survival throughout the range of the species and especially on the edges of the Mount Lassic population. Ultimately, vegetation encroachment has a strong influence on the amount of available habitat and limits current population sizes of the Lassics lupine. We expect that vegetation encroachment on occupied Lassics lupine habitat will continue to increase into the future.

Seed Predation and Herbivory

Seed predation by small mammals is one of the most influential threats to Lassics lupine (Crawford and Ross 2003, p. 4; Kurkjian et al. 2017, p. 862). This threat has been observed and documented at significant levels since monitoring began in 2001. Pre-dispersal seed predation (removal of seeds while they are still attached to the plant, resulting in seed mortality) was first observed at high rates, with 72 percent of observed inflorescences suffering from almost complete predation (n=67; Crawford and Ross 2003, p. 3). Seed predation has been shown to have severe impacts on small or rare plant populations, including Lassics lupine (Dangremond et al. 2010, p. 2261; Kurkjian et al. 2017, entire). Since 2005, monitoring of small mammal populations has been conducted annually. Several species have been identified as Lassics lupine seed consumers, primarily deer mice

(*Peromyscus* spp.), chipmunks (*Tamias* spp.), and the California ground squirrel (*Otospermophilus beecheyi*).

For other species, increased risk of seed predation has been demonstrated to be higher in areas close to vegetation (Myster and Pickett 1993, p. 384; Notman et al. 1996, p. 224; McCormick and Meiners 2000, p. 11; Dangremond et al. 2010, entire). Over the past 20 years, research on Lassics lupine habitat has demonstrated that small mammal seed predators are most abundant in the chaparral habitat, followed by bare serpentine habitat, with the lowest abundance documented in the forest habitat (CDFW 2018, appendix B). There is a high probability of movement between the chaparral and serpentine communities and an intermediate probability of movement between the forest and serpentine communities (Cate 2016, pp. 36–40). The proximity of vegetated communities to the serpentine barrens likely provides shelter and food for seed predators, and there is an increased likelihood that seeds adjacent to chaparral habitats will be subject to increased pre-dispersal seed predation (Kurkjian 2011, pp. 2–3). Studies of seed production in 2010 and 2011 estimated that only 2 to 5 percent of Lassics lupine seed escaped predation (Kurkjian 2012a, pp. 14–15).

A population viability analysis (PVA) has shown that pre-dispersal seed predation has the potential to drive Lassics lupine to extinction (Kurkjian 2012b, entire; Kurkjian et al. 2017, entire). Without factoring in the potential effects of other threats or catastrophic events, the PVA estimates that the probability of quasi-extinction (defined as 10 or fewer adult plants) in the next 50 years is between 68 and 100 percent and is very likely to occur within the first 20 years. If all reproductive plants are caged, preventing seed predation, the probability of quasi-extinction is reduced to between 0.0 and 1.8 percent over the next 50 years (Kurkjian et al. 2017, pp. 867–868). This research demonstrates the significant influence that pre-dispersal seed predation has on the species and emphasizes the importance of caging reproductive plants until seed predation can be addressed by other means. Post-fire small mammal monitoring and seed surrogate trials suggest that pre-dispersal seed predation risk decreased in the first 2 years following the 2015 Lassics Fire, as small mammal density declined in some areas. This effect appeared to be transient.

After observations of unusually high pre-dispersal seed predation rates, Six Rivers National Forest and Service staff made the decision to start caging reproductive Lassics lupine plants in 2003. Cages are generally deployed in May or June around accessible adult plants. Cages are constructed of various types of wire mesh and are designed to allow pollinators to access flowers, while simultaneously preventing seed predators and herbivores from accessing adult plants. Cages are removed after seeds are released and before winter snow prevents access to the site. Caging has occurred at various levels, and after severe population declines in 2015, it was expanded to include a majority of reproductive individuals. This expanded caging effort has been credited with the positive overall population trends since 2016 (Service 2022, figure 5.3).

Herbivory of flowers and vegetation has also been observed during annual demographic monitoring and on cameras placed near plants to document the suite of predators; in some instances, herbivores consume entire plants or excavate the plant to a sufficient depth to cause death (CDFW 2018, p. 24). While the observation of these events has been rare, so are the opportunities to observe such events. In some years, there has been documentation of 1 to 3 plants per year being removed entirely through herbivory. Given the frequency of observed herbivory, the overall impact to populations is unknown.

In summary, seed predation is affecting the reproduction of Lassics lupine across its range, which in turn influences population size and viability. This is having species-level effects and is mitigated by annual efforts to cage individual Lassics lupine plants to prevent small mammal seed predators from accessing mature fruits (see *Conservation Efforts and Regulatory Mechanisms,* below, for more information). Seed predation, likely influenced by vegetation encroachment, is a significant influence on Lassics lupine viability and may increase into the future as vegetation encroachment increases. However, the effects of seed predation are being reduced due to ongoing conservation efforts.

Fire

Historical fire return intervals in the Lassics Range are unknown but have been estimated to be approximately every 12.7 years across the Mad River Ranger District of Six Rivers National Forest (Carothers 2017, p. 4) and every 20 years across the range of Jeffrey pine, although they may be longer for relatively open stands with reduced fuels, such as serpentine barrens similar to where Lassics lupine populations occur (Munnecke 2005, p. 2). There is little recorded information regarding fire history prior to the 1900s, although prior to 1865, local Tribes in the general area used fire with some regularity to manage the understory (Carothers 2017, p. 4).

A total of 18 fires have been recorded in the Lassics Botanical and Geologic Area between 1940 and 2014, with 71 percent under 2 hectares (ha) (5 acres (ac)) in size (Carothers 2017, p. 5). Most of these were caused by lightning and were largely fought by small crews using hand tools. A thorough analysis of historical and current fire regimes on National Forest lands in California demonstrated a significant decline in fire frequency in northwestern California since 1908 (Safford and Van de Water 2014, entire). Fire return intervals are estimated to have declined by 70–80 percent within the Lassics Botanical and Geological Special Interest Area (Carothers 2017, p. 7). These results indicate that fire intervals are shorter, and fire is less frequent in the Lassics Range than it was prior to fire suppression.

The Lassics Fire, which was caused by lightning and centered on Mount Lassic, burned roughly 7,490 ha (18,500 ac) in August 2015. The fire burned in high severity through the chaparral on the south side of Mount Lassic and through the entire Red Lassic population. The forested area on the north side of Mount Lassic burned at mixed severity, and areas dominated by serpentine barrens burned at low severity. The Lassics Fire caused direct mortality of many individuals, killing all individuals at Red Lassic, and a portion of individuals at Mount Lassic. Additionally, at Red Lassic, the fire killed the Jeffrey pine, which appear critical to survival of Lassics lupine individuals there for the shade they provide (Imper 2012, pp. 138–139). As of 2019, these trees were still standing and providing some shade but are at risk of falling over, which would reduce shade and potentially cause direct mortality of plants beneath them. The fire did not burn at a high enough severity to reduce the density or distribution of Jeffrey pine in the forested area north of Mount Lassic. The chaparral area on the south side of Mount Lassic burned at high severity and reduced the canopy cover of these species temporarily; however, those areas have since resprouted and the vegetation is returning rapidly, along with an invasive grass that is known to follow fire.

In 2016, the year following the fire, there was a substantial flush of Lassics lupine seedlings observed across all

sites. Given the mortality of all adults in the Lassic Fire at Red Lassic, we know that all the seedlings at Red Lassic were the result of germination from the soil seed bank. Seed bank germination also contributed significantly to the population at Mount Lassic, where the fire effects were patchier. It is unknown what effect this level of germination had on the number of seeds remaining in the soil seed bank.

In summary, future fires could have both positive and negative effects on Lassics lupine individuals and populations, depending on severity. Fires that eliminate or reduce encroaching vegetation could have positive effects due to a reduced abundance of small mammal seed predators and increased habitat suitability where insolation and available soil moisture are limited. Mixed and high severity fires have the potential to kill vegetative and adult plants and potentially reduce the seed bank. Fire is a significant influence on the viability of Lassics lupine.

Climate Change

Observed changes in the climate system indicate that the surface of the earth is getting warmer, and the amounts of snow and ice have diminished (IPCC 2014, p. 2). These changes have been occurring for decades, and the last three decades have been successively warmer than any prior decade since 1850 (IPCC 2014, p. 2). The Fifth Assessment Report of the International Panel on Climate Change (IPCC) reported with very high confidence that some ecosystems are significantly vulnerable to climate-related extremes such as droughts and wildfires (IPCC 2014, p. 8). Average annual temperatures in California have risen by approximately 2 degrees Fahrenheit (°F) in the last 100 years (Frankson et al. 2017, p. 4). Projections indicate that warming trends in the western United States will continue and likely increase while projections of future precipitation are less conclusive (Dettinger 2015, p. 2088). Even if precipitation increases in the future, as many models indicate, temperature rises will decrease snowpack duration and increase the rate of soil moisture loss during dry spells, further reducing the water available in the soil (Kim et al. 2002, pp. 5–7; Frankson et al. 2017, p. 4). This is expected to increase not only the frequency and duration of droughts but also the frequency and severity of wildfires (Frankson et al. 2017, p. 4).

Snowmelt date, summer precipitation, and late summer temperatures all appear to be affecting the distribution, mortality, reproduction, and recruitment of Lassics lupine (Imper 2012, entire). Survival of Lassics lupine tends to be lower in years when snowpack melts early, particularly if it is not followed by summer rain (Imper 2012, p. 143). The average snow fall is projected to decrease with rising temperatures, reducing water storage in the snowpack (Frankson et al. 2017, p. 4). Desiccation is a common form of death for this plant that lives in shallow soils on exposed mountaintops. Low rainfall and high temperatures in the summer have detrimental effects at a population level.

Climate data collected since 2005 at the Zenia Forest Service Guard Station, roughly 15 km (9.5 mi) southeast of the Lassics and 460–520 m (1,500–1,700 ft) lower in elevation, show that annual average temperatures have been increasing (California Data Exchange Center 2021, unpaginated). This increase in annual temperature has the potential to negatively influence Lassics lupine by reducing the amount and duration of snowpack in the winter as well as increasing mortality due to desiccation during the summer.

When extreme weather events occur, the entire species is affected due to its limited geographic range. Climate change increases the likelihood of such extreme events now and into the future. Additionally, because Lassics lupine already occurs on the highest peaks in the area, there is no habitat at higher elevations available for Lassics lupine to move into as climatic conditions at lower elevations become unsuitable, nor are there additional populations spread throughout the landscape to help the species recover from these events.

Climate change is influencing individual survival and overall population sizes rangewide. Climate change, through increasing temperatures and reduced snowpack, is a significant influence on the viability of Lassics lupine.

Invasive Species

Cheatgrass (*Bromus tectorum*) is a highly invasive species that occurs throughout most of North America and is most prominent and invasive in the Rockies, Cascades, and Sierra Nevada mountain ranges (Zouhar 2003, unpaginated). It is well-adapted to frequent fires, often emerging as a strong competitor in a post-fire environment and can increase the frequency of fires by creating a highly flammable environment (Zouhar 2003, unpaginated). Another way cheatgrass alters the environment is by adding nitrogen and creating a positive feedback loop that promotes dominance of cheatgrass (Stark and Norton 2015, p. 799). Additionally, input of nitrogen into serpentine ecosystems can alter the ability of the native plant community to resist invasion (Going et al. 2009, p. 846).

Serpentine soils are more resistant to invasion by nonnative plant species than the communities found in adjacent matrix soils (Going et al. 2009, p. 843); however, nonnative plant species can become more prevalent on small patches of serpentine, particularly where patches of serpentine are small or fragmented (Harrison et al. 2001, p. 45). Thus, the presence of cheatgrass could make the Lassics lupine population at Mount Lassic more vulnerable to secondary invasions.

Previously, nonnative, invasive plants have not been reported as a threat to Lassics lupine in monitoring reports provided by the U.S. Forest Service (USFS) (Carothers 2019 and Carothers 2020, entire), the petition to list (Imper 2016, entire), or the status review conducted by CDFW (2018, entire). However, field observations made by Service staff indicate that cheatgrass is present adjacent to the Mount Lassic population and the invasion has increased in recent years (Service 2022, figure 4.4; Hutchinson 2020, field observation). Dense stands of cheatgrass were also noted in 2019 and 2020, in the vicinity of the Red Lassic population, but not within the population (Hutchinson 2020, field observation). Other *Bromus* ssp. have been documented on serpentine soils, with an increased prevalence along edges of small patches of serpentine (Harrison et al. 2001, p. 45).

In general, nonnative, invasive plant species compete with native species for resources such as sunlight, water, and nutrients. While there is no evidence that cheatgrass is currently competing with Lassics lupine for these basic resource needs, the presence of this highly invasive species near the largest population is a concern because it could increase the frequency of fires in the area, add nitrogen to the soils, and increase the likelihood of invasion by other nonnative species. Currently, invasive species (particularly cheatgrass) are increasing in the areas adjacent to the Mount Lassic population and could influence fire severity but are not currently impacting Lassics lupine's viability. However, the impact of invasive species could increase in the future.

Conservation Efforts and Regulatory Mechanisms

The Lassics lupine was listed as endangered in 2019 by the California Fish and Game Commission (CFGC

2019, entire). State listing of the Lassics lupine ensures, among other things, that individuals conducting research that involves handling of the plant or plant material, including seeds, must be authorized under the California Fish and Game Code at section 2081(a). Additionally, projects that might impact the plant must be evaluated for significance under the California Environmental Quality Act. The CNPS categorizes this species as a California Rare Plant with a rank of 1B.1, meaning that it is rare, threatened, or endangered in California and elsewhere, and is seriously endangered in California. It has a State rank of S1, defined as critically imperiled or at very high risk of extinction due to extreme rarity, and a global rank of G1, meaning critically imperiled (CNPS 2021, unpaginated).

Both the Red Lassic and Mount Lassic populations are within the Lassics Botanical and Geologic Area Special Interest Area of Six Rivers National Forest. Management of unique botanical features is directed by the Special Interest Management Strategy with a goal of managing for rare species and the natural processes that support them (USDA 1998, entire). Additionally, the Mount Lassic population, and 2,833 ha (7,000 ac) of the Mount Lassic Range, is within the Mount Lassic Wilderness Area, part of the Northern California Coastal Wild Heritage Act of 2006 (Pub. L. 109–362, October 17, 2006, 120 Stat. 2064). Designation as wilderness affords protection from most direct anthropogenic threats except from trampling from foot traffic and illegal off-highway vehicle (OHV) use. Additionally, Lassics lupine is designated a sensitive species by the Six Rivers National Forest, meaning that management decisions made by the Forest will not result in a trend towards Federal listing or loss of viability (USDA 1997, entire).

A conservation strategy has been signed by the Six Rivers National Forest and is focused on Lassics lupine monitoring and research, as well as potential conservation actions for the species. This strategy does not currently include a commitment to allocate funds for conservation actions, but does outline goals and objectives, documents studies and management efforts to date, and identifies key actions that should be initiated or continued. Management efforts proposed in the strategy include continued caging of reproductive plants, continued monitoring, investigating the role of fire in population viability, continued seed banking and propagation efforts, and experimental prescribed burning (USDA 2020a, entire). Caging of reproductive plants currently requires a substantial commitment of time from Service staff, Six Rivers National Forest staff, and volunteers. Changes in staff and available resources mean that implementation has fluctuated in the past and this could continue into the future.

Attempts to augment the populations or establish populations in nearby areas with similar soil types have been largely unsuccessful. Additionally, seed is banked in two locations; 74 seeds have been deposited at the Berry Botanic Garden in Portland, Oregon, and 439 seeds have been deposited at the National Laboratory for Genetic Resource Preservation (NLGRP) in Fort Collins, Colorado. The conservation strategy and the Six Rivers National Forest will prioritize augmenting the collection at NLGRP (USDA 2020b, p. 1).

Species Condition

To assess the current condition of the Lassics lupine, we used recent monitoring data and results from the recent PVA (Kurkjian 2017, entire) to score the current condition of each analysis unit based on our assessment of habitat and demographic variables. For each analysis unit, we assess habitat quantity, habitat quality, and abundance of Lassics lupine.

Habitat variables were categorized using largely qualitative information while demographic variables were analyzed quantitatively, which corresponds with the best available information for each variable. Each variable in an analysis unit was assigned a current condition of high, moderate, or low (Service 2022, table 5.1). The average score was then used to rate the overall current condition of each analysis unit. When a score fell between two condition categories, the overall current condition was assigned consistent with the condition of the majority of the parameters. In other words, if two of the three parameters were low and one was moderate, the overall condition was rated as low. A population that is in low condition is one where resources are in overall low condition. A similar definition applies to moderate and high conditions.

Habitat quantity is a description of the relative size of available habitat based on both available soil type information and the amount of habitat available compared to historical conditions. This information was qualitatively scored based on the most recently available site observations. Because Lassics lupine has likely always been narrowly restricted, we chose not to assess the total area occupied by each analysis unit but rather to look at the relative size of each analysis unit. Furthermore, because Lassics lupine is highly influenced by vegetation encroachment (habitat that supports pre-dispersal seed predators), we also considered the amount of habitat available currently compared with historical habitat availability based on aerial photographs.

Habitat quality is a description of the solar insolation, influenced by aspect and canopy cover, for each analysis unit. Because solar insolation directly influences available soil moisture, and both influence the survival and vigor of Lassics lupine individuals and populations, we used solar insolation as a surrogate to describe habitat quality. Lassics lupine demonstrates higher fecundity and vigor in areas with a suitable range of solar insolation. Areas with suitable solar insolation are defined as either occurring on the north aspect of a slope (most areas in the Mount Lassic population) or are located nearby within moderately open canopy Jeffrey pine forests where trees provide some shade. Suboptimal areas are those with either slightly too much shading or slightly too little shading, and unsuitable areas are those without any shading from either orographic cover or adjacent trees. Areas within a suitable range of solar insolation conditions were defined as ''high'' condition, areas within a suboptimal range of solar insolation as ''moderate'' condition, and unsuitable areas as ''low'' condition. This information was also qualitatively scored based on recent site observations.

Abundance is often used as a metric to assess the overall status of plant species. Abundance data represent the total number of adult vegetative and reproductive plants present in each analysis unit. Abundance categories were defined as ''low'' (fewer than 100 plants), ''moderate'' (100 to 500 plants), and ''high'' (more than 500 plants). These rating categories were derived using the estimated overall MVP adapted from Pavlik (1996, p. 137). Rather than use abundance data from one year, we report a range of years that reflects the range observed most recently derived from data collected during annual monitoring from 2015–2020 by Six Rivers National Forest staff and volunteers (see chapter 5 of the SSA report for more details). We considered that abundance is significantly higher than it would be without the current practice of caging a large portion of adult plants each year. Caging has occurred at some level since approximately 2003, with the percentage of caged plants increasing gradually over time; current caging

levels vary from 60–100 percent, varying between population and year.

We assessed the two populations (Red Lassic and Mount Lassic) as delineated by CNDDB, which defines populations as groups of individual plants that are separated by approximately 0.4 km (0.25 mi). We then further considered three subpopulations of the Mount Lassic population for a total of four analysis units, three of which are subpopulations of Mount Lassic (*i.e.,* Saddle, Terrace, and Forest) and one of which is the Red Lassic population. There are also Lassics lupine plants outside of the transects we analyzed. These individuals largely occur on steep slopes that are not accessible to surveyors without causing significant erosion or damage to plants and surveys are generally conducted with binoculars in order to avoid disturbing the soil.

The results of our analysis are presented in table 1 below, and additional detail on populations, analysis units, and individuals outside those units is available in the SSA report (Service 2022, pp. 36–39)

TABLE 1—CURRENT CONDITION DATA FOR EACH ANALYSIS UNIT WITH OVERALL CURRENT CONDITION SUMMARIZED

	Habitat quantity	Habitat quality	Abundance range (mean)	Overall current condition
Red Lassic	Relatively small, reduced from historical amounts.	Unsuitable (south aspect without tree cover).	0–125 (78)	Low.
Saddle	Relatively moderately-sized, but reduced from historical amounts.	Suitable solar insolation	30–284 (172)	Moderate.
Terrace	Relatively small, reduced from historical amounts.	Suitable solar insolation	33–113 (59)	Low.
Forest	Relatively small, reduced from historical amounts.	Suboptimal (north aspect combined with moderate canopy).	4–84 (35)	Low.

Having assessed the current condition of the two known populations, we now consider the resiliency, redundancy, and representation of the Lassics lupine. In total, two of the three subpopulations of the Mount Lassic population are considered in low overall current condition and one is in overall moderate current condition. As described above, our abundance metric spans a range of years and demonstrates fluctuations in numbers of flowering plants. Also, as described above under *Species Needs for the Lassics Lupine,* current population sizes are too small to withstand current rates of seed predation without significant management efforts. Most species' populations fluctuate naturally, responding to various factors such as weather events, disease, and predation. These factors have a relatively minor impact on species with large, stable local populations and a wide and continuous distribution. However, populations that are small, isolated by habitat loss or fragmentation, or impacted by other factors are more vulnerable to extirpation by natural, randomly occurring events (such as predation or stochastic weather events), and to genetic effects that impact small populations (Purvis et al. 2000, p. 1949). Small populations are less able to recover from random variation in their population dynamics and environment (Shaffer and Stein 2000, pp. 308–310), such as fluctuations in recruitment (demographic stochasticity), variations in rainfall (environmental stochasticity), or changes in the frequency of wildfires.

While some analysis units have high to moderate habitat quality, the overall current conditions are driven by small population sizes and a limited amount of available habitat. The Red Lassics population is also in overall low current condition. Resiliency is low for both populations.

With regard to redundancy, there are currently close to 1,000 Lassics lupine adult plants existing in two populations in a roughly 1-square-kilometer area. One of the populations is in overall low condition while the other population is comprised of three subpopulations of which two are in low condition and one is in moderate condition. When considering the overall condition of the Mount Lassic population (the three subpopulations plus plants outside of the transects), it is still in overall low condition. Our analysis of redundancy concludes that both populations are in low resiliency and a single catastrophic event could heavily impact both populations even though the populations are well-distributed throughout the species' historical range. Thus, species redundancy is reduced from the historical condition.

With regard to representation, as a narrow endemic, the Lassics lupine is highly specialized and restricted to its ecological niche. Suitable habitat is narrowly distributed on mountaintops and is becoming increasingly limited due to encroachment of forest and chaparral vegetation. Both populations share similar features, with the differences being largely related to the aspect on which each is positioned and amounts of canopy cover and corresponding insolation and soil moisture. Both populations are susceptible to seed predation and vegetation encroachment. The best available data do not indicate any potential genetic differentiation across the range of the species, and representation units correspond with our analysis units, which generally align with different ecological settings. Although populations and subpopulations of the species remain extant across each of the ecological settings, resiliency is low for both populations.

Representation is not only gauged by ecological and genetic diversity, but also by the species' ability to colonize new areas. Currently, populations of Lassics lupine are small and isolated by tracts of unsuitable habitat. The lack of connectivity between populations and overall small size may result in reduced gene flow and genetic diversity, rendering the species less able to adapt to novel conditions. Further, the lack of available and unoccupied suitable habitat leaves less opportunity for an adaptable species to exploit new resources outside of the area it currently occupies. Thus, while ecological diversity is generally low for this highly specialized species, the limited availability of unoccupied habitat in suitable condition also likely limits the potential for this species to adapt to environmental changes.

As mentioned previously, quantitative data on habitat condition could be misleading for a narrow endemic, so we relied on qualitative assessments relative to historical availability of habitat and the expert opinion of those familiar with the populations as the best scientific data available. Detailed genetic information is not available for

this species, nor do we know the minimum number of individuals that would be required to sustain a population, or the minimum number of populations required to sustain the species. Nonetheless, the evidence that does exist points to a species that is heavily impacted by variable weather patterns and by high rates of seed predation, likely exacerbated by vegetation encroachment.

Future Condition

As part of the SSA, we also developed three future condition scenarios to capture the range of uncertainties regarding future threats and the projected responses by the Lassics lupine. Our scenarios examined possible future impacts of seed predation, climate change, and fire. Because we determined that the current condition of the Lassics lupine was consistent with an endangered species (see Determination of Lassics Lupine's Status, below), we are not presenting the results of the future scenarios in this proposed rule. Please refer to the SSA report (Service 2022, pp. 42–50) for the full analysis of future scenarios.

Determination of Lassics Lupine's Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an ''endangered species'' as a species in danger of extinction throughout all or a significant portion of its range, and a ''threatened species'' as a species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

Status Throughout All of Its Range

In this proposed rule, we present summary evaluations of six threats analyzed in the SSA report for the Lassics lupine (Service 2022): vegetation encroachment (Factor A), seed predation and herbivory (Factor C), fire (Factor A), climate change effects (Factor E), and invasive species (Factor A). We also evaluate existing regulatory mechanisms (Factor D) and ongoing conservation measures.

In the SSA, we also considered the following additional threats: overutilization due to commercial, recreational, educational, and scientific use (Factor B); disease (Factor C); and recreation (Factor E). We concluded that, as indicated by the best available scientific and commercial information, these threats are currently having little to no impact on the Lassics lupine, and thus their overall effect now and into the future is expected to be minimal. However, we consider them in our determination of status for the Lassics lupine, because although these minor threats may have low impacts on their own, combined with impacts of other threats, they could further reduce the already low number of Lassics lupines.

For full descriptions of all threats and how they impact the species, please see the SSA report (Service 2022, pp. 22–33).

Based on historical records, it appears that the Lassics lupine has always had a limited range. However, in recent decades, the species has experienced a reduction of its range. As woody vegetation encroachment (Factor A) has affected occupied Lassics lupine habitat, the population of small mammals has increased, resulting in pre-dispersal seed predation (Factor C) that has affected up to 95 percent of flowering plants. Ongoing efforts to cage all adult plants have greatly reduced the magnitude of pre-dispersal seed predation, and our assessment of population abundance and habitat quality for the species from recent surveys indicates that the Lassics lupine population size is relatively stable. While population levels are currently stable, given the high rates of seed predation documented prior to caging (>95% of seeds consumed pre-dispersal), they would not be stable without the annual effort of caging individual plants. Caging is not guaranteed to continue and requires significant investment of time and resources twice per year to implement. Additionally, habitat quantity and quality are reduced compared to historical levels with the remaining populations being small in size and occupying a small area. The current abundance and recruitment levels are sustained only through management actions, specifically caging of a large proportion of reproductive individuals.

In recent years, fire (Factor A) impacted the Red Lassic population, killing both individual Lassics lupine plants and the overstory that was providing necessary shade to the species. Any future mixed- or high-severity fire could provide further loss of adult Lassics lupine plants and damage the habitat features necessary for their survival. Additionally, earlier snowmelt date, reduced summer precipitation, and higher summer temperatures associated with climate change (Factor E) have resulted in a loss of soil moisture in the shallow soils where the Lassics lupine is found. Further, invasive species (Factor A) are encroaching near Lassics lupine populations, although the magnitude of this threat is currently low.

Under the current condition, the Lassics lupine remains distributed throughout its historical range, but resiliency is low for both populations and across all ecological settings. Overall current condition is ranked as low in three of the four analysis units. Although representation is maintained at current levels throughout the range, population resiliency and species redundancy are both low, especially as compared to historical conditions. The current small size of Lassics lupine populations makes the species less able to withstand the threats that are currently impacting the species.

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we find that the Lassics lupine is currently facing high-magnitude threats from vegetation encroachment, pre-dispersal seed predation, fire, and reduced soil moisture associated with ongoing effects of climate change. Although ongoing management actions are helping to reduce the magnitude of seed predation, the majority of Lassics lupine individuals are concentrated in a single population that has a reduced ability to withstand both catastrophic events and normal year-to-year fluctuations in environmental and demographic conditions. These threats are impacting the species now. Thus, after assessing the best available information, we determine that the Lassics lupine is in danger of extinction throughout all of its range. We find that a threatened species status is not appropriate for the Lassics lupine because the magnitude and imminence of the threats acting on the species now result in the Lassics lupine meeting the definition of an endangered species.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable

future throughout all or a significant portion of its range. We have determined that the Lassics lupine is in danger of extinction throughout all of its range and accordingly did not undertake an analysis of any significant portion of its range. Because the Lassics lupine warrants listing as endangered throughout all of its range, our determination does not conflict with the decision in *Center for Biological Diversity* v. *Everson,* 435 F. Supp. 3d 69 (D.D.C. 2020), because that decision related to significant portion of the range analyses for species that warrant listing as threatened, not endangered, throughout all of their range.

Determination of Status

Our review of the best available scientific and commercial information indicates that the Lassics lupine meets the Act's definition of an endangered species. Therefore, we propose to list the Lassics lupine as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition as a listed species, planning and implementation of recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and conservation by Federal, State, Tribal, and local agencies, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies, including the Service, and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Section 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

The recovery planning process begins with development of a recovery outline made available to the public soon after a final listing determination. The recovery outline guides the immediate implementation of urgent recovery actions while a recovery plan is being developed. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) may be established to develop and implement recovery plans. The recovery planning process involves the identification of actions that are necessary to halt and reverse the species' decline by addressing the threats to its survival and recovery. The recovery plan identifies recovery criteria for review of when a species may be ready for reclassification from endangered to threatened (''downlisting'') or removal from protected status (''delisting''), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery outline, draft recovery plan, final recovery plan, and any revisions will be available on our website as they are completed (*https://www.fws.gov/program/endangered-species*), or from our Arcata Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education.

If this species is listed, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost-share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the State of California would be eligible for Federal funds to implement management actions that promote the protection or recovery of the Lassics lupine. Information on our grant programs that are available to aid species recovery can be found at: *https://www.fws.gov/service/financial-assistance.*

Although the Lassics lupine is only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Examples of actions that may be subject to the section 7 processes are land management or other landscape-altering activities on Federal lands administered by the USFS (Six Rivers National Forest) as well as actions on State, Tribal, local, or private lands that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation. Examples of Federal agency actions that may require consultation for the Lassics lupine could include prescribed burning, monitoring, or research activities that impact the Lassics lupine and any other landscape-altering activities on Federal lands administered by the USFS (Six Rivers National Forest). Given the difference in triggers for conferencing and consultation, Federal agencies should coordinate with the local Service

Field Office (see **ADDRESSES**) with any specific questions.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to endangered plants. The prohibitions of section 9(a)(2) of the Act, codified at 50 CFR 17.61, make it illegal for any person subject to the jurisdiction of the United States to import or export; remove and reduce to possession from areas under Federal jurisdiction; maliciously damage or destroy on any such area; remove, cut, dig up, or damage or destroy on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law; deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity; or sell or offer for sale in interstate or foreign commerce an endangered plant. Certain exceptions apply to employees of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered plants under certain circumstances. Regulations governing permits are codified at 50 CFR 17.62. With regard to endangered plants, a permit may be issued for scientific purposes or for enhancing the propagation or survival of the species. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a proposed listing on proposed and ongoing activities within the range of the species proposed for listing. Based on the best available information, the following actions are unlikely to result in a violation of section 9, if these activities are carried out in accordance with existing regulations and permit requirements; this list is not comprehensive:

(1) Vegetation management practices, including herbicide use, that are carried out in accordance with any existing regulations, permit and label requirements, and best management practices;

(2) Research activities that are carried out in accordance with any existing regulations and permit requirements;

(3) Vehicle use on existing roads in compliance with the Six Rivers National Forest land management plan; and

(4) Recreational use (*e.g.,* hiking and walking) with minimal ground disturbance on existing designated trails.

Based on the best available information, the following activities may potentially result in a violation of section 9 of the Act if they are not authorized in accordance with applicable law; this list is not comprehensive:

(1) Unauthorized collecting, handling, removing, possessing, selling, delivering, carrying, or transporting of the species, including import or export across State lines and international boundaries; and

(2) Destruction or alteration of the species by unauthorized vegetation management, trail maintenance, or research activities.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Arcata Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

II. Critical Habitat

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.,* range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.,* migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals).

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation also does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the Federal agency would be required to consult with the Service under section 7(a)(2) of the Act. However, even if the Service were to conclude that the proposed activity would result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement ''reasonable and prudent alternatives'' to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat).

Under the second prong of the Act's definition of critical habitat, we can

designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information from the SSA report and information developed during the listing process for the species. Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species, if one has been developed; articles in peer-reviewed journals; conservation plans or strategies developed by States or counties or in partnership with other Federal agencies; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) the prohibitions found in section 9 of the Act. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of the species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of those planning efforts calls for a different outcome.

Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary shall designate critical habitat at the time the species is determined to be an endangered or threatened species. Our regulations (50 CFR 424.12(a)(1)) state that a designation of critical habitat is not prudent when any of the following situations exist:

(i) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species; or

(ii) Such designation of critical habitat would not be beneficial to the species. In determining whether a designation would not be beneficial, the factors the Services may consider include but are not limited to: Whether the present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or whether any areas meet the definition of ''critical habitat.''

As discussed earlier in this document, there is currently no imminent threat of collection or vandalism identified under Factor B for this species, and identification and mapping of critical habitat is not expected to initiate any such threat. In our SSA report and proposed listing determination for the Lassics lupine, we determined that the present or threatened destruction, modification, or curtailment of habitat or range is a threat to the Lassics lupine. Therefore, because none of the circumstances enumerated in our regulations at 50 CFR 424.12(a)(1) have been met, we have determined that the designation of critical habitat is prudent for the Lassics lupine.

Critical Habitat Determinability

Having determined that designation is prudent, under section 4(a)(3) of the Act we must find whether critical habitat for the Lassics lupine is determinable. Our regulations at 50 CFR 424.12(a)(2) state that critical habitat is not determinable when one or both of the following situations exist:

(i) Data sufficient to perform required analyses are lacking, or

(ii) The biological needs of the species are not sufficiently well known to identify any area that meets the definition of ''critical habitat.''

When critical habitat is not determinable, the Act allows the Service an additional year to publish a critical habitat designation (16 U.S.C. 1533(b)(6)(C)(ii)).

We reviewed the available information pertaining to the biological needs of the species and habitat characteristics where this species is located. This and other information represent the best scientific data available and led us to conclude that the designation of critical habitat is determinable for the Lassics lupine.

Physical or Biological Features Essential to the Conservation of the Species

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12(b), in determining which areas we will designate as critical habitat from within the geographical area occupied by the species at the time of listing, we consider the physical or biological features that are essential to the conservation of the species and which may require special management considerations or protection. The regulations at 50 CFR 424.02 define ''physical or biological features'' as the features that support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity. For example, physical features essential to the conservation of the species might include gravel of a particular size required for spawning, alkaline soil for seed germination, protective cover for

migration, or susceptibility to flooding or fire that maintains necessary early-successional habitat characteristics. Biological features might include prey species, forage grasses, specific kinds or ages of trees for roosting or nesting, symbiotic fungi, or absence of a particular level of nonnative species consistent with conservation needs of the listed species. The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic essential to support the life history of the species.

In considering whether features are essential to the conservation of the species, we may consider an appropriate quality, quantity, and spatial and temporal arrangement of habitat characteristics in the context of the life-history needs, condition, and status of the species. These characteristics include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing (or development) of offspring; and habitats that are protected from disturbance.

Geological Substrate and Soils

The Lassics lupine occurs on or in the vicinity of serpentine soils in the Lassics Mountains, mainly on barren slopes with very shallow soil and low organic matter, or less commonly, near edges of Jeffrey pine forests. Most plants occur on flat or steep slopes with high proportions of gravel or cobble on the surface. The Lassics Range occurs in the central Franciscan Belt of the California Coast Ranges. This area is characterized by moderately steep to very steep slopes and a complex assemblage of rocks primarily composed of the Franciscan Complex, the Coast Range Ophiolite, and the Great Valley Sequence (Kaplan 1984, p. 203; Krueger 1990, p. 1). The sources of these complexes range from oceanic crusts to underlying mantle that was forced to the surface by thrusts originating from great distances. The serpentine rocks are present due to extreme disruptions of faulting and folding (Alexander 2008, p. 1). These soil parent materials and the natural erosion on the landscape determine the soil features present today. Both fluvial erosion and mass wasting have been important geologic processes in the Lassics area (Alexander 2008, p. 1).

Lassics lupine occurs across four described soil units that are all characterized as either serpentine and/or clastic (composed of pieces of older rocks) sedimentary rocks (Alexander 2008, pp. 2–3). Serpentine soils in general are characterized by their relatively high levels of magnesium and iron, while being simultaneously low in calcium, nitrogen, potassium, and phosphorus (Kruckeberg 1985, p. 18; Alexander 2011, p. 28). Additional soil analyses demonstrated that all soils supporting Lassics lupine are characterized by similar sand content (81 to 91 percent) and similar concentrations of heavy minerals and nutrients (specifically phosphorus, potassium, calcium, copper, iron, zinc, total carbon, total nitrogen, and extractable aluminum) when compared with nearby soils. Nearby soils that do not support Lassics lupine revealed lower sand content and slightly higher pH. Few additional sites meet the Lassics lupine soil requirements identified by these two investigations. Given the narrow range of suitable soils, it is unlikely that the species was significantly more widespread in the area historically (Imper 2012, pp. 1–28).

The Lassics lupine occurs in an area that typically experiences hot, dry summers and snow coverage for up to 7 months a year from late fall through spring. The soils are fast draining and generally infertile, as described above. The general inability for the surrounding soil to retain moisture and/or nutrients results in potentially increased impacts from climate variables such as rainfall, snowmelt, and soil temperature.

Both Lassics lupine populations occur at the top of the Little Van Duzen River watershed, which drains into the Van Duzen River, the Eel River, and then the Pacific Ocean. The primary sources of water for Lassics lupine plants are snowmelt and rainfall, some of which is available as groundwater after weather events.

Lassics lupine habitat is typically covered in snow for many winter months, with soil temperatures close to freezing and high moisture content. Demographic monitoring data suggest that earlier snowmelt dates are negatively correlated with survival of Lassics lupine plants that year, especially during years of lower summer rainfall (Imper 2012, pp. 142–143). The date of snowmelt is influenced by the amount and type of precipitation in the winter (rain versus snow) and temperatures. Increased snow cover later in the season is assumed to provide greater water infiltration into the soils, therefore increasing the amount of available moisture to Lassics lupine plants and decreasing desiccation of overwintering plants.

Soil temperatures increase dramatically after snow has melted due to lack of cover and vary with aspect. These temperatures continue to increase into August. Soil moisture typically remains high in the weeks following snowmelt and then decreases gradually, with some spikes based on summer precipitation events. Areas occupied by Lassics lupine have both high light levels and high available soil moisture in August compared to unoccupied habitat nearby (Imper 2012, pp. 91–92). Most areas are located on a north aspect or have some tree cover, both of which decrease insolation and increase available soil moisture. Some areas occupied by Lassics lupine are adjacent to mature trees and experience lower soil temperatures due to shading and decreased insolation; these areas generally appear to be less suitable for Lassics lupine based on decreased reproductive vigor and growth rates. Most of these forested areas experience rapid decreases in available soil moisture earlier in the growing season, likely due to water demands of nearby trees (Imper 2012, pp. 91–92). The exception to this is the Red Lassic population where there is a seasonally wet area perched above the population that allows for increased moisture to be available later in the season.

When it occurs, summer rainfall appears to be beneficial for Lassics lupine's survival, with lower mortality in years with more precipitation during the growing season (Imper 2012, pp. 142–143). In late summer, when available soil moisture is low and soil temperatures are high, there is the risk of desiccation of seedlings and mature plants. In years when summer rainfall is low and summer temperatures are high, there is increased mortality. The effects of these conditions are exacerbated by early or decreased snowmelt.

Therefore, suitable soils are generally fast-draining and include serpentine and clastic soils, with very shallow soil and low organic matter. These soils are also characterized as receiving sufficient snow and rain for seed germination and moisture for growing plants; containing relatively high levels of magnesium and iron, while being simultaneously low in calcium, nitrogen, potassium, and phosphorus; and having relatively high sand content.

Ecological Community

The area immediately surrounding Lassics lupine habitat is characterized by Jeffery pine and incense cedar forest, chaparral, and largely unvegetated serpentine barrens. The predominant canopy cover is provided by Jeffrey pine and incense cedar, with white fir (*Abies*

concolor) being prevalent on nonserpentine forest soils of the Lassics (Alexander 2008, entire). The primary chaparral species are pinemat manzanita, mountain whitethorn (*Ceanothus cordulatus*), buckbrush (*Ceanothus cuneatus*), and various herbaceous species. Chaparral habitats occur primarily on the south-facing slopes and forest habitats on the north-facing slopes.

The majority of Lassics lupine plants occur on serpentine barrens around Mount Lassic with patchy, or no, tree and shrub cover. Several small herbs and geophytes, including other rare species, occur on these serpentine barrens and have been documented over the past few decades (for more detail see Nelson and Nelson 1983, entire; Cate 2016, pp. 7–8; Imper and Elkins 2016, p. 11). Some plants occur in closed-canopy Jeffrey pine-incense cedar forest farther downslope on the north aspect of Mount Lassic. Plants in this area show decreased vigor and growth, assumed to be attributed to reduced light and water and increased leaf litter (Imper 2012, p. 140). A third habitat setting, at Red Lassic, is dominated by Jeffrey pine and pinemat manzanita and occurs on a south to southeast aspect.

Most *Lupinus* species require outcrossing for effective fertilization of flowers. All *Lupinus* species have specialized pollination mechanisms that require animal pollinators to carry pollen from one individual to another. While the Lassics lupine may be capable of some level of self-pollination, it is also visited at high rates by three bee species: yellow-faced bumblebee, black-tailed bumblebee, and a mason bee species (*Osmia* spp.) (Crawford and Ross 2003, p. 2). All three of the bee species appear to be capable pollinators given that they are large enough to trigger the mechanism that releases pollen from the individual flowers (Crawford and Ross 2003, p. 3).

Successful transfer of pollen among Lassics lupine populations may be inhibited if populations are separated by distances greater than pollinators can travel and/or if a pollinator's nesting or foraging habitat and behavior is negatively affected (Cranmer et al. 2012, p. 562; Dorchin et al. 2013, entire). Flight distances are generally correlated with body size in bees; larger bees are able to fly farther than smaller bees (Gathmann and Tscharntke 2002, entire; Greenleaf et al. 2007, pp. 592–594). There is evidence to suggest that larger bees, which are able to fly longer distances, do not need their habitat to remain contiguous, but it is more important that the protected habitat is large enough to maintain floral diversity (Greenleaf et al. 2007, p. 594). While researchers have reported long foraging distance for solitary bees, the majority of individuals remain close to their nest; thus, foraging distance tends to be 1,640 ft (500 m) or less (Antoine and Forrest 2021, p. 152). The most common bee and wasp pollinators have a fixed location for their nest, and thus their nesting success is dependent on the availability of resources within their flight range (Xerces 2009, p. 14).

Many insect communities are known to be influenced not only by local habitat conditions, but also the surrounding landscape condition (Klein et al. 2004, p. 523; Xerces 2009, pp. 11–26; Tepedino et al. 2011, entire; Dorchin et al. 2013, entire; Inouye et al. 2015, pp. 119–121). In order for genetic exchange of Lassics lupine to occur, pollinators must be able to move freely between populations. Alternative pollen and nectar sources (other plant species within the surrounding vegetation) are needed to support pollinators during times when Lassics lupine is not flowering. Conservation strategies that maintain plant-pollinator interactions, such as maintenance of diverse, herbicide-free nectar resources, would serve to attract a wide array of insects, including pollinators of Lassics lupine (Cranmer et al. 2012, p. 567). Therefore, Lassics lupine habitat must also support populations of bee species that, in turn, require abundant, diverse sources of pollen and nectar.

Summary of Essential Physical or Biological Features

We derive the specific physical or biological features essential to the conservation of the Lassics lupine from studies of the species' habitat, ecology, and life history as described below. Additional information can be found in the SSA report (Service 2022, entire; available on *https://www.regulations.gov* under Docket No. FWS–R8–ES–2022–0083). We have determined that the following physical or biological features are essential to the conservation of Lassics lupine:

(1) A plant community that consists of the following:

(a) Areas of open to sparse understory to ensure competition with Lassics lupine is inhibited. When sparse understory is present, the composition is predominantly native vegetation.

(b) Suitable solar insolation levels to support growth. These suitable levels can be achieved by the appropriate combination of canopy cover and aspect, with hotter and drier west-facing slopes needing moderate and more protective canopy cover compared to cooler north-facing slopes where there can be little to no canopy cover.

(c) A diversity and abundance of native plant species whose blooming times overlap to provide pollinator species with pollen and nectar sources for foraging throughout the seasons and to provide nesting and egg-laying sites; appropriate nest materials; and sheltered, undisturbed habitat for hibernation and overwintering of pollinator species and insect visitors.

(2) Sufficient pollinators, particularly bees, for successful Lassics lupine reproduction and seed production.

(3) Suitable soils and hydrology that consist of the following:

(a) Open, relatively barren, upland sites categorized as receiving sufficient snow and rain for seed germination and moisture for growing plants.

(b) Soils that are generally fast-draining, including serpentine or clastic (composed of pieces of older rocks) soils, with very shallow soil and low organic matter.

(c) Soils characterized by their relatively high levels of magnesium and iron, while being simultaneously low in calcium, nitrogen, potassium, and phosphorus.

(d) Soils characterized by relatively high sand content.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features which are essential to the conservation of the species and which may require special management considerations or protection. The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: pre-dispersal seed predation, native woody vegetation encroachment, invasive species encroachment, and the ability to withstand drought due to climate change. Management activities that could ameliorate these threats include, but are not limited to: (1) Caging plants to reduce the threat of pre-dispersal seed predation; (2) habitat restoration activities that include the removal of woody vegetation; (3) removal of nonnative, invasive species; and (4) augmentation and reintroduction programs to expand Lassics lupine populations.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In

accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify specific areas within the geographical area occupied by the species at the time of listing and any specific areas outside the geographical area occupied by the species to be considered for designation as critical habitat. We are not currently proposing to designate any areas outside the geographical area occupied by the species because we have not identified any unoccupied areas that are essential for the species' conservation.

We are proposing to designate one occupied critical habitat unit for Lassics lupine. The one unit is comprised of approximately 512 ac (207 ha) of land in California, and is completely on lands under Federal (USFS) land ownership. The unit was determined using location information for Lassics lupine after extant population boundaries were collected in 2018 by Six Rivers National Forest staff around Mount Lassic with global positioning system (GPS) units. This dataset was provided to the Arcata Fish and Wildlife Office. This unit includes the physical footprint of where the plants currently occur, as well as their immediate surroundings out to 1,640 ft (500 m) in every direction from the periphery of each population. This area of surrounding habitat contains components of the physical and biological features (*i.e.,* the pollinator community and its requisite native vegetative assembly), necessary to support the life-history needs of Lassics lupine.

When determining proposed critical habitat boundaries, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, roads, and other structures because such lands lack physical or biological features necessary for the Lassics lupine. The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this proposed rule have been excluded by text in the proposed rule and are not proposed for designation as critical habitat. Therefore, if the critical habitat is finalized as proposed, a Federal action involving these lands would not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat. We propose to designate as critical habitat lands that we have determined are occupied at the time of listing (*i.e.,* currently occupied) and that contain one or more of the physical or biological features that are essential to support life-history processes of the species. The critical habitat unit is proposed for designation based on all of the physical or biological features being present to support the Lassics lupine's life-history processes.

The proposed critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of this document under Proposed Regulation Promulgation. We include more detailed information on the boundaries of the critical habitat designation in the preamble of this document. We will make the coordinates or plot points or both on which each map is based available to the public on *https://www.regulations.gov* at Docket No. FWS–R8–ES–2022–0083 and on our internet site at *https://www.fws.gov/office/arcata-fish-and-wildlife.*

Proposed Critical Habitat Designation

We are proposing one unit as critical habitat for the Lassics lupine. The critical habitat area, Mount Lassic, that we describe below constitutes our current best assessment of areas that meet the definition of critical habitat for the Lassics lupine. Table 2 shows the proposed critical habitat unit and its approximate area.

TABLE 2—PROPOSED CRITICAL HABITAT UNIT FOR THE LASSICS LUPINE

[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Land ownership by type	Size of unit in acres (hectares)	Occupied?
Mount Lassic Unit	Federal (USFS)	512 (207)	Yes.

We present brief a description of the critical habitat unit, and reasons why it meets the definition of critical habitat for the Lassics lupine, below.

Mount Lassic Unit

Unit 1 consists of 512 ac (207 ha) of USFS land. This unit is located on the border of Humboldt and Trinity Counties, surrounding Mount Lassic and Red Lassic peaks. All of this unit is on Federal land managed solely by the Six Rivers National Forest. This unit is currently occupied and contains two populations of Lassics lupine consisting of less than 4 ac (1.6 ha) total. This unit is essential to the recovery of Lassics lupine because it includes all the habitat that is occupied by Lassics lupine across the species' range. This unit currently has all the physical or biological features essential to the conservation of the species, including open to sparsely vegetated areas with low native plant cover and stature; nesting, egg-laying, and foraging habitat for pollinator species and insect visitors; and suitable soils with appropriate textures and chemistry. This unit faces threats from encroaching woody vegetation and high-severity fire and drought due to climate change. Cheatgrass occurs within and adjacent to this unit and while it is not currently affecting the currently occupied habitat directly, special management may be required to mitigate future impacts to Lassics lupine habitat. It is likely that there is room for expansion of the species in this unit provided that woody vegetation management occurs to further limit pre-dispersal seed predation and improve the quality of solar insolation.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

We published a final rule revising the definition of destruction or adverse

modification on February 11, 2016 (81 FR 7214) (although we also published a revised definition after that (on August 27, 2019) (84 FR 44976). Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Examples of actions that are subject to the section 7 consultation process are actions on State, Tribal, local, or private lands that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation.

Compliance with the requirements of section 7(a)(2) is documented through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect, and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define ''reasonable and prudent alternatives'' (at 50 CFR 402.02) as alternative actions identified during consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Service Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species and/or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 set forth requirements for Federal agencies to reinitiate formal consultation on previously reviewed actions. These requirements apply when the Federal agency has retained discretionary involvement or control over the action (or the agency's discretionary involvement or control is authorized by law) and, subsequent to the previous consultation: (1) If the amount or extent of taking specified in the incidental take statement is exceeded; (2) if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or (4) if a new species is listed or critical habitat designated that may be affected by the identified action.

In such situations, Federal agencies sometimes may need to request reinitiation of consultation with us, but the regulations also specify some exceptions to the requirement to reinitiate consultation on specific land management plans after subsequently listing a new species or designating new critical habitat. See the regulations for a description of those exceptions.

Application of the ''Destruction or Adverse Modification'' Standard

The key factor related to the destruction or adverse modification determination is whether implementation of the proposed Federal action directly or indirectly alters the designated critical habitat in a way that appreciably diminishes the value of the critical habitat as a whole for the conservation of the listed species. As discussed above, the role of critical habitat is to support physical or biological features essential to the conservation of a listed species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may violate section 7(a)(2) of the Act by destroying or adversely modifying such habitat, or that may be affected by such designation.

Activities that we may, during a consultation under section 7(a)(2) of the Act, consider likely to destroy or adversely modify critical habitat include, but are not limited to, wildfire operations and management within or adjacent to occupied areas. Such activities could include, but are not limited to, construction of new access roads, use of heavy equipment, and use of fire retardant. These activities could significantly reduce the species' population size and range, and remove corridors for pollinator movement, seed dispersal, and population expansion or significantly fragment the landscape and decrease the resiliency and representation of the species throughout its range.

Exemptions

Application of Section 4(a)(3) of the Act

Section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that the Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense (DoD), or designated for its use, that are subject to an integrated natural resources management plan (INRMP) prepared under section 101 of the Sikes Act Improvement Act of 1997 (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation. No DoD lands with a completed INRMP are within the proposed critical habitat designation for the Lassics lupine.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from designated critical habitat based on economic impacts, impacts on national security, or any other relevant impacts. Exclusion decisions are governed by the regulations at 50 CFR 424.19 and the

Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act (hereafter, the ''2016 Policy''; 81 FR 7226, February 11, 2016), both of which were developed jointly with the National Marine Fisheries Service (NMFS). We also refer to a 2008 Department of the Interior Solicitor's opinion entitled ''The Secretary's Authority to Exclude Areas from a Critical Habitat Designation under Section 4(b)(2) of the Endangered Species Act'' (M–37016). We explain each decision to exclude areas, as well as decisions not to exclude, to demonstrate that the decision is reasonable.

In considering whether to exclude a particular area from the designation, we identify the benefits of including the area in the designation, identify the benefits of excluding the area from the designation, and evaluate whether the benefits of exclusion outweigh the benefits of inclusion. If the analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, the Secretary may exercise discretion to exclude the area only if such exclusion would not result in the extinction of the species. In making the determination to exclude a particular area, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor. We describe below the process that we undertook for taking into consideration each category of impacts and our analyses of the relevant impacts.

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a designation, we must first evaluate specific land uses or activities and projects that may occur in the area of the critical habitat. We then must evaluate the impacts that a specific critical habitat designation may have on restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the areas proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat for this particular species. The probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios both ''with critical habitat'' and ''without critical habitat.''

The ''without critical habitat'' scenario represents the baseline for the analysis, which includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (*e.g.,* under the Federal listing as well as other Federal, State, and local regulations). Therefore, the baseline represents the costs of all efforts attributable to the listing of the species under the Act (*i.e.,* conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts would not be expected without the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we choose to conduct a discretionary 4(b)(2) exclusion analysis.

Executive Orders (E.O.s) 12866 and 13563 direct Federal agencies to assess the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the E.O. regulatory analysis requirements, our effects analysis under the Act may take into consideration impacts to both directly and indirectly affected entities, where practicable and reasonable. If sufficient data are available, we assess, to the extent practicable, the probable impacts to both directly and indirectly affected entities. Section 3(f) of E.O. 12866 identifies four criteria when a regulation is considered a ''significant'' rulemaking, and requires additional analysis, review, and approval if met. The criterion relevant here is whether the designation of critical habitat may have an annual effect on the economy of $100 million or more (section 3(f)(1)). Therefore, our consideration of economic impacts uses a screening analysis to assess whether a designation of critical habitat for the Lassics lupine is likely to exceed the economically significant threshold.

For this particular designation, we developed an incremental effects memorandum (IEM) considering the probable incremental economic impacts that may result from this proposed designation of critical habitat. The information contained in our IEM was then used to develop a screening analysis of the probable effects of the designation of critical habitat for the Lassics lupine (IEc 2022, entire). We began by conducting a screening analysis of the proposed designation of critical habitat in order to focus our analysis on the key factors that are likely to result in incremental economic impacts. The purpose of the screening analysis is to filter out particular geographic areas of critical habitat that are already subject to such protections and are, therefore, unlikely to incur incremental economic impacts. In particular, the screening analysis considers baseline costs (*i.e.,* absent critical habitat designation) and includes any probable incremental economic impacts where land and water use may already be subject to conservation plans, land management plans, best management practices, or regulations that protect the habitat area as a result of the Federal listing status of the species. Ultimately, the screening analysis allows us to focus our analysis on evaluating the specific areas or sectors that may incur probable incremental economic impacts as a result of the designation. The presence of the listed species in occupied areas of critical habitat means that any destruction or adverse modification of those areas will also jeopardize the continued existence of the species. Therefore, designating occupied areas as critical habitat typically causes little if any incremental impacts above and beyond the impacts of listing the species. If the proposed critical habitat designation contains any unoccupied units, the screening analysis assesses whether any additional management or conservation efforts may incur incremental economic impacts. This screening analysis combined with the information contained in our IEM constitute what we consider to be our draft economic analysis (DEA) of the proposed critical habitat designation for the Lassics lupine; our DEA is summarized in the narrative below.

As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas likely affected by the critical habitat designation. In our evaluation of the probable incremental economic impacts that may result from the proposed designation of critical habitat for the Lassics lupine, first we identified, in the IEM dated March 16, 2022, probable incremental economic impacts associated with the following categories of activities: fuels reduction, trail maintenance, invasive plant removal, habitat restoration, Forest Route 1S07 operation and maintenance, protective plant caging and population

monitoring, prescribed fire, population management, and cattle exclusion. We considered each industry or category individually. Additionally, we considered whether the activities have any Federal involvement. Critical habitat designation generally will not affect activities that do not have any Federal involvement; under the Act, designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. If we list the species, in areas where the Lassics lupine is present, Federal agencies would be required to consult with the Service under section 7 of the Act on activities they fund, permit, or implement that may affect the species. If we list the species and finalize this proposed critical habitat designation, our consultations would include an evaluation of measures to avoid the destruction or adverse modification of critical habitat.

In our IEM, we attempted to clarify the distinction between the effects that would result from the species being listed and those attributable to the critical habitat designation (*i.e.,* difference between the jeopardy and adverse modification standards) for the Lassics lupine's critical habitat. Because the designation of critical habitat for the Lassics lupine is being proposed concurrently with the listing, it has been our experience that it is more difficult to discern which conservation efforts are attributable to the species being listed and those which will result solely from the designation of critical habitat. However, the following specific circumstances in this case help to inform our evaluation: (1) The essential physical or biological features identified for critical habitat are the same features essential for the life requisites of the species, and (2) any actions that would result in sufficient harm to constitute jeopardy to the Lassics lupine would also likely adversely affect the essential physical or biological features of critical habitat. The IEM outlines our rationale concerning this limited distinction between baseline conservation efforts and incremental impacts of the designation of critical habitat for this species. This evaluation of the incremental effects has been used as the basis to evaluate the probable incremental economic impacts of this proposed designation of critical habitat.

The proposed critical habitat designation for the Lassics lupine consists of a single unit totaling 512 ac (207 ha). This unit is occupied and falls entirely within federally owned land within the boundary of the Six Rivers National Forest.

The screening analysis concluded that the anticipated number of consultations and associated costs will be small and will be limited to administrative efforts to consider adverse modification. This is because the single critical habitat unit is relatively small and because it occurs entirely on Federal lands, including a large portion of the unit that is in a designated wilderness area. The analysis predicts that there will be approximately 10 formal consultations over the next 10 years and will result in approximately $5,400 in incremental costs per year (IEc 2022, p. 10, exhibit 3). Few other additional costs are anticipated. Overall, the additional administrative burden is anticipated to fall well below the $100 million annual threshold.

We are soliciting data and comments from the public on the DEA discussed above, as well as on all aspects of this proposed rule and our required determinations. During the development of a final designation, we will consider the information presented in the DEA and any additional information on economic impacts we receive during the public comment period to determine whether any specific areas should be excluded from the final critical habitat designation under authority of section 4(b)(2) of the Act and our implementing regulations at 50 CFR 424.19. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area, provided the exclusion will not result in the extinction of this species.

Consideration of National Security Impacts

Section 4(a)(3)(B)(i) of the Act may not cover all DoD lands or areas that pose potential national-security concerns (*e.g.,* a DoD installation that is in the process of revising its INRMP for a newly listed species or a species previously not covered). If a particular area is not covered under section 4(a)(3)(B)(i), then national-security or homeland-security concerns are not a factor in the process of determining what areas meet the definition of ''critical habitat.'' However, the Service must still consider impacts on national security, including homeland security, on those lands or areas not covered by section 4(a)(3)(B)(i), because section 4(b)(2) requires the Service to consider those impacts whenever it designates critical habitat. Accordingly, if DoD, Department of Homeland Security (DHS), or another Federal agency has requested exclusion based on an assertion of national-security or homeland-security concerns, or we have otherwise identified national-security or homeland-security impacts from designating particular areas as critical habitat, we generally have reason to consider excluding those areas.

However, we cannot automatically exclude requested areas. When DoD, DHS, or another Federal agency requests exclusion from critical habitat on the basis of national-security or homeland-security impacts, we must conduct an exclusion analysis if the Federal requester provides information, including a reasonably specific justification of an incremental impact on national security that would result from the designation of that specific area as critical habitat. That justification could include demonstration of probable impacts, such as impacts to ongoing border-security patrols and surveillance activities, or a delay in training or facility construction, as a result of compliance with section 7(a)(2) of the Act. If the agency requesting the exclusion does not provide us with a reasonably specific justification, we will contact the agency to recommend that it provide a specific justification or clarification of its concerns relative to the probable incremental impact that could result from the designation. If we conduct an exclusion analysis because the agency provides a reasonably specific justification or because we decide to exercise the discretion to conduct an exclusion analysis, we will defer to the expert judgment of DoD, DHS, or another Federal agency as to: (1) Whether activities on its lands or waters, or its activities on other lands or waters, have national-security or homeland-security implications; (2) the importance of those implications; and (3) the degree to which the cited implications would be adversely affected in the absence of an exclusion. In that circumstance, in conducting a discretionary section 4(b)(2) exclusion analysis, we will give great weight to national-security and homeland-security concerns in analyzing the benefits of exclusion.

In preparing this proposal, we have determined that the lands within the proposed designation of critical habitat for the Lassics lupine are not owned or managed by the DoD or DHS, and, therefore, we anticipate no impact on national security or homeland security. However, during the development of a final designation we will consider any additional information received through the public comment period on the impacts of the proposed designation on national security or homeland security to determine whether any specific areas should be excluded from the final critical habitat designation under

authority of section 4(b)(2) of the Act and our implementing regulations at 50 CFR 424.19.

Consideration of Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security discussed above. To identify other relevant impacts that may affect the exclusion analysis, we consider a number of factors, including whether there are permitted conservation plans covering the species in the area—such as HCPs, safe harbor agreements (SHAs), or candidate conservation agreements with assurances (CCAAs)—or whether there are non-permitted conservation agreements and partnerships that may be impaired by designation of, or exclusion from, critical habitat. In addition, we look at whether Tribal conservation plans or partnerships, Tribal resources, or government-to-government relationships of the United States with Tribal entities may be affected by the designation. We also consider any State, local, social, or other impacts that might occur because of the designation.

We have not identified any areas to consider for exclusion from critical habitat based on other relevant impacts because there are no HCPs or conservation agreements, other than the conservation strategy developed by Six Rivers National Forest, for the Lassics lupine that may be impaired by designation of, or exclusion from, critical habitat. However, during the development of a final designation, we will consider all information currently available or received during the public comment period that we determine indicates that there is a potential for the benefits of exclusion to outweigh the benefits of inclusion. If we evaluate information regarding a request for an exclusion and we do not exclude, we will fully describe our rationale for not excluding in the final critical habitat determination. We may also exercise the discretion to undertake exclusion analyses for other areas as well, and we will describe all of our exclusion analyses as part of a final critical habitat determination.

Summary of Exclusions Considered Under 4(b)(2) of the Act

At this time, we are not considering any exclusions from the proposed designation based on economic impacts, national security impacts, or other relevant impacts—such as partnerships, management, or protection afforded by cooperative management efforts—under section 4(b)(2) of the Act.

In this proposed rule, we are seeking information from the public supporting a benefit of excluding any areas that would be used in an exclusion analysis that may result in the exclusion of areas from the final critical habitat designation. (Please see **ADDRESSES** for instructions on how to submit comments).

Required Determinations

Clarity of the Rule

We are required by E.O.s 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

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

(3) Use clear language rather than jargon;

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

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

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

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine whether potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

Under the RFA, as amended, and as understood in light of recent court decisions, Federal agencies are required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself; in other words, the RFA does not require agencies to evaluate the potential impacts to indirectly regulated

entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies would be directly regulated if we adopt the proposed critical habitat designation. The RFA does not require evaluation of the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities would be directly regulated by this rulemaking, the Service certifies that, if made final as proposed, the proposed critical habitat designation will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if made final, the proposed critical habitat designation would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. In our economic analysis, we did not find that this proposed critical habitat designation would significantly affect energy supplies, distribution, or use because there are no energy supply or distribution facilities within the bounds of the proposed critical habitat. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following finding:

(1) This proposed rule would not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or Tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or Tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this rule would significantly or uniquely affect small governments because only Federal lands are involved in the proposed designation. Therefore, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for the Lassics lupine in a takings implications assessment. The Act does not authorize the Service to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership, or establish any closures, or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed for the proposed designation of critical habitat for the Lassics lupine, and it concludes that, if adopted, this designation of critical habitat does not pose significant takings implications for lands within or affected by the designation.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant Federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this proposed critical habitat designation with, appropriate State resource agencies. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local

governments, or for anyone else. As a result, the proposed rule does not have substantial direct effects either on the States, or on the relationship between the Federal Government and the States, or on the distribution of powers and responsibilities among the various levels of government. The proposed designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical or biological features of the habitat necessary for the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist State and local governments in long-range planning because they no longer have to wait for case-by-case section 7 consultations to occur.

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) of the Act would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with E.O. 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. We have proposed designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, this proposed rule identifies the physical or biological features essential to the conservation of the species. The proposed areas of critical habitat are presented on maps, and the proposed rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), E.O. 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We have determined that no Tribal lands fall within the boundaries of the proposed critical habitat for the Lassics lupine.

References Cited

A complete list of references cited in this rulemaking is available on the internet at *https://www.regulations.gov* and upon request from the Arcata Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Arcata Fish and Wildlife Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.12, in paragraph (h), the List of Endangered and Threatened Plants, by adding an entry for ''*Lupinus constancei*'' in alphabetical order under **FLOWERING PLANTS** to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Scientific name	Common name	Where listed	Status	Listing citations and applicable rules
		FLOWERING PLANTS		
*	*	*	*	*
Lupinus constancei	Lassics lupine	Wherever found	E	[**Federal Register** citation when published as a final rule]; 50 CFR 17.96(a).[CH]
*	*	*	*	*

■ 3. Amend § 17.96, in paragraph (a), by adding an entry for ''Family Fabaceae: *Lupinus constancei* (Lassics lupine)'', immediately following the entry for ''Family Fabaceae: *Astragalus pycnostachyus* var. *lanosissimus* (Ventura Marsh milk-vetch)'', to read as follows:

§ 17.96 Critical habitat—plants.

(a) *Flowering plants.*

* * * * *

Family Fabaceae: *Lupinus constancei* (Lassics lupine)

(1) The critical habitat unit is depicted for Humboldt and Trinity Counties, California, on the map in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of the Lassics lupine consist of the following components:

(i) A plant community that consists of the following:

(A) Areas of open to sparse understory to ensure competition with Lassics lupine is inhibited. When sparse understory is present, the composition is predominantly native vegetation.

(B) Suitable solar insolation levels to support growth. These suitable levels can be achieved by the appropriate combination of canopy cover and aspect, with hotter and drier west-facing slopes needing moderate and more protective canopy cover compared to cooler north-facing slopes where there can be little to no canopy cover.

(C) A diversity and abundance of native plant species whose blooming times overlap to provide pollinator species with pollen and nectar sources for foraging throughout the seasons and to provide nesting and egg-laying sites; appropriate nest materials; and sheltered, undisturbed habitat for hibernation and overwintering of pollinator species and insect visitors.

(ii) Sufficient pollinators, particularly bees, for successful Lassics lupine reproduction and seed production.

(iii) Suitable soils and hydrology that consist of the following:

(A) Open, relatively barren, upland sites categorized as receiving sufficient snow and rain for seed germination and moisture for growing plants.

(B) Soils that are generally fast-draining, including serpentine or clastic (composed of pieces of older rocks) soils, with very shallow soil and low organic matter.

(C) Soils characterized by their relatively high levels of magnesium and iron, while being simultaneously low in calcium, nitrogen, potassium, and phosphorus.

(D) Soils characterized by relatively high sand content.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on [EFFECTIVE DATE OF FINAL RULE].

(4) Data layers defining the map unit were created based on surveys conducted with global positioning system (GPS) units collecting in WGS84 coordinates, and the critical habitat unit was then mapped using Universal Transverse Mercator (UTM) Zone 10N coordinates. The map in this entry, as modified by any accompanying regulatory text, establishes the boundaries of the critical habitat designation. The coordinates or plot points or both on which the map is based are available to the public at the Service's internet site at *https://www.fws.gov/office/arcata-fish-and-wildlife,* at *https://www.regulations.gov* at Docket No. FWS–R8–ES–2022–0083, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Mount Lassic Unit, Humboldt and Trinity Counties, California.

(i) The Mount Lassic Unit consists of 512 acres (207 hectares) of land in Humboldt and Trinity Counties. The entirety of the unit falls within the boundary of the Six Rivers National Forest.

(ii) Map of Mount Lassic Unit follows:

Figure 1 to Family Fabaceae: *Lupinus constancei* (Lassics lupine) paragraph (5)

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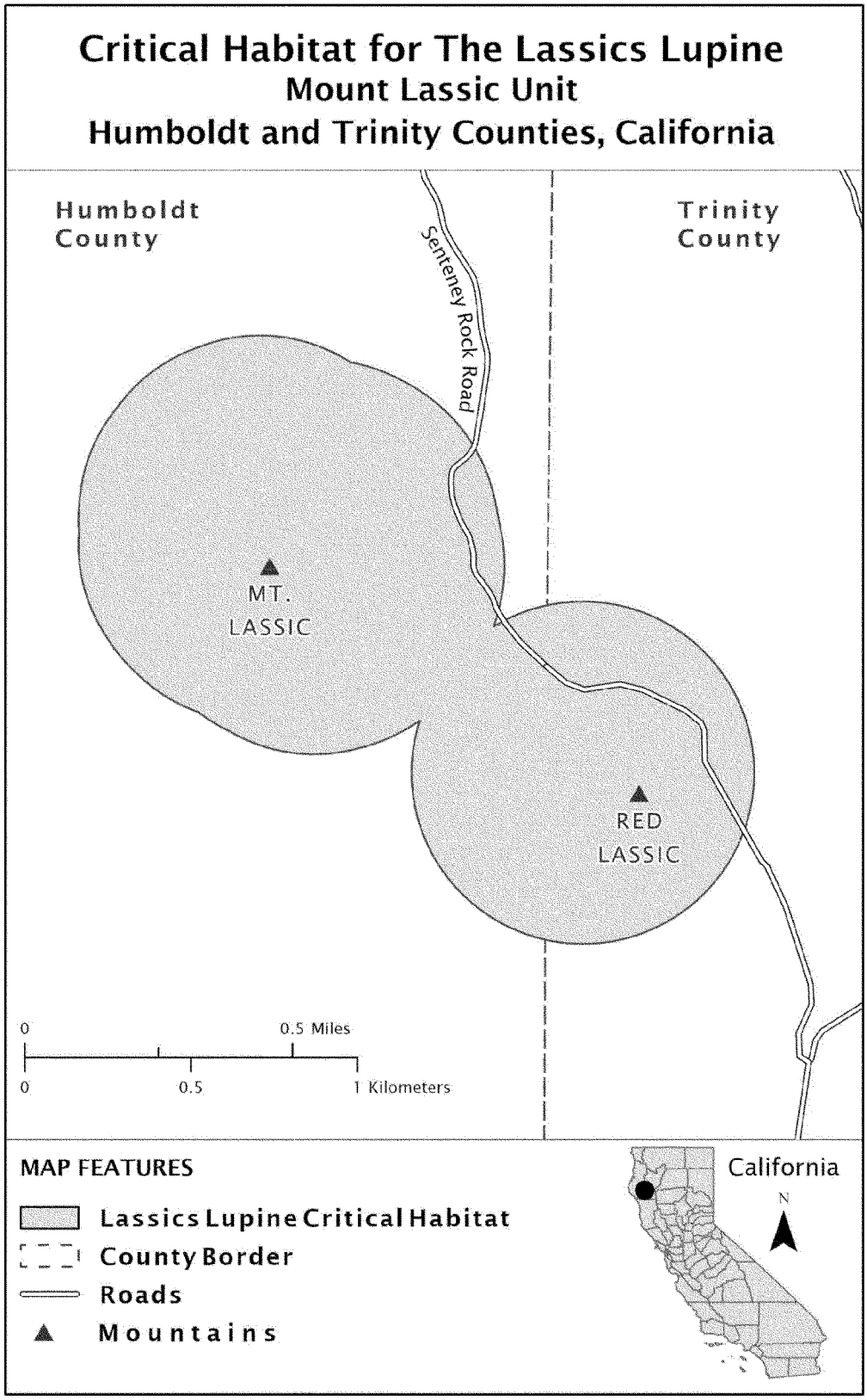
Figure 1 to Family Fabaceae: *Lupinus constancei* (Lassics lupine) paragraph (5)



* * * * *

Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2022–21537 Filed 10–5–22; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 679 and 680

RIN 0648–BL50

Fisheries of the Exclusive Economic Zone off Alaska; Revisions to the Economic Data Reports Requirements; Amendment 52 to the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands

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

ACTION: Notification of availability of fishery management plan amendments; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) submitted Amendment 52 to the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands (Crab FMP) to the Secretary of Commerce (Secretary) for review. If approved, Amendment 52 would remove third-party data verification audits and blind formatting requirements for the Bering Sea and Aleutian Islands (BSAI) crab fisheries Economic Data Report (EDR). Amendment 52 is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Crab FMP, and other applicable laws.

DATES: Submit comments on or before December 5, 2022.

ADDRESSES: You may send comments, identified by Docket ID NOAA–NMFS–2022–0083 by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2022–0083 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the Regulatory Impact Review (referred to as the ''Analysis'') and the Categorical Exclusion prepared for this rule may be obtained from *https://www.regulations.gov* identified by Docket ID NOAA–NMFS–2022–0083 or from the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/region/alaska.*

FOR FURTHER INFORMATION CONTACT: Jennifer Watson, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Act requires that each regional fishery management council submit any fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP amendment, immediately publish a notice in the **Federal Register** announcing that the amendment is available for public review and comment. This document announces that proposed Amendment 52 is available for public review and comment.

NMFS manages the king and Tanner crab fisheries in the U.S. exclusive economic zone (EEZ) of the BSAI under the Crab FMP. The Council prepared, and NMFS approved the Crab FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations governing and implementing the Crab FMP appear at 50 CFR parts 600 and 680.

The purpose of the EDR program is to gather data and information to improve the Council's ability to analyze the social and economic effects of the catch share or rationalization programs, to understand the economic performance of participants in these programs, and to help estimate impacts of future issues, problems, or proposed revisions to the programs covered by the EDRs.

The Crab EDR was implemented concurrent with the Crab Rationalization (CR) Program under Amendments 18 and 19 of the BSAI Crab FMP (70 FR 10174, March 2, 2005). The rule requiring the Crab EDR submission was codified in 50 CFR 680.6, which retroactively required affected entities to submit EDR forms for 1998, 2001, and 2004 calendar year operations by June 1, 2005, and to submit an annual Crab EDR form for calendar year 2005 and thereafter by May 1 of the following year. Amendment 42 (78 FR 36122, June 17, 2013) was implemented on July 17, 2013, and revised Crab EDR reporting requirements. The amended rule extended the annual submission deadline to July 31.

The reporting requirements for the Crab EDR apply to owners and leaseholders of catcher vessels (CVs) and catcher/processors (CPs) with landings of BSAI CR crab, including Community Development Quota (CDQ) allocation crab, and owners and leaseholders of Registered Crab Receivers, who purchase and/or process landed BSAI CR crab during a calendar year. For all groups, the annual submission requirement is imposed on CR crab program participants who harvest, purchase, or process CR crab.

The Crab EDR consists of reporting forms developed for three respective sectors: the Crab CV EDR, Crab processor EDR, and the Crab CP EDR. The CV and processor forms collect distinct sets of data elements, with the CP form combining of all data elements collected in the CV form and applicable elements from the processor form. A complete list of the data elements for each of the forms is in Section 3.2 of the Analysis (see **ADDRESSES**).

Data submitted in the current Crab EDRs provide valuable information for program evaluation and analysis of proposed conservation and management measures. However, since the inception of the Crab EDR over 10 years ago, revisions are now needed to improve the usability, efficiency, and consistency of this data collection program and to minimize cost to industry and the Federal government. Several proposed revisions to the Crab EDR, specifically on the use of third-party audits and blind formatting could reduce industry and government costs while still maintaining the integrity and confidentiality of this data collection program.

In the original Crab EDR program, several requirements were implemented to provide a higher standard of confidentiality for proprietary business information reported in the Crab EDR.

These requirements were stricter than those that apply to all other confidential fisheries information. In practice, these stricter confidentiality requirements have reduced the usability of the data for analysis and increased the cost of the Crab EDR program, without providing additional practical protections. Confidentiality requirements that apply to other routine data collections provide sufficient protections for the EDR data.

In consideration of the confidentiality issues and other issues discussed below, in February 2022, the Council recommended Amendment 52 to remove third-party audit verification, data aggregation protocols, and blind formatting requirements from the Crab EDR program. The amendment, if approved, would improve the usability, efficiency, and consistency of the Crab EDR data submissions and minimize cost to industry and the Federal government.

The BSAI Crab FMP requires NMFS to verify the accuracy and completeness of Crab EDR data submissions. The NMFS designated collection agent (DCA) must conduct the data verification process with any person submitting the Crab EDR or that person's designated representative. The regulations require the EDR submitter to respond to inquiries from the DCA within 20 days, require the submitter to provide supporting records to the DCA as requested, and authorize DCA to review the records for the purpose of substantiating values reported in the Crab EDR. In developing the data verification and audit procedures, NMFS has relied on the Council's record of decision for the CR Program for guidance in implementing the Crab EDR, specifically the CR Program Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA). This guidance states that the verification of data, auditing, and error-checking would be the primary responsibility of the DCA. Further, the guidance provides that the DCA will: (1) develop a system to identify outliers, incomplete data, or anomalies in the data submissions; and (2) retain accountants to review data submissions as part of the audit process and identify errors or flag possible fraudulent submissions.

NMFS began developing data verification protocols and procedures for the Crab EDR in 2005 and has continued to refine the process to identify and correct data reporting errors while reducing the cost and burden of the audit process. Prior to incorporation of EDR data into the Alaska Fisheries Information Network (AKFIN) relational database in 2011, EDR data validation was largely reliant on the audit process. Automation now allows the DCA to identify most errors and obtain corrections from submitters shortly after EDRs are submitted.

EDR data verification via automation currently employs a series of validation procedures, including (1) primary, automated data validation procedures, (2) secondary, validation employing statistical procedures and visual inspection to identify data anomalies and statistical outliers, and (3) editing and imputation for data errors identified by data users that were not detected and corrected in primary and secondary validation.

Primary automated validation procedures are executed on each EDR record shortly after receiving a certified EDR submission, with follow-up contacts with submitters to obtain corrections as needed. Most of these errors are identified and corrected easily with a phone call and result in a re-certified EDR submission within 2 weeks of the submission.

To begin secondary validation via automation, AKFIN completes integration of current year EDR records with other datasets, calculation of pro-rata and statistical indices, and plotting for visual inspection. NMFS and the DCA review the results to identify visual outliers and anomalies. Flagged values are selected for correction through follow-up by the DCA, or selection to third-party verification audit.

By contrast, audit protocols require auditors to notify EDR submitters that have been selected for audit and to request supporting materials to enable auditors to substantiate reported values. Once auditors have received the requested records, the auditors confirm a correct value for the data element (either the original reported value or a corrected value). Auditors also evaluate the quality of supporting information provided by the submitter and characterize the quality and nature of reporting errors. Audit corrections are entered into the EDR database, and AKFIN's production version of the EDR database is finalized after all audit results are entered.

Two issues have emerged from working with CPA firms for the audit process. First, in all audits reviews conducted since 2006, there has not been a single finding of intentional misreporting or of any bias in the direction of reporting errors identified by auditors. Second, verifying the quality of results produced by CPAs has required NMFS and the DCA to recreate the same work completed by the CPA firms. The tasks involved with auditing EDR data submissions are unique, generally unfamiliar to CPAs, and require one or two annual cycles of EDR submissions to gain experience. Additionally, CPA firms face staff turnovers and cannot be relied on to maintain staffing stability for audits of EDR submissions.

Removal of the audit authorization would prevent the DCA from contracting with a third party auditor to conduct the audit portion of the data verification. However, EDR data verification currently employs a series of validation procedures, as described above. These data validation procedures would remain in place and continue to be used if the audit authorization is removed. Additionally, enforcement provisions exist for all recordkeeping and reporting requirements, including the EDR program. Enforcement actions would continue to be possible in cases of noncompliance with the EDR provisions described in regulations.

In all audit reviews conducted since 2006, there has not been a single finding of intentional misreporting or of any bias in the direction of reporting errors identified by auditors. Additionally, verifying the quality of results produced by auditors requires considerable effort by NMFS and the DCA. Contracting for the services of CPA firms to conduct data validation audits is not straightforward, and the tasks involved are unfamiliar to CPAs. Proposed Amendment 52 would eliminate the audit authorization language in the FMP and would remove these challenges.

The automated verification and audit processes accrue an annual cost for industry estimated to be approximately $26,400 for the Crab EDR. Routine data verification procedures would continue so some portion of these costs will continue.

In addition to reducing the cost of industry compliance with audits, the NMFS contracting cost for CPA firms would be eliminated. The Crab EDR costs have ranged from approximately $65,000 annually to as low as about $22,000 annually and have generally been falling over the life of the Crab EDR program. Proposed Amendment 52 would eliminate the audit contracting costs incurred for the EDR program.

Blind formatting requires the collection of EDR forms to be performed by a third-party designated data collection auditor (DDCA) and the removal of unique identifiers (*e.g.,* vessel identifiers, permit numbers) from EDR data records accessible to Council and NMFS. Blind formatting is required for the Crab EDR. Blind formatting introduces significant administrative challenges for NMFS's management of

the EDR program because staff responsible for oversight of data verification and validation processes are prohibited from accessing identifying information. This has impeded timely completion of verification audits and production of economic reports developed from EDR data.

The EDR data confidentiality protocols also impose limitations on the data's usability because the data is aggregated to such an extent that details needed to analyze the associated catch share program's social and economic impacts are not available. The DDCA and blind formatting are unique to EDR data and were recommended by the Council as part of the Crab EDR program. The Council wished to apply a higher standard of confidential data protection to the cost data and other proprietary business information collected in EDRs, but these protective standards impede the Council and NMFS analysts' use of the data. Blind data is frequently either inconsistently applied across EDR programs or unusable because critical data elements, such as permit numbers, are not accessible. Analysts' use of blind EDR data also enhances the risk of inadvertently disclosing confidential data. This is because of the small number of entities that may be represented in the EDR records. If the EDR records are not accessible to analysts, it is hard for them to know if the data should be confidential. Analysts may avoid using EDR data even where it may have been the best information available, and choose alternative data sets with lower risk and complexity.

The Crab FMP's aggregation standard specifies that a minimum of five distinct submitter EDR records is required for public release of Crab EDR aggregated statistics and tabular summaries. This is in contrast to the standards applied to other confidential commercial fisheries data under NMFS and Council reciprocal access agreements with other agencies and respective agency administrative rules. The five record guideline was proposed by NMFS in 2006 in response to a Council request for Crab EDR confidentiality and data quality standards.

The small number of entities required to submit Crab EDRs in the crab fisheries requires confidential data suppression of significant portions of the data collected in EDRs. In particular, under the current rule of five, the small number of crab processors providing custom crab processing services prevents release of data reported in the Crab Processor EDR form. Thus, NMFS cannot disclose custom processing service fees paid by buyers and the data showing revenue received by custom process providers. This service fee data represents a substantial portion of the data reported in the crab processor EDR. The five record aggregation standard also requires data suppression for cost and employment data in smaller crab fisheries that would otherwise be publishable.

Amendment 52, if approved, would remove the blind formatting and the rule of five data aggregation requirements from the Crab FMP text making the data aggregations and confidentiality protections for the Crab EDR comparable to the requirements under the other EDR programs. It would also increase the usability and access to the EDR data for Council and NMFS analysts. Without the concern of inadvertently disclosing confidential data, analysts may be more likely to use the EDR data.

Requirements for the CR Program Economic Data Collection are in Chapter 11, Section 14 of the Crab FMP. These requirements are elements of the CR Program, which Amendment 18 added to the Crab FMP in 2004. These requirements were revised in 2013 through Amendment 42 to the Crab FMP. The intent of Amendment 42 for the wording of what was (F) Enforcement of Data Requirements is unclear. The FMP amendment may or may not have retained the text under paragraph 14.7. This action assumes the text is included in the FMP and Amendment 52, if approved, would revise or delete the text as needed to remove the third-party audit requirements, the data aggregation requirements, and the blind formatting requirements described above.

NMFS is soliciting public comments on proposed Amendment 52 through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on a proposed rule that would implement Amendment 52, following NMFS' evaluation of the proposed rule under the Magnuson-Stevens Act.

Respondents do not need to submit the same comments on Amendment 52 and the proposed rule. All relevant written comments received by the end of the applicable comment period, whether specifically directed to the FMP amendment or the proposed rule will be considered by NMFS in the approval/disapproval decision for Amendment 52 and addressed in the response to comments in the final decision. Comments received after end of the applicable comment period will not be considered in the approval/disapproval decision on Amendment 52. To be considered, comments must be received, not just postmarked or otherwise transmitted, by the last day of the comment period (see **DATES**).

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

Dated: October 3, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–21802 Filed 10–5–22; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 87, No. 193
Thursday, October 6, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2022–0005]

Concurrence With World Organization for Animal Health's Risk Designation for Bovine Spongiform Encephalopathy for Ireland

AGENCY: Animal and Plant Health Inspection Service, Department of Agriculture (USDA).

ACTION: Notice.

SUMMARY: We are advising the public of our decision to concur with the World Organization for Animal Health's (WOAH's) bovine spongiform encephalopathy (BSE) risk designation for Ireland. The WOAH recognizes Ireland as being of negligible risk for BSE. We are taking this action based on our review of information supporting the WOAH's risk designation for Ireland.

FOR FURTHER INFORMATION CONTACT: Dr. Rebecca Gordon, Senior Staff Officer, Regionalization Evaluation Services, Veterinary Services, APHIS, 920 Main Campus Drive, Raleigh, NC, 27606; (919) 855–7741; email: *AskRegionalization@usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 92 subpart B, ''Importation of Animals and Animal Products; Procedures for Requesting BSE Risk Status Classification With Regard To Bovines'' (referred to below as the regulations), set forth the process by which the Animal and Plant Health Inspection Service (APHIS) classifies regions for bovine spongiform encephalopathy (BSE) risk. Section 92.5 of the regulations provides that all countries of the world are considered by APHIS to be in one of three BSE risk categories: Negligible risk, controlled risk, or undetermined risk. These risk categories are defined in § 92.1. Any region that is not classified by APHIS as presenting either negligible risk or controlled risk for BSE is considered to present an undetermined risk. The list of those regions classified by APHIS as having either negligible risk or controlled risk can be accessed on the APHIS website at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/animal-health-status-of-regions.* The list can also be obtained by writing to APHIS at Regionalization Evaluation Services, Veterinary Services, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1238.

Under the regulations, APHIS may classify a region for BSE in one of two ways. One way is for regions that have not received a risk classification from the World Organization for Animal Health (WOAH) [1] to request classification by APHIS. The other way is for APHIS to concur with the classification given to a country or region by the WOAH.

If the WOAH has classified a region as either BSE negligible risk or BSE controlled risk, APHIS will seek information to support concurrence with the WOAH classification. This information may be publicly available information, or APHIS may request that regions supply the same information given to the WOAH. APHIS will announce in the **Federal Register**, subject to public comment, its intent to concur with a WOAH classification.

In accordance with this process, we published a notice [2] in the **Federal Register** on April 14, 2022 (87 FR 22168- 22169, Docket No. APHIS–2022–0005), in which we announced our intent to concur with the WOAH risk classification of Ireland as being a region of negligible risk for BSE. We solicited comments on the notice for 60 days ending on June 13, 2022. We received one comment by that date, from a private citizen.

The commenter claimed that we provided no evidence to support that BSE levels in Ireland's cattle population approach zero.

Neither the notice nor the conclusions of the WOAH referenced in the notice claimed that BSE cases in Ireland approach zero. Rather, the WOAH classified Ireland as BSE negligible risk. While negligible risk indicates that the occurrence of BSE is very rare, it does not translate to zero risk, nor does it imply the expectation or assumption that the risk will become zero in the future. Atypical BSE may still be detected in countries or regions with a negligible risk status. The atypical BSE forms, L-type and H-type, occur spontaneously at very low levels in all cattle populations.

The commenter also stated that relying on slaughterhouses/abattoirs to find cases of BSE is an unreliable surveillance method.

Because there is currently no test to detect BSE in a live animal, sampling for BSE is often performed in the slaughterhouse/abattoir environment. It may also be performed at rendering or salvage facilities, on-farm, at veterinary clinics, or at veterinary diagnostic laboratories. Ireland provided documentation for the standard operating procedures for active surveillance for BSE in cattle and documented that the samples collected are representative of the cattle population in the country. Furthermore, Ireland provided documentation that BSE surveillance exceeded Type B surveillance minimum requirements in Chapter 11.4 of the WOAH *Terrestrial Animal Health Code.* As the commenter provided no information to support the claim that this surveillance is unreliable, we continue to concur with the WOAH risk classification of Ireland as being a region of negligible risk for BSE.

The commenter also claimed that laboratories in general lack the skills necessary to detect BSE.

All BSE confirmatory testing in Ireland is carried out in the Central Veterinary Research Laboratory in Backweston, which is the National Reference Laboratory (NRL) for transmissible spongiform encephalopathies in Ireland. The confirmatory tests used are histopathology, immunohistochemistry using antibody F89, and immunoblot (Biorad TeSeE). All confirmatory and discriminatory tests used are accredited to the international standard for laboratories (IS0–17025). All rapid

[1] On May 28, 2022, the World Organization for Animal Health announced a change to its acronym from OIE to WOAH to match its full name. See *https://www.woah.org/en/the-world-organisation-for-animal-health-launches-its-refreshed-brand-identity/.*

[2] To view the notice, go to *www.regulations.gov* and enter APHIS–2022–0005 in the Search field.

screening for BSE is conducted with European Union-approved rapid tests at Rapid Test Laboratories that are approved and monitored by the NRL. Ireland provided documentation that BSE diagnostic procedures and the reference laboratory facilities (NRL and Rapid Test Laboratories) meet the requirements in the WOAH *Manual of Diagnostic Tests and Vaccines for Terrestrial Animals.* As the commenter provided no information to support the claim that these laboratories or tests are unable to accurately detect BSE, we continue to concur with the WOAH risk classification of Ireland as being a region of negligible risk for BSE.

Therefore, in accordance with the regulations in § 92.5, we are announcing our decision to concur with the WOAH risk classification for Ireland.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this action as not a major rule, as defined by 5 U.S.C. 804(2).

Authority: 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 30th day of September 2022.

Anthony Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2022–21729 Filed 10–5–22; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Monthly Wholesale Trade Survey

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, 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 on the proposed extension of the Monthly Wholesale Trade Survey, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before December 5, 2022.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov.* Please reference Monthly Wholesale Trade Survey in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2022–0016, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Rebecca Weaver, Chief, Wholesale Indicator Branch, Economic Indicators Division, 301–763–9538, *rebecca.l.weaver@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Monthly Wholesale Trade Survey (MWTS) provides measures of monthly sales, end-of-month inventories, and inventories/sales ratios in the United States by selected kinds of business for merchant wholesalers, excluding manufacturers' sales branches and offices. Estimates from the MWTS are released in three different reports each month. High level aggregate estimates for end-of-month inventories are first released as part of the Advance Economic Indicators Report approximately 27 days after the close of the reference month. The full Monthly Wholesale Trade Report containing both sales and inventories estimates is released approximately 39 days after the close of the reference month. Sales and inventories estimates from the MWTS are also released as part of the Manufacturing and Trade Inventories and Sales (MTIS) report issued approximately 45 days after the close of the reference month. The Bureau of Economic Analysis uses this information to improve the inventory valuation adjustments applied to estimates of the Gross Domestic Product. The Bureau of Labor Statistics (BLS) uses the data as input to develop Producer Price Indexes and productivity measurements.

The MWTS sales estimates are also used as an input in the Monthly Real Dollar Estimates of Wholesale Sales experimental product, first published on September 19, 2022, which is a supplement to the MWTS report. The estimates were created from the nominal MWTS sales series using product weights developed from existing Census Bureau data releases and price indexes from the BLS. Within the report, real dollar sales estimates and corresponding residuals are available for Total Merchant Wholesalers, except Manufacturers' Sales Branches and Offices, as well as the two 3-digit and eighteen 4-digit North American Industry Classification System (NAICS) wholesale subsectors. Monthly estimates are available from January 2012 forward.

Estimates produced from the MWTS are based on a probability sample and are published on the NAICS basis. The sample design consists of small, medium, and large cases requested to report sales and inventories each month. The sample, consisting of about 4,200 wholesale businesses, is drawn from the Business Register, which contains all Employer Identification Numbers (EINs) and listed establishment locations. The sample is updated quarterly to reflect employer business ''births'' and ''deaths''. New employer businesses identified in the Business and Professional Classification Survey are added and employer businesses determined to be no longer active are removed.

II. Method of Collection

Respondents are initially contacted primarily by email, with a small subset receiving a form by mail. After initial contact, non-respondents are contacted by email and/or telephone follow-up. We collect the data primarily by internet. We collect a small portion of the data by mail, telephone follow-up, and fax.

III. Data

OMB Control Number: 0607–0190.

Form Number(s): SM4217–A and SM4217–E.

Type of Review: Regular submission. Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: U.S. merchant wholesale firms, excluding manufacturers' sales branches and office.

Estimated Number of Respondents: 4,200.

Estimated Time Per Response: 7 minutes.

Estimated Total Annual Burden Hours: 5,880 hours.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Sections 131 and 182.

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. 2022–21721 Filed 10–5–22; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Monthly Retail Surveys

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, 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 on the proposed extension of the Monthly Retail Surveys, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before December 5, 2022.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov.* Please reference Monthly Retail Surveys in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2022–0017, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Paul Bucchioni, Chief, Retail Indicators Branch, 301–763–7125, and *Paul.A.Bucchioni@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request an extension of the current Office of Management and Budget clearance for the surveys known as the Monthly Retail Trade Survey (MRTS) and the Advance Monthly Retail Trade Survey (MARTS). The MRTS and MARTS are related collections sharing the same initial sample frame and collect data that are published in conjunction with each other. These two surveys are collectively called the Monthly Retail Surveys (MRS).

The Monthly Retail Trade Survey (MRTS) provides estimates of monthly retail sales, end-of-month merchandise inventories, and quarterly e-commerce sales for firms located in the United States and classified in the Retail Trade or Food Services sectors as defined by the North American Industry Classification System (NAICS).

Estimates produced from the MRTS are based on a probability sample of approximately 13,000 firms. The sample design consists of one fixed panel where all cases are requested to report sales, e-commerce sales, and/or inventories for the prior month. If reporting data for a period other than the calendar month, the survey asks for the period's length (4 or 5 weeks) and the date on which the period ended. The survey also asks for the number of establishments covered by the data provided and whether the sales data provided are estimates or more accurate ''book'' figures. The sample is drawn approximately every 5 to 7 years from the Business Register, which contains all Employer Identification Numbers (EINs) and listed establishment locations. The sample is updated quarterly to reflect employer business ''births'' and ''deaths''; adding new employer businesses identified in the Business and Professional Classification Survey (SQ–CLASS) and deleting firms and EINs when it is determined they are no longer active. Estimates from the MRTS are released in 3 parts. The MRTS sales estimates are also used as input to the Monthly State Retail Sales (MSRS) experimental release first published in September 2020. The MSRS report is a blended data product combining Monthly Retail Trade Survey data, administrative data, and third-party data. Data are available for year-over-year percent changes for Total Retail Sales excluding Nonstore Retailers as well as 11 North American Industry Classification System (NAICS) retail subsectors. High level aggregate estimates for end of month inventories are first released as part of the Advance Economic Indicators Report approximately four weeks after the close

of the reference month. The sales and inventories estimates from MRTS are released approximately six weeks after the close of the reference month as part of the Monthly Retail Trade report and the Manufacturing and Trade Inventories and Sales (MTIS) report, which are released on the same day. Additionally, once per quarter, data for quarterly e-commerce sales are released approximately 50 days after the close of the reference quarter as part of the Quarterly Retail E-Commerce Sales report. Currently, there are no planned changes for MRTS.

The Advance Monthly Retail Trade Survey (MARTS) provides an early indication of monthly sales for retail trade and food services firms located in the United States. It was developed in response to requests by government, business, and other users to provide an early indication of current retail trade activity in the United States. Retail sales are one of the primary measures of consumer demand for both durable and non-durable goods. The MARTS survey results are published approximately two weeks after the end of the reference month. MARTS provide an OMB-designated Principal Federal Economic Indicator and the earliest available monthly estimates of broad-based retail trade activity. It also provides an estimate of monthly sales at food service establishments and drinking places.

The MARTS sample is a sub-sample of companies selected from the MRTS. The advance survey sample of about 5,500 companies are selected using a stratified sample by industry and size. Some 1,250 firms, because of their relatively large effect on the sales of certain industry groups, are selected with certainty. The MARTS sample is re-selected generally at 2½ to 3-year intervals to ensure it is representative of the target population and to redistribute burden for small- and medium-sized businesses.

Similar to the MRTS sales estimates, advance sales estimates for each kind of business are developed by applying a ratio of current-month to previous-month sales (derived from the advance retail and food service sample) to the preliminary estimate of sales for the previous month (from the larger monthly sample). Industry estimates are summed to derive total retail sales figures.

The MARTS survey requests sales and e-commerce sales for the month just ending. As on the MRTS survey, if firms report data for a period other than the calendar month, the survey asks for the period's length (4 or 5 weeks) and the date on which the period ended. Like MRTS, the survey also asks for the number of establishments covered by the data provided and whether the sales data provided are estimates or more accurate ''book'' figures. Currently, there are no planned changes for MARTS.

The Bureau of Economic Analysis (BEA) uses the information collected on these surveys to prepare the National Income and Products Accounts, to benchmark the annual input-output tables and as critical inputs to the calculation of the Gross Domestic Product (GDP). Policymakers at the Federal Reserve Board (FRB), the National Economic Council, and other federal and state governmental agencies as well as many private sector entities rely on the timely estimates of retail sales when making monetary and economic policy decisions.

II. Method of Collection

We collect this information primarily by internet. We do collect a small portion of the data by mail.

III. Data

OMB Control Number: 0607–0717.

Form Number(s): SM–4417A–A, SM–4417A–E, SM–4417AE–A, SM–4417AE–E, SM–4417AS–A, SM–4417AS–E, SM–7217A–A, SM7217A–E, SM–4417S–A, SM–4417SE–A, SM–4417SS–A, SM–7217S–A, SM–7217S–E, SM–4417S–E, SM–4417SE–E, SM–4417SS–E, SM–4417B–A, SM4417BE–A, SM–4417BS–A, SM–4417B–E, SM–4417BE–E, SM–4417BS–E, SM–2017I–A, SM–2017I–E.

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: Retail and Food Services firms in the United States.

Estimated Number of Respondents: MRTS–13,000; MARTS–5,500.

Estimated Time per Response: MRTS–7 minutes; MARTS–5 minutes.

Estimated Total Annual Burden Hours: 18,200. (To eliminate duplication, firms that report to the MARTS survey are not required to provide sales and ecommerce sales information for MRTS. Therefore, we use the MRTS sample size and average burden per response to estimate the combined total annual burden for both surveys. The MRTS survey has the maximum number of questions for any given survey respondent as well as the longest estimated burden (at 7 min)).

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Sections 131 and 182.

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. 2022–21720 Filed 10–5–22; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–089]

Certain Steel Racks and Parts Thereof From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Intent To Rescind the Review, in Part; 2020

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that the companies subject to this countervailing duty (CVD)

administrative review of certain steel racks and parts thereof (steel racks) from the People's Republic of China (China) received countervailable subsidies during the period of review (POR), January 1, 2020 through December 31, 2020. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Drew Jackson AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4406.

SUPPLEMENTARY INFORMATION:

Background

On September 16, 2019, Commerce published the CVD order on steel racks from China.[1] On September 2, 2021, Commerce published a notice of opportunity to request an administrative review of the *Order* for the POR.[2] In August 2021, we received timely requests from multiple parties to conduct an administrative review of the *Order.* On November 5, 2021, we published a notice of initiation for this administrative review.[3] On May 25, 2022, Commerce extended the deadline for the preliminary results of this review by 120 days to September 30, 2022.[4]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[5] The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The scope of the *Order* covers steel racks from China. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

We are conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit to the recipient, and that the subsidy is specific.[6] For a full description of the methodology underlying our preliminary conclusions, including our reliance, in part, on adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is provided in the appendix to this notice.

Intent To Rescind Administrative Review, in Part

On December 2, 2021, Hebei Minmetals Co., Ltd. (Hebei Minmetals) timely filed a no-shipments certification.[7] Based on information received from U.S. Customs and Border Protection (CBP), we intend to rescind the administrative review with regard to Hebei Minmetals, in accordance with 19 CFR 351.213(d)(3), in the final results of review.[8]

Preliminary Rate for Non-Selected Companies Under Review

There are 29 companies for which a review was requested and not subject to rescission in the final results of review, and which were not selected as mandatory respondents or found to be cross-owned with the mandatory respondent. The statute and Commerce's regulations do not directly address the establishment of rates to be applied to companies not selected for individual examination where Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides the basis for calculating the all-others rate in an investigation.

Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general rule, to calculate an all-others rate equal to the weighted average of the countervailable subsidy rates established for exporters and/or producers individually examined, excluding any rates that are zero, *de minimis,* or based entirely on facts available. In this review, the sole mandatory respondent, Nanjing Dongsheng Shelf Manufacturing Co., Ltd. (Dongsheng), had a rate which was not zero, de minimis, or based entirely on facts available. Thus, for the companies for which a review was requested that were not selected as mandatory company respondents and for which Commerce is not rescinding the review, Commerce is basing the subsidy rate on the rate calculated for Dongsheng.

Preliminary Results of Review

As a result of this administrative review, we preliminarily find that the following net countervailable subsidy rates exist for the period January 1, 2020, through December 31, 2020:

Company	Subsidy rate (percent *ad valorem*)
Nanjing Dongsheng Shelf Manufacturing Co., Ltd	21.02
Review-Specific Rate Applicable to the Following Companies:	
Ateel Display Industries (Xiamen) Co., Ltd	21.02
CTC Universal (Zhangzhou) Industrial Co., Ltd	21.02
David Metal Craft Manufactory Ltd	21.02

[1] *See Certain Steel Racks and Parts Thereof From the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Countervailing Duty Order,* 84 FR 48584 (September 16, 2019) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 86 FR 17137 (September 2, 2021).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 61121 (November 5, 2021).

[4] *See* Memorandum, ''Steel Racks from the People's Republic of China: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2020,'' dated May 25, 2022.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Certain Steel Racks and Parts Thereof from the People's Republic of China; 2020,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

[7] *See* Hebei Minmetals' Letter, ''Steel Racks from the People's Republic of China: Hebei Minmetals' No Shipment Letter,'' dated December 2, 2021.

[8] *See* Memoranda, ''Steel Racks from the People's Republic of China: Customs Data for Respondent Selection,'' dated November 24, 2021; and ''Steel Racks from the People's Republic of China: Release of U.S. Customs and Border Protection Information Relating to No Shipment Claim,'' dated August 16, 2022.

Company	Subsidy rate (percent *ad valorem*)
Fujian Ever Glory Fixtures Co., Ltd	21.02
Guangdong Wireking Housewares and Hardware Co., Ltd	21.02
Hebei Wuxin Garden Products Co., Ltd	21.02
Huanghua Xinxing Furniture Co., Ltd	21.02
i-Lift Equipment Ltd	21.02
Johnson (Suzhou) Metal Products Co., Ltd	21.02
Master Trust (Xiamen) Import and Export Co., Ltd	21.02
Nanjing Ironstone Storage Equipment Co., Ltd	21.02
Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd	21.02
Ningbo Xinguang Rack Co., Ltd	21.02
Redman Corporation	21.02
Redman Import & Export Limited	21.02
Suzhou (China) Sunshine Hardware & Equipment Imp. & Exp. Co. Ltd	21.02
Tianjin Master Logistics Equipment Co., Ltd	21.02
Xiamen Baihuide Manufacturing Co., Ltd	21.02
Xiamen Ever Glory Fixtures Co., Ltd	21.02
Xiamen Golden Trust Industry & Trade Co., Ltd	21.02
Xiamen Kingfull Imp and Exp Co., Ltd. (d.b.a) Xiamen Kingfull Displays Co., Ltd	21.02
Xiamen LianHong Industry and Trade Co., Ltd	21.02
Xiamen Luckyroc Industry Co., Ltd	21.02
Xiamen Luckyroc Storage Equipment Manufacture Co., Ltd	21.02
Xiamen Meitoushan Metal Products Co., Ltd	21.02
Xiamen Power Metal Display Co., Ltd	21.02
Xiamen XinHuiYuan Industrial & Trade Co., Ltd	21.02
Xiamen Yiree Display Fixtures Co., Ltd	21.02
Zhangjiagang Better Display Co., Ltd	21.02

Assessment Rates

Upon issuance of the final results of this administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, CVDs on all appropriate entries covered by this review. For the company for which we intend to rescind this review, upon issuance of the final rescission, Commerce will instruct CBP to assess CVDs on all appropriate entries at a rate equal to the cash deposit of estimated CVDs required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2020, through December 31, 2020, in accordance with 19 CFR 351.212(c)(1)(i).

For the companies remaining in the review, Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated CVDs in the amounts calculated in the final results of this review for the respective companies listed above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. If the rate calculated in the final results is zero or *de minimis,* no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non-reviewed companies, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the China-wide entity rate (*i.e.,* 144.50 percent) [9] or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We intend to disclose the calculations performed for these preliminary results to parties in this proceeding within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.[10] Parties who submit case or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[13] Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date and time for the hearing.

[9] *See Order,* 84 FR at 48585.

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

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

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

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

Unless extended, we intend to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4) and 351.221(b)(4).

Dated: September 30, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Non-Selected Companies Under Review
V. Intent To Rescind Administrative Review, in Part
VI. Diversification of China's Economy
VII. Use of Facts Otherwise Available and Application of Adverse Inferences
VIII. Subsidies Valuation
IX. Interest Rate Benchmarks, Discount Rates, Steel Input, Electricity, and Natural Gas Benchmarks
X. Analysis of Programs
XI. Recommendation

[FR Doc. 2022–21800 Filed 10–5–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–088]

Certain Steel Racks and Parts Thereof From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2020–2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain exporters under review sold certain steel racks and parts thereof (steel racks) from the People's Republic of China (China) in the United States at prices below normal value (NV) during the period of review (POR) September 1, 2020, through August 31, 2021. Additionally, Commerce preliminarily determines that Hebei Minmetals Co., Ltd. (Hebei Minmetals) and Xiamen Luckyroc Industry Co., Ltd., (Luckyroc) had no shipments of subject merchandise during the POR. We invite interested parties to comment on these preliminary results of review.

DATES: Applicable October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill or Elizabeth Bremer, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3518 and (202) 482–4987, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 2, 2021, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on steel racks from China.[1] After receiving review requests, Commerce initiated this review for 31 companies.[2] On April 26, 2022, Commerce extended the deadline for these preliminary results by a total of 120 days, to September 30, 2022.[3] For additional background information, *see* the Preliminary Decision Memorandum.[4]

Scope of the Order

The merchandise covered by the *Order* is steel racks and parts thereof, assembled, to any extent, or unassembled, including but not limited to, vertical components (*e.g.,* uprights, posts, or columns), horizontal or diagonal components (*e.g.,* arms or beams), braces, frames, locking devices (*e.g.,* end plates and beam connectors), and accessories (including, but not limited to, rails, skid channels, skid rails, drum/coil beds, fork clearance bars, pallet supports, row spacers, and wall ties).

Merchandise covered by the *Order* is classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7326.90.8688, 9403.20.0081, 9403.90.8041, and 9403.99.9041.[5] Subject merchandise may also be classified under subheadings 7308.90.3000, 7308.90.6000, 7308.90.9590, and 9403.20.0090. The HTSUS subheadings are provided for convenience and U.S. customs purposes only. The written description of the scope is dispositive.

A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

On December 2 and 6, 2021, Hebei Minmetals and Luckyroc timely filed certifications that they did not export or sell subject merchandise during the POR and that there were no suspended entries of their subject merchandise into the United States during the POR. Based on an analysis of information from U.S. Customs and Border Protection (CBP), and each company's certification, we preliminarily determine that Hebei Minmetals and Luckyroc did not export or sell subject merchandise to, nor was their subject merchandise entered into, the United States during the POR.[6]

Consistent with Commerce's practice, we are not rescinding this administrative review with respect to Hebei Minmetals and Luckyroc, but intend to complete the review of these companies and issue appropriate liquidation and assessment instructions to CBP based on the final results of review.[7]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We calculated export prices for the mandatory respondents Nanjing

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 86 FR 49311 (September 2, 2021); and *Certain Steel Racks and Parts Thereof from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Countervailing Duty Order* 84 FR 48584 (September 16, 2019) (collectively, *Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 61121 (November 5, 2021).

[3] *See* Memorandum, ''Certain Steel Racks and Parts Thereof from the People's Republic of China: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 26, 2022.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Certain Steel Racks and Parts Thereof from the People's Republic of China; and Preliminary Determination of No Shipments; 2020–2021,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] On February 9, 2022, Commerce received a request from U.S. Customs and Border Protection (CBP) to update the ACE Case Reference File (CRF) for certain steel racks and parts thereof from the People's Republic of China. Specifically, CBP requested that Commerce add a certain Harmonized Tariff Schedule (HTS) number to case numbers A570–088 to reflect the 2022 updates to the HTS. On May 4, 2022, Commerce added the HTS number 9403.99.9041 to the CRF for case A–570–088. *See* Memorandum, ''Request from Customs and Border Protection to Update the ACE AD/CVD Case Reference File: Certain Steel Racks and Parts Thereof from the People's Republic of China (A–570–088, C–570–089),'' dated May 4, 2022.

[6] *See* Preliminary Decision Memorandum.

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011); *see also* the ''Assessment Rates'' section, *infra.*

Dongsheng Shelf Manufacturing Co., Ltd. (Dongsheng) and Nanjing Ironstone Storage Equipment Co., Ltd. (Ironstone) in accordance with section 772 of the Act. Further, because China is a non-market economy (NME) country within the meaning of section 771(18) of the Act, we calculated NV in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Separate Rates

In all proceedings involving an NME country, Commerce maintains a rebuttable presumption that all companies are subject to government control and, thus, should be assessed a single weighted-average dumping margin unless the company can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to its exports (*i.e.,* can affirmatively demonstrate that it is eligible for a separate rate).[8] Commerce has preliminarily determined that information placed on the record by Dongsheng, Ironstone, and Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd., demonstrates that these companies are eligible for separate rate status.[9]

However, Commerce has preliminarily determined that each of the companies whose name is listed in Appendix II to this notice has not demonstrated its eligibility for a separate rate because it did not file a separate rate application or separate rate certification with Commerce. Therefore, we have preliminarily treated the companies listed in Appendix II as part of the China-wide entity.

Because no party requested a review of the China-wide entity, the China-wide entity is not under review. Accordingly, the weighted-average dumping margin determined for the China-wide entity (*i.e.,* 144.50 percent) is not subject to change in this review. For additional information, *see* the Preliminary Decision Memorandum.

Dumping Margin for the Non-Individually Examined Company Granted a Separate Rate

The statute and Commerce's regulations do not address what weighted-average dumping margin to apply to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act for guidance regarding establishing a weighted-average dumping margin for respondents which were not individually examined in an administrative review.

Section 735(c)(5)(A) of the Act provides that Commerce will base the all-others rate in an investigation on the weighted average of the estimated weighted-average dumping margins calculated for the individually examined respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available. Where the weighted-average dumping margin for each of the individually examined companies is zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method'' to establish the estimated all-others rate.

Because the preliminary weighted-average dumping margins calculated for the individually examined companies (Dongsheng and Ironstone) in this administrative review is not zero, *de minimis,* or based entirely on facts available, we have preliminarily assigned Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd. (Kingmore)—which has been found to be eligible for a separate rate, but was not selected for individual examination—a dumping margin equal to the estimated weighted-average dumping margins (based on the publicly ranged total sales quantities) calculated for Dongsheng and Ironstone, consistent with the guidance in section 735(c)(5)(B) of the Act.[10] For additional information, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

We are assigning the following weighted-average dumping margins to the companies listed below for the period September 1, 2020, through August 31, 2021:

Exporter	Weighted-average dumping margin (percent)
Nanjing Dongsheng Shelf Manufacturing Co., Ltd	39.16
Nanjing Ironstone Storage Equipment Co., Ltd	27.95
Review-Specific Rate Applicable to the Following Non-Examined Company:	
Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd	35.30

Disclosure

Commerce intends to disclose to parties to the proceeding the calculations performed for these preliminary results of review under Administrative Protective Order within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

[8] *See Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In*Part: Certain Lined Paper Products from the People's Republic of China, 71 FR 53079, 53082 (September 8, 2006); *see also Final Determination of Sales at Less Than Fair Value and Final Partial Affirmative Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the People's Republic of China,* 71 FR 29303, 29307 (May 22, 2006).

[9] Commerce has determined that Jiangsu Nova Intelligent Logistics Equipment Co., Ltd. is not subject to this proceeding. *See* Commerce's Letter, ''Steel Racks from the People's Republic of China: Rejection of Jiangsu Nova's Separate Rate Application,'' dated September 30, 2022.

[10] *See* Memorandum, ''Administrative Review of the Antidumping Duty Order on Certain Steel Racks and Parts Thereof from the People's Republic of China: Calculation of the Weighted-Average Dumping Margin for Respondents Not Selected for Individual Examination,'' dated concurrently with this notice.

Public Comment

Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of these preliminary results of review in the **Federal Register**.[11] Rebuttal briefs may be filed with Commerce no later than seven days after case briefs are due and may respond only to arguments raised in the case briefs.[12] A table of contents, list of authorities used, and an executive summary of issues should accompany any briefs submitted to Commerce. The summary should be limited to five pages total, including footnotes.[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the **Federal Register**. Requests for a hearing should contain: (1) the requesting party's name, address, and telephone number; (2) the number of individuals associated with the requesting party that will attend the hearing and whether any of those individuals is a foreign national; and (3) a list of the issues the party intends to discuss at the hearing. Oral arguments at the hearing will be limited to issues raised in the case and rebuttal briefs. If a request for a hearing is made, Commerce will announce the date and time of the hearing. Parties should confirm the date and time of the hearing two days before the scheduled hearing date.

All submissions to Commerce, with limited exceptions, must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time on the due date.[14] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[15]

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results of review in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results of review, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review.[16] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

For the individually examined respondents whose rate is not zero or *de minimis,* we will calculate importer or customer-specific assessment rates in accordance with 19 CFR 351.212(b)(1).[17] Where the respondent reported reliable entered values, we intend to calculate importer or customer-specific *ad valorem* assessment rates by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer or customer by the total entered value of the merchandise sold to the importer/customer.[18] Where the respondent did not report entered values, we will calculate importer or customer-specific assessment rates by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer or customer by the total quantity of those sales. We also will calculate an estimated *ad valorem* importer or customer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis;* however, we will use the per-unit assessment rate where entered values were not reported.[19]

Where an importer or customer-specific *ad valorem* assessment rate is not zero or *de minimis,* we will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis,* or an importer or customer-specific *ad valorem* assessment rate is zero or *de minimis,*[20] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies not individually examined in this administrative review that qualified for a separate rate and whose weighted-average dumping margin is not zero or *de minimis,* the assessment rate for antidumping duties will be equal to the weighted-average dumping margin determined for the non-individually examined company in the final results of this review.[21] If the weighted-average dumping margin determined for a non-individually examined company is zero or *de minimis,* then we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For companies not eligible for a separate rate, which are therefore considered to be part of the China-wide entity, the assessment rate will be equal to the weighted-average dumping margin for the China-wide entity,[22] *i.e.,* 144.50 percent.

Pursuant to a refinement to Commerce's assessment practice,[23] where sales of subject merchandise exported by an individually examined respondent were not reported in the U.S. sales data submitted by the respondent, but the merchandise was entered into the United States during the POR, we will instruct CBP to liquidate any entries of such merchandise at the assessment rate for antidumping duties for the China-wide entity. Additionally, where Commerce determines that an exporter under review had no shipments of subject merchandise during the POR, any suspended entries of subject merchandise that entered under that exporter's CBP case number during the POR will be liquidated at the assessment rate for antidumping duties for the China-wide entity.

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the

[11] *See* 19 CFR 351.309(c)(1)(ii).

[12] *See* 19 CFR 351.309(d).

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

[14] *See* 19 CFR 351.303 (for general filing requirements); *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

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

[16] *See* 19 CFR 351.212(b)(1).

[17] We applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[18] *See* 19 CFR 351.212(b)(1).

[19] *Id.*

[20] *See* 19 CFR 351.106(c)(2).

[21] *See Drawn Stainless Steel Sinks from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments: 2014–2015,* 81 FR 29528 (May 12, 2016), and accompanying Preliminary Decision Memorandum at 10–11, unchanged in *Drawn Stainless Steel Sinks from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; 2014–2015,* 81 FR 54042 (August 15, 2016).

[22] *See Order.*

[23] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

assessment of antidumping duties on entries of merchandise covered by the review and for future cash deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be in effect for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on, or after, the date of publication of the notice of the final results of this administrative review in the **Federal Register**, as provided for by section 751(a)(2)(C) of the Act: (1) for an exporter granted a separate rate in the final results of this review, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review for the company (except, if the rate is *de minimis,* then a cash deposit rate of zero will be required); (2) for a previously investigated or reviewed exporter of subject merchandise not listed in the final results of review that has a separate rate, the cash deposit rate will continue to be the exporter's existing cash deposit rate; (3) for all China exporters of subject merchandise that do not have a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin assigned to the China-wide entity, which is 144.50 percent; and (4) for a non-China exporter of subject merchandise that does not have a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin applicable to the China exporter(s) that supplied that non-China exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(l) and 777(i)(l) of the Act, and 19 CFR 351.213 and 351.221(b)(4).

Dated: September 30, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Sections in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Review
IV. Scope of the *Order*
V. Preliminary Determination of No Shipments
VI. Selection of Respondents
VII. Discussion of Methodology
VIII. Currency Conversion
IX. Recommendation

Appendix II

Companies Preliminary Determined To Not Be Eligible for a Separate Rate

1. Ateel Display Industries (Xiamen) Co., Ltd.
2. CTC Universal (Zhangzhou) Industrial Co., Ltd.
3. David Metal Craft Manufactory Ltd.
4. Fujian Ever Glory Fixtures Co., Ltd.
5. Guangdong Wireking Housewares and Hardware Co., Ltd.
6. Hebei Wuxin Garden Products Co., Ltd.
7. Huanghua Xinxing Furniture Co., Ltd.
8. i-Lift Equipment Ltd.
9. Johnson (Suzhou) Metal Products Co., Ltd.
10. Master Trust (Xiamen) Import and Export Co., Ltd.
11. Ningbo Xinguang Rack Co., Ltd.
12. Redman Corporation
13. Redman Import & Export Limited
14. Suzhou (China) Sunshine Hardware & Equipment Imp. & Exp. Co. Ltd.
15. Tianjin Master Logistics Equipment Co., Ltd.
16. Xiamen Baihuide Manufacturing Co., Ltd.
17. Xiamen Ever Glory Fixtures Co., Ltd.
18. Xiamen Golden Trust Industry & Trade Co., Ltd.
19. Xiamen Kingfull Imp and Exp Co., Ltd. (d.b.a) Xiamen Kingfull Displays Co., Ltd.
20. Xiamen LianHong Industry and Trade Co., Ltd.
21. Xiamen Luckyroc Storage Equipment Manufacture Co., Ltd.
22. Xiamen Meitoushan Metal Products Co., Ltd.
23. Xiamen Power Metal Display Co., Ltd.
24. Xiamen XinHuiYuan Industrial & Trade Co., Ltd.
25. Xiamen Yiree Display Fixtures Co., Ltd.
26. Zhangjiagang Better Display Co., Ltd.

[FR Doc. 2022–21796 Filed 10–5–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–843]

Certain Lined Paper Products From India: Preliminary Results of Antidumping Duty Administrative Review; Rescission of Administrative Review, in Part; and Preliminary Determination of No Shipments; 2020–2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on certain lined paper products from India, covering the period of review (POR), September 1, 2020, through August 31, 2021. We preliminarily find that Cellpage Ventures Private Limited (Cellpage) made sales of subject merchandise at less than normal value during the POR and Navneet Education Ltd. (Navneet) did not. Finally, we are also rescinding this review with respect to four companies. We invite interested parties to comment on these preliminary results.

DATES: Applicable October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt or Jolanta Lawska, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7851 or (202) 482–8362, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 28, 2006, Commerce published the *Order* in the **Federal Register**.[1] On November 5, 2021, pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), Commerce initiated an administrative review of the *Order*.[2] On May 2, 2022, we extended the deadline for the preliminary results to September 30, 2022.[3]

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia and the People's Republic of China;* and *Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia,* 71 FR 56949 (September 28, 2006) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 61121 (November 5, 2021) (*Initiation Notice*).

[3] *See* Memorandum, ''Certain Lined Paper Products from India: Extension of Deadline for

Commerce initiated this administrative review covering the following seventeen companies: Cellpage; Dinakar Process Private Limited (Dinakar); Goldenpalm Manufacturers PVT Limited; ITC Limited-Education and Stationery Products Business; JC Stationery (P) Ltd (JC Stationery); Kokuyo Riddhi Paper Products Pvt. Ltd. (Kokuyo); Lodha Offset Limited (Lodha); Lotus Global Private Limited (Lotus Global); M/s. Bhaskar Paper Products (Bhaskar); Magic International Pvt. Ltd. (Magic); Marisa International; Navneet; Pioneer Stationery Private Limited (Pioneer); PP Bafna Ventures Private Limited; SAB International; SGM Paper Products (SGM); and Super Impex.[4] On December 20, 2021, the Association of American School Paper Suppliers and its individual members (the petitioners), timely withdrew their request for review of Kokuyo, Lodha, Pioneer, SAB International, SGM, and Super Impex.[5] No other parties requested a review of Kokuyo, Lodha, SAB International, and Super Impex. Pioneer and SGM requested an administrative review with respect to themselves.[6] As detailed below, we are rescinding the review, in part, with respect to Kokuyo, Lodha, SAB International, and Super Impex. This review covers two mandatory respondents, Cellpage and Navneet. The other eleven companies were not selected for individual examination and remain subject to this administrative review.

For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[7] The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The merchandise covered by the *Order* is certain lined paper products. The merchandise subject to this order is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4811.90.9035, 4811.90.9080, 4820.30.0040, 4810.22.5044, 4811.90.9050, 4811.90.9090, 4820.10.2010, 4820.10.2020, 4820.10.2030, 4820.10.2040, 4820.10.2050, 4820.10.2060, and 4820.10.4000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description remains dispositive. For a full description of the scope of the *Order, see* the Preliminary Decision Memorandum.[8]

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. As noted above, on December 20, 2021, the petitioners timely withdrew their request for reviews of Kokuyo, Lodha, Pioneer, SAB International, SGM, and Super Impex.[9] Because there are still active review requests for Pioneer and SGM, we are not rescinding the review with respect to these companies.[10] However, because there was a timely withdrawal of requests for review and because there are no other active requests for review, we are rescinding this review, in part, with respect to Kokuyo, Lodha, SAB International, and Super Impex, pursuant to 19 CFR 351.213(d)(1) and (4).

Preliminary Determination of No Shipments

On December 3, 2021, Bhaskar, Dinakar, and JC Stationery submitted no-shipment certifications.[11] On November 22, 2021, Lodha submitted a response to Commerce's quantity and value questionnaire which indicated that the company had no shipments during the POR.[12] To confirm the no-shipment claims by Bhaskar, Dinakar, JC Stationery, and Lodha, on December 16, 2021, Commerce issued no-shipment inquiries to U.S. Customs and Border Protection (CBP).[13] CBP reported that it had no information to contradict the no-shipment claims of Bhaskar, Dinakar, JC Stationery, and Lodha during the POR.[14]

Given that Bhaskar, Dinakar, JC Stationery, and Lodha reported that they made no shipments of subject merchandise to the United States during the POR, and there is no information calling these companies' claims into question, we preliminarily determine that Bhaskar, Dinakar, JC Stationery, and Lodha did not have any reviewable transactions during the POR. As noted above, on December 20, 2021, the petitioners timely withdrew their request for a review of Lodha, and because no other parties requested a review of Lodha, we are rescinding the review with respect to Lodha. With respect to Bhaskar, Dinakar, and JC Stationery, consistent with Commerce's practice, we will not rescind the review regarding these companies but, rather, will complete the review and issue instructions to CBP based on the final results of this review.[15]

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Act. Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary results, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is included as the appendix to this notice.

Preliminary Results of Antidumping Duty Administrative Review; 2020–2021,'' dated May 2, 2022.

[4] *See Initiation Notice,* 86 FR at 61123.

[5] *See* Petitioners' Letter, ''Partial Withdrawal of Request for Administrative Review,'' dated December 20, 2021 (Petitioners' Withdrawal of Request for Review).

[6] *See* Pioneer's Letter, ''Request for Administrative Review of Anti-Dumping Duty of Pioneer Stationery Private Limited,'' dated September 30, 2021 (Pioneer's Request for Review); *see also* SGM's Letter, ''Request for Administrative Review of Anti-Dumping Duty of SGM Paper Products,'' dated September 30, 2021 (SGM's Request for Review).

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Lined Paper Products from India; 2020–2021,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[8] *Id.*

[9] *See* Petitioners' Withdrawal of Request for Review.

[10] *See* Pioneer's Request for Review; and SGM's Request for Review.

[11] *See* Bhaskar's Letter, ''Certification of No Sales, Shipments, or Entries,'' dated December 3, 2021; *see also* Dinakar's Letter, ''Certification of No Sales, Shipments, or Entries,'' dated December 3, 2021; and JC Stationery's Letter, ''Certification of No Sales, Shipments, or Entries,'' dated December 3, 2021.

[12] *See* Lodha's Letter, ''Response to Quantity & Value Questionnaire,'' dated November 22, 2021.

[13] *See* Memorandum, ''No Shipment Inquiries,'' dated December 17, 2021.

[14] *See* Memorandum, ''CBP Response to No Shipment Inquiries,'' dated December 20, 2021.

[15] *See, e.g., Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013,* 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of* Review*; 2012–2013,* 79 FR 51306, 51307 (August 28, 2014) (citing *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Automatic Assessment Clarification*)).

Adverse Facts Available

Sections 776(a)(1) and 776(a)(2) of the Act provide that Commerce shall, subject to section 782(d) of the Act, apply ''facts otherwise available'' if necessary information is not available on the record or if any other person: (A) withholds information requested by Commerce; (B) fails to provide such information by the deadlines for submission of the information, or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding; or (D) provides such information but the information cannot be verified as provided in section 782(i) of the Act. Pursuant to sections 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available with adverse inferences to determine the estimated weighted-average dumping margin for Magic and Marisa International because they did not submit timely responses to Commerce's quantity and value questionnaire. We are preliminarily assigning to Magic and Marisa International, as adverse facts available, a dumping margin of 215.93 percent. Commerce is not required to corroborate any dumping margin applied in a separate segment of the same proceeding.[16] Because the 215.93 percent rate was applied in a separate segment of this proceeding,[17] Commerce does not need to corroborate the rate in this review. For a complete explanation of the analysis underlying the application of adverse facts available, *see* the Preliminary Decision Memorandum.

Rate for Non-Selected Respondents

For the rate for companies not selected for individual examination in an administrative review, generally, Commerce looks for guidance in administrative reviews to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value investigation. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.'' Where the dumping margins for individually examined respondents are all zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated.''

In this segment of the proceeding, we calculated a margin for Cellpage that was not zero, *de minimis,* or based on facts available. Accordingly, we have preliminarily applied the margins for Cellpage to the non-individually examined respondents.

Preliminary Results of Review

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period September 1, 2020, through August 31, 2021:

Producer/exporter	Weighted-average dumping margin (percent)
Cellpage Ventures Private Limited	11.43
Navneet Education Ltd	0.00
Goldenpalm Manufacturers PVT Limited	11.43
ITC Limited-Education and Stationary Products Business	11.43
Lotus Global Private Limited	11.43
Pioneer Stationery Pvt. Ltd	11.43
PP Bafna Ventures Private Limited	11.43
SGM Paper Products	11.43
Magic International Pvt. Ltd	215.93
Marisa International	215.93

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. If a respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Pursuant to Commerce's *Automatic Assessment Clarification,* for entries of subject merchandise during the POR produced by a respondent for which it did not know its merchandise was destined for the United States, Commerce will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[18]

Should we continue to apply facts available with an adverse inference to Magic and Marisa International in the final results, we will instruct CBP to apply an assessment rate equal to the dumping margin of 215.93 percent, as indicated above, to all entries produced and/or exported by Magic and Marisa International. The assessment rate for antidumping duties for each of the companies not selected for individual examination will be equal to the weighted-average dumping margin identified in the final results of review.

We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of this review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for respondent noted above will be the rates established in the final results of this review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 3.91 percent, the all-others rate established in the investigation.[19] These cash

[16] *See* section 776(c)(2) of the Act.

[17] *See Certain Lined Paper Products from India: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019– 2020,* 87 FR 17989, 17990 (March 29, 2022).

[18] *See Automatic Assessment Clarification.*

[19] *See Order,* 71 FR 56952.

deposit requirements, when imposed, shall remain in effect until further notice.

Verification

On February 14, 2022, the petitioners requested that Commerce conduct verification of Navneet's responses.[20] Accordingly, as provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon in determining its final results.

Disclosure and Public Comment

We will disclose to parties to the proceeding any calculations performed in connection with these preliminary results of review within five days after the date of publication of this notice.[21] Interested parties may submit case briefs not later than seven days after the date on which the last verification report is issued in this administrative review. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.[22] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[23] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the established deadline. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[24]

Interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, within 30 days after the date of publication of this notice.[25] Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

We intend to issue the final results of this administrative review, including the results of our analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

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

Dated: September 30, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Partial Rescission of Administrative Review
V. Preliminary Determination of No Shipments
VI. Companies Not Selected for Individual Examination
VII. Application of Facts Available and Adverse Inference
VIII. Discussion of the Methodology
IX. Currency Conversion
X. Recommendation

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[20] *See* Petitioners' Letter, ''Request for Verification,'' dated February 14, 2022.

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

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

[23] *See* 19 CFR 351.309(c)(2) and (d)(2) and 19 CFR 351.303 (for general filing requirements).

[24] *See Temporary Rule.*

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

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–882]

Certain Cold-Rolled Steel Flat Products From the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review, 2020

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain producers/exporters of certain cold-rolled steel flat products (cold-rolled steel) from the Republic of Korea (Korea) received countervailable subsidies during the period of review (POR) January 1, 2020, through December 31, 2020, while other producers/exporters (*i.e.,* Hyundai Steel Co., Ltd., also referred to as Hyundai Steel Company (Hyundai Steel) and POSCO) received *de minimis* net countervailable subsidies during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Applicable October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold or Harrison Tanchuck, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1121 and (202) 482–7421, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 5, 2021, Commerce published a notice of initiation of administrative review of the countervailing duty (CVD) order on cold-rolled steel from Korea.[1] On December 1, 2021, Commerce selected Hyundai Steel and POSCO as mandatory respondents in this administrative review.[2] On April 12, 2022, Commerce extended the deadline

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 61121 (November 5, 2021).

[2] *See* Memorandum, ''Countervailing Duty Administrative Review of Cold-Rolled Steel Flat Products from the Republic of Korea: Selection of Respondents,'' dated December 1, 2021. The petitioners requested a review of ''Hyundai Steel Co., Ltd.,'' while Hyundai Steel requested a review of ''Hyundai Steel Company.'' We selected Hyundai Steel Co., Ltd., also referred to as Hyundai Steel Company as a mandatory respondent, based on the entry volume of exports of subject merchandise during the POR. We combined the entry quantities of Hyundai Steel Co., Ltd., based on the company specific case number which appears in the CBP data.

for the preliminary results of this review.[3]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[4] A list of topics discussed in the Preliminary Decision Memorandum is included at Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The merchandise covered by the order is cold-rolled steel. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(l)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution from an authority that gives rise to a benefit to the recipient, and that the subsidy is specific.[5] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Companies Not Selected for Individual Review

The statute and Commerce's regulations do not directly address the CVD rates to be applied to companies not selected for individual examination where Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation. Section 777A(e)(2) of the Act provides that ''the individual countervailable subsidy rates determined under subparagraph (A) shall be used to determine the all-others rate under section 705(c)(5) {of the Act}.'' Section 705(c)(5)(A) of the Act states that for companies not investigated, in general, we will determine an all-others rate by weight-averaging the countervailable subsidy rates established for each of the companies individually investigated, excluding zero and *de minimis* rates or any rates based solely on the facts available.

Accordingly, to determine the rate for companies not selected for individual examination, Commerce's practice is to weight average the net subsidy rates for the selected mandatory companies, excluding rates that are zero, *de minimis,* or based entirely on facts available.[6] In this review, we preliminarily calculated *de minimis* subsidy rates for each of the mandatory respondents (*i.e.,* Hyundai Steel and POSCO) during the POR. In CVD proceedings where the number of respondents being individually examined has been limited, Commerce has determined that a ''reasonable method'' to use to determine the rate applicable to companies that were not individually examined when all the rates of selected mandatory respondents are zero or *de minimis* or based entirely on facts available*,* is to assign to the non-selected respondents the average of the most recently determined rates for the mandatory respondents (*i.e.,* Hyundai Steel and POSCO) that are not zero, *de minimis,* or based entirely on facts available.[7] However, where a non-selected respondent has its own calculated rate in a prior segment of the proceeding, Commerce has found it appropriate to apply the prior rate that represents the most recently calculated rate for that respondent, unless Commerce determines that prior rate to be obsolete . . .[8]

We have determined that it is appropriate to assign to the companies subject to the review, but not selected for individual examination, the weighted average of the most recently calculated countervailable subsidy rates that are not zero or *de minimis* rates, or based solely on facts available from the prior review (*i.e., CRS Third Admin Review Final Results*), *i.e.,* 1.93 percent.[9] Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd. are non-selected respondents for whom Commerce calculated a countervailable subsidy in the *CRS Third Review Final Results.* Commerce has found it appropriate to apply that calculated rate to Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd. in this review. For a list of the companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent, *see* Appendix II to this notice.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the net countervailable subsidy rates to be:

Producer/exporter	Subsidy rate (percent *ad valorem*)
Hyundai Steel Co., Ltd., also referred to as Hyundai Steel Company[10]	0.27 (*de minimis*).
POSCO[11]	0.34 (*de minimis*).
Non-Selected Companies Under Review[12]	1.93.

[3] *See* Memorandum, ''Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2020,'' dated April 12, 2022.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review; 2020: Certain Cold-Rolled Steel Flat Products from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

[6] *See, e.g., Certain Pasta from Italy: Final Results of the 13th (2008) Countervailing Duty Administrative Review,* 75 FR 37386, 37387 (June 29, 2010).

[7] *See, e.g., Circular Welded Carbon Steel Pipes and Tubes from Turkey: Final Results of Countervailing Duty Administrative Review; Calendar Year 2012 and Rescission of Countervailing Duty Administrative Review, in Part,* 79 FR 51140, 51141 (August 27, 2014); and *Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2012,* 79 FR 46770 (August 11, 2014), and accompanying Issues and Decision Memorandum (IDM), at ''Non-Selected Rate''; and *Steel Concrete Reinforcing Bar from the Republic of Turkey: Preliminary Results of Countervailing Duty Administrative Review and Intent To Rescind the Review in Part; 2017,* 85 FR 3030 (January 17, 2020), and accompanying Preliminary Decision Memorandum, at ''Non-Selected Rate,'' unchanged in *Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2017,* 85 FR 42353 (July 14, 2020), and accompanying IDM, at ''Non-Selected Rate.''

[8] *Id.*

[9] *See Certain Cold-Rolled Steel Flat Products form the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2018,* 86 FR 40465 (July 28, 2021) (*CRS Third Admin Review Final Results*).

Producer/exporter	Subsidy rate (percent *ad valorem*)
Dongbu Steel Co., Ltd./Dongbu Incheon Steel Co., Ltd [13]	9.18.

Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon for its final results.

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assign subsidy rates in the amounts shown above for the producer/exporters shown above. Upon issuance of the final results, consistent with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. If the assessment rate calculated in the final results is zero or *de minimis,* we will instruct CBP to liquidate all appropriate entries without regard to countervailing duties. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated above with regard to shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review, except, where the rate calculated in the final results is zero or *de minimis,* no cash deposit will be required. For all non-reviewed firms, CBP will continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We intend to disclose to interested parties the calculations for these preliminary results within five days of the date of publication of this notice.[14] A timeline for the submission of case and rebuttal briefs and written comments will be provided to interested parties at a later date.[15] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[16] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[17] All briefs must be filed electronically using Enforcement and Compliance's ACCESS system.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system within 30 days after the date of publication of this notice.[18] Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and to be determined. Parties should confirm time and date of the hearing two days before the scheduled date.

Unless the deadline is extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised by interested parties in any written briefs, within 120 days after the date of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Notification to Interested Parties

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: September 30, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Review
IV. Scope of the *Order*
V. Rate for Non-Examined Companies
VI. Subsidies Valuation Information
VII. Analysis of Programs
VIII. Recommendation

Appendix II

List of Non-Selected Companies

1. AJU Steel Co., Ltd.
2. Amerisource Korea
3. Amerisource International
4. BC Trade
5. Busung Steel Co., Ltd.
6. Cenit Co., Ltd.
7. Daewoo Logistics Corp.
8. Dai Yang Metal Co., Ltd.
9. DK GNS Co., Ltd
10. Dongbu Incheon Steel Co., Ltd.[19]

[10] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Hyundai Steel: Hyundai Green Power Co. Ltd.

[11] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with POSCO: Pohang Scrap Recycling Distribution Center Co. Ltd.; POSCO Chemical; POSCO M-Tech; POSCO Nippon Steel RHF Joint Venture Co., Ltd.; and POSCO Terminal. The subsidy rate applies to all cross-owned companies. We note that POSCO has an affiliated trading company through which it exported certain subject merchandise, POSCO International Corporation (POSCO International). POSCO International was not selected as a mandatory respondent, but was examined in the context of POSCO. Therefore, there is not an established rate for POSCO International and POSCO International's subsidies are accounted for in terms of POSCO's total subsidy rate. Instead, entries of subject merchandise exported by POSCO International will receive the rate of the producer listed on the entry form with CBP. Thus, the subsidy rate applied to POSCO and POSCO's cross-owned affiliated companies is also applied to POSCO International for entries of merchandise produced by POSCO.

[12] *See* Appendix II.

[13] As described above, while Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd. are non-selected respondents, because each received a calculated rate in a prior review (*i.e., CRS Third Admin Review Final Results*), Commerce has found it appropriate to apply that calculated rate to that to Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd. in this review.

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

[15] See 19 CFR 351.309(c) and (d).

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

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

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

[19] As described above, while Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd. are non-

Continued

11. Dongbu Steel Co., Ltd.[20]
12. KG Dongbu Steel Co., Ltd. (formerly Dongbu Steel Co., Ltd.)
13. Dong Jin Machinery
14. Dongkuk Industries Co., Ltd.
15. Dongkuk Steel Mill Co., Ltd.
16. Eunsan Shipping and Air Cargo Co., Ltd.
17. Euro Line Global Co., Ltd.
18. Golden State Corp.
19. GS Global Corp.
20. Hanawell Co., Ltd.
21. Hankum Co., Ltd.
22. Hyosung TNC Corp.
23. Hyuk San Profile Co., Ltd.
24. Hyundai Group
25. Iljin NTS Co., Ltd.
26. Iljin Steel Corp.
27. Jeen Pung Industrial Co., Ltd.
28. JT Solution
29. Kolon Global Corporation
30. Nauri Logistics Co., Ltd.
31. Okaya (Korea) Co., Ltd.
32. PL Special Steel Co., Ltd.
33. POSCO C&C Co., Ltd.
34. POSCO Daewoo Corp.
35. POSCO International Corporation.
36. Samsung C&T Corp.
37. Samsung STS Co., Ltd.
38. SeAH Steel Corp.
39. SM Automotive Ltd.
40. SK Networks Co., Ltd.
41. Taihan Electric Wire Co., Ltd.
42. TGS Pipe Co., Ltd.
43. TI Automotive Ltd.
44. Xeno Energy
45. Young Steel Co., Ltd.

[FR Doc. 2022–21803 Filed 10–5–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Circular Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2020–2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that the producers or exporters subject to this review did not make sales of circular welded carbon steel pipes and tubes (CWP) from Thailand at less than normal value during the period of review (POR) March 1, 2020, through February 29, 2021. We further determine that K Line Logistics (Thailand) Ltd. (K-Line) had no shipments during the POR.

DATES: Applicable October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Michael Romani or Thomas Schauer, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0198 or (202) 482–0410, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 6, 2022, Commerce published the preliminary results of the 2020–2021 administrative review of the antidumping duty order on CWP from Thailand.[1] This review covers a sole mandatory respondent, Saha Thai Steel Pipe Public Co., Ltd., also known as Saha Thai Steel Pipe (Public) Co., Ltd. (Saha Thai), and 28 non-examined producers or exporters of subject merchandise. We invited interested parties to comment on the *Preliminary Results*.[2] On June 15, 2022, Wheatland Tube Company (Wheatland), a domestic interested party,[3] Nucor Tubular Products Inc. (Nucor), a domestic interested party,[4] and Saha Thai [5] timely submitted case briefs. On June 22, 2022, Wheatland,[6] Nucor,[7] and Saha Thai [8] submitted timely rebuttal briefs. Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [9]

The products covered by the *Order* are CWP. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.[10]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by parties in this administrative review are addressed in the Issues and Decision Memorandum and are listed in Appendix I to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Changes Since the Preliminary Results

We made no changes to our calculations for the final results of review.

Final Determination of No Shipments

We preliminarily found that K Line had no shipments of subject merchandise during the POR.[11] No party commented on the *Preliminary Results* regarding the no-shipments decision with respect to K-Line. Therefore, for the final results, we continue to find that K-Line had no shipments of subject merchandise during the POR and will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on the final results.

Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a weighted-average dumping margin to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review

selected respondents, because each received a calculated rate in a prior review (*i.e., CRS Third Admin Review Final Results*), Commerce has found it appropriate to apply that calculated rate to that to Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd.

[20] *See* footnote 24.

[1] *See Circular Welded Carbon Steel Pipes and Tubes from Thailand: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2020–2021,* 87 FR 19856 (April 6, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See Preliminary Results,* 87 FR at 19857.

[3] *See* Wheatland's Letter, ''Circular Welded Steel Pipes and Tubes from Thailand: Case Brief,'' dated June 15, 2022.

[4] *See* Nucor's Letter, ''Circular Welded Carbon Steel Pipes and Tubes from Thailand: Case Brief,'' dated June 15, 2022. In its case brief, Nucor stated that it ''concurs with and adopt by reference the arguments set forth in the case brief submitted by Wheatland'' and that it ''does not wish to address any issues or arguments that are substantively different from those addressed by Wheatland in its case brief.''

[5] *See* Saha Thai's Letter, ''Saha Thai's Case Brief; Circular Welded Carbon Steel Pipe and Tubes from Thailand: Letter in Lieu of Case Brief (AR 20–21),'' dated June 15, 2021.

[6] *See* Wheatland's Letter, ''Circular Welded Carbon Steel Pipes and Tubes from Thailand: Letter in Lieu of Rebuttal Brief,'' dated June 22, 2022.

[7] *See* Nucor's Letter, ''Circular Welded Carbon Steel Pipes and Tubes from Thailand: Rebuttal Brief,'' dated June 22, 2022.'' In its rebuttal brief, Nucor stated that it ''concurs with and adopts by reference the arguments set forth in the rebuttal brief submitted by Wheatland'' and that it ''does not wish to address any issues or arguments that are substantively different from those addressed by Wheatland in its rebuttal brief.''

[8] *See* Saha Thai's Letter, ''Saha Thai's Case Brief; Circular Welded Carbon Steel Pipe and Tubes from Thailand: Rebuttal Brief (AR 20–21),'' dated June 22, 2021.

[9] *See Antidumping Duty Order; Circular Welded Carbon Steel Pipes and Tubes from Thailand,* 51 FR 8341 (March 11, 1986) (*Order*).

[10] *See* Memorandum, ''Circular Welded Carbon Steel Pipes and Tubes from Thailand: Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2020–2021,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[11] *See Preliminary Results,* 87 FR at 19856.

pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value investigation, for guidance when calculating the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* (*i.e.,* less than 0.5 percent) margins, and any margins determined entirely on the basis of facts available.

In this review, we have calculated a weighted-average dumping margin for the mandatory respondent, Saha Thai, that is zero percent. Where the rates for the individually examined companies are all zero, *de minimis,* or determined entirely using facts available, section 735(c)(5)(B) of the Act instructs that Commerce ''may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.'' One such reasonable method is to weight average the zero and de minimis rates, and the rates determined entirely pursuant to facts available. In fact, the SAA states that this is the ''expected'' method in such circumstances.[12] Accordingly, we determined the weighted-average dumping margin for the 28 companies that were not selected for individual examination based on the weighted average dumping margin calculated for Saha Thai, *i.e.,* zero percent, consistent with section 735(c)(5)(B) of the Act. This is the only rate determined in this review for an individually examined company, and, thus, it is applied to the 28 firms not selected for individual examination.

Final Results of Administrative Review

Commerce determines that the following weighted-average dumping margins exist for the period March 1, 2020, through February 28, 2021:

Producer or exporter	Weighted-average dumping margin (percent)
Saha Thai Steel Pipe Public Co., Ltd.; Saha Thai Steel Pipe (Public) Company, Ltd	0.00

REVIEW-SPECIFIC AVERAGE RATE APPLICABLE TO THE FOLLOWING COMPANIES

Producer or exporter	Average dumping margin (percent)
Non-Examined Companies [13]	0.00

Disclosure

Normally, Commerce discloses to the parties in a proceeding the calculations performed in connection with a final results of review within five days after public announcement of final results.[14] However, because Commerce made no adjustments to the margin calculation methodology used in the *Preliminary Results,* there are no calculations to disclose for the final results of review.

Assessment Rates

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

For Saha Thai, the calculated weighted-average dumping margin in the final results is zero or *de minimis;* accordingly, we will instruct CBP to liquidate the entries reported in this review without regard to antidumping duties. For entries of subject merchandise during the POR produced by Saha Thai for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

For the companies identified above that were not selected for individual examination, we will instruct CBP to assess antidumping duties at a rate equal to the weighted-average dumping margin for that company established in the final results of review.

Because we have determined that K-Line had no shipments of subject merchandise in this review, Commerce will instruct CBP to liquidate any suspended entries that entered under K-Line's case number (*i.e.,* at K-Line's cash deposit rate) at the all-others rate (*i.e.,* 15.67 percent).

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

Upon publication of this notice in the **Federal Register**, the following cash deposit requirements will be effective for all shipments of CWP entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the companies subject to this review will be equal to the weighted-average dumping margin established in the final results of this review; (2) for merchandise exported by a company not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this

[12] *See* Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Doc. 103–316, vol. 1 (1994) (SAA) at 873.

[13] *See* Appendix II for a full list of these companies.

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

review, a prior review, or the original investigation but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 15.67 percent, the all-others rate established in the less-than-fair-value investigation for this proceeding.[15]

These cash deposit requirements, when imposed, shall remain in effect until further notice.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of the antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

[15] *See Order,* 51 FR at 8341.

Dated: September 30, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes to the *Preliminary Results*
V. Discussion of the Issue
Comment: Adjustment for the Alleged Particular Market Situation (PMS)
VI. Recommendation

Appendix II—List of Companies Not Individually Examined

1. Apex International Logistics
2. Aquatec Maxcon Asia
3. Asian Unity Part Co., Ltd.
4. Better Steel Pipe Company Limited.
5. Bis Pipe Fitting Industry Co., Ltd.
6. Blue Pipe Steel Center Co. Ltd.
7. Chuhatsu (Thailand) Co., Ltd.
8. CSE Technologies Co., Ltd.
9. Expeditors International (Bangkok)
10. Expeditors Ltd.
11. FS International (Thailand) Co., Ltd
12. Kerry-Apex (Thailand) Co., Ltd.
13. Oil Steel Tube (Thailand) Co., Ltd.
14. Otto Ender Steel Structure Co., Ltd.
15. Pacific Pipe and Pump
16. Pacific Pipe Public Company Limited
17. Panalpina World Transport Ltd.
18. Polypipe Engineering Co., Ltd.
19. Schlumberger Overseas S.A.
20. Siam Fittings Co., Ltd.
21. Siam Steel Pipe Co., Ltd.
22. Sino Connections Logistics (Thailand) Co., Ltd.
23. Thai Malleable Iron and Steel
24. Thai Oil Group
25. Thai Oil Pipe Co., Ltd.
26. Thai Premium Pipe Co., Ltd.
27. Vatana Phaisal Engineering Company
28. Visavakit Patana Corp., Ltd.

[FR Doc. 2022–21772 Filed 10–5–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

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

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

ACTION: Notice of an open meeting.

SUMMARY: The United States Travel and Tourism Advisory Board (Board or TTAB) will hold a meeting on Wednesday, October 26, 2022. The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry. The purpose of the meeting is for Board members to discuss and highlight priority issues in travel and tourism. The final agenda will be posted on the Department of Commerce website for the Board at *https://www.trade.gov/ttab-meetings* at least two days prior to the meeting.

DATES: Wednesday, October 26, 2022, 11:00 a.m.–12:00 p.m. EDT. The deadline for members of the public to register for the meeting or to submit written comments for dissemination prior to the meeting is 5:00 p.m. EDT on Friday, October 21, 2022.

ADDRESSES: The meeting will be held in person at the MGM National Harbor resort (101 MGM National Ave, Oxon Hill, MD 20745) with a virtual option. The exact location and/or access information will be provided by email to registrants. Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted by email to *TTAB@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Aguinaga, the United States Travel and Tourism Advisory Board, National Travel and Tourism Office, U.S. Department of Commerce; telephone: (202) 482–0140; email: *TTAB@trade.gov.*

SUPPLEMENTARY INFORMATION:

Public Participation: The meeting will be open to the public and will be accessible to people with disabilities. Any member of the public requesting to join the meeting is asked to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted but may not be possible to fill. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to three (3) minutes per person. Members of the public wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name and address of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks by 5:00 p.m. EDT on Friday, October 21, 2022, for inclusion in the meeting records and for circulation to the members of the Board.

In addition, any member of the public may submit pertinent written comments concerning the Board's affairs at any

time before or after the meeting. Comments may be submitted to Jennifer Aguinaga at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EDT on Friday, October 21, 2022, to ensure transmission to the Board prior to the meeting. Comments received after that date and time will be transmitted to the Board but may not be considered during the meeting. Copies of Board meeting minutes will be available within 90 days of the meeting.

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

Jennifer Aguinaga,

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

[FR Doc. 2022–21805 Filed 10–5–22; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC437]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The MAFMC will hold a public meeting regarding a video-based boat count project being conducted at the Ocean City, MD inlet.

DATES: The meeting will be held on Thursday, October 20, 2022, from 6:30 p.m. to 8:30 p.m.

ADDRESSES: The meeting will be hybrid, both in person and via webinar. Webinar connection information will be posted to the calendar prior to the meeting at *www.mafmc.org.* The in-person location is: Greater Ocean City Chamber of Commerce, 12320 Ocean Gateway, Ocean City, MD 21842.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to develop a counting approach for the video recordings of boat traffic through the Ocean City, MD inlet.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: October 3, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–21801 Filed 10–5–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Economic Surveys of the Commercial and Charter Harvesting Sectors of Federally Managed Fisheries.

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 6, 2021(86 FR 69017) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

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

Title: Economic Surveys of the Commercial and Charter Harvesting Sectors of Federally Managed Fisheries.

OMB Control Number: 0648–XXXX.

Form Number(s): None.

Type of Request: Regular submission (a new collection).

Number of Respondents: 15,600.

Average Hours per Response: 1.03.

Estimated Total Burden Hours: 17,100.

Needs and Uses: This request is for a new hybrid-generic clearance for economic information collections (*i.e.,* surveys) for the commercial and charter harvesting sectors of federally managed fisheries. Once approved, this clearance will allow the National Oceanic & Atmospheric Administration's National Marine Fisheries Service (NMFS) to:

1. Conduct charter sector surveys similar to those it had conducted under previously approved but now discontinued collections.

2. As needed, conduct under the hybrid-generic clearance, commercial sector surveys currently approved under OMB Control Number 0648–0773 as that clearance approaches its expiration date or as changes to those surveys become necessary; and

3. Conduct additional commercial and/or charter sector surveys.

The requested hybrid-generic clearance is for information from the commercial and charter harvesting sectors. That information includes different components of operating costs/expenditures, earnings, employment, ownership, vessel characteristics, effort/gear descriptors, and demographic information. NMFS or its contractors would collect that information principally from the owners and operators of fishing vessel that participated in the commercial and/or charter harvesting sectors.

NMFS and Regional Fishery Management Council economist would use these data to monitor, explain and predict changes in the economic performance and impacts of federally managed fisheries. Those uses of the data would allow more than cursory efforts to comply with or support a variety of laws (*e.g.* The Magnuson-Stevens Fishery Conservation and Management Act), Executive Orders (EOs), and NOAA strategies and policies. In addition, those uses of the data would contribute to a well-informed, science-based fisheries conservation and management decisions making process, which should increase the net benefits to the Nation.

Affected Public: Individuals or households and Business or other for-profit organizations.

Frequency: Up to twice every two years.

Respondent's Obligation: Voluntary.

Legal Authority: The Magnuson-Stevens Fishery Conservation and Management Act.

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

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

Sheleen Dumas,

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

[FR Doc. 2022–21676 Filed 10–5–22; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2009–0088]

Proposed Extension of Approval of Information Collection; Comment Request; Third Party Conformity Assessment Body Registration Form

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1995 (PRA), the Consumer Product Safety Commission (CPSC) requests comment on a proposed extension of approval of information collection regarding the requirements pertaining to a third party conformity assessment bodies registration form. CPSC will consider all comments received in response to this notice before requesting an extension of this collection of information from the Office of Management and Budget (OMB).

DATES: Submit written or electronic comments on the collection of information by December 5, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2009–0088, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *www.regulations.gov.* Follow the instructions for submitting comments. CPSC does not accept comments submitted by electronic mail (email), except as described below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Mail/hand delivery/courier/confidential Written Submissions: Submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you can submit such material by mail, hand delivery, or courier, or you can email it to: *cpsc-os@cpsc.gov.*

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: *www.regulations.gov.* Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: *www.regulations.gov,* and insert the docket number, CPSC–2009–0088, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7991, or by email to: *cgillham@cpsc.gov*.

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Third Party Conformity Assessment Body Registration Form.

OMB Number: 3041–0143.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Third party conformity assessment bodies seeking acceptance of accreditation or continuing accreditation.

Estimated Burden: The CPSC estimates the burden of the collection of information in CPSC Form 223 is as follows:

ESTIMATED ANNUAL REPORTING BURDEN

Activity	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total hours
Initial Registration	26	1	26	1	26
Re-Registration	303	1	303	1	303
Changes in Information	2	1	2	0.25	0.5
Total					329.5

These estimates are based on the following information:

- Based on applications received from FY 2013 to date, we estimate the number of third party conformity assessment bodies who would register each year for the next 3 years would be 26.
- Under 16 CFR part 1112, third party conformity assessment bodies are required to resubmit CPSC Form 223 every 2 years. As all third party conformity assessment bodies have not submitted their first CPSC Form 223s at the same time, only about half would be expected to resubmit a CPSC Form 223 in any 1 year. As of August 2022, 606 third party conformity assessment bodies have registered with CPSC. Approximately half (303) of these firms would be required to re-register with CPSC each year.
- Under 16 CFR part 1112, third party conformity assessment bodies are required to ensure that the information submitted on CPSC Form 223 is current and must submit a new CPSC Form 223 whenever the information changes. Based on current experience with third party conformity assessment bodies, we estimate that two third party conformity assessment bodies will make revisions per year to update their information. A change in information is a change that does not require review of laboratory accreditation documents, such as scope

or test methods. Examples of revised information include changes in the website URL, name of the laboratory, and name of laboratory point of contact.

The total burden, therefore, is 329.5 hours, which we round up to 330 hours. We estimate that hourly compensation for the time required for recordkeeping is $36.59 per hour (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation (ECEC),'' Table 4: Total compensation for private industry workers in sales and office occupations within goods-producing industries, June 2022, public news release url: *www.bls.gov/news.release/archives/ecec_09202022.pdf*). The total cost burden to the respondents is approximately $12,075 ($36.59 × 330 hours = $12,074.70).

General Description of Collection: The Consumer Product Safety Improvement Act of 2008 (CPSIA) requires third party testing to be conducted by a third party conformity assessment body for any children's product that is subject to a children's product safety rule, before importing for consumption or warehousing or distributing in commerce. The CPSIA allows accreditation of third party conformity assessment bodies to be conducted either by the Commission, or by an independent accreditation organization designated by the Commission. In addition, the CPSIA requires that the Commission maintain on its website an up-to-date list of entities that have been accredited to assess conformity with children's product safety rules. With the exception of firewalled third party conformity assessment bodies, which must be approved by Commission order as stated in 16 CFR 1112.13(b), the Commission has chosen to accept the accreditation of third party conformity assessment bodies that meet accreditation requirements of an independent accreditation organization. 16 CFR 1112.13(a).

To assess a third party conformity assessment bodies' qualifications for acceptance by CPSC, information related to location, accreditation, and ownership must be collected from third party conformity assessment bodies. The CPSC uses an online collection form, CPSC Form 223, to gather information from third party conformity assessment bodies voluntarily seeking acceptance by CPSC. The information collected relates to location, accreditation, and ownership. Commission staff uses this information to assess:

- A third party conformity assessment body's status as an independent third party conformity assessment body, a government-owned or government-controlled conformity assessment body, or a firewalled conformity assessment body;
- Qualifications for acceptance by CPSC to test for compliance to specified children's product safety rules; and
- Eligibility for acceptance on the CPSC website.

Part 1112 requires the collection of information in CPSC Form 223:

- Upon initial application by the third party conformity assessment body for acceptance by CPSC;
- Whenever there is a change to accreditation or ownership information; and
- At least every 2 years as part of a regular audit process.

Request for Comments

CPSC solicits written comments from all interested persons about the proposed collection of information. CPSC specifically solicits information relevant to the following topics:

- Whether the collection of information described is necessary for the proper performance of CPSC's functions, including whether the information would have practical utility;
- Whether the estimated burden of the proposed collection of information is accurate;
- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information could be minimized by use of automated, electronic, or other technological collection techniques, or other forms of information technology.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2022–21726 Filed 10–5–22; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2009–0044]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Standard for Cigarette Lighters

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission), announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval for a collection of information from manufacturers and importers of disposable and novelty cigarette lighters. This collection of information consists of testing and recordkeeping requirements in regulations implementing the Safety Standard for Cigarette Lighters, approved previously under OMB Control No. 3041–0116. On July 25, 2022, CPSC published a notice in the **Federal Register** announcing the agency's intent to seek this extension. CPSC received no comments in response to that notice. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of this collection of information.

DATES: Written comments on this request for extension of approval of information collection requirements should be submitted by November 7, 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. In addition, written comments that are sent to OMB also should be submitted electronically at: *http://www.regulations.gov,* under Docket No. CPSC–2009–0044.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7991, or by email to: *cgillham@cpsc.gov*.

SUPPLEMENTARY INFORMATION: On July 25, 2022, CPSC published a notice in the **Federal Register** announcing the agency's intent to seek an extension for this information collection. 87 FR 44106. CPSC received no comments in response to that notice. Accordingly, CPSC seeks to renew the following currently approved collection of information:

Title: Safety Standard for Cigarette Lighters.

OMB Number: 3041–0116.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of cigarette lighters.

Estimated Number of Respondents: In 2021, 30 firms submitted information to the CPSC on 143 lighter models. There

were 4 new lighter models and 139 lighters that were comparable to models previously tested (''comparison lighters'').

Estimated Time per Response: The burden associated with the standard includes the time and cost spent testing and maintaining the test records, either by the firm or by outside contractors. If the firm elects to use an outside contractor, the cost of testing per model is estimated to be about $25,000 on average. If 4 new lighter models are introduced each year and tested by outside contractors, the annual cost would be about $100,000. If tests instead are conducted in-house, testing new lighter models is expected to take about 90 hours per model. The total testing time for the 4 models would be 360 hours (90 hours × 4 models). Recordkeeping consists of two separate components: recordkeeping for new lighter models, and recordkeeping for comparison lighters.

New Lighter Models—The time burden for recordkeeping for new lighter models is estimated at 20 hours per model. The total time for recordkeeping is estimated to be 80 hours (20 hours × 4 models).

Comparison Lighters—Firms may also submit comparison lighters to demonstrate compliance with the standard. In 2021, 139 comparison lighters were reported to the CPSC. Although firms bear no testing costs for comparison lighters, the burden hours for recordkeeping have been estimated at 3 hours per model. Thus, an estimated 417 hours (139 models × 3 hours) is estimated for recordkeeping for comparison lighters.

Reporting Requirements—Approximately 1 hour will be required for firms to submit forms to CPSC per model, for a total annual reporting burden on 143 hours (143 models × 1 hour).

Total Estimated Annual Burden: The annual total number of hours could be as high as 1000 hours (360 testing + 497 recordkeeping hours + 143 reporting hours) per year. If some firms elect to outsource testing of new models, there may be fewer burden hours. The CPSC estimates the total cost for firms to test, and prepare, maintain, and submit records to the CPSC in compliance with the lighter regulation would be in the range of $47,859 to $122,515, depending upon whether the testing is done in-house or through outsourcing.

General Description of Collection: In 1993, the CPSC issued the Safety Standard for Cigarette Lighters (16 CFR part 1210) under the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051 *et seq.*) to eliminate or reduce risks of death and burn injury from fires accidentally started by children playing with cigarette lighters. The standard requires certain test protocols, as well as recordkeeping and reporting requirements. 16 CFR part 1210, subpart B. In addition, section 14(a) of the CPSA (15 U.S.C. 2063(a)) requires manufacturers, importers, and private labelers of a consumer product subject to a consumer product safety standard to issue a certificate stating that the product complies with all applicable consumer product safety standards. Section 14(a) of the CPSA also requires that the certificate of compliance must be based on a test of each product or upon a reasonable testing program.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2022–21668 Filed 10–5–22; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Notice of committee meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976, the Department of Defense announces that the following Federal advisory committee meeting will take place.

DATES: The meeting will be held on Friday, October 21, 2022, Time 9:00 a.m.–12:00 p.m. Members of the public wishing to attend the meeting must first obtain a pass to enter the installation. To obtain a pass, members of the public will need to go to the Visitor Control Center and show their government issued ID (*e.g.* driver's license) and be vetted by the security guards at that location. Allow an hour for the process.

ADDRESSES: The meeting will be held in the Haig Room, Jefferson Hall, 758 Cullum Road, West Point, New York 10996.

FOR FURTHER INFORMATION CONTACT: Mrs. Deadra K. Ghostlaw, the Designated Federal Officer for the committee, in writing at: Secretary of the General Staff, ATTN: Deadra K. Ghostlaw, 646 Swift Road, West Point, NY 10996; by email at: *deadra.ghostlaw@westpoint.edu* or *BoV@westpoint.edu;* or by telephone at (845) 938–4200.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The USMA Board of Visitors (BoV) provides independent advice and recommendations to the President of the United States on matters related to morale, discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy that the Board decides to consider.

Purpose of the Meeting: This is the 2022 Annual Meeting of the USMA BoV. Members of the Board will be provided updates on Academy issues. Agenda: Introduction; Board Business—Approve Minutes from July 2022 meeting, Set Date for Spring 2023 meeting in DC, Core Curriculum Review, Chairman: Topics of Specific Interest; Line of Effort (LOE) 1: Developing Leaders of Character; LOE 2: Culture of Character growth; LOE 3: Building Diverse and Effective Winning Teams; LOE 5: Strengthening Partnerships; Closing Remarks.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mrs. Ghostlaw, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting, and members of the public attending the committee meeting will not be permitted to present questions from the floor or speak to any issue under consideration by the committee. Because the committee meeting will be held in a Federal Government facility on a military post, security screening is required. A government photo ID is required to enter post. In order to enter the installation, members of the public must first go to the Visitor Control Center in the Visitor Center and go through a background check before being allowed access to the installation. Members of the public then need to enter post and park in Buffalo Soldier Field parking lot. Members of the public who have proper DoD ID can ride the north-bound Central Post Area (CPA) shuttle bus to Thayer Road, get off at the Thayer Road Extension, and walk up the

road to the Guard Station, where a member of the USMA staff will meet members of the public wishing to attend the meeting at 08:30am and escort them to the meeting location. Members of the public who DO NOT have proper DoD ID will walk from Buffalo Soldier Field to the Thayer Road Extension, then walk to the Guard Station, where a member of the USMA staff will meet members of the public wishing to attend the meeting at 08:30am and escort them to the meeting location. Please note that all vehicles and persons entering the installation are subject to search and/or an identification check. Any person or vehicle refusing to be searched will be denied access to the installation. Members of the public should allow at least an hour and a half for security checks and the shuttle ride or walk. The United States Military Academy, Jefferson Hall, is fully handicap accessible. Wheelchair access is available at the south entrance of the building. For additional information about public access procedures, contact Mrs. Ghostlaw, the committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mrs. Ghostlaw, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements should be submitted to Mrs. Ghostlaw, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. The Designated Federal Official will review all timely submitted written comments or statements with the committee Chairperson and ensure the comments are provided to all members of the committee before the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting. However, the committee Designated Federal Official and Chairperson may choose to invite certain submitters to present their comments verbally during the open portion of this meeting or at a future meeting. The Designated Federal Officer, in consultation with the committee Chairperson, may allot a specific amount of time for submitters to present their comments verbally.

James W. Satterwhite Jr.,

Army Federal Register Liaison Officer.

[FR Doc. 2022–21710 Filed 10–5–22; 8:45 am]

BILLING CODE 3711–02–P

DEPARTMENT OF EDUCATION

Extension of Application Deadline Date; Applications for New Awards; Project Prevent Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: On August 19, 2022, the Department of Education (Department) published in the **Federal Register** a notice inviting applications (NIA) for the fiscal year (FY) 2022 Project Prevent program competition, Assistance Listing Number 84.184M. The NIA established a deadline date of October 3, 2022, for the transmittal of applications. This notice extends the deadline date for transmittal of applications until October 5, 2022, and extends the deadline for intergovernmental review until December 9, 2022.

DATES: Deadline for Transmittal of Applications: October 5, 2022. Deadline for Intergovernmental Review: December 9, 2022.

FOR FURTHER INFORMATION CONTACT: Nicole White, U.S. Department of Education, Telephone: (202) 453–6729. Email: *Project.Prevent@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: On August 19, 2022, we published an NIA for the Project Prevent program competition in the **Federal Register** (87 FR 51072). The NIA established a deadline date of October 3, 2022, for the transmittal of applications. We are extending the deadline date for transmittal of applications, because *Grants.gov,* the system used to submit applications electronically, will be closed for site maintenance from September 23–29, 2022. Since applicants will be unable to submit or work in *Grants.gov* during that time, we are extending the deadline to allow applicants additional time to complete and submit their applications.

Applicants that have submitted applications before the original deadline date of October 3, 2022, may resubmit their applications on or before the new application deadline date of October 5, 2022, but are not required to do so. If a new application is not submitted, the Department will use the application that was submitted by the original deadline. If a new application is submitted, the Department will consider the application that was last submitted successfully and received by 11:59:59 p.m., Eastern Time, on October 5, 2022.

Note: All requirements and conditions stated in the NIA remain the same, except for the deadline for the transmittal of applications and the deadline for intergovernmental review.

Program Authority: 20 U.S.C. 7281.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document, the NIA, 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.

James F. Lane,

Senior Advisor, Office of the Secretary Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary for the Office of Elementary and Secondary Education.

[FR Doc. 2022–21660 Filed 10–5–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Lowering the Per-Unit Acquisition Cost for Equipment Acquired by State Licensing Agencies for the Benefit of the Randolph-Sheppard Vending Facility Program

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

ACTION: Notice.

SUMMARY: The Department of Education (Department) is implementing an exception, approved by the Office of Management and Budget (OMB), to lower the per-unit acquisition cost for equipment acquired by State licensing agencies (SLAs) for the benefit of the Randolph-Sheppard Vending Facility Program (RSVFP). The per unit acquisition cost is lowered from the current $5,000 or the capitalization level established by the non-Federal entity for financial statement purposes to ''equal or exceed the lesser of $1,000 or the capitalization level established by the non-Federal entity for financial statement purposes.''

DATES: *Applicable date:* October 1, 2022.

FOR FURTHER INFORMATION CONTACT: David Steele, U.S. Department of Education, 400 Maryland Avenue SW, Room 5157, Potomac Center Plaza, Washington, DC 20202–2800. *Telephone:* (202) 245–6520. Email: *David.Steele@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:

Uniform Guidance Exception Granted

On July 27, 2022, the Department requested an exception from OMB under 2 CFR 200.102(a) and (c) to adjust the requirements under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) definition of ''equipment'' at 2 CFR 200.1 for a class of non-Federal entities. Specifically, the Department requested the limited exception, solely for equipment acquired by the SLA for the benefit of the RSVFP, to lower the per-unit acquisition cost threshold from the current $5,000 or the capitalization level established by the non-Federal entity for financial statement purposes to ''equal or exceed the lesser of $1,000 or the capitalization level established by the non-Federal entity for financial statement purposes.'' On September 2, 2022, OMB approved the exception and notified the Department. The exception is applicable only to equipment the SLA acquires under section 3(3) and section 7(c) of the Randolph-Sheppard (R–S Act) and under section 103(b)(1) of the Rehabilitation Act of 1973 (Rehabilitation Act) for the benefit of the RSVFP.

This notice announces the lowering of the per-unit acquisition cost for equipment acquired by SLAs for the benefit of the RSVFP. This change is effective for SLAs on October 1, 2022 and applies to all equipment, acquired with either R–S Act set-aside funds under 34 CFR 395.9(b) or State Vocational Rehabilitation Services (VR) program funds (both Federal and non-Federal) under section 103(b)(1) of the Rehabilitation Act and 34 CFR 361.49(a)(5), satisfying the lower per-unit acquisition cost on or after that date. VR agencies need to ensure that prior approval is obtained for items meeting the revised equipment threshold in accordance with 2 CFR 200.407. RSA will provide training opportunities to States, as necessary, on the implementation of the exception.

Background

The R–S Act, which authorizes the RSVFP, enhances employment opportunities for individuals who are blind by designating SLAs to train and license them to operate vending facilities (*e.g.,* vending machines, cafeterias, snack bars) on Federal and other property.

VR agencies that provide services to the blind serve as SLAs for purposes of administering the R–S Act and the RSVFP. Pursuant to section 103(b)(1) of the Rehabilitation Act, VR agencies may use Federal VR program funds for the ongoing acquisition of equipment and the purchase of initial stocks and supplies during the blind vendor's first six months of operation (see also 34 CFR 361.49(a)(5)). Specifically, Federal VR program funds, as well as some non-Federal funds used for matching purposes, may be used to acquire equipment throughout the operation of the vending facility. However, Federal VR program funds, as well as non-Federal funds used for matching purposes (except for set-aside and Federal vending machine income funds), may be used on initial stocks and supplies only during the first six months of a vending facility's operation (34 CFR 361.49(a)(5)(ii)). The VR agency acting as the SLA under the R–S Act has the authority to spend the Federal vending machine income and set-aside funds under 34 CFR 395.9(b) on the maintenance, replacement, and purchase of equipment; however, there is no authority to spend these funds on supplies at any point during the operation of the vending facility.

Based on the provisions in 2 CFR part 200, ''supplies'' are those items that fall under the $5,000 per-unit capitalization threshold identified in the definition of ''equipment'' (2 CFR 200.1). In the absence of a statutory or regulatory definition of ''equipment'' in the Rehabilitation Act or the R–S Act, RSA has relied on the definition in the Uniform Guidance at 2 CFR 200.1, which requires equipment to have a per-unit cost of either $5,000 or exceed the State's capitalization threshold, whichever is lower.

The capitalization threshold has a direct effect on the classification of items as ''equipment'' or as ''supplies,'' and thus, what funds can be used for its purchase and when such funds may be used.

The Uniform Guidance threshold of $5,000 became an issue as SLAs and blind vendors initiated the process of reopening vending facilities in the wake of extended closures caused by the COVID–19 pandemic and identified the need to repair/replace or purchase new commercial appliances. For blind vendors to operate a vending facility, SLAs are required to purchase commercial appliances needed to operate that vending facility, including, but not limited to, vending machines, commercial coffee makers, freezers, beverage dispensers, and cash registers, because these commercial appliances remain at the facility regardless of the vendor placed by the State to operate the facility. In many instances, these commercial appliances do not meet the Uniform Guidance definition of ''equipment,'' because the per-unit cost is less than $5,000. These items typically cost between $1,000 and $4,999 per item. Under the current definition of ''equipment,'' these costs would generally be considered supplies and would not be allowable purchases for the RSVFP with VR Federal grant funds and non-Federal matching funds, except during the first six months of the operation of any vending facility, and Federal vending machine income and levied set-aside funds can never be used

for the purchase of supplies. The inability of SLAs to provide commercial appliances needed by blind vendors for the operation of vending facilities as ''equipment'' prevents States from fulfilling one of their crucial responsibilities under the RSVFP program and prevents them from expending funds as Congress anticipated under the program.

Realizing the effect of the Uniform Guidance definition of equipment on the SLA's ability to purchase needed commercial appliances and supplies over $1,000 for blind vendors in the RSVFP, States brought this issue to RSA's attention in 2021, asking for flexibility to purchase such items with VR funds and Federal vending machine income and levied set-aside funds that could be used as non-Federal match for the VR funds. Blind vendors already had reduced income, or no income due to facility closures because of the pandemic and were not able to absorb these additional costs with their own income, nor was that the intent of the RSVFP.

In response to the RSVFP blind vendor needs, the Department requested an exception on July 27, 2022, from OMB, under 2 CFR 200.102(a) and (c), to adjust the requirements under the Uniform Guidance definition of ''equipment'' at 2 CFR 200.1 for the benefit of the RSVFP. Specifically, the Department requested the limited exception, solely for equipment acquired by the SLA for the benefit of the RSVFP, to reduce the per-unit acquisition cost threshold from the current $5,000 or the capitalization level established by the non-Federal entity for financial statement purposes to ''equal or exceed the lesser of $1,000 or the capitalization level established by the non-Federal entity for financial statement purposes.''

As stated above, OMB granted the exception on September 2, 2022, and the exception will take effect October 1, 2022, for all equipment satisfying the lower per-unit acquisition cost acquired by the SLA with either RSVFP levied set-aside or Federal vending machine income funds or VR program funds (both Federal and non-Federal).

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.

Katherine Neas,

Deputy Assistant Secretary, Delegated the authority to Perform the functions and duties Of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.

[FR Doc. 2022–21751 Filed 10–5–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Civil Nuclear Credit Program: Draft Guidance for the Second Award Period

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of availability of draft guidance; request for comments.

SUMMARY: The U.S. Department of Energy (DOE) invites public comment on its draft Guidance for the Second Award Period for the Civil Nuclear Credit (CNC) Program authorized under of the Infrastructure Investment and Jobs Act (IIJA). The draft Guidance describes the timelines, deliverables, and other program requirements for owners or operators of eligible nuclear reactors that are projected to cease operations due to economic factors to submit certification applications to become certified, and instructions on formulating and submitting sealed bids to receive credit allocations.

DATES: Comments regarding this draft Guidance must be received on or before November 4, 2022.

ADDRESSES: Interested parties may submit comments by any of the following methods:

1. Email: rfi-cnc@nuclear.energy.gov (Strongly Preferred). Submit electronic comments in Microsoft Word or PDF file format and avoid the use of special characters or any form of encryption. Please include ''Response to Notice of Availability'' in the subject line.

2. Online: Submit electronic public comments to *www.regulations.gov*. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Instructions: All submissions received must include the Department of Energy as the agency name for this document. No facsimiles (faxes), postal mail, or hand deliver/courier will be accepted. Any information that may be business proprietary and exempt by law from public disclosure should be submitted as described.

FOR FURTHER INFORMATION CONTACT: For more information regarding the CNC Program draft Guidance please contact Kelly Lefler, (202) 586–4316, *rfi-cnc@nuclear.energy.gov*.

SUPPLEMENTARY INFORMATION:

Background

Section 40323 of the Infrastructure Investment and Jobs Act (IIJA), Public Law 117–58, codified at 42 U.S.C. 18753, directs the Secretary of Energy to establish a CNC Program to evaluate and certify nuclear reactors that are projected to cease operations due to economic factors and to allocate credits to selected certified nuclear reactors via a sealed bid process.

DOE is seeking public comment on the draft Guidance for the CNC Program's second award period, found at *https://www.energy.gov/gdo/civil-nuclear-credit-second-award-cycle*. The draft Guidance describes the program eligibility and certification criteria and bid submission requirements, including the certification and bidding processes.

Business Proprietary Information

Pursuant to 10 CFR 1004.11, any person submitting information he or she believes to be business proprietary and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked ''Business Proprietary'' including all the information believed to be proprietary, and one copy of the document marked ''non-Proprietary'' deleting all information believed to be business proprietary. DOE will make its own determination about the business proprietary status of the information and treat it accordingly. Factors of interest to DOE when evaluating requests to treat submitted information as business proprietary include: (1) A description of the items; (2) whether and why such items are customarily treated as business proprietary within

the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its business proprietary nature; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its business proprietary character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

Signing Authority

This document of the Department of Energy was signed on September 30, 2022, by Maria D. Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 30, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022–21669 Filed 10–5–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Senior Executive Service Performance Review Board

AGENCY: Department of Energy.

ACTION: Designation of Performance Review Board Chair.

SUMMARY: This notice provides the Performance Review Board Chair designee for the Department of Energy. This listing supersedes all previously published lists of Performance Review Board Chair.

DATES: This appointment is effective as of September 29, 2022.

Dennis M. Miotla (Primary)
Steven K. Black (Alternate)

Signing Authority

This document of the Department of Energy was signed on September 29, 2022, by Farhana Hossain, Director of the Office of Corporate Executive Management, Office of the Chief Human Capital Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 30, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022–21678 Filed 10–5–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Senior Executive Service Performance Review Board

AGENCY: Department of Energy.

ACTION: Designation of performance review board standing register.

SUMMARY: This notice provides the Performance Review Board Standing Register for the Department of Energy. This listing supersedes all previously published lists of PRB members.

DATES: This appointment is effective as of September 29, 2022.

Ahmad M. Al-Daouk
Ceren Susut
Connie M. Flohr
Darrel S. Dehaven
Eric G. Nicoll
Geoffrey G. deBeauclair
Jami J. Rodgers
Jocelyn E. Richards
Kevin P. Kremer
Laura M. Tomlinson
Melody C. Bell
Michael A. Corriere
Michael P. Miller
Michael M. Montoya
Natalie N. Nelson-Jean
Peter J. O'Konski
Scott E. Hine
Steven P. Fentress
Tracy A. LeBeau

Signing Authority

This document of the Department of Energy was signed on September 29, 2022, by Farhana Hossain, Director of the Office of Corporate Executive Management, Office of the Chief Human Capital Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 30, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022–21679 Filed 10–5–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. 22–111–LNG]

BP Energy Company; Application for Blanket Authorization To Export Previously Imported Liquefied Natural Gas to Non-Free Trade Agreement Countries on a Short-Term Basis

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) (formerly the Office of Fossil Energy) of the Department of Energy (DOE) gives notice (Notice) of receipt of an application (Application), filed on September 14, 2022, by BP Energy Company (BPEC). BPEC requests blanket authorization to export liquefied natural gas (LNG) previously imported into the United States by vessel from foreign sources in a volume equivalent to 30 billion cubic feet (Bcf) of natural gas on a cumulative basis over a two-year period. BPEC filed the Application under the Natural Gas Act (NGA).

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed electronically as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, November 7, 2022.

ADDRESSES: *Electronic Filing by email: fergas@hq.doe.gov.*

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, DOE has found it necessary to make temporary modifications to the

comment submission process in light of the ongoing Covid–19 pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Office of Resource Sustainability staff at (202) 586–4749 or (202) 586–7893 to discuss the need for alternative arrangements. Once the Covid–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–4749 or (202) 586–7893, *jennifer.wade@hq.doe.gov* or *peri.ulrey@hq.doe.gov*

Cassandra Bernstein, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9793, *cassandra.bernstein@hq.doe.gov*

SUPPLEMENTARY INFORMATION: BPEC requests a short-term blanket authorization to export LNG that has been previously imported into the United States from foreign sources for a two-year period commencing on December 2, 2022. BPEC seeks to export the LNG from the Cove Point LNG Terminal located in Calvert County, Maryland, to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy.[1] This includes both countries with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries) and all other countries (non-FTA countries). This Notice applies only to the portion of the Application requesting authority to export the previously imported LNG to non-FTA countries pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a). BPEC states that its existing blanket re-export authorization, set forth in DOE/FE Order No. 4628 (Docket No. 20–102–LNG), is scheduled to expire on December 1, 2022. BPEC further states that it does not seek authorization to export any domestically produced natural gas or LNG.

BPEC requests this authorization on its own behalf and as agent for other parties that hold title to the LNG at the time of export. Additional details can be found in BPEC's Application, posted on the DOE website at: *www.energy.gov/sites/default/files/2022-09/22-111-LNG.pdf.*

DOE Evaluation

In reviewing BPEC's Application, DOE will consider any issues required by law or policy. DOE will consider domestic need for the gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on these issues.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590, including the service requirements.

As noted, DOE is only accepting electronic submissions at this time. Please email the filing to *fergas@hq.doe.gov.* All filings must include a reference to ''Docket No. 22–111–LNG'' or ''BP Energy Company Application'' in the title line.

Please Note: Please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

The Application and any filed protests, motions to intervene, notices of interventions, and comments will also be available electronically by going to the following DOE Web address: *www.energy.gov/fecm/regulation.*

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

Signed in Washington, DC, on September 30, 2022.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2022–21707 Filed 10–5–22; 8:45 am]

BILLING CODE 6450–01–P

[1] DOE takes notice that the Cove Point LNG Terminal is owned by Cove Point LNG, LP. *See, e.g.,* Cove Point LNG, LP, Docket No. 22–22–LNG.

DEPARTMENT OF ENERGY

[Docket No. 22–110–LNG]

NFE Altamira FLNG, S. de R.L. de C.V.; Application for Long-Term, Multi-Contract Authorization To Export Domestically Produced Natural Gas to Mexico and To Re-Export Liquefied Natural Gas From Mexico to Non-Free Trade Agreement Countries

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice (Notice) of receipt of an

application (Application), filed on September 9, 2022, by NFE Altamira FLNG, S. de R.L. de C.V. (NFE Altamira). NFE Altamira requests long-term, multi-contract authorization to export domestically produced natural gas by pipeline to Mexico in a volume up to 158 billion cubic feet (Bcf) per year (Bcf/yr), and to re-export 145 Bcf/yr of this natural gas as liquefied natural gas (LNG). NFE Altamira seeks to re-export this LNG by vessel from a proposed floating liquefaction and export terminal project, the Altamira FLNG Project (Project), to be located off the coast of Altamira Tamaulipas, Mexico, in the Gulf of Mexico. NFE Altamira filed the Application under section 3 of the Natural Gas Act (NGA).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed electronically as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, December 5, 2022.

ADDRESSES: *Electronic Filing by email: fergas@hq.doe.gov.*

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, DOE has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid–19 pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Office of Resource Sustainability staff at (202) 586–4749 or (202) 586–7893 to discuss the need for alternative arrangements. Once the Covid–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–4749 or (202) 586–7893, *jennifer.wade@hq.doe.gov* or *peri.ulrey@hq.doe.gov*

Cassandra Bernstein, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9793, *cassandra.bernstein@hq.doe.gov*

SUPPLEMENTARY INFORMATION: NFE Altamira requests long-term, multi-contract authorization to export domestically produced natural gas to Mexico via the border-crossing facilities of Valley Crossing Pipeline, LLC to the proposed Altamira FLNG Project. NFE Altamira states that the Project has been proposed by its affiliate, Mexico FLNG S. de R.L. de C.V., an indirect wholly-owned subsidiary of New Fortress Energy Inc. (NFE Altamira's parent company).

NFE Altamira seeks to export this natural gas for both consumption in Mexico and to convert the natural gas, as well as U.S.-sourced volumes for which it acquires title in Mexico, to LNG for re-export to: (i) any nation with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA nations), and (ii) any other nation with which trade is not prohibited by U.S. law or policy (non-FTA nations). This Notice applies only to the portion of the Application requesting authority to re-export of LNG produced from U.S.-sourced natural gas to non-FTA countries pursuant to section 3(a) of the NGA.[1] DOE will review NFE Altamira's request for a FTA export authorization separately pursuant to NGA section 3(c).[2]

NFE Altamira seeks the authorization on its own behalf and as agent for other entities that will hold title to the natural gas or LNG at the point of export or re-export, respectively. NFE Altamira requests the authorization for a term to commence on the date of first export following the commencement of commercial operation of the Project, and to extend through December 31, 2050.

Additional details can be found in NFE Altamira's Application, posted on the DOE website at: *www.energy.gov/sites/default/files/2022-09/22-110-LNG.pdf.*

DOE Evaluation

In reviewing the Application, DOE will consider any issues required by law or policy. DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider the study entitled, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports* (2018 LNG Export Study),[3] and DOE's response to public comments received on that Study.[4]

Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States,* 79 FR 48132 (Aug. 15, 2014); [5]
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States,* 79 FR 32260 (June 4, 2014); [6] and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update,* 84 FR 49278 (Sept. 19, 2019), and DOE's response to public comments received on that study.[7]

Parties that may oppose this Application should address these issues and documents in their comments and protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 60 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The

[1] 15 U.S.C. 717b(a).

[2] 15 U.S.C. 717b(c).

[3] *See* NERA Economic Consulting, Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports (June 7, 2018), *available at: www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf.*

[4] U.S. Dep't of Energy, Study on Macroeconomic Outcomes of LNG Exports: Response to Comments Received on Study; Notice of Response to Comments, 83 FR 67251 (Dec. 28, 2018).

[5] The Addendum and related documents are available at: *https://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states.*

[6] The 2014 Life Cycle Greenhouse Gas Report is available at: *https://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states.*

[7] U.S. Dep't of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update—Response to Comments, 85 FR 72 (Jan. 2, 2020). The 2019 Update and related documents are available at: *https://fossil.energy.gov/app/docketindex/docket/index/21.*

filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590, including the service requirements.

As noted, DOE is only accepting electronic submissions at this time. Please email the filing to *fergas@hq.doe.gov.* All filings must include a reference to ''Docket No. 22–110–LNG'' or ''NFE Altamira FLNG Application'' in the title line.

Please Note: Please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

The Application and any filed protests, motions to intervene, notices of interventions, and comments will also be available electronically by going to the following DOE Web address: *www.energy.gov/fecm/regulation.*

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

Signed in Washington, DC, on September 30, 2022.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2022–21699 Filed 10–5–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1773–042]

Moon Lake Electric Association, Inc.; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 Code of Federal Regulations (CFR) part 380, Commission staff reviewed Moon Lake Electric Association, Inc.'s application to surrender the project license of the Yellowstone Hydroelectric Project No. 1773 and have prepared an Environmental Assessment (EA). The licensee proposes to surrender the license for the project and decommission the project facilities, which includes removing the project dam, abutments, and penstock. The licensee would also restore the reach of the Yellowstone River affected by the dam and reservoir by using sediments to rebuild the channel, and reclaim upland areas disturbed. The project is located on the Yellowstone River in Duchesne County, Utah, within the Ashley National Forest, administered by the U.S. Department of Agriculture's Forest Service, and within the Uintah and Ouray Reservations.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed surrender of the project license, and concludes that, with appropriate environmental protective measures, it would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208-3676, or for TTY, (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/eSubscription.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, contact Marybeth Gay at 202–502–6125 or *Marybeth.Gay@ferc.gov.*

Dated: September 30, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–21765 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP16–454–000; CP16–454–003; CP16–455–000; CP16–455–002]

Rio Grande LNG, LLC; Rio Bravo Pipeline Company, LLC; Notice Seeking Public Comment on Responses to Information Requests

On May 5, 2016, Rio Grande LNG, LLC (Rio Grande) filed an application under section 3 of the Natural Gas Act (NGA) [1] and Part 153 of the Commission's regulations [2] for authorization to construct and operate a liquefied natural gas (LNG) export terminal on the north embankment of the Brownsville Ship Channel in Cameron County, Texas. At the same time, Rio Bravo Pipeline Company, LLC (Rio Bravo) filed an application under NGA section 7(c) [3] and Part 157 of the Commission's regulations [4] for authorization to construct and operate a natural gas pipeline system that would deliver gas to the terminal for liquefaction and export. On November 22, 2019, the Commission authorized Rio Grande's and Rio Bravo's respective proposals, subject to conditions.[5] On August 3, 2021, the U.S. Court of Appeals for the D.C. Circuit (D.C. Circuit) partially remanded, but did not vacate, the Commission's authorization.[6] On August 16, 2022, and August 31, 2022, Commission staff issued environmental information requests to Rio Grande in order to address deficiencies noted in the D.C. Circuit's August 3, 2021 decision. Rio Grande responded to Commission staff's information requests on August 22,

[1] 15 U.S.C. 717b.

[2] 18 CFR part 153 (2021).

[3] 15 U.S.C. 717f(c).

[4] 18 CFR part 157 (2021).

[5] *Rio Grande LNG, LLC,* 169 FERC ¶ 61,131 (2019), *order on reh'g,* 170 FERC ¶ 61,046 (2020).

[6] *Vecinos para el Bienestar de la Comunidad Costera* v. *FERC,* 6 F.4th 1321, 1332 (D.C. Cir. 2021) (remanding orders without vacatur for the Commission to redress deficiencies regarding its analyses of project impacts on climate change and environmental justice communities).

2022, and September 15, 2022.[7] Similarly on May 2 and May 10, 2022, Commission staff issued information requests to Rio Bravo to address deficiencies noted in the D.C. Circuit's August 3, 2021 decision, to which Rio Bravo provided responses on June 1, 2022.

By this notice, Commission staff requests public comments on the issues addressed in Rio Grande's and Rio Bravo's responses to staff's above-referenced information requests of May 2, May 10, August 16, and August 31, 2022, regarding environmental justice communities, visual impacts, air quality modeling, and emergency planning. Any person wishing to comment on these issues may do so.

To ensure that your comments within the scope of this notice are timely and properly recorded, please submit your initial comments no later than October 21, 2022. Reply comments are due no later than November 4, 2022.

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment 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, which is located 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.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing'';

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP16–454–000 and CP16–455–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Additional information about the project, including copies of the above-referenced information requests and responses, are available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Dated: September 30, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21783 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

[7] Rio Grande submitted a partial response on August 22, 2022, addressing questions related to air modeling and environmental justice.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–17–000]

Commission Information Collection Activity (FERC–549); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collections, FERC–549 (NGPA Section 311 Transactions and NGA Blanket Certificate Transactions).

DATES: Comments on the collections of information are due December 5, 2022.

ADDRESSES: You may submit your comments (identified by Docket No. IC22–17–000) on FERC–549 by one of the following methods:

Electronic filing through *https://www.ferc.gov* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:
  - *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - *Hand (including courier) delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: NGPA Section 311 Transactions and NGA Blanket Certificate Transactions.

OMB Control No.: 1902–0086.

Type of Request: Three-year extension of the FERC–549 information collection requirements with a revision to account for the differences between filings seeking initial approval and those disclosing a change in circumstances.

Abstract: FERC–549 is required to implement portions of the following statutory provisions: (1) Section 311 of the Natural Gas Policy Act (NGPA) (15 U.S.C. 3371); (2) Section 4(f) of the Natural Gas Act (NGA) (15 U.S.C. 717c(f)); and (3) Section 7 of the NGA (15 U.S.C. 717f). The reporting requirements for implementing these provisions are contained in 18 CFR part 284.

Transportation by Interstate Pipelines for Intrastate Pipelines and Local Distribution Companies

Under section 311(a)(1) of the NGPA and 18 CFR 284.101 and 284.102, any interstate pipeline may transport natural gas without prior Commission approval ''on behalf of'' an intrastate pipeline or a local distribution company (LDC). The regulation at 18 CFR 284.102(d) provides that the transportation is not ''on behalf of'' an intrastate pipeline or an LDC unless one of three conditions is met:

(1) The interstate pipeline or LDC has physical custody of and transports the natural gas at some point;

(2) The intrastate pipeline or LDC holds title to the natural gas at some point, which may occur prior to, during, or after the time that the gas is being transported by the interstate pipeline, for a purpose related to its status and functions as a local distribution company; or

(3) The gas is delivered at some point to a customer that either is located in an LDC's service area or is physically able to receive direct deliveries of gas from an intrastate pipeline, and the LDC or intrastate pipeline certifies that it is on its behalf that the interstate pipeline is providing transportation service.

The certification requirement in the third condition described at 18 CFR 284.102(d)(3) is included in the burden table (below) as part of the information collection activity labeled ''Transportation by Pipelines.'' Before commencing service as described in paragraph (d)(3), the interstate pipeline that is providing the transportation must receive certification from the pertinent LDC or intrastate pipeline consisting of a letter from the intrastate pipeline or LDC authorizing the interstate pipeline to ship gas on its behalf, and sufficient information to verify that the service qualifies under 18 CFR 284.102.

Transportation by Intrastate Pipelines for Interstate Pipelines or LDCs Served by an Interstate Pipeline

Under section 311(a)(2) of the NGPA and 18 CFR 284.122 and 284.123, any intrastate pipeline may, without prior Commission approval, transport natural gas on behalf of any interstate pipeline or any LDC served by an interstate pipeline. No rate charged for such transportation may exceed a fair and equitable rate. The filing requirements described below are included in the burden table (below) as part of the information collection activity labeled ''Transportation by Pipelines.''

The regulation at 18 CFR 284.123(b) provides that intrastate gas pipeline companies must file for Commission approval of rates for services performed in the interstate transportation of gas. An intrastate gas pipeline company may elect to use rates contained in one of its then effective transportation rate schedules on file with an appropriate state regulatory agency for intrastate service comparable to the interstate service or file proposed rates and supporting information showing the rates are cost based and are fair and equitable. It is the Commission policy that each pipeline must file at least every five years to ensure its rates are fair and equitable. Depending on the business process used, either 60 or 150 days after the application is filed, the rate is deemed to be fair and equitable unless the Commission either extends the time for action, institutes a proceeding or issues an order providing for rates it deems to be fair and equitable.

The regulation at 18 CFR 284.123(e) requires that within 30 days of commencement of new service any intrastate pipeline engaging in the transportation of gas in interstate commerce must file a statement that includes the interstate rates and a description of how the pipeline will engage in the transportation services, including operating conditions. If an intrastate gas pipeline company changes its operations or rates it must amend the statement on file with the Commission. Such amendment is to be filed not later than 30 days after commencement of the change in operations or change in rate election.

Initial Approval of Market-Based Rates for Storage

Section 4(f) of the NGA authorizes the Commission to permit natural gas storage service providers to charge market-based rates for storage, subject to conditions and requirements set forth in the statute. The Commission implements this authority under 18 CFR 284.501 through 284.505. An applicant may apply for market-based rates by filing a request for a market-power determination that complies with the following:

(a) The applicant must set forth its specific request and adequately demonstrate that it lacks market power in the market to be served, and must include an executive summary of its statement of position and a statement of material facts in addition to its complete statement of position. The statement of material facts must include citation to the supporting statements, exhibits, affidavits, and prepared testimony.

The regulation at 18 CFR 284.503 requires that an application to charge market-based rate for storage services must include the following information:

(1) *Statement A—geographic market.* This statement must describe the geographic markets for storage services in which the applicant seeks to establish that it lacks significant market power. It must include the market related to the service for which it proposes to charge market-based rates. The statement must explain why the applicant's method for selecting the geographic markets is appropriate.

(2) *Statement B—product market.* This statement must identify the product market or markets for which the applicant seeks to establish that it lacks significant market power. The statement must explain why the particular product definition is appropriate.

(3) *Statement C—the applicant's facilities and services.* This statement must describe the applicant's own facilities and services, and those of all parent, subsidiary, or affiliated companies, in the relevant markets identified in Statements A and B in paragraphs (b)(1) and (2) of this section. The statement must include all pertinent data about the storage facilities and services.

(4) *Statement D—competitive alternatives.* This statement must describe available alternatives in competition with the applicant in the relevant markets and other competition constraining the applicant's rates in those markets. Such proposed alternatives may include an appropriate combination of other storage, local gas supply, LNG, financial instruments and pipeline capacity. These alternatives must be shown to be reasonably available as a substitute in the area to be served soon enough, at a price low enough, and with a quality high enough to be a reasonable alternative to the applicant's services. Capacity (transportation, storage, LNG, or production) owned or controlled by the applicant and affiliates of the applicant in the relevant market shall be clearly and fully identified and may not be considered as alternatives competing with the applicant. Rather, the capacity of an applicant's affiliates is to be included in the market share calculated for the applicant. To the extent available, the statement must include all pertinent data about storage or other alternatives and other constraining competition.

(5) *Statement E—potential competition.* This statement must describe potential competition in the relevant markets. To the extent available, the statement must include data about the potential competitors, including their costs, and their distance in miles from the applicant's facilities and major consuming markets. This statement must also describe any relevant barriers to entry and the applicant's assessment of whether ease of entry is an effective counter to attempts to exercise market power in the relevant markets.

(6) *Statement F—maps.* This statement must consist of maps showing the applicant's principal facilities, pipelines to which the applicant intends to interconnect and other pipelines within the area to be served, the direction of flow of each line, the

location of the alternatives to the applicant's service offerings, including their distance in miles from the applicant's facility. The statement must include a general system map and maps by geographic markets. The information required by this statement may be on separate pages.

(7) *Statement G—market-power measures.* This statement must set forth the calculation of the market concentration of the relevant markets using the Herfindahl-Hirschman Index. The statement must also set forth the applicant's market share, inclusive of affiliated service offerings, in the markets to be served. The statement must also set forth the calculation of other market-power measures relied on by the applicant. The statement must include complete particulars about the applicant's calculations.

(8) *Statement H—other factors.* This statement must describe any other factors that bear on the issue of whether the applicant lacks significant market power in the relevant markets. The description must explain why those other factors are pertinent.

(9) *Statement I—prepared testimony.* This statement must include the proposed testimony in support of the application and will serve as the applicant's case-in-chief, if the Commission sets the application for hearing. The proposed witness must subscribe to the testimony and swear that all statements of fact contained in the proposed testimony are true and correct to the best of his or her knowledge, information, and belief. The regulation at 18 CFR 284.505(a), requires: (1) a demonstration that market-based rates are in the public interest and necessary to encourage the construction of storage capacity in an area needing storage services, and (2) an explanation of what means the storage service provider will use to protect customers from the potential exercise of market power.

Market Based-Rates—Notice of Change in Circumstances

The Commission's regulations at 18 CFR 284.504(b) provide that a storage service provider granted the authority to charge market-based rates is required to notify the Commission within 10 days of acquiring knowledge of significant change occurring in its market power status. The notification should include a detailed description of the new facilities/services and their relationship to the storage service provider. Significant changes include: (1) The storage provider expanding its storage capacity beyond the amount authorized; (2) The storage provider acquiring transportation facilities or additional storage capacity; (3) An affiliate providing storage or transportation services in the same market area; and (4) The storage provider or an affiliate acquiring an interest in or is acquired by an interstate pipeline.

Code of Conduct Record Retention

The Commission's regulations at 18 CFR 284.288(b) and 284.403(b), respectively, impose a record retention requirement contained in a Code of Conduct applicable to: (1) interstate pipelines that provide unbundled natural gas sales service,[1] and (2) persons who are not interstate pipelines and whose sales of natural gas are authorized by the ''automatic'' blanket marketing certificate granted by operation of 18 CFR 284.402.[2] Any entity fitting one of those descriptions must retain, for a period of five years, all data and information upon which it billed the prices it charged for natural gas it sold pursuant to its market based sales certificate or the prices it reported for use in price indices.

FERC uses these records to monitor the jurisdictional transportation activities and unbundled sales activities of interstate natural gas pipelines and blanket marketing certificate holders.

The record retention period of five years is necessary due to the importance of records related to any investigation of possible wrongdoing and related to assuring compliance with the codes of conduct and the integrity of the market. The requirement is necessary to ensure consistency with 18 CFR 1c.1 (''Prohibition of Natural Gas Market Manipulation'') and the generally applicable five-year statute of limitations where the Commission seeks civil penalties for violations of the anti-manipulation rules or other rules, regulations, or orders to which the price data may be relevant.

Failure to have this information available would mean the Commission would have difficulty performing its regulatory functions and to monitor and evaluate transactions and operations of interstate pipelines and blanket marketing certificate holders. The Code of Conduct Record Retention burden [3] associated with the FERC–549 includes both labor [4] and storage costs.

Type of Respondents: Jurisdictional interstate and intrastate natural gas pipelines.

Estimate of Annual Burden: [5] The Commission estimates the annual burden and labor costs for the information collection as follows:

FERC–549—ESTIMATED LABOR COSTS FOR NGPA SECTION 311 TRANSACTIONS, NGA BLANKET CERTIFICATE TRANSACTION, AND RECORD RETENTION

	A Number of respondents	B Annual number of responses per respondent	C Total number of responses (Column A × Column B)	D Average burden hrs. & cost ($)[6] per response	E Total annual burden hours & total annual cost ($) (Column C × Column D)	F Cost per respondent ($) (Column E ÷ Column A)
Transportation by Pipelines	43	2	86	50 hrs.; $4,550	4,300 hrs.; $391,300	$9,100
MBR—Initial Approval	1	1	1	350 hrs.; $31,850	350 hrs.; $31,850	31,850
MBR—Change in Circumstances[7].	5	1	5	75 hrs.; $6,825	375 hrs.; $6,825	1,365

[1] As defined at 18 CFR 284.282(c), unbundled sales service is gas sales service that is sold separately from transportation service.

[2] The regulation at section 284.402(a) provides that any person who is not an interstate pipeline is granted a blanket certificate of public convenience and necessity, pursuant to section 7 of the NGA, that authorizes the certificate holder to make sales for resale of natural gas at negotiated rates in interstate commerce. Section 2(1) of the NGA (15 U.S.C. 717a(1)) defines a ''person'' to include an individual or corporation.

[3] 18 CFR 284.288(b) and 18 CFR 284.403(b)

[4] The $35.83 hourly cost figure comes from the average cost (wages plus benefits) of a file clerk (Occupation Code 43–4071) as posted on the BLS website (*http://www.bls.gov/oes/current/naics2_22.htm*).

[5] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

FERC–549—ESTIMATED LABOR COSTS FOR NGPA SECTION 311 TRANSACTIONS, NGA BLANKET CERTIFICATE TRANSACTION, AND RECORD RETENTION—Continued

	A Number of respondents	B Annual number of responses per respondent	C Total number of responses (Column A × Column B)	D Average burden hrs. & cost ($)[6] per response	E Total annual burden hours & total annual cost ($) (Column C × Column D)	F Cost per respondent ($) (Column E ÷ Column A)
Record Retention	299	1	299	1 hr.; $38.71	299 hrs.; $11,574.29	38.71
Totals	348		391		5,324 hrs.; $441,549	

Storage Cost: [8] In addition to the labor costs for record retention, non-labor costs of record retention and storage are estimated as follows:

- *Paper storage costs (using an estimate of 12.5 cubic feet × $6.46 per cubic foot):* $80.75 per respondent annually. Total annual paper storage cost to industry ($80.75 × 299 respondents): $24,144.25. This estimate assumes that a respondent stores 12.5 cubic feet of paper. We expect that this estimate should trend downward over time as more companies move away from paper storage and rely more heavily on electronic storage.
- *Electronic storage costs:* $3.18 per respondent annually. Total annual electronic storage cost to industry ($3.18 × 299 respondents): $950.82. This calculation estimates storage of approximately 200 MB per year with a cost of $3.18.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: September 30, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–21764 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

[6] For the information collection activities labeled ''Transportation by Pipelines,'' ''MBR—Initial Approval,'' and ''MBR—Change in Circumstances,'' Commission staff estimates that respondents' hourly labor cost is approximated by the Commission's average hourly cost (for wages and benefits) for 2022, or $91.00 per hour.

For the information collection activity labeled ''Record Retention,'' Commission staff estimates that respondents' hourly labor cost is $38.71 (for wages and benefits), based on $27.24 (the mean hourly wage for an information and record clerk, Occupation Code 43–4000 for Utilities as posted at *http://www.bls.gov/oes/current/naics2_22.htm*), plus $11.47 (the average hourly cost for benefits for private industry, as posted at *https://www.bls.gov/news.release/pdf/ecec.pdf*.

[7] This new row was added to account for the differences between initial MBR filings and filings pertaining to a change in circumstances.

[8] Each of the 299 entities is assumed to have both paper and electronic record retention. Internal analysis assumes 50 percent paper storage and 50 percent electronic storage.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2959–000]

Second Foundation US Trading, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Second Foundation US Trading, 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 20, 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 30, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21782 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10661–051]

Indiana Michigan Power Company; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* 10661–051.

c. *Date filed:* September 30, 2021.

d. *Applicant:* Indiana Michigan Power Company.

e. *Name of Project:* Constantine Hydroelectric Project (Constantine Project).

f. *Location:* The Constantine Project is located on the St. Joseph River in the Village of Constantine in St. Joseph County, Michigan. The project does not occupy federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Jonathan Magalski, Environmental Supervisor, Renewables, Indiana Michigan Power Company; 1 Riverside Plaza, Columbus, Ohio 43215 at (614) 716–2240 or email at *jmmagalski@aep.com.*

i. *FERC Contact:* Lee Emery at (202) 502–8379 or email at *lee.emery@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper request. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–10661–051.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

The Council on Environmental Quality (CEQ) issued a final rule on April 20, 2022, revising the regulations under 40 CFR parts 1502, 1507, and 1508 that federal agencies use to implement the National Environmental Policy Act (NEPA) (see *National Environmental Policy Act Implementing Regulations Revisions,* 87 FR 23,453–70). The final rule became effective on May 20, 2022. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

l. *The Constantine Project consists of:* (1) an 525-acre reservoir with a storage capacity of 5,750 acre-feet at a water surface elevation of 782.94 feet National Geodetic Vertical Datum (NGVD); (2) a 561.25-foot-long dam consisting of, from east to west: (a) a 250-foot-long, 22.5-foot-high embankment with a top elevation of 790 feet NGVD, (b) a 241.25-foot-long, 12-foot-high uncontrolled concrete overflow spillway dam with a fixed crest elevation of 781.96 feet NGVD, topped by 0.94-foot-high flashboards with a crest elevation of 782.90 feet NGVD, which includes a 4-foot sluice gate at the left abutment, and (c) a 70-foot-long earthen embankment; (3) a 650-foot-long, 20-foot-high earthen detached dike that begins 1,500 feet east of the left abutment of the spillway dam, with a top elevation of 790 feet NGVD; (4) a 68-foot-long, 20-foot-high concrete headgate structure consisting of seven wooden 15-foot-high vertical slide gates with a sill elevation of 770.00 feet NGVD with six 7.83-foot-long gates and one 6.75-foot-long gate located at the entrance to the power canal; (5) a 1,270-foot-long power canal with a bottom width of 60 feet; (6) a 140-foot-long, 30-foot-wide brick powerhouse; (7) trash racks in front of the forebay at the entrance to the powerhouse; (8) four vertical shaft Francis turbines each coupled to a 300-kilowatt generator, for a total installed capacity of 1.2 megawatts; (9) a switchyard adjacent to the powerhouse with three step-up transformers; (10) a 50-foot-long, 2.4-kilovolt transmission line; and (11) appurtenant facilities.

The Constantine Project is operated in a run-of-river mode with an estimated average annual energy production of 4,933 megawatt-hours. Indiana Michigan Power Company proposes to continue operating the project as a run-of-river facility and does not propose any new construction to the project.

m. A copy of the application can be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document.

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 FERC at *FERCOnllineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''PRELIMINARY TERMS AND CONDITIONS,'' or ''PRELIMINARY FISHWAY PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4)

otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. *The license applicant must file no later than 60 days following the date of issuance of this notice:* (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Please note that the certification request must comply with 40 CFR 121.5(b), including documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request. Please note that the certification request must be sent to the certifying authority and to the Commission concurrently.

p. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Deadline for Filing Protest, Motion to Intervene, Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions.	November 2022.
Deadline for Filing Reply Comments	January 2023.

q. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Dated: September 30, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–21762 Filed 10–5–22; 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: RP20–614–005; RP20–618–002.

Applicants: Transcontinental Gas Pipe Line Company, LLC, Transcontinental Gas Pipe Line Company, LLC.

Description: Notice of Transcontinental Gas Pipe Line Company, LLC in Lieu of Pro Forma Tariff Filing.

Filed Date: 9/29/22.

Accession Number: 20220929–5193.

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

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: PR22–72–000.

Applicants: Permian Highway Pipeline LLC.

Description: § 284.123 Rate Filing: Fuel Filing 10.01.2022 to be effective 10/1/2022.

Filed Date: 9/29/22.

Accession Number: 20220929–5171.

Comment Date: 5 p.m. ET 10/20/22.

Docket Numbers: PR22–73–000.

Applicants: Centana Intrastate Pipeline, LLC.

Description: § 284.123(g) Rate Filing: Centana SOC 7.0.0 to be effective 9/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5056.

Comment Date: 5 p.m. ET 10/21/22

284.123(g) Protests: 5 p.m. ET 11/29/22.

Docket Numbers: RP22–1258–000.

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

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing (Northwestern Nov 22) to be effective 11/1/2022.

Filed Date: 9/29/22.

Accession Number: 20220929–5034.

Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: RP22–1259–000.

Applicants: Ruby Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreements (SWG Oct and Nov) to be effective 10/1/2022.

Filed Date: 9/29/22.

Accession Number: 20220929–5037.

Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: RP22–1260–000.

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

Description: § 4(d) Rate Filing: Negotiated Rate Agreements (Morgan_ETC_Eco_EOG) to be effective 11/1/2022.

Filed Date: 9/29/22.

Accession Number: 20220929–5041.

Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: RP22–1261–000.

Applicants: Young Gas Storage Company, Ltd.

Description: Compliance filing: Operational Purchase and Sale Report 2022 to be effective N/A.

Filed Date: 9/29/22.

Accession Number: 20220929–5050.

Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: RP22–1262–000.

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

Description: Compliance filing: Operational Purchase and Sale Report 2022 to be effective N/A.

Filed Date: 9/29/22.

Accession Number: 20220929–5052.

Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: RP22–1263–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: List of Non-Conforming Service Agreements (CEC_VNG_Interim Svc) to be effective 11/1/2022.

Filed Date: 9/29/22.

Accession Number: 20220929–5053.

Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: RP22–1264–000.

Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Fuel Tracker Filing—Effective November 1, 2022 to be effective 11/1/2022.

Filed Date: 9/29/22.

Accession Number: 20220929–5070.

Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: RP22–1265–000.

Applicants: Enable Mississippi River Transmission, LLC.

Description: § 4(d) Rate Filing: 2022 MRT Annual Fuel Filing to be effective 11/1/2022.

Filed Date: 9/29/22.

Accession Number: 20220929–5071.

Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: RP22–1267–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: Compliance filing: Annual Cash-Out Report Period Ending July 31, 2022 to be effective N/A.

Filed Date: 9/29/22.

Accession Number: 20220929–5114.

Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: RP22–1268–000.

Applicants: National Fuel Gas Supply Corporation.

Description: § 4(d) Rate Filing: GT&C Section 42 PS/GHG Tracker (Effective 11–01–22) to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5042.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1269–000.

Applicants: Carolina Gas Transmission, LLC.

Description: § 4(d) Rate Filing: CGT—2022 FRQ and TDA Report to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5046.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1270–000.

Applicants: Portland Natural Gas Transmission System.

Description: § 4(d) Rate Filing: WXP Phase III Agmt Filings—Bangor and Northern Utilities to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5057.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1271–000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: APL 2022 Fuel Filing to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5066.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1272–000.

Applicants: Saltville Gas Storage Company L.L.C.

Description: § 4(d) Rate Filing: SGSC 2022 Fuel Filing to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5068.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1273–000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: Negotiated Rates—Various Oct 1 2022 Releases to be effective 10/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5070.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1274–000.

Applicants: Panhandle Eastern Pipe Line Company, LP.

Description: § 4(d) Rate Filing: Fuel Filing on 9–30–22 to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5076.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1275–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Cash Out Surcharge Annual Update Filing 2022 to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5077.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1276–000.

Applicants: Trunkline Gas Company, LLC.

Description: § 4(d) Rate Filing: Fuel Filing on 9–30–22 to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5078.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1277–000.

Applicants: Rover Pipeline LLC.

Description: § 4(d) Rate Filing: Fuel Filing on 9–30–22 to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5079.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1278–000.

Applicants: Carlsbad Gateway, LLC.

Description: § 4(d) Rate Filing: Carlsbad Gateway FandL Filing to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5086.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1279–000.

Applicants: Cheniere Creole Trail Pipeline, L.P.

Description: § 4(d) Rate Filing: Cheniere Creole Trail Out-of-Cycle Retainage Adjustment to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5088.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1280–000.

Applicants: Cheniere Corpus Christi Pipeline, LP.

Description: Compliance filing: Cheniere Corpus Christi Retainage Filing to be effective N/A.

Filed Date: 9/30/22.

Accession Number: 20220930–5089.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1281–000.

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

Description: § 4(d) Rate Filing: Negotiated Rate Agmt Update (Conoco—Oct 22) to be effective 10/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5094.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1282–000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: § 4(d) Rate Filing: EGTS—2022 Annual EPCA to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5100.

Comment Date: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1283–000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: § 4(d) Rate Filing: EGTS—2022 Annual TCRA to be effective 11/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5108.

Comment Date: 5 p.m. ET 10/12/22.

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 30, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21777 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–228–000.

Applicants: Colice Hall Solar, LLC.

Description: Colice Hall Solar, LLC submits Notice of Self Certification of Exempt Wholesale Generator Status.

Filed Date: 9/30/22.
Accession Number: 20220930–5362.
Comment Date: 5 p.m. ET 10/21/22.

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

Docket Numbers: ER19–2276–005.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits informational filing in compliance with the January 2020 Order.
Filed Date: 9/30/22.
Accession Number: 20220930–5337.
Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–1839–001.
Applicants: Panther Creek Power Operating, LLC.
Description: Compliance filing: Settlement Compliance Filing to be effective 9/1/2022.
Filed Date: 9/30/22.
Accession Number: 20220930–5298.
Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2958–000.
Applicants: Florida Power & Light Company.
Description: Florida Power & Light Company submitted a Motion Requesting Waiver of Section 3(e)(ii)–(iii) of Attachment H–2b—NWFL System Formula Rate Data Update and True-Up Procedures with Shortened Comment Period and Expedited Processing Request.
Filed Date: 9/28/22.
Accession Number: 20220928–5190.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2959–000.
Applicants: Second Foundation US Trading, LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 9/30/2022.
Filed Date: 9/29/22.
Accession Number: 20220929–5190.
Comment Date: 5 p.m. ET 10/20/22.

Docket Numbers: ER22–2960–000.
Applicants: Billerud Escanaba LLC.
Description: Compliance filing: Billerud Escanaba New Baseline Tariff Filing to be effective 10/1/2022.
Filed Date: 9/30/22.
Accession Number: 20220930–5116.
Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2961–000.
Applicants: Gulf Power Company.
Description: Tariff Amendment: Notice of Cancellation—Agreements Database to be effective 10/1/2022.
Filed Date: 9/30/22.
Accession Number: 20220930–5123.
Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2962–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: Holy Cross PSA Revision_Comanche 3 to be effective 11/30/2022.
Filed Date: 9/30/22.
Accession Number: 20220930–5126.
Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2963–000.
Applicants: Yellowbud Solar, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authority and Request for Associated Waivers to be effective 11/1/2022.
Filed Date: 9/30/22.
Accession Number: 20220930–5139.
Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2964–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2022–09–30 BkCoU-NonConforming BASA–469–0.0.0 to be effective 10/1/2022.
Filed Date: 9/30/22.
Accession Number: 20220930–5146.
Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2965–000.
Applicants: Wisconsin Public Service Corporation.
Description: § 205(d) Rate Filing: Depreciation Study_Change in Depreciation Rates for Wholesale Production Service to be effective 1/1/2023.
Filed Date: 9/30/22.
Accession Number: 20220930–5154.
Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2966–000.
Applicants: Public Service Company of New Mexico.
Description: Tariff Amendment: Notice of Cancellation Rate Schedule No. 144 to be effective 10/1/2022.
Filed Date: 9/30/22.
Accession Number: 20220930–5160.
Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2967–000.
Applicants: Wisconsin Electric Power Company.
Description: § 205(d) Rate Filing: Depreciation Study and Change in Depreciation Rates to be effective 1/1/2023.
Filed Date: 9/30/22.
Accession Number: 20220930–5166.
Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2968–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Provisions for Self-Funding Network Upgrades and System Protection Facilities to be effective 12/1/2022.
Filed Date: 9/30/22.
Accession Number: 20220930–5167.
Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2969–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Mid-Atlantic Interstate Transmission, LLC submits tariff filing per 35.13(a)(2)(iii: MAIT submits revised Interconnection Agreement, SA No. 4578 to be effective 11/30/2022.
Filed Date: 9/30/22.
Accession Number: 20220930–5171.
Comment Date: 5 p.m. ET 10/21/22.

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 30, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21779 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–27–000]

Commission Information Collection Activities (FERC–915) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–915 (Public Utility Market-Based Rate Authorization Holders—Records Retention Requirements).

DATES: Comments on the collection of information are due December 5, 2022.

ADDRESSES: You may submit your comments (identified by Docket No. IC22–27–000) by one of the following methods:

Electronic filing through *http://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

○ *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (Including Courier) Delivery:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission,12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–915, Public Utility Market-Based Rate Authorization Holders—Records Retention Requirements.

OMB Control No. 1902–0250.

Type of Request: Three-year extension of the FERC–915 information collection requirements with no changes to the current record retention requirements.

Abstract: In accordance with the Federal Power Act, the Department of Energy Organization Act (DOE Act), and the Energy Policy Act of 2005 (EPAct 2005), the Commission regulates the transmission and wholesale sales of electricity in interstate commerce, monitors and investigates energy markets, uses civil penalties and other means against energy organizations and individuals who violate FERC rules in the energy markets, administers accounting and financial reporting regulations, and oversees conduct of regulated companies.

The Commission imposes the FERC–915 record retention requirements, in 18 CFR 35.41(d), on applicable sellers to retain, for a period of five years, all data and information upon which they bill the prices charged for ''electric energy or electric energy products sold pursuant to Seller's market-based rate tariff, and the prices it reported for use in price indices.''

The record retention period of five years is necessary due to the importance of records related to any investigation of possible wrongdoing and related to assuring compliance with the codes of conduct and the integrity of the market. The requirement is necessary to ensure consistency with the rule prohibiting market manipulation (adopted in Order No. 670 [1]) and the generally applicable statute of limitations where the Commission seeks civil penalties for violations of the Anti-Manipulation Rules or other rules, regulations, or orders to which the price data may be relevant.

Type of Respondent: Sellers, as that term is defined in 18 CFR 35.36

Estimate of Annual Burden: [2] The Commission estimates the annual public reporting burden and cost [3] (rounded) for the information collection as follows:

FERC—915, PUBLIC UTILITY MARKET-BASED RATE AUTHORIZATION HOLDERS—RECORDS RETENTION REQUIREMENTS

FERC requirement	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hours & cost	Annual cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
FERC–915	2,510	1	2,510	1 hr.; $34.00	2,510 hrs.; $85,340	$34.00
Total			2,510		2,510 hrs.; $85,340	

In addition, there are records storage costs. For all respondents, we estimate a total of 65,000 cu. ft. of records in off-site storage. Based on an approximate storage cost of $0.24 per cubic foot, we estimate total annual storage cost to be $15,600.00 (or $6.22 annually per respondent). The total annual cost for all respondents (burden cost plus off-site storage) is $100,940.00 (or $85,340 + $15,600); the average total annual cost per respondent is $40.22 ($6.22 + $34.00).[4]

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: September 30, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–21763 Filed 10–5–22; 8:45 am]

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[1] Prohibition of Energy Market Manipulation, Order No. 670, 71 FR 4244 (Jan. 26, 2006), FERC Stats. & Regs. ¶ 31,202 (2006).

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[3] The estimated hourly cost (for wages plus benefits) provided in this section are based on the figures posted by the Bureau of Labor Statistics (BLS) for the Utilities section available (at *https://www.bls.gov/oes/current/naics2_22.htm*) and benefits information (for June 2022, issued March 2022, at *https://www.bls.gov/news.release/ecec.nr0.htm*).

The hourly estimates for salary plus benefits are: File Clerk (Occupation code: 43–4071), $34.38 an hour. We are rounding the hourly cost to $34.00.

[4] Given that the Commission has found (1) that Sellers use standard computer-based methods to store the retained information automatically on electronic media and (2) that storage space needed costs pennies per Gigabyte, estimating burden and storage assuming use of traditional paper records provides an extreme boundary on the estimated costs.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD22–8–000]

Transmission Planning and Cost Management; Supplemental Notice of Technical Conference

As announced in the Notice of Technical Conference issued in this proceeding on April 21, 2022, the Federal Energy Regulatory Commission (Commission) will convene a Commissioner-led technical conference regarding transmission planning and cost management for transmission facilities developed through local or regional transmission planning processes in the above-captioned proceeding on October 6, 2022, from approximately 9 a.m. to 5 p.m. Eastern Time.

The purpose of this conference is to explore measures to ensure sufficient transparency into and cost effectiveness of local and regional transmission planning decisions, including: (1) the role of cost management measures in ensuring the cost-effective identification of local transmission needs (*e.g.,* planning criteria) and solutions to address identified local transmission and regional reliability-related transmission needs; and (2) cost considerations and the processes through which transmission developers recover their costs to ensure just and reasonable transmission rates. Additionally, this conference will also discuss potential approaches to providing enhanced cost management measures and greater transparency and oversight if needed to ensure just and reasonable transmission rates.

A finalized agenda for this technical conference is attached. This supplemental notice includes further details regarding the agenda and speakers for the technical conference. An additional supplemental notice will be issued following the technical conference with the opportunity for interested parties to submit post-technical conference comments.

The technical conference will be open to the public and there is no fee for attendance. Information will also be posted on the Calendar of Events on the Commission's website, *www.ferc.gov,* prior to the event.

The workshop will be transcribed and webcast. Transcripts will be available for a fee from Ace Reporting (202–347–3700). A link to the webcast of this event will be available in the Commission Calendar of Events at *www.ferc.gov.* The Capitol Connection provides technical support for the webcasts and offers the option of listening to the workshop via phone-bridge for a fee. For additional information, visit *www.CapitolConnection.org* or call (703) 993–3100.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov,* call toll-free (866) 208–3372 (voice) or (202) 208–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

For more information about this technical conference, please contact John Riehl at *john.riehl@ferc.gov* or (202) 502–6026. For information related to logistics, please contact Sarah McKinley at *sarah.mckinley@ferc.gov* or (202) 502–8368.

Dated: September 30, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21780 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP16–116–000; CP116–116–002]

Texas LNG Brownsville LLC; Notice Seeking Public Comment on Responses to Information Requests

On March 30, 2016, Texas LNG Brownsville LLC (Texas LNG) filed an application under section 3 of the Natural Gas Act (NGA) [1] and Part 153 of the Commission's regulations [2] for authorization to construct and operate a liquefied natural gas (LNG) export terminal on the north embankment of the Brownsville Ship Channel in Cameron County, Texas. On November 22, 2019, the Commission authorized Texas LNG's proposal, subject to conditions.[3] On August 3, 2021, the U.S. Court of Appeals for the D.C. Circuit (D.C. Circuit) partially remanded, but did not vacate, the Commission's authorization.[4] On August 16, 2022, and August 31, 2022, Commission staff issued environmental information requests to Texas LNG in order to address deficiencies noted in the D.C. Circuit's August 3, 2021 decision. Texas LNG responded to Commission staff's information requests on September 15, 2022, and September 21, 2022.

By this notice, Commission staff requests public comments on the issues addressed in Texas LNG's responses to staff's above-referenced information requests of August 16 and August 31, 2022, regarding environmental justice communities, visual impacts, air quality modeling, and emergency planning. Any person wishing to comment on these issues may do so.

To ensure that your comments within the scope of this notice are timely and properly recorded, please submit your initial comments no later than October 21, 2022. Reply comments are due no later than November 4, 2022.

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment 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, which is located 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.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing'';

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP16–116–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

[1] 15 U.S.C. 717b.

[2] 18 CFR part 153 (2021).

[3] *Texas LNG Brownsville LLC,* 169 FERC ¶ 61,130 (2019), *on reh'g,* 170 FERC ¶ 61,139 (2020).

[4] *Vecinos para el Bienestar de la Comunidad Costera* v. *FERC,* 6 F.4th 1321, 1332 (D.C. Cir. 2021) (remanding order without vacatur for the Commission to redress deficiencies regarding its analyses of project impacts on climate change and environmental justice communities).

Additional information about the project, including copies of the above-referenced information requests and responses, are available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Dated: September 30, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21784 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2963–000]

Yellowbud Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Yellowbud Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 20, 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 30, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21781 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

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

Docket Numbers: ER22–2970–000.

Applicants: AEP Generation Resources Inc.

Description: § 205(d) Rate Filing: MBR Tariff FERC Electric Tariff For Market-Based Sales to be effective 11/28/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5198.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2971–000.

Applicants: Ohio Valley Electric Corporation.

Description: § 205(d) Rate Filing: MBR Category Status Amendment to be effective 11/28/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5201.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2972–000.

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

Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Macon Parkway Solar Project LGIA Amendment Filing to be effective 9/16/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5203.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2973–000.

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

Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Chautauqua Solar Affected System Upgrade Agreement Amendment Filing to be effective 8/19/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5205.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2974–000.

Applicants: Southwest Power Pool, Inc., Nebraska Public Power District.

Description: § 205(d) Rate Filing: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii): Nebraska Public Power District Revisions to Formula Rate Protocols to be effective 11/30/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5231.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2975–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Mid-Atlantic Interstate Transmission, LLC submits tariff filing per 35.13(a)(2)(iii): MAIT submits Seven ECSAs, SA Nos. 6494–6499 and 6620 to be effective 11/30/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5234.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2976–000.

Applicants: WPPI Energy.

Description: Initial rate filing: Normal filing Rate Schedule FERC No. 3 to be effective 12/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5243.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2977–000.

Applicants: Basin Electric Power Cooperative.

Description: § 205(d) Rate Filing: Basin Electric Submits Revised Wholesale Power Contract Rate Schedule No. 11 to be effective 10/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5251.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2978–000.

Applicants: Appalachian Power Company

Description: § 205(d) Rate Filing: FERC Electric Tariff For Market-Based Sales Tariff to be effective 11/28/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5257.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2979–000.

Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: American Transmission Systems, Incorporated submits tariff filing per 35.13(a)(2)(iii): ATSI submits Seven ECSAs, SA Nos. 6143, 6500–6502 and 6616—6618 to be effective 11/30/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5268.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2980–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Annual Calculation of the Cost of New Entry value (''CONE'') for each Local Resource Zone (''LRZ'') in the MISO Region of Midcontinent Independent System Operator, Inc.

Filed Date: 9/30/22.

Accession Number: 20220930–5286.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2981–000.

Applicants: TransAlta Energy Marketing (U.S.) Inc.

Description: Compliance filing: Notice and Justification for Spot Sales above WECC Soft Cap to be effective N/A.

Filed Date: 9/30/22.

Accession Number: 20220930–5289.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2982–000.

Applicants: New England Power Pool Participants Committee.

Description: § 205(d) Rate Filing: Oct 2022 Membership Filing to be effective 9/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5334.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2983–000.

Applicants: Ohio Power Company.

Description: § 205(d) Rate Filing: Ohio Power MBR Revision to be effective 11/28/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5371.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2984–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Periodic Review of Variable Resource Requirement Curve Shape and Key Parameters to be effective 12/1/2022.

Filed Date: 9/30/22.

Accession Number: 20220930–5374.

Comment Date: 5 p.m. ET 10/21/22.

Docket Numbers: ER22–2985–000.

Applicants: El Paso Electric Company.

Description: § 205(d) Rate Filing: OATT Revisions Related to CAISO Western Energy Imbalance Market (EIM) to be effective 1/25/2023.

Filed Date: 9/30/22.

Accession Number: 20220930–5392.

Comment Date: 5 p.m. ET 10/21/22.

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

Docket Numbers: ES22–58–000.

Applicants: Massachusetts Electric Company, Nantucket Electric Company, Niagara Mohawk Power Corporation, New England Hydro-Transmission Electric Company, Inc, New England Power Company, National Grid Generation LLC.

Description: National Grid USA, on behalf of New England Hydro-Transmission Elec. Co., submits Revised Application under FPA Section 204 and Request for Expedited Comment Period and Order.

Filed Date: 9/30/22.

Accession Number: 20220930–5093.

Comment Date: 5 p.m. ET 10/21/22.

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 30, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21778 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–44–000]

Equitrans, L.P.; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Ohio Valley Connector Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Ohio Valley Connector Expansion Project (Project), proposed by Equitrans, LP (Equitrans) in the above-referenced docket. Equitrans requests authorization to construct and operate approximately 5.5 miles of new pipeline and pipeline loop [1]; acquire and add compression to one non-jurisdictional compressor station; and add compression at two existing compression facilities in Pennsylvania, West Virginia, and Ohio to provide approximately 350,000 dekatherms per day of natural gas to mid-continent and Gulf Coast markets.

The draft EIS assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental policy Act (NEPA). As described in the draft EIS, FERC staff concludes that approval of the proposed Project, with the mitigation measures recommended in the EIS, would not result in significant adverse impacts. Regarding climate change impacts, this EIS is not characterizing the Project's greenhouse gas emissions as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conclude significance going forward.[2] The EIS also concludes that no system, route, or other alternative would meet the Project objective while providing a significant environmental advantage over the Project as proposed.

The U.S. Army Corps of Engineers, Huntington District, participated as a cooperating agency in the preparation of

[1] A pipeline loop is a segment of pipe constructed next to an existing pipeline to increase capacity.

[2] *Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews,* 178 FERC ¶ 61,108 (2022); 178 FERC ¶ 61,197 (2022).

the EIS. A cooperating agency has jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participates in the NEPA analysis. The EIS is intended to fulfill the cooperating federal agencies' NEPA obligations, as applicable, and to support subsequent conclusions and decisions made by the cooperating agency. Although cooperating agencies provide input to the conclusions and recommendations presented in a draft EIS, the agencies may present their own conclusions and recommendations in any applicable Records of Decision.

The draft EIS addresses the potential environmental effects of the construction and operation of the following Project facilities:

Greene County, Pennsylvania

- acquisition of the existing non-jurisdictional Cygrymus Compressor Station and addition of two Taurus 70 turbines;
- approximately 0.5 mile of new 16-inch-diameter natural gas pipeline (H–327);
- approximately 0.5 mile of new 12-inch-diameter natural gas pipeline (H–328);
- deep anode groundbed and rectifier; and
- ancillary facilities, such as a valve yard, taps, and internal inspection device (*e.g.,* pig launchers and receivers [3]).

Wetzel County, West Virginia

- addition of one Mars 100 compressor at the existing Corona Compressor Station;
- approximately 3.7 miles of new 24-inch-diameter natural gas pipeline (H–326);
- approximately 129 feet of new 8-inch-diameter natural gas pipeline (H–329);
- approximately 0.7 mile of new 16-inch-diameter natural gas pipeline (H–330);
- approximately 0.09 mile of new 16-inch-diameter natural gas pipeline (H–330 Spur);
- approximately 160 feet of new 12-inch-diameter natural gas pipeline; and
- ancillary facilities, such as mainline valves, valve yards, measuring equipment, and pigging facilities.

Monroe County, Ohio

- addition of one Titan 130 compressor at the existing Plasma Compressor Station.

[3] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning, conducting internal inspections, or other purposes.

The Commission mailed a copy of the *Notice of Availability* of the draft EIS 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 on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the draft EIS may be accessed by using the eLibrary link on 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, excluding the last three digits (*i.e.,* CP22–44). Be sure to select 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, reasonable alternatives, and measures to avoid or lessen environmental impacts. To ensure consideration of 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 21, 2022.

For your convenience, there are three methods you can use to submit your comments to the Commission. 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 to FERC 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 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.'' 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 (CP22–44–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

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 Code of Federal Regulations 385.214). Motions to intervene are more fully described at *https://www.ferc.gov/ferc-online/ferc-online/how-guides.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants intervenor status to affected landowners and others with environmental concerns upon showing good cause by stating that they have a clear and direct interest in this proceeding that 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 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://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Dated: September 30, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–21766 Filed 10–5–22; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate Receiverships

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for the institutions listed below, intends to terminate its receivership for said institutions.

NOTICE OF INTENT TO TERMINATE RECEIVERSHIPS

Fund	Receivership name	City	State	Date of appointment of receiver
10011	THE COLUMBIAN BANK and TRUST CO	TOPEKA	KS	08/22/2008
10200	ADVANTA BANK CORP	DRAPER	UT	03/19/2010
10282	LOS PADRES BANK	SOLVANG	CA	08/20/2010

The liquidation of the assets for each receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receiverships will serve no useful purpose. Consequently, notice is given that the receiverships shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of any of the receiverships, such comment must be made in writing, identify the receivership to which the comment pertains, and be sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Section, 600 North Pearl, Suite 700, Dallas, TX 75201.

No comments concerning the termination of the above-mentioned receiverships will be considered which are not sent within this timeframe.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on October 3, 2022.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2022–21756 Filed 10–5–22; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of Receiverships

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for each of the following insured depository institutions, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
10074	Founders Bank	Worth	IL	10/01/2022
10158	Republic Federal Bank, NA	Miami	FL	10/01/2022
10188	Carson River Community Bank	Carson City	NV	10/01/2022
10212	City Bank	Lynwood	WA	10/01/2022
10295	Shoreline Bank	Shoreline	WA	10/01/2022
10300	First Bank of Jacksonville	Jacksonville	FL	10/01/2022

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed above, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on October 3, 2022.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2022–21759 Filed 10–5–22; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at

https://www.federalreserve.gov/foia/request.htm. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than, 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. *The Vanguard Group, Inc., Malvern, Pennsylvania; on behalf of itself, its subsidiaries and affiliates, including investment companies registered under the Investment Company Act of 1940, other pooled investment vehicles, and institutional accounts that are sponsored, managed, or advised by Vanguard;* to acquire additional voting shares of Berkshire Hills Bancorp, Inc., Boston, Massachusetts, and thereby indirectly acquire additional voting shares of Berkshire Bank, Pittsfield, Massachusetts.

2. *The Vanguard Group, Inc., Malvern, Pennsylvania; on behalf of itself, its subsidiaries and affiliates, including investment companies registered under the Investment Company Act of 1940, other pooled investment vehicles, and institutional accounts that are sponsored, managed, or advised by Vanguard;* to acquire additional voting shares of Brookline Bancorp, Inc., Boston, Massachusetts, and thereby indirectly acquire voting shares of Brookline Bank, Brookline, Massachusetts and Bank Rhode Island, Providence, Rhode Island.

B. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521, or electronically to *Comments.applications@phil.frb.org:*

1. *The Vanguard Group, Inc., Malvern, Pennsylvania; on behalf of itself, its subsidiaries and affiliates, including investment companies registered under the Investment Company Act of 1940, other pooled investment vehicles, and institutional accounts that are sponsored, managed, or advised by Vanguard;* to acquire additional voting shares of WSFS Financial Corporation, and thereby indirectly acquire additional voting shares of Wilmington Savings Fund Society, FSB, both of Wilmington, Delaware.

C. Federal Reserve Bank of Cleveland (Bryan S. Huddleston, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566, or electronically to *Comments.applications@clev.frb.org:*

1. *The Vanguard Group, Inc., Malvern, Pennsylvania; on behalf of itself, its subsidiaries and affiliates, including investment companies registered under the Investment Company Act of 1940, other pooled investment vehicles, and institutional accounts that are sponsored, managed, or advised by Vanguard;* to acquire additional voting shares of Macy's, Inc., New York, New York, and thereby indirectly acquire additional voting shares of FDS Bank, Mason, Ohio.

2. *The Vanguard Group, Inc., Malvern, Pennsylvania; on behalf of itself, its subsidiaries and affiliates, including investment companies registered under the Investment Company Act of 1940, other pooled investment vehicles, and institutional accounts that are sponsored, managed, or advised by Vanguard;* to acquire additional voting shares of Northwest Bancshares, Inc., Columbus, Ohio, and thereby indirectly acquire additional voting shares of Northwest Bank, Warren, Pennsylvania.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–21795 Filed 10–5–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

2022 National Strategy To Support Family Caregivers Available for Public Comments

AGENCY: Department of Health and Human Services/Administration for Community Living.

ACTION: Notice of 60-day public comment period.

SUMMARY: In accordance with the requirements of the Recognize, Assist, Include, Support and Engage (RAISE) Family Caregivers Act of 2017, the Administration for Community Living (ACL) is making the 2022 National Strategy to Support Family Caregivers (the Strategy) available for public comment for a period of 60 days. Public comments received will be used to inform the ongoing work of the Family Caregiving Advisory Council and the Advisory Council to Support Grandparents Raising Grandchildren, as well as to inform future updates to the Strategy.

DATES: Submit comments on or before November 30, 2022.

Submission: The 2022 National Strategy to Support Family Caregivers is available at: *https://acl.gov/CaregiverStrategy.* Submit all comments via the online form available at: *https://acl.gov/CaregiverStrategy/Comments.*

FOR FURTHER INFORMATION CONTACT: Greg Link, Director, Office of Supportive and Caregiver Services, Administration for Community Living, via email at *raise.mail@acl.hhs.gov* or at (202) 795–7386.

SUPPLEMENTARY INFORMATION: The Strategy is intended to serve as a national roadmap for better recognizing and supporting family and kinship caregivers of all ages, backgrounds, and caregiving situations.

It includes nearly 350 actions the federal government will take to support family caregivers in the coming year and more than 150 actions that can be adopted at other levels of government and across the private sector to build a system to support family caregivers.

The strategy was developed jointly by the advisory councils established by the Recognize, Assist, Include, Support, and Engage (RAISE) Family Caregivers Act and the Supporting Grandparents Raising Grandchildren (SGRG) Act, with extensive input from family caregivers, the people they support and other stakeholders. ACL leads implementation of the RAISE and SGRG Acts and facilitates the work of the two advisory councils.

Each year, around 53 million people provide a broad range of assistance to support the health, quality of life and independence of a person close to them who needs assistance as they age or due to a disability or chronic health condition. Another 2.7 million grandparent caregivers—and an unknown number of other relative caregivers—open their arms and homes each year to millions of children who cannot remain with their parents. Millions of older adults and people with disabilities would not be able to live in their communities without this essential support—and replacing it with paid services would cost an estimated $470 billion each year.

While family caregiving is rewarding, it can be challenging, and when caregivers do not have the support they need, their health, wellbeing and quality of life often suffer. Their financial future can also be put at risk; lost income due to family caregiving is estimated at $522

billion each year. When the challenges become overwhelming and family caregivers no longer can provide support, the people they care for often are left with no choices except moving to nursing homes and other institutions or to foster care—the cost of which is typically borne by taxpayers.

The strategy represents the first time a broad cross-section of the federal government has collaborated with the private sector on a response to the longstanding national need for a comprehensive system of family caregiver support. It is the product of comprehensive analysis and input from 15 federal agencies and more than 150 organizations representing a range of stakeholders from across the nation. It builds upon the initial reports delivered to Congress in 2021 by the RAISE Family Caregiving Advisory Council and the SGRG Advisory Council.

For more information, see also the RAISE Family Caregiving Advisory Council web page: *https://acl.gov/RAISE*; the Initial RAISE Family Caregivers Act Report to Congress: *https://acl.gov/RAISE/report*; the Advisory Council to Support Grandparents Raising Grandchildren web page: *https://acl.gov/SGRG*; the Initial SGRG Act Report to Congress: *https://acl.gov/SGRG/report*.

Solicitation of Public Comments: ACL is requesting comments on (a) the most important topics/issues for the Advisory Councils to focus on moving forward; and (b) issues that were not covered by the initial strategy that should be addressed in future updates.

Dated: September 30, 2022.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2022–21697 Filed 10–5–22; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–2337]

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Cardiovascular and Renal 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 December 14, 2022, from 9 a.m. to 2 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, including information regarding special accommodations due to a disability, 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–2337. Please note that late, untimely filed comments will not be considered. The docket will close on December 13, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 13, 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 29, 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–2337 for ''Cardiovascular and Renal 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: Rhea Bhatt, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–708–1707, email: *CRDAC@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 the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. The committee will discuss the available data for supplemental new drug application 021845–S025, REVATIO (sildenafil citrate tablets), submitted by Viatris Specialty, LLC, to support an indication for pediatric patients 1 to 17 years old for the treatment of pulmonary arterial hypertension (World Health Organization Group I) to improve exercise ability and pulmonary hemodynamics. The committee will also discuss the results of the postmarketing safety study A1481324, titled ''A Multinational, Multicenter Study to Assess the Effects of Oral Sildenafil on Mortality in Adults with Pulmonary Arterial Hypertension (PAH).''

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 29, 2022, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12:30 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 November 18, 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 November 21, 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 Rhea Bhatt (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 30, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–21775 Filed 10–5–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–2061]

Review of Drug Master Files in Advance of Certain Abbreviated New Drug Application Submissions Under Generic Drug User Fee Amendments; Draft Guidance for Industry; 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 draft guidance for industry entitled ''Review of Drug Master Files in Advance of Certain ANDA Submissions Under GDUFA.'' The purpose of this draft guidance is to provide information and recommendations on the Generic Drug User Fee Amendments (GDUFA) III program enhancements agreed upon by the Agency and industry in ''GDUFA Reauthorization Performance Goals and Program Enhancements Fiscal Years 2023–2027'' (GDUFA III commitment letter), related to the early assessment of certain Type II drug master files (DMFs) 6 months prior to the submission of certain abbreviated new drug applications (ANDAs) or prior approval supplements (PASs). This draft guidance describes the process outlined in the GDUFA III commitment letter in greater detail and provides recommendations to DMF holders on how to provide the relevant information to FDA.

DATES: Submit either electronic or written comments on the draft guidance by January 4, 2023 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2022–D–2061 for ''Review of Drug Master Files in Advance of Certain ANDA Submissions Under GDUFA.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

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

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

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Ziyang Su, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave, Bldg. 51, Room 4150, Silver Spring, MD 20993, 240–402–6004.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Review of Drug Master Files in Advance of Certain ANDA Submissions Under GDUFA.'' As described in the GDUFA III commitment letter,[1] FDA has agreed to performance goals and program enhancements regarding aspects of the generic drug assessment program that build on previous authorizations of GDUFA. These new enhancements to the program are designed to maximize the efficiency and utility of each assessment cycle, with the intent of reducing the number of assessment cycles for ANDAs and facilitating timely access to generic medicines for American patients. One of the enhancements included in the GDUFA III commitment letter is a mechanism to enable assessment of DMFs in advance of certain ANDA and PAS submissions.

Historically, Type II active pharmaceutical ingredient DMFs have posed a challenge for ANDA applicants because a DMF holder's response time to Agency questions typically limits the likelihood that the DMF will be found adequate in one ANDA assessment cycle, often precluding approval of the ANDA in one assessment cycle. This new policy should facilitate more DMFs to be found adequate in one assessment cycle, thereby potentially promoting additional ANDA approvals in one assessment cycle.

The purpose of this draft guidance is to provide information and recommendations on the early assessment of DMFs 6 months prior to the submission of certain ANDAs or PASs. It describes the process outlined in the GDUFA III commitment letter in greater detail and provides recommendations on how to provide the relevant information to 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 ''Review of Drug Master Files in Advance of Certain ANDA Submissions Under GDUFA.'' 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

While this draft guidance contains no 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

[1] The GDUFA III commitment letter is available at *https://www.fda.gov/media/153631/download.*

information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents*, or *https://www.regulations.gov*.

Dated: October 3, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–21791 Filed 10–5–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–2338]

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Cardiovascular and Renal 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 virtually on December 13, 2022, from 9 a.m. to 5 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. 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–2338. Please note that late, untimely filed comments will not be considered. The docket will close on December 12, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 12, 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 29, 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–2338 for ''Cardiovascular and Renal 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: Rhea Bhatt, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire

Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–708–1707, email: *CRDAC@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 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 the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. The committee will discuss new drug application 216401, for omecamtiv mecarbil tablets, submitted by Cytokinetics, Inc. The proposed indication is to reduce the risk of cardiovascular death and heart failure events in patients with symptomatic chronic heart failure with reduced ejection fraction. The committee will discuss whether the phase 3 trial (GALACTIC–HF) establishes substantial evidence of effectiveness of omecamtiv mecarbil and whether the benefits of omecamtiv mecarbil outweigh the risks when used according to the applicant's proposed dosing regimen.

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 29, 2022, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 2 p.m. and 3 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 November 18, 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 November 21, 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 Rhea Bhatt (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 30, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–21769 Filed 10–5–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–0814]

Infant Formula Transition Plan for Exercise of Enforcement Discretion: Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a guidance for industry entitled ''Infant Formula Transition Plan for Exercise of Enforcement Discretion: Guidance for Industry.'' We are issuing this guidance document to protect public health by helping to stabilize the supply of infant formula in the United States and to maintain a consistent supply of a variety of infant formula products. Under the guidance, we intend to exercise enforcement discretion until January 6, 2023, for infant formula products that are listed in letters of enforcement discretion that FDA has issued or will issue to specific manufacturers, in response to information provided under our May 2022 ''Infant Formula Enforcement Discretion Policy: Guidance for Industry,'' which remains in effect until November 14, 2022. For those manufacturers that wish to continue to market specific products in the United States under enforcement discretion after January 6, 2023, the guidance further details additional steps that manufacturers can take toward lawful marketing of such products—and the timeline under which such steps should be taken—for FDA to consider the continued exercise of enforcement discretion. This guidance document will help infant formula manufacturers meet applicable regulatory requirements while ensuring that consumers have continued access to formulas that are currently fulfilling the needs of infants consuming such products. We are also 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 (PRA). The proposed collection pertains to the submission of information necessary to facilitate FDA's exercise of enforcement discretion, as discussed in the guidance document.

DATES: Fax written comments on the collection of information by November 7, 2022. FDA is requesting immediate OMB approval of this emergency processing. The announcement of the guidance is published in the **Federal Register** on October 6, 2022.

ADDRESSES: You may submit either electronic or written comments on any Agency 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–0814 for ''Infant Formula Enforcement Discretion Policy: Guidance for Industry.'' 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 our 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 guidance to the Office of Nutrition and Food Labeling, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Claudine Kavanaugh, Center for Food Safety and Applied Nutrition, Office of Nutrition and Food Labeling (HFS–830), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2373; or Philip L. Chao, Center for Food Safety and Applied Nutrition, Office of Regulations and Policy (HFS–024), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance for industry entitled ''Infant Formula Transition Plan for Exercise of Enforcement Discretion: Guidance for Industry.'' We issued the guidance consistent with our good guidance practices regulation (21 CFR 10.115). The 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 alternate approach if it satisfies the requirements of the applicable statutes and regulations.

The Federal Food, Drug, and Cosmetic Act (FD&C Act) defines infant formula as a food which purports to be or is represented for special dietary use solely as a food for infants by reason of its simulation of human milk or its suitability as a complete or partial substitute for human milk (section 201(z) of the FD&C Act (21 U.S.C. 321(z)). Our regulations define infants as persons not more than 12 months old (21 CFR 105.3(e)). Among other requirements, section 412(c)(1)(B) of the FD&C Act (21 U.S.C. 350a(c)(1)(B)) and FDA regulations (21 CFR 106.120) require an infant formula manufacturer to submit notice (*i.e.,* a new infant formula submission) to FDA at least 90 days before a new infant formula is introduced or delivered for introduction into interstate commerce.

Infant formula is often used as the sole source of nutrition by a vulnerable population during a critical period of growth and development. In general, the laws and regulations that apply to food also apply to infant formula, but additional requirements that are specific to infant formula appear in section 412 of the FD&C Act and in our regulations at 21 CFR parts 106 and 107.

The voluntary recall and facility shutdown conducted by Abbott Nutrition in 2022 created a supply disruption with respect to certain types of infant formula, which has been exacerbated by the overall strains on supply chains during the COVID–19 pandemic. As part of the Federal Government's response to the infant formula shortage, on May 16, 2022, FDA issued the ''Infant Formula Enforcement Discretion Policy: Guidance for Industry'' (May 2022 Enforcement Discretion Guidance; available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-infant-formula-enforcement-discretion-policy*) discussing our intent to consider, on a case-by-case basis, the temporary exercise of enforcement discretion for the introduction into interstate commerce of infant formula that may not meet certain statutory and regulatory requirements; the guidance remains in effect until November 14, 2022. The May 2022 Enforcement Discretion Guidance describes the information that an infant formula manufacturer should provide to FDA if the manufacturer wishes to have FDA consider the exercise of enforcement discretion relating to the introduction

into interstate commerce (including importation) of infant formula that is safe and nutritionally adequate but that may not comply with all FDA statutory and regulatory requirements. Consistent with the policies described in the May 2022 Enforcement Discretion Guidance, certain manufacturers have submitted information to FDA to substantiate the safety and nutritional adequacy of specific infant formula products and, following FDA's thorough review of the information provided, are marketing such products under FDA's exercise of enforcement discretion.

This guidance sets forth our current thinking on circumstances under which we intend to exercise temporary enforcement discretion for certain infant formula products beyond November 14, 2022, and to advise infant formula manufacturers marketing products in accordance with letters of enforcement discretion issued under the May 2022 Enforcement Discretion Guidance about: (1) the type of information to provide to FDA; and (2) our timing expectations related to such information, if they would like us to consider the continued exercise of enforcement discretion with respect to their products. This guidance document will remain in effect until October 18, 2025, and FDA expects that all infant formula products will comply with applicable U.S. requirements by the end of the enforcement discretion period.

We issued this guidance without prior public comment under section 701(h)(1)(C) of the FD&C Act (21 U.S.C. 371(h)(1)(C)) and 21 CFR 10.115(g)(2) because we determined that prior public participation is not feasible or appropriate, as this guidance provides time-sensitive clarifications regarding FDA's intent to exercise enforcement discretion with respect to specific formula products that are currently fulfilling the needs of infants in the United States.

As with all FDA guidance documents, the public may comment on the guidance at any time.

II. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/FoodGuidances* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

III. Paperwork Reduction Act of 1995

FDA requested, and OMB has approved, emergency processing of this proposed collection of information under section 3507(j) of the PRA (44 U.S.C. 3507(j) and 5 CFR 1320.13). Immediate implementation of the information collection is critical to providing predictability, stability, and continuity in the infant formula market, specifically with respect to those products currently available to infants in the Unites States under FDA's exercise of enforcement discretion. Because we believe that routine procedures, which allow for a 60-day comment period, would prevent our ability to immediately implement the information collection, we requested a waiver from the requirement to publish a 60-day notice for the information collection (see 5 CFR 1320.13(a)(2)(iii)).

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.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ONE-TIME ANNUAL REPORTING BURDEN [1]

Information collection activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Submit information in accordance with timing and content schedule discussed in guidance document for both exempt and non-exempt infant formulas	115	1	115	24	2,760
Letter of Intent	15	1	15	5	75
Plan to Meet Applicable Infant Formula Requirements	15	1	15	90	1,350
Total					4,185

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

Our estimate is based on submissions received in response to the May 2022 Enforcement Discretion Guidance, for which we account for 115 respondents, each of whom submitted one request. We assume it requires an average of 24 hours to prepare each submission, and therefore calculate a total of 2,760 burden hours (115 requests × 24 hours). Of those 115 respondents, we have currently issued 12 letters of enforcement discretion but may issue additional letters through November 14, 2022. We therefore assume that a total of 15 respondents will initiate requesting enforcement discretion and final a letter of intent. We assume this requires an average of 5 hours to prepare, for a total of 75 burden hours (15 letters × 5 hours). We estimate these same 15 respondents will then submit a compliance plan and assume each plan will require an average of 90 hours to prepare, for a total of 1,350 burden hours (15 plans × 90 hours).

Dated: September 30, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–21794 Filed 10–5–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–0589]

General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the General and Plastic Surgery Devices Panel of the Medical Devices 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 virtually on October 26, 2022, from 9 a.m. Eastern Time to 6:15 p.m. Eastern Time and October 27, 2022, from 9 a.m. Eastern Time to 3 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of the COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions, including information regarding special accommodations due to a disability, 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–0589. Please note that late, untimely filed comments will not be considered. The docket will close on November 28, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 28, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before October 11, 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 cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2022–N–0589 for ''General and Plastic Surgery Devices Panel of the Medical Devices 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: Candace Nalls, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5216, Silver Spring, MD 20993–0002, 301–636–0510, *Candace.Nalls@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 the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On day 1, October 26, 2022, in the morning, the committee will discuss and make recommendations on the classification proposal for tissue expanders and accessories, which are currently unclassified preamendments devices, to be class III (general controls and premarket approval) and class II (general and special controls), and mammary sizers, which are currently

unclassified preamendments devices, to be class II (general and special controls). In the afternoon on the first day, the committee will discuss and make recommendations on the classification proposals for wound dressings with animal-derived materials, absorbable synthetic wound dressings, and hemostatic wound dressings with or without thrombin, which are all currently unclassified preamendments devices, to be class II (general and special controls).

On day 2, October 27, 2022, the committee will discuss and make recommendations on the classification proposals for nail prostheses, which are currently unclassified preamendments devices, to be class I (general controls); and ultrasonic surgical instruments, single-use reprocessed ultrasonic surgical instruments, and neurosurgical ultrasonic instruments, which are all currently unclassified preamendments devices, to be class II (general and special controls).

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, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions to the Docket (see **ADDRESSES**) on or before October 11, 2022, will be provided to the committee. Oral presentations from the public will be scheduled on October 26, 2022, between approximately 9:30 a.m. and 10 a.m. Eastern Time, and 2 p.m. and 2:30 p.m. Eastern Time, and on October 27, 2022, between approximately 9:30 a.m. and 10 a.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 September 30, 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 3, 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 Ann Marie Williams, at *AnnMarie.Williams@fda.hhs.gov* or 301–796–5966 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 30, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–21746 Filed 10–5–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Innate Immunity and Inflammatory Responses.

Date: November 2, 2022.

Time: 10:00 a.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: Bakary Drammeh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 805–P, Bethesda, MD 20892, (301) 435–0000, *drammehbs@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Neurodevelopment, Synaptic Plasticity and Neurodegeneration.

Date: November 2, 2022.

Time: 10:00 a.m. to 6:00 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: Kathryn Partlow, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1016D, Bethesda, MD 20892, (301) 594–2138, *partlowkc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Epidemiology and Population Sciences.

Date: November 3–4, 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: Randolph Christopher Capps, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009J, Bethesda, MD 20892 (301) 435–1042 *cappsrac@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel The Cellular and Molecular Biology of Complex Brain Disorders.

Date: November 3, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Adem Can, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, (301) 435–1042, *cana2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; The Blood-Brain Barrier, Neurovascular System and CNS Therapeutics.

Date: November 3, 2022.

Time: 10:00 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: Mariam Zaka, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009J,

Bethesda, MD 20892, (301) 435–1042, *zakam2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Tobacco Regulatory Science A.

Date: November 3, 2022.

Time: 10:00 a.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: Sepandarmaz Aschrafi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040D, Bethesda, MD 20892, (301) 451–4251, *Armaz.aschrafi@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurodevelopmental Disorders, Neuroimmunology and Brain Injury.

Date: November 3, 2022.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Paula Elyse Schauwecker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5201, Bethesda, MD 20892, 301–760–8207, *schauweckerpe@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Skeletal Muscle and Exercise Physiology.

Date: November 3, 2022.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carmen Bertoni, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 805B, Bethesda, MD 20892, (301) 867–5309, *bertonic2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Musculoskeletal Sciences.

Date: November 3, 2022.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Vanessa Dawn Sherk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 801C, Bethesda, MD 20892, (301) 867–5309, *sherkv2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: HIV/AIDS Intra- and Interpersonal Determinants and Population and Public Health Approaches.

Date: November 4, 2022.

Time: 9:30 a.m. to 2:00 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: Hoa Thi Vo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1002B2, Bethesda, MD 20892, (301) 594–0776, *voht@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Interactive Digital Media STEM Resources for Pre-College and Informal Science Education Audiences.

Date: November 4, 2022.

Time: 10:00 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: Marie-Jose Belanger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm 6188, MSC 7804, Bethesda, MD 20892, (301) 435–1267, *belangerm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–22–008: NIH Faculty Institutional Recruitment for Sustainable Transformation (FIRST) Program: FIRST Cohort (U54) Two.

Date: November 4, 2022.

Time: 10:00 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: Jessica Bellinger, Ph.D., Scientific Review Officer, Center for Scientific of Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, Bethesda, MD 20892, (301) 827–4446, *bellingerjd@csr.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 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21691 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Regents of the National Library of Medicine. The meeting will be open to the public as indicated below. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, 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: Board of Regents of the National Library of Medicine.

Date: February 7, 2023.

Open: February 7, 2023, 10:00 a.m. to 4:00 p.m.

Agenda: Program Discussion.

Place: Virtual Meeting.

Closed: February 7, 2023, 4:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Contact Person: Christine Ireland, Committee Management Officer, Division of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892, 301–594–4929, *irelanc@mail.nih.gov.*

Any member of the public may submit written comments no later than 15 days in advance of the meeting. Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.nlm.nih.gov/od/bor/bor.html* where additional information for the meeting will be posted when available. This meeting will be broadcast to the public, and available for viewing at *https://videocast.nih.gov* on February 7, 2023.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21704 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Literature Selection Technical Review Committee.

The meeting is devoted to the review and evaluation of journals for potential indexing by the National Library of Medicine and will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended. Premature disclosure of the titles of the journals as potential titles to be indexed by the National Library of Medicine, the discussions, and the presence of individuals associated with these publications could significantly frustrate the review and evaluation of individual journals.

Name of Committee: Literature Selection Technical Review Committee.

Date: February 23–24, 2023.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

Place: Virtual meeting.

Contact Person: Dianne Babski, Associate Director, Division of Library Operations, National Library of Medicine, 8600 Rockville Pike, Bethesda, MD 20894, 301–827–4729, *babskid@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21705 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Macromolecular Structure and Function A Study Section, October 25, 2022, 8:30 a.m. to October 26, 2022 6:00 p.m., American Inn of Bethesda, 8130 Wisconsin Avenue, Bethesda, MD 20814, which was published in the **Federal Register** on September 22, 2022, 87 FR 57917, Doc 2022–20563.

This meeting is being amended to change the location from the American Inn of Bethesda, 8130 Wisconsin Avenue, Bethesda, MD 20814, to The Melrose Hotel, 2430 Pennsylvania Avenue NW, Washington, DC 20037. The meeting is closed to the public.

Dated: October 3, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21752 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel ''Program Project''.

Date: November 16, 2022.

Time: 11:15 a.m. to 2:45 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 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21686 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Library of Medicine Board of Scientific Counselors.

The meeting will be open to the public as indicated below. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for review, discussion, and evaluation of individual intramural programs and projects conducted by the National Library of Medicine, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Board of Scientific Counselors.

Date: April 27, 2023.

Open: April 27, 2023, 11:00 a.m. to 12:35 p.m.

Agenda: Program Discussion and Investigator Report.

Place: Virtual Meeting.

Closed: April 27, 2023, 12:35 p.m. to 1:20 p.m.

Agenda: To review and evaluate personal qualifications, performance, and competence of individual investigators.

Open: April 27, 2023, 1:50 p.m. to 2:35 p.m.

Agenda: Investigator Report.

Closed: April 27, 2023, 2:35 p.m. to 4:30 p.m.

Agenda: To review and evaluate personal qualifications, performance, and competence of individual investigators.

Contact Person: Valerie Florance, Ph.D., Acting Scientific Director, National Library of Medicine, National Institutes of Health, 8600 Rockville Pike, Bethesda, MD 20894, 240–603–9822, *florancev@mail.nih.gov.*

Any member of the public may submit written comments no later than 15 days in

advance of the meeting. Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Open sessions of this meeting will be broadcast to the public, and available for viewing at *https://videocast.nih.gov* on April 27, 2023. Please direct any questions to the Contact Person listed on this notice.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21700 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

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 materials, 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 Library of Medicine Special Emphasis Panel; Curation PAR.

Date: March 23, 2023.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Video Assisted Meeting.

Contact Person: Jan Li, M.D., Ph.D., Scientific Review Officer, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892–7968, 301–496–3114, *jan.li@nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21702 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Imaging Guided Interventions and Surgery Study Section, October 13, 2022, 9:00 a.m. to October 14, 2022, 8:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892, which was published in the **Federal Register** on September 12, 2022, 87 FR 55826, Doc 2022–19603.

This meeting is being amended to change the SRO Contact from Yuanna Cheng to Heidi Friedman, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 379–5623. The meeting is closed to the public.

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21690 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

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 materials, 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 Library of Medicine Special Emphasis Panel; G08.

Date: March 16, 2023.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Video Assisted Meeting.

Contact Person: Jan Li, M.D., Ph.D., Scientific Review Officer, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892–7968, 301–496–3114, *jan.li@nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21701 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the meeting of the Biomedical Informatics, Library and Data Sciences Review Committee.

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 materials, 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: Biomedical Informatics, Library and Data Sciences Review Committee (BILDS).

Date: March 2, 2023.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Video assisted meeting.

Contact Person: Zoe E. Huang, MD, Chief Scientific Review Officer, Scientific Review Office, Extramural Programs, National Library of Medicine, National Institutes of Health (NIH), 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892–7968, 301–594–4937, *huangz@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21706 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RC2 on the Genetics of NAFLD.

Date: December 8, 2022.

Time: 2:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, 2 Democracy, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7017, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

Information is also available on the Institute's/Center's home page: *www.niddk.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21692 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Macromolecular Structure and Function A Study Section, October 25, 2022, 08:30 a.m. to October 26, 2022, 06:00 p.m., American Inn of Bethesda, 8130 Wisconsin Ave., Bethesda, MD 20814 which was published in the **Federal Register** on September 22, 2022, 87 FR 57917.

This amendment was requested to change the location for the MSFA meeting. It was included on this FRN before the meeting details were edited in CMM. It needs to be processed so a second amendment can be summitted to change the location. The meeting is closed to the public.

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21688 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; 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 Human Genome Research Institute Special Emphasis Panel; Advancing Genomic Medicine.

Date: November 18, 2022.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3100, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3100, Bethesda, MD 20892, (301) 594–4280, *pozzattr@mail.nih.gov.*

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Technology Development for Protein Sequencing.

Date: November 21, 2022.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3100, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3100, Bethesda, MD 20892, (301) 594–4280, *pozzattr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21683 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 of Diabetes and Digestive and Kidney Diseases

Special Emphasis Panel; Diabetic Foot Ulcer Consortium Renewal.

Date: October 31, 2022.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, 2 Democracy, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov*.

Information is also available on the Institute's/Center's home page: *www.niddk.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21680 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

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 materials, 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 Library of Medicine Special Emphasis Panel; COI–K99–R13.

Date: March 24, 2023.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Video Assisted Meeting.

Contact Person: Jan Li, M.D., Ph.D., Scientific Review Officer, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892–7968, 301–496–3114, *jan.li@nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21703 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Aging Special Emphasis Panel, October 25, 2022, 12:00 p.m. to October 25, 2022, 03:00 p.m., National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 which was published in the **Federal Register** on September 20, 2022, 317459.

The meeting notice is amended to change the date of the meeting from October 25, 2022, to November 10, 2022. The time of the meeting will change to 2:00 p.m. to 5:00 p.m. The meeting is Closed to the public.

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21681 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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 of Dental and Craniofacial Research Special Emphasis Panel; Review of Data Analysis R03 Applications.

Date: November 1, 2022.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Dental and Craniofacial Research, 6701 Democracy Boulevard, Bethesda, MD (Virtual Meeting).

Contact Person: Nisan Bhattacharyya, Ph.D., Scientific Review Officer. Scientific Review Branch, National Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 668, Bethesda, MD 20892, 301–451–2405, *nisan_bhattacharyya@nih.gov*.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; Review of NIDCR Dental Specialty and Ph.D. Program Applications.

Date: November 9, 2022.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Dental and Craniofacial Research, 6701 Democracy Boulevard, Bethesda, MD (Virtual Meeting)

Contact Person: Yun Mei, MD, Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard, Suite #670, Bethesda, MD 20892, (301) 827–4639, *yun.mei@nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21684 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 of Mental Health Special Emphasis Panel; BRAIN Initiative: Novel Tools to Probe Cells and Circuits in the Brain (R01) & Human and NHP Brain (UG3/UH3).

Date: November 1, 2022.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: David W. Miller, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–9734, *millerda@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Non-Pharmacological Clinical Trials Section B.

Date: November 3, 2022.

Time: 3:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Regina Dolan-Sewell, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health Neuroscience Center, 6001 Executive Blvd., Room 4154, MSC 9606, Bethesda, MD 20852, *regina.dolan-sewell@nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Neurobiology of Psychiatric and Neurodevelopmental Disorder Risk Genes (RM1, U24).

Date: November 4, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Jasenka Borzan, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Neuroscience Center, Room 6150, Bethesda, MD 20892, 301–435–1260, *jasenka.borzan@nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: September 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21685 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: HIV Clinical Care and Health Interventions.

Date: November 4, 2022.

Time: 2:00 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: Hoa Thi Vo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1002B2, Bethesda, MD 20892, (301) 594–0776, *voht@csr.nih.gov*.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Integrative Myocardial Physiology/Pathophysiology A Study Section.

Date: November 7–8, 2022.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Marriott, 1999 Jefferson Davis Highway Arlington, VA 22202.

Contact Person: Abdelouahab Aitouche, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4222, MSC 7814, Bethesda, MD 20892, 301–435–2365, *aitouchea@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Clinical Care and Health Interventions.

Date: November 7, 2022.

Time: 9:00 a.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: Erin Harrell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000G, Bethesda, MD 20892, (301) 594–4935, *harreller@csr.nih.gov*.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Molecular Cancer Diagnosis and Classification Study Section.

Date: November 7–8, 2022.

Time: 9:15 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Ritz-Carlton, Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–435–1719, *ngkl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA/REAP: Musculoskeletal, Oral, and Skin Sciences.

Date: November 8, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carmen Bertoni, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 805B, Bethesda, MD 20892, (301) 867–5309, *bertonic2@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Musculoskeletal, Rehabilitation and Skin Sciences.

Date: November 8–9, 2022.

Time: 2:00 p.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: Carmen Bertoni, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 805B, Bethesda, MD 20892, (301) 867–5309, *bertonic2@csr.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 30, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–21689 Filed 10–5–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2278]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arkansas:						
Benton	City of Bella Vista (21–06–1411P).	The Honorable Peter A. Christie, Mayor, City of Bella Vista, P.O. Box 5655, Bella Vista, AR 72714.	Community Development Services Department, 616 West Lancashire Boulevard, Bella Vista, AR 72715.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 29, 2022	050511
Johnson	City of Clarksville (22–06–0649P).	The Honorable David Rieder, Mayor, City of Clarksville, 205 Walnut Street, Clarksville, AR 72830.	Public Works Department, 205 Walnut Street, Clarksville, AR 72830.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 29, 2022	050112
Johnson	Unincorporated areas of Johnson County (22–06–0649P).	The Honorable Herman H. Houston, Johnson County Judge, 215 West Main Street, Clarksville, AR 72830.	Johnson County Emergency Management Department, 215 West Main Street, Clarksville, AR 72830.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 29, 2022	050441
Colorado:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Broomfield	City and County of Broomfield (21–08–0961P).	The Honorable Guyleen Castriotta, Mayor, City and County of Broomfield, 1 DesCombes Drive, Broomfield, CO 80020.	Engineering Department, 1 DesCombes Drive, Broomfield, CO 80020.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 23, 2022	085073
Denver	City and County of Denver (22–08–0408P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 North Bannock Street, Room 350, Denver, CO 80202.	Department of Transportation and Infrastructure, 201 West Colfax Avenue, Department 608, Denver, CO 80202.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 13, 2023	080046
Douglas	Town of Castle Rock (21–08–1129P).	The Honorable Jason Gray, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Utilities Department, 175 Kellogg Court, Castle Rock, CO 80109.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 23, 2022	080050
Jefferson	City of Lakewood (22–08–0288P).	The Honorable Adam Paul, Mayor, City of Lakewood, 480 South Allison Parkway, Lakewood, CO 80226.	Public Works Department, 480 South Allison Parkway, Lakewood, CO 80226.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 6, 2023	085075
Jefferson	City of Westminster (21–08–0961P).	The Honorable Nancy McNally, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, CO 80031.	City Hall, 4800 West 92nd Avenue, Westminster, CO 80031.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 23, 2022	080008
Florida:						
Monroe	Unincorporated areas of Monroe County (22–04–4391P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 3, 2023	125129
Palm Beach	City of Westlake (22–04–1062P).	The Honorable John Paul O'Connor, Mayor, City of Westlake, 4001 Seminole Pratt Whitney Road, Westlake, FL 33470.	City Hall, 4001 Seminole Pratt Whitney Road, Westlake, FL 33470.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 7, 2022	120018
Polk	City of Lakeland (21–04–5786P).	Shawn Sherrouse, Manager, City of Lakeland, 228 South Massachusetts Avenue, Lakeland, FL 33801.	Public Works Department, 407 Fairway Avenue, Lakeland, FL 33801.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 15, 2022	120267
Sarasota	City of Sarasota (22–04–2923P).	The Honorable Erik Arroyo, Mayor, City of Sarasota, 1565 1st Street, Room 101, Sarasota, FL 34236.	Development Services Department, 1565 1st Street, Sarasota, FL 34236.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 23, 2022	125150
Georgia: Richmond	City of Augusta (21–04–1504P).	The Honorable Hardie Davis, Jr., Mayor, Augusta-Richmond County, 535 Telfair Street, Suite 200, Augusta, GA 30901.	Development Services Department, 535 Telfair Street, Suite 300, Augusta, GA 30901.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 20, 2022	130158
New Mexico: Dona Ana.	City of Las Cruces (21–06–3382P).	The Honorable Ken Miyagishima, Mayor, City of Las Cruces, 700 North Main Street, Las Cruces, NM 88001.	City Hall, 700 North Main Street, Las Cruces, NM 88001.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 29, 2022	355332
North Carolina:						
Cumberland	City of Fayetteville (20–04–4160P).	The Honorable Mitch Colvin, Mayor, City of Fayetteville, 433 Hay Street, Fayetteville, NC 28301.	Zoning Department, 433 Hay Street, Fayetteville, NC 28301.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 24, 2022	370077
Cumberland	Unincorporated areas of Cumberland County (20–04–4160P).	The Honorable Glenn Adams, Chair, Cumberland County Board of Commissioners, 117 Dick Street, Suite 561, Fayetteville, NC 28301.	Cumberland County Planning Department, 130 Gillespie Street, Fayetteville, NC 28301.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 24, 2022	370076
Oklahoma:						
Cleveland	City of Moore (22–06–0605P).	Brooks Mitchell, Manager, City of Moore, 301 North Broadway Avenue, Moore, OK 73160.	City Hall, 301 North Broadway Avenue, Moore, OK 73160.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 27, 2022	400044

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Cleveland	City of Norman (22–06–0605P).	The Honorable Larry Heikkila, Mayor, City of Norman, P.O. Box 370, Norman, OK 73070.	Public Works Department, 201 West Gray, Building A, Norman, OK 73069.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 27, 2022	400046
South Carolina:						
Greenville	Unincorporated areas of Greenville County (22–04–1462P).	The Honorable Butch Kirven, Chair, Greenville County Council, 301 University Ridge, Suite 2400, Greenville, SC 29601.	Greenville County Floodplain Management Department, 301 University Ridge, Suite 4100, Greenville, SC 29601.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 28, 2022	450089
Horry	Unincorporated areas of Horry County (22–04–0406P).	The Honorable Johnny Gardner, Chair, Horry County Council, P.O. Box 1236, Conway, SC 29528.	Horry County Stormwater Department, 4401 Privetts Road, Conway, SC 29526.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 30, 2022	450104
Tennessee: Sumner.	Unincorporated areas of Sumner County (22–04–4446P).	The Honorable Anthony Holt, Sumner County Executive, 355 North Belvedere Drive, Room 102, Gallatin, TN 37066.	Sumner County Administration Building, 355 North Belvedere Drive, Room 102, Gallatin, TN 37066.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 16, 2022	470349
Texas:						
Brazoria	City of Pearland (21–06–3135P).	The Honorable Kevin Cole, Mayor, City of Pearland, 3519 Liberty Drive, Pearland, TX 77581.	Engineering Division, 2016 Old Alvin Road, Pearland, TX 77581.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 28, 2022	480077
Collin	City of McKinney (22–06–1326P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 3, 2023	480135
Gillespie	Unincorporated areas of Gillespie County (22–06–0845P).	The Honorable Mark Stroeher, Gillespie County Judge, 101 West Main Street, Mail Unit 9, Room 101, Fredericksburg, TX 78624.	Gillespie County Courthouse, 101 West Main Street, Mail Unit 9, Room 101, Fredericksburg, TX 78624.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 1, 2022	480696
Harris	City of Houston (21–06–3135P).	The Honorable Sylvester Turner, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Department, 1002 Washington Avenue, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 28, 2022	480296
McLennan	City of Woodway (21–06–3394P).	The Honorable Amine Qourzal, Mayor, City of Woodway, 922 Estates Drive, Woodway, TX 76712.	Community Services and Development Department, 922 Estates Drive, Woodway, TX 76712.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 20, 2022	480462
Potter	City of Amarillo (21–06–3429P).	The Honorable Ginger Nelson, Mayor, City of Amarillo, 601 South Buchanan Street, Amarillo, TX 79101.	Capital Projects and Development Engineering Department, 808 South Buchanan Street, Amarillo, TX 79101.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 7, 2022	480529
Tarrant	City of Fort Worth (22–06–0428P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 15, 2022	480596
Tarrant	City of Fort Worth (22–06–2031P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 12, 2023	480596
Tarrant	City of Grapevine (21–06–3397P).	The Honorable William D. Tate, Mayor, City of Grapevine, P.O. Box 95104, Grapevine, TX 76051.	City Hall, 200 South Main Street, Grapevine, TX 76051.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 13, 2023	480598
Virginia: Hanover	Unincorporated areas of Hanover County (22–03–0601P).	John A. Budesky, Hanover County Administrator, P.O. Box 470, Hanover, VA 23069.	Hanover County Public Works Department, 7516 County Complex Road, Hanover, VA 23069.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 27, 2022	510237

[FR Doc. 2022–21666 Filed 10–5–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2271]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before January 4, 2023.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2271, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Cumberland County, Maine (All Jurisdictions) **Project: 12–01–1059S Preliminary Date: March 08, 2022**	
City of Portland	City Hall, 389 Congress Street, Portland, ME 04101.
City of South Portland	Planning and Development Department, 829 Sawyer Street, South Portland, ME 04106.
Town of Cape Elizabeth	Town Hall, 320 Ocean House Road, Cape Elizabeth, ME 04107.
York County, Maine (All Jurisdictions) **Project: 12–01–1061S Preliminary Date: March 08, 2022**	
City of Biddeford	City Hall, 205 Main Street, Biddeford, ME 04005.
City of Saco	City Hall, 300 Main Street, Saco, ME 04072.
Town of Old Orchard Beach	Town Hall, 1 Portland Avenue, Old Orchard Beach, ME 04064.

Community	Community map repository address
Chesterfield County, Virginia (All Jurisdictions) Project: 16–03–2426S Preliminary Date: June 30, 2022	
Unincorporated Areas of Chesterfield County	Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA 23832.
City of Alexandria, Virginia (Independent City) Project: 14–03–3327S Preliminary Date: May 31, 2022	
City of Alexandria	City Hall, 301 King Street, Alexandria, VA 22314.
City of Colonial Heights, Virginia (Independent City) Project: 16–03–2426S Preliminary Date: May 31, 2022	
City of Colonial Heights	Department of Planning and Community Development, 201 James Avenue, Colonial Heights, VA 23834.
Pulaski County, Virginia and Incorporated Areas Project: 18–03–0014S Preliminary Date: May 15, 2022	
Town of Pulaski	Municipal Building, 42 1st Street Northwest, Pulaski, VA 24301.
Unincorporated Areas of Pulaski County	Pulaski County Administration Building, 143 3rd Street Northwest, Suite 1, Pulaski, VA 24301.
Shawano County, Wisconsin and Incorporated Areas Project: 18–05–0011S Preliminary Date: January 10, 2022	
City of Shawano	City Hall, 127 South Sawyer Street, Shawano, WI 54166.
Ho-Chunk Nation of Wisconsin	Tribal Office Building, W9814 Airport Road, Black River Falls, WI 54615.
Menominee Indian Tribe of Wisconsin	Tribal Office Building, W2908 Tribal Office Loop Road, Keshena, WI 54135.
Stockbridge Munsee Tribal Community	Tribal Office Building, N8476 MohHeConNuck Road, Bowler, WI 54416.
Unincorporated Areas of Shawano County	Shawano County Courthouse, 311 North Main Street, Shawano, WI 54166.
Village of Birnamwood	Village Hall, 362 Railroad Street, Birnamwood, WI 54414.
Village of Bonduel	Village Hall, 117 West Green Bay Street, Bonduel, WI 54107.
Village of Bowler	Village Hall, 107 West Main Street, Bowler, WI 54416.
Village of Cecil	Village Hall, 111 East Hofman Street, Cecil, WI 54111.
Village of Eland	Village Hall, W19141 Maple Street, Eland, WI 54427.
Village of Gresham	Village Hall, 1126 Main Street, Gresham, WI 54128.
Village of Mattoon	Village Hall, 310 Slate Avenue, Mattoon, WI 54450.
Village of Tigerton	Village Hall, 221 Birch Street, Tigerton, WI 54486.
Village of Wittenberg	Village Hall, 208 West Vinal Street, Wittenberg, WI 54499.

[FR Doc. 2022–21665 Filed 10–5–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORM00000–L63000000.HD0000.22x.HAG 22–0025]

Notice of Cancelation and Rescheduling of Public Meetings of the Western Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Western Oregon Resource Advisory Council (RAC) has rescheduled public meetings originally scheduled for September 22 and October 11 and 13, 2022.

DATES: The Western Oregon RAC has rescheduled its meetings for November 29 and December 1, 2022. Each meeting will begin at 9 a.m. The November 29 meeting will adjourn at approximately 4 p.m. The December 1 meeting will adjourn at approximately 3 p.m.

ADDRESSES: The meetings will be virtual meetings held over the Zoom platform. Register for the meeting here: *https://blm.zoomgov.com/webinar/register/WN_6EJ1iK41Se2wuw2tvZtI5g.*

FOR FURTHER INFORMATION CONTACT: Kyle Sullivan, Public Affairs Specialist, Medford District, 3040 Biddle Road, Medford, OR 97504; phone: (541) 618–2340; email: *ksullivan@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The 15-member Western Oregon RAC advises the Secretary of the Interior, through the BLM, on a variety of public land issues across public lands in Western Oregon, including the Coos Bay, Medford, Northwest Oregon, and Roseburg Districts and part of the Lakeview District. Topics of discussion for these meetings include Secure Rural Schools Title II funding, recreation, recreation fee proposals, fire management, land use planning, invasive species management, timber management, travel

management, wilderness, cultural resource management, and other issues as appropriate. Both meetings will focus on reviewing projects that have been proposed to receive funding under Title II of the Secure Rural Schools and Community Self-Determination Act. Final agendas will be available on the RAC's web page 2 weeks in advance of the meeting at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/western-oregon-rac.*

The meetings are open to the public, and a public comment period will be held at 3 p.m. on November 29, and at 2 p.m. on December 1. Depending on the number of persons wishing to comment, time allotted for individual oral comments may be limited. The public may present written comments to the RAC. 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.

Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact the person listed in the (see **FOR FURTHER INFORMATION CONTACT**) section of this notice at least 7 business days prior to the meeting to give the BLM sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Summary minutes for the RAC meetings will be maintained in the Medford District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting. Previous minutes, membership information, and upcoming agendas are available at: *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington.*

(Authority: 43 CFR 1784.4–2)

Elizabeth R. Burghard,

Designated Federal Official.

[FR Doc. 2022–21694 Filed 10–5–22; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR04024000, 22XR0680S1, RN.17730001.0000000]

Colorado River Basin Salinity Control Advisory Council Notice of Public Meeting

AGENCY: Bureau of Reclamation, Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of Reclamation is publishing this notice to announce that a Federal Advisory Committee meeting of the Colorado River Basin Salinity Control Council (Council) will take place.

DATES: The meeting will be held in-person as well as virtually on Tuesday, October 25, 2022, at 8:30 a.m. Pacific Time and will adjourn at approximately 2:30 p.m. Pacific Time. A public comment period will be held during the meeting.

ADDRESSES: The meeting will be held at the Lake Tahoe Resort Hotel, 4130 Lake Tahoe Boulevard, South Lake Tahoe, California 96150. For information about accessing the meeting virtually, please contact Mr. Aung K. Hla at (801) 524–3753, or by email at *ahla@usbr.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Aung K. Hla, Designated Federal Officer, at (801) 524–3753, or by email at *ahla@usbr.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The meeting of the Council is being held under the provisions of the Federal Advisory Committee Act of 1972. The Council was established by the Colorado River Basin Salinity Control Act of 1974 (Pub. L. 93–320) (Act) to receive reports and advise Federal agencies on implementing the Act. The meeting is open to the public.

Meeting Agenda

Council members will be briefed on the status of salinity control activities and receive input for drafting the Council's annual report. The Bureau of Reclamation, Bureau of Land Management, U.S. Fish and Wildlife Service, and United States Geological Survey of the Department of the Interior; the Natural Resources Conservation Service of the Department of Agriculture; and the Environmental Protection Agency will each present a progress report and a schedule of activities on salinity control in the Colorado River Basin. The Council will discuss salinity control activities, the contents of the reports, and the Basin States Program created by Public Law 110–246, which amended the Act. A final agenda will be posted online at *https://www.usbr.gov/uc/progact/salinity/index.html* at least one week prior to the meeting.

Meeting Accessibility

Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Comments

The Council chairman will provide time for oral comments from members of the public at the meeting. Individuals wanting to make an oral comment should contact Mr. Aung K. Hla (see **FOR FURTHER INFORMATION CONTACT**) to be placed on the public comment list. Members of the public may also file written statements with the Council before, during, or up to 30 days after the meeting either in person or by email. To allow full consideration of information by Council members at this meeting, written comments must be provided to Mr. Aung K. Hla (see **FOR FURTHER INFORMATION CONTACT**) by October 15, 2022.

Public Disclosure of Personal Information

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.

Authority: 5 U.S.C. Appendix 2.

Wayne Pullan,

Regional Director, Upper Colorado Basin—Interior Region 7, Bureau of Reclamation.

[FR Doc. 2022–21804 Filed 10–5–22; 8:45 am]

BILLING CODE P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–592]

USMCA Automotive Rules of Origin: Economic Impact and Operation, 2023 Report Hearing Update; Extension of Deadline for Requests To Appear and Written Submissions

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: October 3, 2022.

FOR FURTHER INFORMATION CONTACT: Project Leader Mitch Semanik (202–205–2034 or *mitchell.semanik@usitc.gov*), or Deputy Project Leader Sharon Ford (202–204–3084 or *sharon.ford@usitc.gov*) for information specific to these investigations. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Jennifer Andberg, Office of External Relations (202–205–3404 or *jennifer.andberg@usitc.gov*). Hearing-impaired individuals can obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its website (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On August 9, 2022, the Commission established a schedule for the conduct of the investigation (87 FR 48495). The Commission hereby gives notice that the hearing in connection with the investigation will be held in-person at the U.S. International Trade Commission Building beginning at 9:30 a.m. on November 3, 2022.

Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before October 11, 2022. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear as a witness via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigation, may at their discretion for good cause shown, grant such requests. Requests to appear as a witness via videoconference due to illness or a positive COVID–19 test result may be submitted by 3 p.m. the business day prior to the hearing.

All prehearing briefs and statements should be filed not later than 5:15 p.m., October 13, 2022. To facilitate the hearing, including the preparation of an accurate written transcript of the hearing, oral testimony to be presented at the hearing must be submitted to the Commission electronically no later than noon, October 27, 2022. Further information about participation in the hearing will be posted on the Commission's website at *https://usitc.gov/research_and_analysis/what_we_are_working_on.htm.* In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary and should be received not later than November 25, 2022.

For further information concerning this proceeding and filing procedures see the Commission's notice cited above.

By order of the Commission.

Issued: October 3, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–21806 Filed 10–5–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the Defense Production Act of 1950

Notice is hereby given pursuant to Section 708 of the Defense Production Act of 1950 (''DPA''), that the Assistant Attorney General finds, with respect to the Voluntary Tanker Agreement (''VTA'') proposed by the Maritime Administration (''MARAD''), that the purposes of Section 708(c)(1) of the may not reasonably be achieved through a voluntary agreement or plan of action having less anticompetitive effects or without any voluntary agreement or plan of action. Given this finding, the proposed Voluntary Agreement may become effective following the publication of this notice.

Under the DPA, MARAD may enter into agreements with representatives of private industry for the purpose of improving the efficiency with which private firms contribute to the national defense when conditions exist that may pose a direct threat to the national defense or its preparedness. Such arrangements are generally known as ''voluntary agreements.'' A defense to actions brought under the antitrust laws is available to each participant acting within the scope of a voluntary agreement that has come into force under the DPA.

The DPA requires that each proposed voluntary agreement be reviewed by the Attorney General prior to becoming effective. If, after consulting with the Chair of the Federal Trade Commission, the Attorney General finds that the purpose of the DPA ''may not be reasonably achieved through a voluntary agreement having less anticompetitive effects or without any voluntary agreement or plan of action,'' the agreement may become effective. 50 U.S.C. 4558 (f)(l)(B). All functions which the Attorney General is required or authorized to perform by section 708 of the DPA have been delegated to the Assistant Attorney General, Antitrust Division. 28 CFR 0.40(l)

The purpose of the proposed VTA is to support Department of Defense (''DoD'') contingency requirements to provide tanker capacity during times of crisis through procedures agreed in advance. The proposed VTA establishes the terms, conditions and procedures under which participants agree voluntarily to make tankers available to the DoD. MARAD has certified that the proposed VTA is necessary to carry out its purpose.

MARAD requested that the Assistant Attorney General, Antitrust Division, issue a finding that the proposed Voluntary Agreement satisfies the statutory criteria set forth in 50 U.S.C. 4558(f)(1)(B). The Assistant Attorney General, Antitrust Division, reviewed the proposed Voluntary Agreement and consulted on it with the Chair of the Federal Trade Commission. On September 21, 2022, by letter to Ann C. Phillips, Maritime Administrator, Jonathan S. Kanter, Assistant Attorney General, Antitrust Division, issued a finding pursuant to 50 U.S.C. 4558(f)(1)(B), that the purposes of the VTA ''may not reasonably be achieved through a voluntary agreement . . .

having less anticompetitive effects or without any voluntary agreement.''

McCormick Conforti,

Assistant Chief, Competition and Advocacy Section, Antitrust Division.

[FR Doc. 2022–21747 Filed 10–5–22; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Laboratory Division-RSU, Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Laboratory Division-RSU, Federal Bureau of Investigation, Department of Justice, is 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.

DATES: The Department of Justice encourages public comment and will accept input until November 7, 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 Libby Stern, Research Chemist, Federal Bureau of Investigation Laboratory Division, Research and Support Unit, 2501 Investigation Ave, Quantico, VA 22135, *geophysics@fbi.gov,* 703–632–7825. 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.

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 [Federal Bureau of Investigation], 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:* New collection.

2. *The Title of the Form/Collection:* Law Enforcement Use of Geophysical Methods.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Agency Form Number: FBI IRB number 645–22.

Sponsor: Laboratory Division-RSU, Federal Bureau of Investigation, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Active or retired Federal Government, State, Local or Tribal Government law enforcement personnel. Abstract: This questionnaire is to gather information from active and retired law enforcement on the applications of geophysical methodologies, such as ground penetrating radar (GPR) and magnetometers, to detect concealed targets (for example: homicide graves, drugs, or weapons) as part of criminal investigations. The respondents will give insight on who performed the geophysical surveys, the suspected targets, the survey environment, along with summaries of 1 to 3 geophysical surveys conducted. The results may be published and used to understand practical uses of geophysical methods for law enforcement investigations.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* We expect no more than 100 individuals completing the questionnaire. On average we expect an average of 10–15 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* 25 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 30, 2022.

Robert Houser,

Department Clearance Officer for PRA, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.

[FR Doc. 2022–21709 Filed 10–5–22; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Laboratory Division-RSU, Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Laboratory Division-RSU, Federal Bureau of Investigation, Department of Justice is 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.

DATES: The Department of Justice encourages public comment and will accept input until November 7, 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 Libby Stern, Research Chemist, Federal Bureau of Investigation Laboratory Division, Research and Support Unit, 2501 Investigation Ave, Quantico, VA 22135, *geophysics@fbi.gov,* 703–632–7825. 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.

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 [Federal Bureau of Investigation], 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:* New collection.
2. *The Title of the Form/Collection:* Geophysical Service Providers in Support of Law Enforcement.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Agency Form Number: FBI IRB number 646–22.

Sponsor: Laboratory Division-RSU, Federal Bureau of Investigation, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Individuals, Private Sector, Federal Government, State, Local or Trial Government. Those completing the questionnaires are personnel from universities, government agencies, instrument manufacturer and private contractors who conduct near surface geophysical investigations in aid of law enforcement. The FBI Laboratory Division seeks to gather information on the applications of geophysical methods (such as ground penetrating radar, electrical resistivity, magnetometry . . . etc.) to detect concealed targets as part of a criminal investigations.

Abstract: This questionnaire will ask which geophysical methodologies were applied, who performed the geophysical investigation, suspected targets, environments of the geophysical surveys for summaries of 1 to 3 geophysical surveys. The results may be published and used to understand practical uses of geophysical methods for law enforcement investigations.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* We expect no more than 100 individuals completing the questionnaire. On average we expect an average of 10–15 minutes to complete the questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* 25 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 30, 2022.

Robert Houser,

Department Clearance Officer for PRA, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.

[FR Doc. 2022–21715 Filed 10–5–22; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Laboratory Division-RSU, Federal Bureau of Investigation, Department of Justice, is 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.

DATES: The Department of Justice encourages public comment and will accept input until November 7, 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 Libby Stern, Research Chemist, Federal Bureau of Investigation Laboratory Division, Research and Support Unit, 2501 Investigation Ave, Quantico, VA 22135, *geophysics@fbi.gov,* 703–632–7825. 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.

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 Federal Bureau of Investigation, 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:* New collection.
2. *The Title of the Form/Collection:* Metal Detector Use in Crime Scene Investigations
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency Form Number: FBI IRB number 644–22.

Sponsor: Laboratory Division-RSU, Federal Bureau of Investigation, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Federal Government, State, Local or Tribal Government. Those completing the questionnaires are either active or retired law enforcement personnel. Abstract: This research study consists of a questionnaire to gather information on the applications metal

detectors for law enforcement at crime scene investigations. Participants will be asked what were the composition of law enforcement targets and the environment which they are searching for said targets. An objective of the questionnaire is to learn if advance methods of detection were used to identify suspected targets such as a ground penetrating radar or magnetometer. The results may be published and used to understand applications of metal detectors by law enforcement at crime scenes.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* We expect no more than 100 individuals completing the questionnaire. On average we expect an average of 10–15 minutes to complete the questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* 25 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 30, 2022.

Robert Houser,

Department Clearance Officer, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.

[FR Doc. 2022–21717 Filed 10–5–22; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection; National Elder Abuse Victim Services Needs Assessment

AGENCY: Civil Division, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Elder Justice Initiative, Civil Division, Department of Justice (DOJ) 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.

DATES: Comments are encouraged and will be accepted for 60 days December 5, 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 Andy Mao, National Elder Justice Coordinator, Elder Justice Initiative, 175 N Street NE, Washington, DC 20002 (phone: 202/616–0539).

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 Bureau of Justice Statistics, 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:* New collection.

2. *The Title of the Form/Collection:* National Elder Abuse Victim Services Needs Assessment.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is currently no agency form number.

Sponsor: Civil Division, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* This information will be solicited from victims of elder abuse, elder justice professionals (*e.g.,* adult protective services, law enforcement, victim services organizations, etc.) who serve elder abuse victims, representatives of federal agencies with elder justice programming, and family and friends who are oftentimes instrumental in victims' recovery and have a unique window into the needs of older victims.

The Elder Justice Initiative proposes to conduct the first National Elder Abuse Victim Services Needs Assessment, a one-time information collection. The goal of this information collection is to gain insight on how to best meet the needs of victims of elder abuse from the initial incident to investigation and prosecution (if any), through to long-term recovery, and separately for each type of elder abuse (physical abuse, psychological abuse, sexual abuse, caregiver neglect, financial exploitation, financial fraud). To accomplish this goal, the Elder Justice Initiative will: (1) conduct national surveys with elder justice professionals and federal staff, and older victims and their family and friends; and (2) conduct a series of focus groups with elder justice professionals and federal staff, and elder abuse victims and their family and friends. A targeted dissemination strategy summarizing results and recommendations will aid in elder abuse services program planning.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are four separate but related information collections: An estimated 1,000 elder justice professionals and federal staff with elder justice programming will complete an electronic survey estimated to take 20 minutes to complete per respondent, and an estimated 1500 older victims, their family and friends will complete a survey estimated to take 10 minutes to complete per respondent; and 15 90-minute focus groups with elder justice professionals and federal staff and 15 90-minute focus groups with older victims, their family and friends, consisting of not more than 10 participants per focus group, for a total of 300 participants. In total, 2800 individuals will participate in the National Needs Assessment.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 1,033 hours (see Table 1 for calculation).

TABLE 1—ESTIMATES OF HOUR BURDEN INCLUDING ANNUALIZED HOURLY COSTS

Task	Estimated time (minutes)	Total participants	Total minutes per task
Surveys of elder justice professionals and federal staff	20	1000	20,000
Surveys of older victims and their family and friends	10	1500	15,000
Focus Groups (elder justice professionals and federal staff; older victims, family and friends	90	300	27,000
Total			62,000 (1,033 hrs)

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 30, 2022.

Robert Houser,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2022–21708 Filed 10–5–22; 8:45 am]

BILLING CODE 4410–12–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Amendment to a Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On September 30, 2022, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of New Hampshire in the lawsuit entitled *United States, et al.* v. *Fort James LLC, et al.,* Civil Action No. 1:22–cv–395.

In that action, the United States sought, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601, *et seq.,* injunctive relief and recovery of response costs regarding the Chlor-Alkali Facility (Former) Superfund Site in Berlin, New Hampshire (the ''Site''). The proposed consent decree will require three settling parties to perform a remedial action at the Site, to reimburse the U.S. Environmental Protection Agency for its future costs and a portion of its past costs at the Site, and to reimburse the New Hampshire Department of Environmental Services for its future costs at the Site.

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, et al.* v. *Fort James LLC, et al.,* Civil Action No. 1:22–cv–395, D.J. Ref. No. 90–11–2–09455/3. 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 $61.00 (25 cents per page reproduction cost) payable to the United States Treasury. For a copy of the Consent Decree without its attachments, enclose a check or money order for $9.00.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2022–21724 Filed 10–5–22; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Federal-State Unemployment Insurance Program Data Exchange Standardization

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed revision to the authority to conduct the information collection request (ICR) titled, ''Federal-State Unemployment Insurance Program Data Exchange Standardization.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by December 5, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Jagruti Patel by telephone at (202) 693–3059 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *patel.jagruti@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, Room S–4524, 200 Constitution Avenue NW, Washington, DC 20210; by email: *patel.jagruti@dol.gov;* or by Fax (202) 693–3975.

FOR FURTHER INFORMATION CONTACT: Jagruti Patel by telephone at (202) 693–3059 (this is not a toll-free number) or by email at *patel.jagruti@dol.gov.*

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the

desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed. The Middle Class Tax Relief and Job Creation Act of 2012 (the Act) was signed into law on February 22, 2012. Section 2104 of the Act amends Title IX, Social Security Act by adding a new section 911 (42 U.S.C. 1111), which requires the Department to issue rules, developed in consultation with an interagency workgroup established by OMB, that establish data exchange standards for certain functions related to administration of the unemployment insurance (UI) program. The rule designates XML (eXtensible Markup Language) as the data exchange standard for the real-time applications on the Interstate Connection Network (ICON) and for State Information Data Exchange System (SIDES). States are required to conform to the XML data exchange standard for these applications. DOL's regulations implementing this Act, codified in 20 CFR part 619, authorizes this information collection. This is a proposed extension with revision. The number of states that the Data Exchange Standardization rule affects has changed from 25 to 15, as more states have implemented this rule. So, the Total Annual Burden hours has changed from 3,000 hours to 1,800 hours.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0510.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Federal-State Unemployment Insurance Program Data Exchange Standardization.

Form: Not Applicable.

OMB Control Number: 1205–0510.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 15.

Frequency: Once.

Total Estimated Annual Responses: 15.

Estimated Average Time per Response: 120 hours.

Estimated Total Annual Burden Hours: 1,800 hours.

Total Estimated Annual Other Cost Burden: $0.

Brent Parton,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–21755 Filed 10–5–22; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Interstate Arrangement for Combining Employment and Wages

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Interstate Arrangement for Combining Employment and Wages.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by December 5, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting David King by telephone at (202) 693–2698 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *King.David.H@dol.gov*.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW, Frances Perkins Bldg. Room S–4524, Washington, DC 20210; by email: *King.David.H@dol.gov;* or by Fax 202–693–3975.

FOR FURTHER INFORMATION CONTACT: David King by telephone at (202) 693–2698 (this is not a toll-free number) or by email at *King.David.H@dol.gov*.

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Section 3304(a)(9)(B), of the Internal Revenue Code (IRC) of 1986, requires states to participate in an arrangement for combining employment and wages covered under the different state laws for the purpose of determining unemployed workers' entitlement to unemployment compensation. The Interstate Arrangement for Combining Employment and Wages for combined

wage claims (CWC), promulgated at 20 CFR 616, requires the prompt transfer of all relevant and available employment and wage data between states upon request. The Benefit Payment Promptness Standard, 20 CFR 640, requires the prompt payment of unemployment compensation including benefits paid under the CWC arrangement. The ETA 586 report provides the ETA/Office of Unemployment Insurance with information necessary to measure the scope and effect of the CWC program and to monitor the performance of each state in responding to wage transfer data requests and the payment of benefits. Title 20 of the Code of Federal Regulations, Section 616 authorizes this information collection authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0029. Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: Interstate Arrangement for Combining Employment and Wages.

Form: ETA Report Form 586.

OMB Control Number: 1205–0029.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: Quarterly.

Total Estimated Annual Responses: 212.

Estimated Average Time per Response: 4 hours.

Estimated Total Annual Burden Hours: 848 hours.

Total Estimated Annual Other Cost Burden: 0.

Brent Parton,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–21754 Filed 10–5–22; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Trade Adjustment Assistance (TAA) Efforts to Improve Outcomes

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed revision to the authority to conduct the information collection request (ICR) titled, ''Trade Adjustment Assistance (TAA) Efforts to Improve Outcomes.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by December 5, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Robert Hoekstra by telephone at 202–693–3522 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *hoekstra.robert@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Trade Adjustment Assistance, 200 Constitution Ave NW, Washington, DC 20210; by email: *taa.reports@dol.gov;* or by fax 202–693–3584.

FOR FURTHER INFORMATION CONTACT: Robert Hoekstra by telephone at 202–693–3522 (this is not a toll-free number) or by email at *hoekstra.robert@dol.gov.*

Authority 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

TAA Efforts to Improve Outcomes is a data collection that supplies critical information on the operation of the TAA Program and how the state is working to improve outcomes of their participants. Information is required to be collected by state, and is used by local, state, and federal agencies to (1) report program management information to Congress and other Federal agencies, and (2) improve the effectiveness of job training programs. While the form, frequency, and information are not changing with this collection, the authority for this collection has been revised to be 20 CFR 618.864(a)(3) as well as Governor-Secretary agreements authorized under sec. 239 of the Trade Act of 1974, as amended. *See* 19 U.S.C. 2311.

This information collection is subject to the PRA. A federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and

displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB 1205–0392.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Trade Adjustment Assistance (TAA) Efforts to Improve Outcomes.

Form: Program Performance Report, ETA–9173.

OMB Control Number: 1205–0392.

Affected Public: State, Local, and Tribal Governments; Individuals or Households.

Estimated Number of Respondents: 52.

Frequency: Quarterly.

Total Estimated Annual Responses: 208.

Estimated Average Time per Response: 0.5 hours.

Estimated Total Annual Burden Hours: 104 hours.

Total Estimated Annual Other Cost Burden: $0.

Brent Parton,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–21753 Filed 10–5–22; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (22–080)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP).

DATES: Thursday, October 27, 2022, 1:30 p.m. to 3:00 p.m., Eastern Standard Time.

ADDRESSES: NASA Headquarters, 300 E. St. SW, Washington, DC 20546

FOR FURTHER INFORMATION CONTACT: Ms. Lisa M. Hackley, ASAP Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–1947 or *lisa.m.hackley@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold an ASAP Public Meeting. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

—Updates on the International Space Station Program
—Updates on the Commercial Crew Program
—Updates on Exploration System Development Program
—Updates on Advanced Exploration Systems Program
—Updates on Human Lunar Exploration Program

This meeting is only available telephonically. Any interested person may call the USA toll free conference call number 888–566–6133; passcode 8343253 and then the # sign. At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Lisa M. Hackley at *lisa.m.hackley@nasa.gov* or at (202) 358–1947 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel via electronic submission to Ms. Hackley at the email address previously noted. Verbal presentations and written statements should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Carol Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2022–21776 Filed 10–5–22; 8:45 am]

BILLING CODE 7510–13–P

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Privacy Act of 1974; System of Records

AGENCY: Office of the Director of National Intelligence (ODNI).

ACTION: Notice of a proposed new system of records.

SUMMARY: ODNI provides notice of a proposed new Privacy Act system of records at the National Intelligence University (NIU). ODNI recommends to add a proposed new system of records to its records inventory subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register**, the existence and character of records maintained by NIU. This proposed new system of records is titled, ''National Intelligence University (NIU) Program Records,'' ODNI/NIU–01.

DATES: This proposed new System of Records will go into effect on November 7, 2022, unless comments are received that result in a contrary determination.

ADDRESSES: Comments may be submitted by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov.

Email: transparency@dni.gov.

Mail: Director, Information Management Office, Chief Operating Officer, ODNI, Washington, DC 20511.

SUPPLEMENTARY INFORMATION: The NIU is the Intelligence Community's (IC) sole

accredited, federal degree-granting institution. Cleared government students, representing a mixture from federal agencies and all branches of the United States Armed Services, come to NIU to gain knowledge, drive debate, participate in collaborative learning and information sharing, and engage in research concerning intelligence and national security topics in a classified setting. Previously, NIU was part of the Defense Intelligence Agency (DIA). However, Congress subsequently mandated that the Director of National Intelligence (DNI) and the Secretary of Defense work together to transition the NIU from the DIA and into the ODNI. *See* Section 5324(b) (l) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Pub. L. 116–92) (hereafter *FY 2020 NDAA*).

Specifically, in 2017, a Congressional panel offered alternative governance models to enhance NIU, to include a more prominent role for ODNI. See *The Joint Explanatory Statement accompanying the Intelligence Authorization Act for Fiscal Year 2017.* The Secretary of Defense and the House Permanent Select Committee on Intelligence (HPSCI) also concluded that DIA would benefit from moving NIU elsewhere in the IC with HPSCI supporting NIU's transfer to ODNI. Additional Congressional direction (*see FY 2020 NDAA*) required that the Department of Defense (DoD) remain involved in NIU's governance, that DoD personnel serve as faculty at the ODNI-led university, that DoD embrace NIU being moved to ODNI and that DoD not attempt to create a new intelligence college to replace NIU. Both the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs did not have any objections to the DNI and Under Secretary of Defense for Intelligence and Security letters that certified that they met congressional requirements that informed the transfer of NIU to ODNI. ODNI certified before the inauguration and DIA certified a few months later. On December 2019, Congress directed the Secretary of Defense and the DNI to effect an organizational transition of NIU from DIA to ODNI. On 20 June 2021, NIU transitioned from the DIA to the ODNI. In this new capacity, NIU will continue to serve the intelligence and national security professionals from the IC components and the U.S. Government.

This notice informs the public of a proposed new system of records to administer the NIU program at ODNI. ODNI administration of the NIU program includes review of proposed new applicant submissions for attendance eligibility, coursework, evaluation of student progress, and academic activities and achievements; identifying and coordinating with prospective and invited guest speakers; and managing the school, including faculty, staff, instructors, administrative support personnel, and the Board of Visitors.

The NIU is the sole accredited, federal degree-granting institution within the IC and grants undergraduate and graduate degrees in intelligence related disciplines to IC, DoD, and other U.S. Government personnel.

In December 2019, Congress directed the Secretary of Defense and the DNI to effect an organizational transition of NIU from DIA to ODNI. In March 2020, DIA and ODNI began this transition with DIA continuing to host NIU-related Privacy Act records under DIA's Privacy Act System of Records Notice (SORN) until such time when ODNI established a new SORN for those records. The relevant DIA SORN for NIU-related records is LDIA 0011 ''Student Information Files,'' 78 FR 47308 (05 August 2013). Once the new ODNI Privacy Act System of Records Notice goes into effect, DIA will rescind LDIA 0011.

SYSTEM NAME AND NUMBER:

NIU Program Records (ODNI/NIU–01).

SECURITY CLASSIFICATION:

The classification of records in this system ranges from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

Office of the Director of National Intelligence, Washington, DC 20511.

SYSTEM MANAGER(S):

President, National Intelligence University, 4600 Sangamore Road, Bethesda, MD 20816.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–458, 118 Stat. 3638 (17 December 2004); Pursuant to section 5324(b)(l) of the National Defense Authorization Act for FY 2020 (Pub. L. 116–92); 50 U.S. Code 3334a–Transfer of National Intelligence University to the Office of the Director of National Intelligence; 50 U.S. Code 3227a–Degree granting authority; 50 U.S. Code 3322, Additional education and training requirements; and Executive Order 9397 Relating to Federal Agency Use of Social Security Numbers. E.O. 9397 (SSN), as amended.

PURPOSE(S) OF THE SYSTEM:

Records in this system are collected to administer the NIU's accredited, federal degree-granting program, including confirming applicant attendance eligibility; monitoring student progress; producing records of grades, activities, and achievements; preparing assignment rosters; rendering management, statistical summaries, and other reports; identifying and coordinating with prospective and invited guest speakers; and managing the faculty, staff, instructors, administrative support personnel, and NIU's Board of Visitors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Federal government personnel (includes current and former faculty and staff), all prospective, current and former students of NIU programs for research and degree-granting requirements who have attended NIU.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information supplied by the sponsoring agency and the program participants, including student application; demographic information; consent forms; supporting correspondence; class rosters and directories. The records contain the name; date of birth; Social Security Number (SSN); addresses; telephone numbers; information pertaining to personnel, past, present and projected assignments; educational background; academic/fitness reports; letters of course completion; and academic transcripts.

RECORD SOURCE CATEGORIES:

Record source categories include individuals, military service components, educational institutions, previous employees, and other Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See General Routine Uses Applicable to More than One ODNI Privacy Act System of Records, Subpart C of ODNI's Privacy Act Regulation published at 32 CFR part 1701 (73 FR 16531, 16541), and incorporated by reference (see also *http://www.dni.gov*).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic records stored in secure file servers located in government-managed facilities or in government-leased private cloud-based systems. Paper records stored in government-managed or government-leased facilities.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name, SSN, or other unique identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Pursuant to 44 U.S.C. 3303a (d) and 36 CFR chapter 12, subchapter B, part 1224–Disposition of Federal records will not be disposed of until such time as the ODNI implements a NARA-approved Records Control Schedule to include disposition of NIU program files.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Information in this system safeguarded in accordance with recommended and/or prescribed administrative, physical, and technical safeguards. Records are maintained in secure government-managed facilities with access limited to authorized personnel. Physical security protections include guards and locked facilities requiring badges and passwords for access.

Records are accessed only by authorized government personnel and contractors holding appropriate security clearances and who have a valid business reason to access the records. Electronic authorization and authentication of users is required at all points before authorized users can access any system information. Communications are encrypted where required and other safeguards are in place to monitor and audit access, and to detect intrusions. System backup are maintained separately.

RECORD ACCESS PROCEDURES:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. A request for access shall be made in writing with the envelope and letter clearly marked ''Privacy Act Request.'' Requesters shall provide their full name, complete address, NIU program attended, and dates of attendance. The requester must sign the request and have it verified by a notary public. Alternately, the request may be submitted under 28 U.S.C. 1746, certifying the requester's identity and understanding that obtaining a record under false pretenses constitutes a criminal offense. Requests for access to information must be addressed to the Director, Information Management Office, Chief Operating Officer, Office of the Director of National Intelligence, Washington, DC 20511. Regulations governing access to one's records or for appealing an initial determination concerning access to records are contained in the ODNI regulation implementing the Privacy Act, 32 CFR part 1701 (73 FR 16531).

CONTESTING RECORD PROCEDURES:

Individuals seeking to correct or amend records should address their requests to ODNI at the address and according to the requirements set forth above under the heading ''Record Access Procedures.'' Regulations governing access to and amendment of one's records or for appealing an initial determination concerning access or amendment of records are contained in the ODNI regulation implementing the Privacy Act, 32 CFR part 1701 (73 FR 16531).

NOTIFICATION PROCEDURES:

Individuals seeking to learn whether this system contains non-exempt information about them should address inquiries to the ODNI at the address and according to the requirements set forth above under the heading ''Record Access Procedures.''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

During NIU's tenure with DIA, the relevant Privacy Act System of Records Notice was LDIA 0011–Student Information Files, 58 FR 10613 (22 February 1993), as amended by 71 FR 32322 (05 June 2006), 74 FR 52464 (13 October 2009), 75 FR 26201 (11 May 2010), and 78 FR 47308 (05 August 2013).

In accordance with 5 U.S.C. 552a(r), ODNI has provided a report of this notice to the Office of Management and Budget and to Congress.

Gregory M. Koch,

Director, Information Management Office, Chief Operating Officer, Office of the Director of National Intelligence.

[FR Doc. 2022–20991 Filed 10–5–22; 8:45 am]

BILLING CODE 9500–01–P–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–144 and CP2022–148; MC2022–145 and CP2022–149; MC2022–146 and CP2022–150]

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:* October 7, 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

[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).

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).:* MC2022–144 and CP2022–148; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 54 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 29, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Arif Hafiz; *Comments Due:* October 7, 2022.

2. *Docket No(s).:* MC2022–145 and CP2022–149; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 55 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 29, 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:* October 7, 2022.

3. *Docket No(s).:* MC2022–146 and CP2022–150; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 56 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 29, 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:* October 7, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–21664 Filed 10–5–22; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on Sepember 29, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Contract 55 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2022–145, CP2022–149.

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–21674 Filed 10–5–22; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 26, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 763 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2022–142, CP2022–146.

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–21670 Filed 10–5–22; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on Sepember 28, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Contract 53 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2022–143, CP2022–147.

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–21672 Filed 10–5–22; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on Sepember 29, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel*

Select Service Contract 54 to Competitive Product List. Documents are available at *www.prc.gov,* Docket Nos. MC2022–144, CP2022–148.

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–21673 Filed 10–5–22; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on Sepember 29, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Contract 56 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2022–146, CP2022–150.

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–21675 Filed 10–5–22; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on Sepember 26, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Contract 52 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2022–141, CP2022–145.

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–21671 Filed 10–5–22; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95961; File No. SR–BOX–2022–19]

Self-Regulatory Organizations; BOX Exchange LLC; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Article 4 of the Exchange's Bylaws To Establish a Staggered Board

September 30, 2022.

I. Introduction

On June 17, 2022, BOX Exchange LLC (''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 amend Article 4 of the Exchange's Bylaws (''Bylaws'') to establish a staggered board. The proposed rule change was published for comment in the **Federal Register** on July 6, 2022.[3] On August 9, 2022, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On September 28, 2022, the Exchange filed Amendment No. 1 to the proposed rule change.[6] The Commission received no comments on the proposed rule change. This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change [7]

The Exchange proposes to amend its Bylaws to establish a staggered Board. Specifically, the Exchange proposes to amend Section 4.03 (''Term of Directors'') of the Bylaws to provide that Exchange Directors will be divided into three classes, designated Class I, Class II and Class III, which will be as nearly equal in number and classification as the total number of such Directors then serving on the Board permits. As proposed, each class of Directors will serve staggered three-year terms, with the term of office of one class expiring each year.[8]

In order to commence such staggered three-year terms, the Exchange proposes to amend Section 4.03 of the Bylaws to provide that Class I Directors will initially serve a one-year term; Class II Directors will initially serve a two-year term; and Class III Directors will initially serve a three-year term.[9] Thereafter, all Directors shall serve staggered three-year terms, with the term of office of one class expiring each year.[10]

The Exchange further proposes to amend Section 4.03 of the Bylaws to provide that, in the case of any new Director as contemplated by Article IV, Section 4.02, such Director will be added to a class, as determined by the Board at the time of such Director's initial election or appointment, and will

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 95174 (June 29, 2022), 87 FR 40321 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 95446 (August 9, 2022), 87 FR 50142 (August 15, 2022). The Commission designated October 4, 2022, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] In Amendment No. 1, the Exchange clarified how the transition to a staggered board would be implemented. Because Amendment No. 1 does not materially alter the substance of the proposed rule change, Amendment No. 1 is not subject to notice and comment. Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-box-2022-19/srbox202219-20144374-309297.pdf* (''Amendment No. 1'').

[7] For a more complete description of the changes proposed, *see* Notice, *supra* note 3.

[8] Currently, Directors serve one-year terms, and all Directors are nominated and begin serving each year at the annual meeting of Members. *See* Notice, *supra* note 3, at 40322 n.4.

[9] According to the Exchange, the 2022 annual meeting of the Members of the Exchange has not yet occurred. If the proposed rule change is approved before the 2022 annual meeting of Members, Class I Directors, Class II Directors and Class III Directors would each be nominated and selected in 2022 and the initial term of Class I Directors would end at the 2023 annual meeting of Members, and a new slate of Class I Directors would be nominated and selected in 2023 in accordance with the Bylaws. *See* Amendment 1, *supra* note 6, at 2. In this circumstance, the term of Class II and Class III directors would end at the Members annual meeting in 2024 and 2025, respectively. *See id.* at 2 n.5.

[10] *See* Amendment 1, *supra* note 6 at 2.

have an initial term expiring at the same time as the term of the class to which such Director has been added. In making such determinations, the Board will balance the categories of Directors (*e.g.,* Non-Industry, Public, Participant, and Facility Directors) among the classes to the extent possible. Pursuant to Section 4.02 of the Bylaws, the total number of Directors is determined by the Board and must be between five and eleven directors. Therefore, the Exchange proposes this provision specify that if a new Director is added to the Board, the term of that Director will correspond to the class to which that Director is assigned at the time of election or appointment.[11] In addition, the Exchange proposes to amend Section 4.02 of the Bylaws to specify that no decrease in the number of Directors will have the effect of shortening the term of any incumbent Director.[12]

The Exchange also proposes to make certain conforming edits to other provisions of the Bylaws to clarify the responsibilities of the Board's Nominating Committee and to address Director vacancies that may arise. For example, the Exchange proposes to amend Section 4.06 (''Nominating Committee'') of the Bylaws to specify that the Board's Nominating Committee will nominate individuals in advance of each annual meeting of the Members to begin service as Directors ''for the applicable class term then expiring (*i.e.,* Class I, Class II or Class III)'' at such annual meeting of the Members.[13] The Exchange also proposes to amend Section 4.06(d) (''Selection of Directors'') of the Bylaws to provide that, prior to the first annual meeting of the Members following adoption of the amended Section 4.06(d), each Director position set forth in Section 4.02 shall be designated, as determined by the Board, to one of the three classes for nomination by the Nominating Committee to begin service at such annual meeting. Thereafter, prior to each annual meeting of the Members, the Nominating Committee will select nominees for each Director position ''for the class with its term then expiring'' to begin service as Directors.[14] Finally, the Exchange proposes to amend Section 4.10 (''Vacancies'') to provide that a Director who is elected by the Board to fill a vacancy (*e.g.,* as a result of the death, resignation, removal, or increase in the authorized number of Directors), will serve for the remainder of the applicable class term. For example, according to the Exchange, if a Director in Class II resigns, the Director elected to fill the vacancy would serve for the remainder of the term of Class II Directors.[15]

The Exchange notes that it is not proposing any change to the composition of the Board, such as the requirement that 20% of Directors must be a Participant Directors or that a majority of Directors must be Non-Industry Directors.[16] Further, all nominations and elections of Directors under the proposed staggered Board structure must be consistent with the existing composition requirements in the Bylaws and Directors may continue to serve consecutive terms.[17]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No.1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[18] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[19] which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission also finds that the proposed rule change, as amended, is consistent with Section 6(b)(3) of the Exchange Act,[20] which, among other things, requires that the rules of a national securities exchange ensure fair representation of its members in the selection of its directors and administration of its affairs.

As discussed above, the Exchange proposes to amend its Bylaws to establish a staggered Board. The Commission believes that, by dividing Directors into three classes with only one class selected by the Nominating Committee each year to serve a three-year term, a staggered Board may improve the function of the Board by ensuring continuity and preserving institutional knowledge among its Directors. As the Exchange notes, retaining a majority of the incumbent Directors year-to-year may facilitate an orderly transition to new leadership. Moreover, according to the Exchange, the existing composition requirements related to Directors would remain the same under the proposed rule change and categories of Directors shall be balanced among the classes. Further, all Directors would be subject to the same requirements under the proposed rule change (*i.e.,* all Directors, regardless of type, would be divided into one of three classes, each serving three-year terms). The Commission also notes that the proposed staggered Board structure is substantially similar to the staggered board structures of at least two exchanges[21] and therefore poses no novel regulatory issues. Finally, the Commission believes that the proposed conforming changes to the Bylaws are consistent with the Act because they serve to clarify the responsibilities of the Board's Nominating Committee and to address Director vacancies that may arise.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[22] that the proposed rule change (SR–BOX–2022–

[11] *See* Notice, *supra* note 3, at 40322.

[12] For example, the Exchange notes that it could not determine to reduce the size of the Board by eliminating the Director seat for a Director who had two years of his or her term remaining. *See* Notice, *supra* note 3, at 40322.

[13] Similarly, the Exchange also proposes to amend the final sentence of Section 4.06 to specify that at each annual meeting of the Members, the individuals selected ''for the applicable class term'' pursuant to Section 4.06 of the Bylaws would begin serving as Directors. *See* Notice, *supra* note 3, at 40322 n.7.

[14] The Exchange proposes to amend Section 4.06(d)(i) to include the same conforming edits to specify that the Nominating Committee will meet for the purposes of selecting proposed Director nominees ''for the class then expiring'' and that the Nominating Committee will provide the names of all proposed Director nominees ''for the class then expiring'' to the Exchange's Secretary not later than sixty days prior to the date of the annual meeting of the Members. *See* Notice, *supra* note 3, at 40322 n.8.

[15] With respect to a vacancy arising from an increase in the number of authorized Directors, pursuant to proposed Section 4.03 of the Bylaws, the Director filling such vacancy would be assigned to a class by the Board and would have an initial term expiring at the same time as the term of the class to which such Director has been added. *See* Notice, *supra* note 3, at 40322 n.9.

[16] *See* Notice, *supra* note 3, at 40323; Section 4.02 of the Bylaws.

[17] *See* Notice, *supra* note 3, at 40323; Section 4.03 of the Bylaws.

[18] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78f(b)(5).

[20] 15 U.S.C. 78f(b)(3).

[21] *See* Amended and Restated By-Laws of Miami International Securities Exchange LLC (''MIAX''), Section 2.3(b) *and* First Amended and Restated Bylaws of Long-Term Stock Exchange, Inc. (''LTSE''), Section 3.3(b). The bylaws of The Options Clearing Corporation (''OCC''), another self-regulatory organization, also provide for a similar staggered board consisting of three classes. *See* OCC By-Laws, Article III, Section 3.

[22] 15 U.S.C. 78s(b)(2).

19), as modified by Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–21677 Filed 10–5–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Small Business Capital Formation Advisory Committee will hold a public meeting on Thursday, October 13, 2022, at the Commission's headquarters and via videoconference.

PLACE: The meeting will be conducted by remote means (videoconference) and at the Commission's headquarters, 100 F Street NE Washington, DC 20549, in Multi-Purpose Room LL–006. Members of the public may watch the webcast of the meeting on the Commission's website at *www.sec.gov.*

STATUS: The meeting will begin at 10:00 a.m. (ET) and will be open to the public via webcast on the Commission's website at *www.sec.gov.* This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

MATTERS TO BE CONSIDERED: The agenda for the meeting includes matters relating to rules and regulations affecting small and emerging businesses and their investors under the federal securities laws.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: October 4, 2022.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–21909 Filed 10–4–22; 4:15 pm]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34721]

Notice of Applications for Deregistration under Section 8(f) of the Investment Company Act of 1940

September 30, 2022.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of September 2022. A copy of each application may be obtained via the Commission's website by searching for the applicable file number listed below, or for an applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html.* You may also call the SEC's Public Reference Room at (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. Hearing requests should be received by the SEC by 5:30 p.m. on October 25, 2022, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.*

FOR FURTHER INFORMATION CONTACT: Shawn Davis, Assistant Director, at (202) 551–6413 or Chief Counsel's Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street, NE, Washington, DC 20549–8010.

Broadstone Real Estate Access Fund [File No. 811–23360]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 22, 2021, August 25, 2021, November 3, 2021 and May 20, 2022, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of $238,121 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on September 2, 2022.

Applicant's Address: Alexander.Karampatsos@dechert.com.

Cohen & Steers MLP Income & Energy Opportunity Fund, Inc. [File No. 811–22780]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On August 6, 2021, applicant made a final liquidating distribution to its shareholders based on net asset value. Expenses of $194,560 incurred in connection with the liquidation were paid by the applicant.

Filing Dates: The application was filed on July 14, 2022, and amended on September 15, 2022.

Applicant's Address: ddevivo@cohenandsteers.com.

Delaware Life NY Variable Account J [File No. 811–21937]

Summary: Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on July 22, 2022, and amended on September 20, 2022.

Applicant's Address: maura.murphy@delawarelife.com.

Delaware Life NY Variable Account N [File No. 811–22013]

Summary: Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on July 22, 2022, and amended on September 20, 2022.

Applicant's Address: maura.murphy@delawarelife.com.

Eaton Vance 2021 Target Term Trust [File No. 811–23136]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On July 1, 2021, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of $5,400 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on September 2, 2022.

Applicant's Address: JLee@EatonVance.com.

KBL Variable Annuity Account [File No. 811–05422]

Summary: Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on July 22, 2022, and amended on September 20, 2022.

Applicant's Address: maura.murphy@delawarelife.com.

Procure ETF Trust I [File No. 811–23320]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 28, 2022, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $10,036.00 incurred in connection with the liquidation were paid by the applicant's investment advisor.

Filing Date: The application was filed on June 27, 2022, and amended on September 20, 2022.

Applicant's Address: isabella.zoller@usbank.com.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–21687 Filed 10–5–22; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17642 and #17643; ALASKA Disaster Number AK–00055]

Presidential Declaration of a Major Disaster for the State of Alaska

AGENCY: U.S. Small Business Administration.

ACTION: Correction.

SUMMARY: This is a correction to the Presidential declaration of a major disaster for the State of Alaska (FEMA–4672–DR), dated 09/23/2022.

Incident: Severe Storm, Flooding, and Landslides.

Incident Period: 09/15/2022 through 09/20/2022.

DATES: Issued on 09/29/2022.

Physical Loan Application Deadline Date: 11/22/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 06/23/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Alaska, dated 09/23/2022, is hereby corrected to change the physical loan application deadline date to 11/22/2022. Applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Areas (Physical Damage and Economic Injury Loans): Bering Strait REAA, Kashunamiut (Chevak) REAA, Lower Kuskokwim REAA, Lower Yukon REAA.

Contiguous Areas (Economic Injury Loans Only):

Alaska: Iditarod Area REAA, Kuspuk REAA, Northwest Arctic Borough, Southwest Region REAA, Yukon-Koyukuk REAA, Yupiit REAA.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	4.375
Homeowners without Credit Available Elsewhere	2.188
Businesses with Credit Available Elsewhere	6.080
Businesses without Credit Available Elsewhere	3.040
Non-Profit Organizations with Credit Available Elsewhere	1.875
Non-Profit Organizations without Credit Available Elsewhere	1.875
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.040
Non-Profit Organizations without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17642 B and for economic injury is 17643 0.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–21730 Filed 10–5–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17651 and #17652; ILLINOIS Disaster Number IL–00073]

Administrative Declaration of a Disaster for the State of Illinois

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Illinois dated 09/30/2022.

Incident: Apartment Building Explosion.

Incident Period: 09/20/2022.

DATES: Issued on 09/30/2022.

Physical Loan Application Deadline Date: 11/29/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 06/30/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Cook.

Contiguous Counties:

Illinois: DuPage, Kane, Lake, McHenry, Will.

Indiana: Lake.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	4.375
Homeowners without Credit Available Elsewhere	2.188
Businesses with Credit Available Elsewhere	6.080
Businesses without Credit Available Elsewhere	3.040
Non-Profit Organizations with Credit Available Elsewhere	1.875
Non-Profit Organizations without Credit Available Elsewhere	1.875
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.040
Non-Profit Organizations without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17651 4 and for economic injury is 17652 0.

The States which received an EIDL Declaration # is Illinois, Indiana.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella C. Guzman,

Administrator.

[FR Doc. 2022–21727 Filed 10–5–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17644 and #17645; FLORIDA Disaster Number FL–00178]

Presidential Declaration Amendment of a Major Disaster for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA–4673–DR), dated 09/29/2022.

Incident: Hurricane Ian.

Incident Period: 09/23/2022 and continuing.

DATES: Issued on 09/29/2022.

Physical Loan Application Deadline Date: 11/28/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 06/29/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Florida, dated 09/29/2022, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Orange, Osceola, Polk, Seminole.

Contiguous Counties (Economic Injury Loans Only):

Florida: Brevard, Indian River, Lake, Okeechobee, Sumter, Volusia.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–21728 Filed 10–5–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17649 and #17650; Puerto Rico Disaster Number PR–00043]

Presidential Declaration of a Major Disaster for Public Assistance Only for the Commonwealth of Puerto Rico

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Puerto Rico (FEMA–4671–DR), dated 09/29/2022.

Incident: Hurricane Fiona.

Incident Period: 09/17/2022 and continuing.

DATES: Issued on 09/29/2022.

Physical Loan Application Deadline Date: 11/28/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 06/29/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 09/29/2022, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Municipalities:

Arecibo, Arroyo, Cabo Rojo, Guayanilla, Jayuya, Salinas, San German, Toa Alta, Utuado.

The Interest Rates are:

For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	1.875.
Non-Profit Organizations without Credit Available Elsewhere	1.875.
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	1.875.

The number assigned to this disaster for physical damage is 17649 8 and for economic injury is 17650 0.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–21723 Filed 10–5–22; 8:45 am]

BILLING CODE 8026–09–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2022–0050]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA.

Comments: *https://www.reginfo.gov/*

public/do/PRAMain. Submit your comments online referencing Docket ID Number [SSA–2022–0050].

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.* Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAMain,* referencing Docket ID Number [SSA–2022–0050].

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than December 5, 2022. Individuals can obtain copies of the collection instrument by writing to the above email address.

Advance Designation of Representative Payee—0960–0814. On April 13, 2018, the President signed into law The Strengthening Protections for Social Security Beneficiaries Act of 2018, also known as Public Law (Pub. L.) 115–165. Section 201 of the law allows SSA beneficiaries and applicants under Title II, Title VIII and Title XVI, of the Social Security Act (Act) to designate individuals to serve as a representative payee should the need arise in the future. Section 201(j)(2) of Public Law 115–165 provides the requirements for selecting a qualified representative payee. SSA only offers the option to advance designate to capable adults and emancipated minors. Beneficiaries who have an assigned representative payee, or have a representative application in process, cannot advance designate. Form SSA–4547, Advance Designation of Representative Payee, allows beneficiaries or applicants the option to designate individuals in order of priority, to serve as a representative. Beneficiaries or applicants can update or change the advance designee order of priority at any time. SSA uses the information on Form SSA–4547 to select a qualified representative payee in order of priority. If the selected representative payee is unable or unwilling to serve, or meet SSA requirements, SSA will select another representative payee to serve in the beneficiaries and applicant's best interest. SSA will notify beneficiaries annually of the individuals they chose in advance to be their representative payee. The respondents are SSA beneficiaries and claimants who want to choose an advance designate representative.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) **	Average wait time in field office (minutes) ***	Total annual opportunity cost (dollars) ****
Submission of Advance Designation							
Intranet version (Paper Form SSA–4547, SSI Claims System, MCS, iMain)	* 473,052	1	6	47,305	** $19.86	*** 24	**** $4,697,406
Internet version (mySSA)	327,101	1	6	32,710	** 19.86		**** 649,621
Internet version (iClaim)	827,257	1	6	82,726	** 19.86		**** 1,642,938
Totals	1,627,410			162,741			**** 6,989,965
Waiver of Advance Designation							
All Modalities (Intranet and Internet)	1,314,978	1	2	43,833	19.86		**** 870,523
Grand Totals							
Totals	2,942,388			206,574			**** 7,860,488

* SSA enters advance designation information we receive on the paper Form SSA–4547 in the ADRP system using one of the Intranet applications. Accordingly, we have included the paper form responses in this figure for Intranet responses.

** We based this figure by averaging both the average DI payments based on SSA's current FY 2022 data (*https://www.ssa.gov/legislation/2022factsheet.pdf*), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).

*** We based this figure on the average FY 2022 wait times for field offices, based on SSA's current management information data.

**** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than November 7, 2022. Individuals can obtain copies of these OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. *Application for Child's Insurance Benefits—20 CFR 404.350–404.368, 404.603, & 416.350—0960–0010.* Title II of the Act provides for the payment of monthly benefits to children of an insured retired, disabled, or deceased worker. Section 202(d) of the Act discloses the conditions and requirements the applicant must meet when filing an application. SSA uses the information on Form SSA–4–BK to determine entitlement for children of living and deceased workers to monthly Social Security payments. Respondents are guardians completing the form on behalf of the children of living or deceased workers, or the children of living or deceased workers.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–4–BK (Death Claim) paper	1,178	1	12	236	* $28.01	0	*** $6,610
SSA–4–BK/(Death Claim) MCS Interview	227,999	1	11	41,800	* 28.01	** 24	*** 3,725,330

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–4–BK (Life Claim) Paper	2,180	1	12	436	*28.01	0	***12,212
SSA–4–BK (Life Claim) MCS Interview	284,245	1	11	52,112	*28.01	**24	***4,644,338
Totals	515,602			94,584			***8,388,490

*We based this figure on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm#00-0000*).
**We based this figure on the average FY 2022 wait times for field offices, based on SSA's current management information data.
***This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. *Statement for Determining Continuing Eligibility, Supplemental Security Income Payment(s)—416.204—0960–0416.* SSA conducts redeterminations of disability to determine whether Supplemental Security Income (SSI) recipients: (1) have met and continue to meet all statutory and regulatory requirements for SSI eligibility; and (2) are receiving the correct SSI payment amount. SSA makes these redeterminations through periodic use of Form SSA–8203–BK. SSA conducts this legally mandated information collection in field offices via personal contact (face-to-face or telephone interview) using the automated SSI Claim System. The respondents are SSI recipients or their representative payees.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA–8203–BK (paper version)	44,396	1	20	14,799	*$19.86	**21	***$602,513
SSA–8203–BK (SSI Claims system)	1,918,702	1	19	607,589	*19.86	**21	***25,403,621
Totals	1,963,098			622,388			***26,006,134

*We based this figure by averaging both the average DI payments based on SSA's current FY 2022 data (*https://www.ssa.gov/legislation/2022factsheet.pdf*), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).
**We based this figure by averaging the average FY 2022 wait times for field offices and teleservice centers, based on SSA's current management information data.
***This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

3. *Request to Withdraw a Hearing Request; Request to Withdraw an Appeals Council Request for Review; and Administrative Review Process for Adjudicating Initial Disability Claims—20 CFR parts 404, 405, and 416—0960–0710.* Claimants have a statutory right under the Act and current regulations to apply for Social Security Disability Insurance (SSDI) benefits SSI payments. SSA collects information at each step of the administrative process to adjudicate claims fairly and efficiently. SSA collects this information to establish a claimant's right to administrative review, and determine the severity of the claimant's alleged impairments. SSA uses the information we collect to determine entitlement or continuing eligibility to SSDI benefits or SSI payments, and to enable appeals of these determinations. In addition, SSA collects information on Forms HA–85 and HA–86 to allow claimants to withdraw a hearing request or an Appeals Council review request. The respondents are applicants for Title II SSDI or Title XVI SSI benefits; their appointed representatives; legal advocates; medical sources; and schools.

Type of Request: Revision of an OMB-approved information collection.

Regulation sections	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
404.961, 416.1461, 405.330, and 405.366	12,220	1	20	4,073	*$19.86	**$80,890
404.950, 416.1450, and 405.332	1,040	1	20	347	*19.86	**6,891
404.949 and 416.1449	2,868	1	60	2,868	*19.86	**56,958
405.334	20	1	60	20	*19.86	**397
404.957, 416.1457, and 405.380	21,041	1	10	3,507	*19.86	**69,649
405.381	37	1	30	19	*19.86	**377
405.401	5,310	1	10	885	*19.86	**17,576
404.971 and 416.1471 (HA–85 & e85; HA–86 & e86)	1,606	1	10	268	*19.86	**5,322
404.982 and 416.1482	1,687	1	30	844	*19.86	**16,762
404.987 & 404.988 and 416.1487 & 416.1488 and 405.601	12,425	1	30	6,213	*19.86	**123,390
404.1740(b)(1)	150	1	2	5	*19.86	**99
416.1540(b)(1)	150	1	2	5	*19.86	**99
404.1512, 404.1740(c)(4), 416.912, and 416.1540(c)(4)	150	1	2	5	*19.86	**99
405.372(c)	5,310	1	10	885	*19.86	**17,576
405.1(b)(5) 405.372(b)	833	1	30	417	*19.86	**8,282

Regulation sections	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
405.505	833	1	30	417	* 19.86	** 8,282
405.1(c)(2)	5,310	1	10	885	* 19.86	** 17,576
405.20	5,310	1	10	885	* 19.86	** 17,576
Totals	76,300			22,548		** 447,801

* We based this figure by averaging both the average DI payments based on SSA's current FY 2022 data (*https://www.ssa.gov/legislation/2022factsheet.pdf*), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

4. *Electronic SSDI and SSI Wage Reporting: myWageReport, SSA Mobile Wage Reporting, and Supplemental Security Income Telephone Wage Reporting—20 CFR 404.1520(b), 404.1571–1576, 404.1584–1593, & 416.701–416.732—0960–0715.* SSA requires SSDI beneficiaries or their representative payees to report changes when beneficiaries return to work, when their amount of work increases, or when their earnings increase. Similarly, SSA requires recipients of SSI, their deemors, and representative payees to report changes in work and monthly wages. SSA allows SSDI beneficiaries, SSI recipients, deemors, and representative payees to report earnings via electronic means, though the methods available depend on the type of benefits received. SSDI users may report wages using an internet reporting system called myWageReport. myWageReport is a secure internet reporting tool within the mySSA portal that enables SSDI beneficiaries to submit pay stub information to SSA. In addition to myWageReport, SSI users have two other electronic options, the SSA Mobile Wage Reporting application (SSAMWR) and the SSI Telephone Wage Reporting System (SSITWR). The SSITWR allows callers to report their wages by speaking their responses through voice recognition technology, or by keying in responses using a telephone key pad. The SSAMWR allows recipients to report their wages through the mobile wage reporting application on their smartphone. SSITWR and SSAMWR systems collect the same information and send it to SSA over secure channels. To ensure the security of the information provided, SSITWR and SSAMWR ask respondents to provide information SSA can compare against our records for authentication purposes. Once the system authenticates the identity of the respondents, they can report their wage data. The respondents are SSDI beneficiaries, SSI recipients, SSI deemors, or representative payees.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) **	Total annual opportunity cost (dollars) ***
Training/Instruction *	108,280	1	108,280	35	63,163	** $19.86	*** $1,254,417
myWageReport	3,557	12	42,684	7	4,980	** 19.86	*** 98,903
SSITWR	16,341	12	196,092	5	16,341	** 19.86	*** 324,532
SSAMWR	88,382	12	1,060,584	6	106,058	** 19.86	*** 2,106,312
Totals	216,560		1,407,640		190,542		*** 3,784,164

* SSI respondents complete training and a modality of collection. SSA is not able to break down the number of new wage reporters who receive training and long-time wage reporters who did not receive training; therefore, the actual number may be less than the estimate we provided. SSA collects management information data based on the number of transactions; the number of respondents has been extrapolated from that number. We do not collect MI on unique reporters.

** We based this figure by averaging both the average DI payments based on SSA's current FY 2022 data (*https://www.ssa.gov/legislation/2022factsheet.pdf*), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

5. *Government-to-Government Services Online website Registration Form; Government-to-Government Services Online website Account Modification/Deletion Form—20 CFR 401.45—0960–0757.* The Government-to-Government Services Online (GSO) website allows various external organizations to submit files to a variety of SSA systems and, in some cases, receive files in return. The SSA systems that process data transferred via GSO include, but are not limited to, systems responsible for disability processing and benefit determination or termination. SSA uses the information on Form SSA–159, GSO website Registration Form, to register the requestor to use the GSO website. Once we receive the SSA–159, SSA provides the user with account information and conducts a walkthrough of the GSO website as necessary. Established organizations may submit Form SSA–159 to register additional users as well. The established requesting organizations can also complete Form SSA–160, GSO website Account Modification/Deletion Form, to modify their online accounts (*e.g.,* address change). Respondents are State and local government agencies, and some private sector business entities.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–159	1,354	1	15	339	*21.13	**$7,163
SSA–160	430	1	15	108	*21.13	**2,282
Totals	1,784			447		**9,445

*We based these figures on average Information and Record Keeping Analysts' hourly salary, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes434199.htm*).

**This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

6. *Application Status—20 CFR 401.45—0960–0763.* Application Status provides users with the capability to check the status of their pending Social Security claims via the National 800 Number Automated Telephone Service. Users need their SSN and a confirmation number to access this information. SSA systems determine the type of claim(s) the caller filed based upon the information provided. Subsequently, the automated telephone system provides callers with the option to choose the claim for which they wish to obtain status. If the caller applied for multiple claims, the automated system allows the caller to select only one claim at a time. Once callers select the claim(s) they are calling about, an automated voice advises them of the status of their claim. The respondents are current Social Security claimants who wish to check on the status of their claims.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden hours (hours)	Average theoretical hourly cost (dollars) *	Average wait for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
Application Status	790,821	1	3	39,541	$19.86*	19**	$5,758,764***

* We based this figure by averaging both the average DI payments based on SSA's current FY 2022 data (*https://www.ssa.gov/legislation/2022factsheet.pdf*), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).

** We based this figure by averaging the average FY 2022 wait times for teleservice centers, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

7.*Report of Adult Functioning-Employer—20 CFR 404.1512 and 416.912—0960–0805.* Under the authority provided in sections 205(a), 223(d)(5)(A), 1631(d)(1), and 1631(e)(1) of the Act, the agency may collect information from each applicant for, or recipient of (collectively referred to as ''claimant''), disability insurance benefits (DIB) or SSI payments. We use this information as evidence to help us determine eligibility or continued eligibility for DIB or SSI. These sections of the Act grant us the authority to establish procedures for collecting and verifying this evidence. Sections 20 CFR 404.1512 and 20 CFR 416.912 of the Code of Federal Regulations provide detailed requirements for the types of evidence we request claimants provide showing how their impairment(s) affects their ability to work (*e.g.,* medical, work experience, daily activities, efforts to work). When SSA's Disability Determination Service adjudicative team determines that SSA needs additional information to process an applicant's or claimant's case, we use Form SSA–3385, Report of Adult Functioning—Employer, to collect information from a claimant's current or former employer on an as needed basis, to collect information regarding the claimant's job performance as evidence to help inform the disability eligibility for the claimant. We send the SSA–3385 with a pre-addressed and stamped envelope to a claimant's direct supervisor, or another person who has direct knowledge of the claimant's job performance and ask that individual to provide information about the claimant's day-to-day functioning in a work setting. The respondent completes Form SSA–3385 and sends it back to SSA in the enclosed envelope. Once SSA receives the SSA–3385, the field office scans the form into the claimant's electronic folder. Then the Disability Determination Service adjudicative team uses this information to evaluate the claimant's impairment-related functional limitations to determine eligibility or continued eligibility for SSDI or SSI. The respondents are current or former employers who are contacted only when the adjudicative team decides additional information is necessary and the employer may be a good source for the information.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–3385	3,601	1	20	1,200	$28.01*	$33,612**

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Dated: September 30, 2022.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2022–21667 Filed 10–5–22; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 11878]

60-Day Notice of Proposed Information Collection: Department of State Acquisition Regulation (DOSAR)

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to 60 days after the date of publication in the **Federal Register**.

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

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2022–0033'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: acquisitionpolicy@state.gov* and/or *schroederhr@state.gov.*

You must include the -DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Hilary Schroeder, who may be reached on (202) 890–9798 or at *schroederhr@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Department of State Acquisition Regulation (DOSAR).
- *OMB Control Number:* 1405–0050.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* A/OPE/AP/SCPD.
- *Form Number:* No form.
- *Respondents:* Offerors and awardees of Department of State solicitations and contracts.
- *Estimated Number of Respondents:* 2,897.
- *Estimated Number of Responses:* 3,095.
- *Average Time per Response:* 82 hours.
- *Total Estimated Burden Time:* 253,416 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Mandatory.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This collection includes DOSAR provisions and clauses implemented via solicitations and contracts to ensure offerors meet qualifications and awardees meet specific post-award requirements.

Methodology

Information is collected electronically.

Sharon D. James,

Acting Office Director, Office of the Procurement Executive, Office of Acquisition Policy (A/OPE/OAP), Department of State.

[FR Doc. 2022–21749 Filed 10–5–22; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Rescission of the Notice of Intent to Prepare an Environmental Impact Statement for the Route 2/2A/32 Corridor Improvements Project, New London County, Connecticut

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA, in cooperation with the Connecticut Department of Transportation (CTDOT) is issuing this Notice to advise the public that we are rescinding the June 3, 1996, Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Route 2/2A/32 Project in New London County, Connecticut. We are rescinding the NOI because a substantial amount of time has passed since its publication and there is a need to re-evaluate traffic growth and congestion in the region.

FOR FURTHER INFORMATION CONTACT: Amy D. Jackson-Grove, Division Administrator, FHWA, Connecticut Division, 450 Main Street, Suite 612, CT 06103; Telephone: (860) 659–6703.

SUPPLEMENTARY INFORMATION: The FHWA, as the lead Federal Agency, in cooperation with the Connecticut Department of Transportation (CTDOT), as the joint lead agency and local project sponsor, published an NOI in the **Federal Register** on June 3, 1996, at 61 FR 27945, to prepare an EIS on a proposal for transportation improvements within the Connecticut Route 2/2a/32 (CT 2/2A/32) corridor in the towns of Norwich, Preston, Ledyard, North Stonington, Stonington, Montville, New London, Connecticut.

The purpose of the proposed project was to identify transportation improvements to relieve existing and predicted traffic congestion and improve safety on the Route 2 and 2A corridors, along with associated state routes that intersect with Route 2. The study area extended from Westerly, Rhode Island, northwest to Norwich, CT, and south to New London, CT. The Draft EIS was completed and considered a range of alternatives that included: (1) No Action; (2) commuter rail service along the New England Central Rail line combined with transit service (light rail or monorail) between Norwich, CT and Westerly, RI; (3) bus service between Norwich and Westerly along (in part) a dedicated busway; (4) a bypass of Route 2A; (5) widening Route 2 and upgrading Routes 32 and 164; (6) and a bypass of Route 2 in North Stonington. Each

alternative was evaluated for impacts to cultural and natural resources, socioeconomic concerns, visual and scenic resources, hazardous materials, existing land use, and local/regional transportation needs.

The Final EIS (FEIS) identified a Preferred Alternative, which was a refinement of DEIS Alternative E (listed as #5 above). This included adding capacity to the Route 2A Bridge by adding a second, parallel, 2-lane bridge crossing the Thames River; a bypass of Route 2A; widening Route 2 in Preston; and upgrading Route 2 in North Stonington. A Record of Decision (ROD) was not finalized and a ROD was not published in the **Federal Register**.

The decision to rescind the NOI is based on the age of the studies conducted in support of the Environmental Impact Statement (EIS) and the need to re-assess transportation demand within the corridor. Following completion of a new corridor study, FHWA and CTDOT will initiate new NEPA studies, as appropriate, to assess the potential environmental impacts of future actions that involve the study area. Any future project proposed within this corridor will comply with environmental review requirements of the National Environmental Policy Act ((NEPA) (42 U.S.C. 4321 *et seq.*)), FHWA environmental regulations (23 CFR part 771), and related authorities prior to issuance of a ROD or other NEPA decision, as appropriate. Comments and questions concerning this action should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 42 U.S.C. 4321 *et seq.;* 23 CFR part 771.

Amy D. Jackson-Grove,

Division Administrator, Federal Highway Administration.

[FR Doc. 2022–21750 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

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

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to a proposed highway project, replacing rock slope protection for four bridges at Three Star Ditch (PM R87.96R/L) and Determination Ditch (PM R90.98 R/L) on Interstate 10, in the County of Riverside, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before March 6, 2023. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Shawn Oriaz, Senior Environmental Planner, California Department of Transportation, District 8, 464 W. Fourth Street, MS–823, San Bernardino, CA 92401–1400, Phone: (909) 501–5743, Email: *shawn.oriaz@dot.ca.gov.* For FHWA, contact Shawn Oliver via email: *shawn.oliver@dot.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans, has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: Replace the existing Rock Slope Protection (RSP) for four bridges along Interstate 10 from Post Mile 87.9 to 90.9 in Riverside County, California. The project includes widening the bridge deck overhang, adding 12-inch rumble strips, replacing the existing bridge rails with concrete barrier, and replacing the existing RSP for four bridges at Three Star Ditch and Determination Ditch. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA)/Finding of No Significant Impact (FONSI) for the project, approved on August 17, 2022, and in other documents in the Caltrans' project records. The FEA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans FEA and FONSI can be viewed and downloaded from the State of California, Governor's Office of Planning and Research CEQAnet Web Portal at: *https://ceqanet.opr.ca.gov/2022060556.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality Regulations
2. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*
3. Federal-Aid Highway Act of 1970, 23 U.S.C. 109
4. MAP–21, the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141)
5. Clean Air Act Amendments of 1990 (CAAA)
6. Clean Water Act of 1977 and 1987
7. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 and 1987)
8. Endangered Species Act of 9173
9. Executive Order 11990, Protection of Wetlands
10. Executive Order 13112, Invasive Species
11. Executive Order 13186, Migratory Birds
12. Fish and Wildlife Coordination Act of 1934, as amended
13. Migratory Bird Treaty Act
14. Executive Order 11988, Floodplain Management
15. Department of Transportation (DOT) Executive Order 5650.2—Floodplain Management and Protection (April 23, 1979)
16. Rivers and Harbors Appropriation Act of 1899, Section 9 and 10
17. Title VI of the Civil Rights Act of 1964, as amended.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1))

Antonio Johnson,

Director, Planning, Environment and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2022–21711 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

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

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to a proposed project, to construct a new bridge over the Sacramento River south of Pioneer Bridge (US 50), in the County of Yolo, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before March 6, 2023. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Laura Loeffler Branch Chief, Caltrans Office of Environmental Management, M–1 California Department of Transportation–District 3, 703 B Street, Marysville, CA 95901. Office Hours: 8:00 a.m.–5:00 p.m., Pacific Standard Time, telephone: (530) 812–4937 or email at *laura.loeffler@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The City of West Sacramento, in cooperation with the City of Sacramento, and the California Department of Transportation proposes to construct a new bridge over the Sacramento River south of Pioneer Bridge (US 50). The proposed project is located approximately 400 to 1,000 feet south of Pioneer Bridge. The total length of the project is 1.0 mile from Jefferson Boulevard in West Sacramento to the 5th Street and Broadway intersection in Sacramento. The proposed structure would be movable bridge and include bicycle and pedestrian facilities. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA)/Finding of No Significant Impact (FONSI), approved on 8/31/22, and in other documents in the Caltrans' project records. The FEA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above, or at the project website, *https://www.cityofwestsacramento.org/government/departments/capital-projects-and-transportation/projects/broadway-bridge-projects.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality Regulations
2. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*
3. Federal-Aid Highway Act of 1970, 23 U.S.C 109
4. MAP–21, the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141)
5. Clean Air Act Amendments of 1990 (CAAA)
6. Clean Water Act of 1977 and 1987
7. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987)
8. Federal Land Policy and Management Act of 1976 (Paleontological Resources)
9. Noise Control Act of 1972
10. Safe Drinking Water Act of 1944, as amended
11. Endangered Species Act of 1973
12. Executive Order 11990, Protection of Wetlands
13. Executive Order 13112, Invasive Species
14. Executive Order 13186, Migratory Birds
15. Fish and Wildlife Coordination Act of 1934, as amended
16. Migratory Bird Treaty Act
17. Water Bank Act Wetlands Mitigation Banks, ISTEA 1991, Sections 1006–1007
18. Wildflowers, Surface Transportation and Uniform Relocation Act of 1987 Section 130
19. Coastal Zone Management Act of 1972
20. Coastal Zone Management Act Reauthorization Amendments of 1990
21. Executive Order 11988, Floodplain Management
22. Department of Transportation (DOT) Executive Order 5650.2—Floodplain Management and Protection (April 23, 1979)
23. Rivers and Harbors Appropriation Act of 1899, Sections 9 and 10
24. Title VI of the Civil Rights Act of 1964, as amended
25. Executive Order 12898, Federal Actions to Address Environmental Justice and Low-Income Populations

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1))

Antonio Johnson,

Director, Planning and Environment, Federal Highway Administration, California Division.

[FR Doc. 2022–21716 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0215]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: PAWSABILITIES (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0215 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0215 and follow the instructions for submitting comments.

• *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0215, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel PAWSABILITIES is:

—*Intended Commercial Use of Vessel:* ''OUPV ''Six-Pack'' sightseeing tours.''
—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Boca Raton, FL)
—*Vessel Length and Type:* 44′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0215 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0215 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21741 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0211]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: NEXGEN (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0211 by any one of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0211 and follow the instructions for submitting comments.

• *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0211, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include

your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel NEXGEN is:

—*Intended Commercial Use of Vessel:* ''I will be using this vessel for sport fishing.''
—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: St. Augustine, FL)
—*Vessel Length and Type:* 37′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0211 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0211 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21740 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0208]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: MARBRY (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0208 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0208 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0208, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel MARBRY is:

—*Intended Commercial Use of Vessel:* ''The vessel is intended to carry passengers only.''

—*Geographic Region Including Base of Operations:* ''Florida, Puerto Rico.'' (Base of Operations: Fort Lauderdale, FL)

—*Vessel Length and Type:* 39.3′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0208 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0208 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21739 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0202]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: DAYDREAMS (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0202 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0202 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0202, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in

nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel DAYDREAMS is:

—*Intended Commercial Use of Vessel:* ''Day and term crewed charters.''
—*Geographic Region Including Base of Operations:* ''Massachusetts.'' (Base of Operations: Nantucket, MA)
—*Vessel Length and Type:* 49′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0202 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0202 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21734 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0209]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SEXY LEXI (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0209 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0209 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0209, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the

intended service of the vessel SEXY LEXI is:

—*Intended Commercial Use of Vessel:* ''Taking passengers on sunset cruise or coffee cruise.''

—*Geographic Region Including Base of Operations:* ''Hawaii.'' (Base of Operations: Honolulu, HI)

—*Vessel Length and Type:* 32′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0209 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0209 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21743 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0203]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SHOOTOKILL II (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0203 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0203 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0203, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SHOOTOKILL II is:

—*Intended Commercial Use of Vessel:* ''Fishing charters.''

—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Homassasa, FL)

—*Vessel Length and Type:* 36′ Motor

The complete application is available for review identified in the DOT docket

as MARAD 2022–0203 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0203 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21744 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0217]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: DELIGHT (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0217 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0217 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0217, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel DELIGHT is:

—*Intended Commercial Use of Vessel:* ''Fishing parties.''

—*Geographic Region Including Base of Operations:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas.'' (Base of Operations: Severna Park, MD)

—*Vessel Length and Type:* 45′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0217 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and

MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0217 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21735 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0207]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ALTHEA (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0207 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search MARAD–2022–0207 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0207, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ALTHEA is:

—*Intended Commercial Use of Vessel:* ''Private vessel charters, passengers only.''

—*Geographic Region Including Base of Operations:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York (excluding waters in New York Harbor), New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, California, Oregon, Washington, and Alaska (excluding waters in Southeastern Alaska).'' (Base of Operations: San Francisco, CA)

—*Vessel Length and Type:* 43′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0207 at *https://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and

MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0207 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21731 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0210]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: AURORA (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0210 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0210 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0210, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel AURORA is:

—*Intended Commercial Use of Vessel:* ''Charter program in the Florida Keys.''
—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Key Largo, FL)
—*Vessel Length and Type:* 40′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0210 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given

in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0210 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21732 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0204]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SLAM'D (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0204 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0204 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0204, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SLAM'D is:

—*Intended Commercial Use of Vessel:* ''Coastwise charters.''
—*Geographic Region Including Base Of Operations:* ''Florida.'' (Base of Operations: Miami, FL)
—*Vessel Length and Type:* 51.8′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0204 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English.

We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0204 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21745 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0212]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: 45 NORTH (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0212 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0212 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0212, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel 45 NORTH is:

—*Intended Commercial Use of Vessel:* ''Experience cruising for understanding and appreciation of United States inland waterways. Guests, usually 4 or less, would experience approximately 10 day segments of ''America's Great Loop''. Additional segments would include destinations within Lakes Michigan and Huron.''

—*Geographic Region Including Base of Operations:* ''Florida, Georgia, South Carolina, North Carolina, Maryland, New Jersey, New York, Ohio, Michigan, Illinois, Missouri, Kentucky, Tennessee, Alabama, Mississippi.'' (Base of Operations: Leland, MI)

—*Vessel Length and Type:* 55.9′ Motor.

The complete application is available for review identified in the DOT docket as MARAD 2022–0212 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES.** Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise

comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0212 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21725 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0206]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: FULL CIRCLE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0206 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0206 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0206, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel FULL CIRCLE is:

—*Intended Commercial Use of Vessel:* ''Local 6-passenger sightseeing cruises.''

—*Geographic Region Including Base of Operations:* ''South Carolina.'' (Base of Operations: Charleston, SC)

—*Vessel Length and Type:* 36′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0206 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0206 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that

you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21737 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0216]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: PONY UP (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0216 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0216 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0216, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel PONY UP is:

—*Intended Commercial Use of Vessel:* ''Miami bareboat charters—max 12 guests.''

—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Naples, FL)

—*Vessel Length and Type:* 70′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0216 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0216 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21742 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0214]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: INDULGENCE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0214 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0214 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0214, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel INDULGENCE is:

—*Intended Commercial Use of Vessel:* ''Passenger.''

—*Geographic Region Including Base of Operations:* ''New York, Rhode Island, Florida.'' (Base of Operations: Norwalk, CT)

—*Vessel Length and Type:* 47.1′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0214 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0214 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible,

please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21738 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0213]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ELLITA (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0213 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0213 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0213, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ELLITA is:

—*Intended Commercial Use of Vessel:* ''For day and overnight charters.''
—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Key West, FL)
—*Vessel Length and Type:* 39.3′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0213 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0213 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential

under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21736 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0205]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: CRAZY BANANA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 7, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0205 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0205 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0205, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel CRAZY BANANA is:

—*Intended Commercial Use of Vessel:* ''Sport charter fishing in the Florida keys.''

—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Key Largo, FL)

—*Vessel Length and Type:* 34′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0205 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0205 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's

compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–21733 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2021–0033]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Government 5-Star Safety Ratings Label Consumer Research

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for approval of a new information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. This document describes a new collection of information for consumer research purposes regarding the Government 5-Star Safety Ratings section of the Monroney label for which NHTSA intends to seek OMB approval. A **Federal Register** Notice with a 60-day comment period was published on November 19, 2021. Seven (7) public comments were received before the closing date of January 18, 2022.

DATES: Comments must be submitted on or before November 7, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Mike Joyce, Marketing Specialist, Office of Communications and Consumer Information (NCO–0200), National Highway Traffic Safety Administration, 1200 New Jersey Ave. SE, W52–238, Washington, DC 20590. Mike Joyce's phone number is 202–366–5600 and his email address is *Mike.Joyce@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

Title: Government 5-Star Safety Ratings Label Consumer Research.

OMB Control Number: 2127-New.

Form Number(s): NHTSA Form 1681, NHSTSA Form 1682, NHTSA Form 1683.

Type of Request: Request for approval of a new information collection.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: Three years from approval date.

Abstract: The National Highway Traffic Safety Administration (NHTSA) was established by the Highway Safety Act of 1970 (Pub. L. 91–605, 202(a), 84 Stat. 1713, 1739–40). NHTSA'S mission is to save lives, prevent injuries and reduce economic costs due to crashes on the nation's highways. Part C of the Motor Vehicle and Driver Programs, at 49 U.S.C. 32302, requires the Secretary of Transportation (NHTSA by delegation) to provide to the public information about the safety of new passenger motor vehicles. Under its New Car Assessment Program (NCAP) and 5-Star Safety Ratings Program, NHTSA conducts frontal crash, side crash and rollover resistance tests of new vehicles and, based on the results, assigns safety ratings to the tested vehicles. The ratings enable consumers to consider and assess the relative safety of vehicles before deciding which new vehicle they want to purchase.

In 2005, Congress enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59), which required the safety ratings assigned by NHTSA under NCAP or a statement that the vehicle was not assigned safety ratings under NCAP to be included on the window label for new vehicles, known as the Monroney label.[1] Per 15 U.S.C. 1232(g), the window label must contain the safety ratings published or released by NHTSA's New Car Assessment Program, including the graphical depiction of those ratings, reference to the safety rating categories (*e.g.,* frontal impact crashes tests, side impact crash tests, and rollover restistance tests), and information describing the nature and meaning of the crash test data presented and a reference to *http://www.safercar.gov.* This information must be presented in a legible, visible, and prominent fashion that covers at least 8 percent of the total area of the label, or an area with a minimum length of four and a half inches and a minimum height of three and a half inches. If a vehicle has not been rated by NHTSA's New Car Assessment Program, then the label much state that.[2] On December 4, 2015, Congress enacted the Fixing America's Surface Transportation (FAST) Act, which requires the Secretary of Transportation (NHTSA by delegation) to issue a rule to ensure crash-avoidance information is provided next to crashworthiness information on vehicle window stickers.[3]

In continuing support of its mission and to assist the agency in meeting its FAST Act requirement, NHTSA proposes to conduct qualitative research using focus groups in four geographic markets located across the country to evaluate design and consumer information improvements to the Government 5-Star Safety Ratings section of the Monroney label.[4] This information collection will involve a one-time, voluntary phone screening survey involving members of the public to identify research participants for a one-time, in-person focus group. Participants in the research program will be asked to evaluate design and consumer information improvements to the Government 5-Star Safety Ratings section of the vehicle window sticker. NHTSA will use the findings from this research to support planned changes to the current label requirements and future designs for communicating vehicle safety ratings and advanced driver assistance systems performance assessments to consumers.

Summary of the Collection of Information: In this collection of

[1] The Automobile Information Disclosure Act of 1958, 15 U.S.C. 1231–1233, requires that new vehicles carry a sticker on a window containing specified information about the vehicle.

[2] 12 U.S.C. 1232(h).

[3] Section 24322 of Part II—Safety Through Informed Consumers Act of 2015. Public Law 114–94.

[4] 15 U.S.C. 1232.

information, NHTSA is seeking approval to conduct qualitative focus groups with 66 consumer participants. The focus groups aim to achieve the following objectives:

(1) Evaluate the overall appeal of each label concept and identify specific likes and dislikes associated with specific components of the label;

(2) Measure the ease of comprehension for each label concept and understand which visual and text features are most effective at conveying vehicle safety information;

(3) Assess the distinctiveness of how the information is displayed and understand how best to make the vehicle safety information stand out on the Monroney label; and,

(4) Identify additional areas of improvement related to the three main label sections relating to safety protection, safety technology, and overall vehicle safety performance.

Description of the Need for the Information and the Proposed Use of the Information: This collection of information will allow NHTSA to obtain critical information to assist the agency in fulfilling the 2015 FAST Act's requirement that NHTSA issue a rule to ensure that crash-avoidance information is provided next to crashworthiness information on vehicle windows stickers.[5] Specifically, the data from this collection will be used to not only enhance consumer understanding of NHTSA's vehicle safety ratings and advanced driver assistance systems performance assessments, but also guide the development of communications that will help consumers as they consider this information in their vehicle purchase decisions.

60-Day Notices:

On April 28, 2020, NHTSA published a notice in the **Federal Register** soliciting public comments with a 60-day comment period (85 FR 23598). NHTSA received 4 public comments submitted to the docket during this period. Given the extended time period since the initial publication of that notice, NHTSA published a new 60-day notice on November 19, 2021 (86 FR 64989) seeking comment on the same ICR. The November 19, 2021 notice sought public comment on the ICR and also responded to the comments received on the original notice.

The comment period for the November 19, 2021 notice closed on January 18, 2022. NHTSA received seven (7) public comments. NHTSA received public comments from General Motors (GM), National Safety Council (NSC), National Automobile Dealers Association (NADA), Motor & Equipment Manufacturers Association (MEMA), VERITY Now, Auto Innovators and a member of the general public.

In addition to receiving general comments about the ICR, NHTSA received comments on the following topics: (1) selection of and number of research participants (2) study methodology; and (3) suggestions regarding the content of the labels presented to research particpants. NHTSA also received comments regarding topics not directly related to the ICR. The public comments and NHTSA's responses are summarized below.

NHTSA received general support for conducting the research from two commentors. NSC's comment stated that they ''applaud the proposed action of NHTSA to conduct qualitative research to identify ways to improve the information displayed and communicated through the 5-Star Safety Ratings.'' Auto Innovators stated that it supports the proposed collection of information as it is both necessary for the proper performance of the functions of the agency in ensuring a modernized approach to NCAP, and because the information can have practical utility in informing the structure and content of the Monroney label. The comment from Auto Innovator also encouraged NHTSA to prioritize this information collection effort to ensure that it is completed in a timely manner.

Participant Selection:

NHTSA received three comments regarding participant selection. NADA urges NHTSA to pre-screen potential participants to ensure they are prospective purchasers. GM stated that it believes participants should be drawn from the population of households that acquired a new vehicle, not used as the window label is more relevant to new vehicle buyers. GM also recommended reducing the number of participants from 9 to 6 to provide for better engagement of participants.

The comment from the National Safety Council (NSC) suggests that NHTSA should conduct the research to improve the sharing of information by engaging a diverse set of the consumers and having representative selection in each focus group to ensure the best input with all consumers. GM suggested reducing cities and suggested that conducting the research in 4 cities may be unnecessary.

NHTSA Response: The study will use focus groups to collect insights to guide potential redesign of the Government 5-Star Safety Ratings section of the Monroney label (vehicle window sticker). The target audience for the research will include licensed drivers, ages 18+ who are either a primary or shared decision-maker for vehicle purchases in the household, have either recently purchased a motor vehicle (last 6 months) OR who are likely to do so in the next 12 months AND reside in one of the four target markets where the research will be conducted. NHTSA will use a total of four markets to provide a mix of geographies (east coast, mid-west, southwest and west coast). Additionally, participants will be recruited to represent a mix of demographics (age, gender, ethnicity, etc.).

Research Methodology:

NHTSA received several comments on research methodology. Specifically, GM and NADA noted that the 60-day notice did not outline the specific changes it will present to the focus groups. GM's comment stated that NHTSA's research plan in the public notice did not discuss the specific content or how the content will be presented to participants. GM also states that NHTSA did not specify the number or format of the concepts or mention the qualifications to participate in the research study.

Response: NHTSA notes that the study will use data driven insights from the qualitative research to guide potential redesign of the Government 5-Star Safety Ratings section of the Monroney label (vehicle window sticker). The research will evaluate a variety of concept executions to explore both graphical and text-based communications as potential modifications to the Government 5-Star Safety Ratings section of the Monroney label with the intent of finding the most effective way to display information related to vehicle safety.[6] During the focus groups participants will first review an example (poster-sized version of a window sticker and smaller version in a respondent workbook) of the current design of the Monroney Label to help identify what areas are effective at grabbing their attention and which areas (if any) are unclear or confusing. The discussion will then focus on the section of window sticker featuring the Government 5-star safety ratings to

[5] Section 24322 of Part II—Safety Through Informed Consumers Act of 2015 requires the Secretary of Transportation (NHTSA by delegation) to issue a rule to ensure that crash-avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers. Public Law 114–94, December 4, 2015.

[6] For more detailed information about the research methodology, please see the background documents available *www.reginfo.gov/public/do/PRAMain.* To find this particular collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

capture reactions (clarity of information, size, color, ability to grab attention, etc.). The remaining discussion will focus on evaluating concepts for new designs. The research expects to test label concepts for improvement on three main sections related to safety protection, safety technology and overall vehicle safety performance and will include up to three alternative design concepts. NHTSA is also considering additional quantitative market research to further confirm and validate the findings.

One of the core objectives of the research is to measure the clarity and ease of comprehension for each concept and understand which visual and text features are most effective at conveying safety information. This will be accomplished through a mix of workbook activities where each participant can identify specific elements, visuals, words or phrases that are unclear or confusing and a subsequent group discussion to debrief on any problem areas. Furthermore, the research will examine the vehicle safety information in the current window sticker design along with several alternative concepts that use different ways of displaying safety information to determine the most effective way to communicate the relative safety performance. The use of different visual designs will allow NHTSA to better understand consumer reactions to the size and orientation of safety content on the label and to determine the importance of various elements along with and potential trade-offs to be considered when prioritizing safety information.

Label Content:

Several commenters included specific recommendations about the different designs that study participants would be asked to evaluate. The comment from Auto Innovators urges NHTSA to explore testing different ratings formats that differ from the current U.S. star rating to determine whether consumers can easily interpret information presented in different formats on the same label. Auto Innovators suggests that NHTSA should consider whether safety information can be effectively communicated both in the presence or absence of color. Auto Innovators also suggests that NHTSA's research should assess differentiation between various levels of performance. The comment from the Auto Innovators also discussed results from a consumer survey they conducted and stated that the results of the survey suggests that the assessment criteria should be structured to allow for differentiation between various levels of performance. Specifically, 84% of respondents to their survey indicated that half stars would be helpful with few indicating they would be unhelpful. Auto Innovators urged NHTSA to consider this, and other results from their suvery, as part of its focus group engagement.

NHTSA also received general comments regarding the label from MEMA and NSC. MEMA suggests that NHTSA should utilize common, consumer-friendly technology nomenclature, and maintain the use of star ratings on the label/program. NSC suggested that NHTSA's new label(s) should be approachable and include well understood language that all people can understand. Both Auto Innovators and MEMA suggested leveraging QR codes to provide more detailed information to consumers.

Response: The research will examine the vehicle safety information in the current window sticker design along with several alternative concepts that use different ways of displaying safety information to determine the most effective way to communicate the relative safety performance. The use of different visual designs will allow NHTSA to better understand consumer reactions to the size and orientation of safety content on the label and to determine the importance of various elements along with and potential trade-offs to be considered when prioritizing safety information. This, in turn, will help to inform changes to the label requirements as well as future consumer communications on vehicle safety ratings and safety technology systems performance assessments to assist the public when making vehicle purchasing decisions.

The research will include several alternative designs and consumer reaction to the different elements will help illustrate which format(s) are effective at helping the consumer quickly assess differentiation between various levels of safety performance.

As part of the research, NHTSA specifically plans to examine the role of color and see if there is any evidence to suggest concerns over the ability to understand the differences when showing information in black and white (versus displaying it in color).

Other Comments:

NHTSA also received several comments that were not relevant to the information collection, but rather commented on NCAP more generally. NSC's comment stated their support for changes to NCAP to include, a minimum, changes for crash avoidance, crashworthiness, and pedestrian detection. And recommended that NHTSA should work with manufacturers at no additional cost to consumers. NHTSA also received a comment from VERITY Now, and an individual, Maria, Kuhn, suggesting that NHTSA's test should be more equitable to account for women. VERITY Now's comment suggested that the 5-star program does not test for women in the driver's seat and that the crash test dummies NHTSA uses to represent women in other vehicle positions are based on male physiology.

Response: While these comments are not directly relevant to this ICR, NHTSA notes that the agency does use female crash test dummies in various crash tests in both the 5-star safety ratings program and the compliance crash test program. The focus of this consumer research, however, is to refine the vehicle safety information currently included in the 5-star safety ratings program on the Monroney label from a consumer-focused perspective. The comment proposed here is outside the scope of this consumer research effort. However, the agency continues to evaluate this matter from a technical research perspective.

Affected Public: Members of the public 18 years of age or older with a driver's license, who are a decision-maker for vehicle purchases for their household, has either purchased or leased a vehicle in the last six months or is planning to do so in the next 12 months and lives in one of the four markets to conduct the research (Arlington, VA; Dallas, TX; Columbus, OH; or San Jose, CA).

Frequency: One time.

Number of Respondents: 500.

For this information collection, NHTSA plans to conduct a total of eight focus group sessions (two groups in each of the following recommended markets: Arlington, VA; Dallas, TX; Columbus, OH; and San Jose, CA), each lasting approximately 90 minutes. NHTSA intends for each focus group to consist of approximately nine participants (six participants in Arlington, due to social distancing restrictions) for a total of 66 participants in the focus group sessions. Based on experience, NHTSA will need to recruit up to 14 people per focus group in order to ensure that the desired number will appear at the focus group facility at the appointed time. If more than the desired number of participants show up at the facility for a given session, the research team will select nine participants (six in Arlington) based on their profile information provided in the recruitment grid to seat. The remaining participants will be paid their honorarium, thanked for their willingness to participate, and informed that they are free to go.

Therefore, in order to ensure that there are approximately nine participants (six in Arlington) per focus group session, a total of 100 potential participants (eight per focus group in Arlington and 14 per focus group in other markets) will be recruited via telephone screening calls, which are estimated to take five minutes per call. In order to recruit 100 potential participants, NHTSA estimates that it will be necessary to initially reach out to and screen 500 people. This is based on experience that demonstrates that, of the people who are contacted, 20% will qualify for the study, be available and be interested in participating in the focus group.

Estimated Total Annual Burden Hours: 141 hours.

NHTSA estimates the total burden per person actually participating in this focus group research is estimated to be 95 minutes (five minutes for the screening/recruiting telephone call plus 90 minutes in the focus group discussion session). Additionally, the total burden per person recruited (but not participating in the discussions) is five minutes. Therefore, the total annual estimated burden imposed by this collection is approximately 141 hours.

Category of respondent	Number of respondents	Participation time (minutes)	Burden
Recruit/screening call (assumes 20% qualify, are available and interested in participating in the focus group).	500	5	41.7 hours, or 42 hours (rounded).
Participation in 90-minute group	66	90	99.0 hours.
Total Burden	.....	.....	141 hours.

Estimated Total Annual Burden Cost: $3,360.00.

The only cost burdens respondents will incur are costs related to travel to and from the research location. The costs are minimal and are expected to be offset by the honorarium that will be provided to all research participants. NHTSA estimates that each of the focus group participants will travel less than 30 miles one-way to the focus group location (60 miles round trip). Using the IRS standard mileage rate of $0.56 per mile,[7] each respondent is expected to incur no more than $33.60 in transportation costs. Therefore, NHTSA estimates that the total costs to all respondents will be $3,360.00.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the 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 respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Issued on: September 30, 2022.

Juliette Marie Vallese,

Associate Administrator, Office of Communications and Consumer Information.

[FR Doc. 2022–21712 Filed 10–5–22; 8:45 am]

BILLING CODE 4910–59–P

[7] From Internal Revenue Services' 2021 Standard Mileage Rate for business miles driven. *https://www.irs.gov/tax-professionals/standard-mileage-rates*, last accessed May 7, 2021.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2420; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or Assistant Director for Regulatory Affairs, tel.: 202–622–4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On October 3, 2022, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. NOVALIC, Fadil, Bosnia and Herzegovina; DOB 25 Sep 1959; POB Gradacac, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; citizen Bosnia and Herzegovina; Gender Male; Prime Minister of the Federation of Bosnia and Herzegovina (individual) [BALKANS–EO14033].

Designated pursuant to section 1(a)(ii) of Executive Order 14033 of June 8, 2021, ''Blocking Property and Suspending Entry into the United States of Certain Persons Contributing to the Destabilizing Situation in the Western Balkans,'' 86 FR 31079 (June 10, 2021) (E.O. 14033) for being responsible for or complicit in, or having directly or indirectly engaged in, actions or policies that undermine democratic processes or institutions in the Western Balkans.

2. STANKOVIC, Slobodan, Bosnia and Herzegovina; DOB 01 Jan 1949; POB Banja Luka, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Male (individual) [BALKANS–EO14033] (Linked To: DODIK, Milorad).

Designated pursuant to section 1(a)(vi) of E.O. 14033 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Milorad Dodik, a person whose property and interests in property are blocked pursuant to E.O. 14033.

Entity

1. INTEGRAL INZENJERING A.D. LAKTASI (a.k.a. INTEGRAL INZENJERING A.D. INZENJERING–PROMET–EXPORT–IMPORT, LAKTASI; a.k.a. INTEGRAL INZENJERING PLC), Omladinska ulica 44, Laktasi 78250, Bosnia and Herzegovina; Organization Established Date 20 Nov 1989; Tax ID No. 440114505005 (Bosnia and Herzegovina); Registration Number 1–91–00 (Bosnia and Herzegovina) [BALKANS–EO14033] (Linked To: STANKOVIC, Slobodan).

Designated pursuant to section 1(a)(vii) of E.O. 14033 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Slobodan Stankovic, a person whose property and interests in property are blocked pursuant to E.O. 14033.

Dated: October 3, 2022.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2022–21758 Filed 10–5–22; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

A. On September 30, 2022, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810–AL–P

Individuals:

1. SHOIGU, Sergei Kuzhugetovich (a.k.a. SHOIGU, Sergey; a.k.a. SHOYGU, Sergey Kuzhugetovich), Russia; DOB 21 May 1955; POB Chadan, Republic of Tyva, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(iii)(A) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249 (April 19, 2021) (E.O. 14024) for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

2. SHOIGU, Irina Aleksandrovna (Cyrillic: ШОЙГУ, Ирина Александровна) (a.k.a. ANTIPINA, Irina Aleksandrovna; a.k.a. SHOYGU, Irina Aleksandrovna), Russia; DOB 31 May 1955; POB Krasnoyarsk, Russia; nationality Russia; Gender Female; Tax ID No. 503201763587 (Russia) (individual) [RUSSIA-EO14024] (Linked To: SHOIGU, Sergei Kuzhugetovich).

   Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Sergei Kuzhugetovich Shoigu, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

3. SHOIGU, Yuliya Sergeyevna (Cyrillic: ШОЙГУ, Юлия Сергеевна), Moscow, Russia; DOB 1977; POB Krasnoyarsk, Russia; nationality Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: SHOIGU, Sergei Kuzhugetovich).

   Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Sergei Kuzhugetovich Shoigu, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

4. SHOIGU, Kseniya Sergeyevna (Cyrillic: ШОЙГУ, Ксения Сергеевна) (a.k.a. CHOIGU, Xenia; a.k.a. SHOIGU, Ksenia), Moscow, Russia; DOB 10 Jan 1991; POB Moscow, Russia; nationality Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: SHOIGU, Sergei Kuzhugetovich).

   Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Sergei Kuzhugetovich Shoigu, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

5. CHECHIKHIN, Yuriy Valeryevich (a.k.a. CHECHIKHIN, Yuri Valerevich; a.k.a. CHECHIKHIN, Yurii Valeryevich), 27, Bolshaya Pirogovskaya St., Moscow, Russia; DOB 05 Nov 1976; POB Moscow, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) for operating or having operated in the technology sector of the Russian Federation economy.

6. ZOLOTOV, Viktor Vasiliyevich (a.k.a. ZOLOTOV, Viktor Vasilyevich), Russia; DOB 27 Jan 1954; POB Sasovo, Ryazan Region, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(iii)(A) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

7. ZOLOTOV, Roman Viktorovich, Rechnoye, Russia; DOB 03 Mar 1980; POB Moscow, Russia; nationality Russia; Gender Male; Tax ID No. 773129701393 (Russia) (individual) [RUSSIA-EO14024] (Linked To: ZOLOTOV, Viktor Vasiliyevich).

   Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Viktor Vasiliyevich Zolotov, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

8. ZOLOTOVA, Zhanna Viktorovna (a.k.a. ZOLOTOVA, Janna Viktorovna), Moscow, Russia; DOB 25 Jan 1976; nationality Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: ZOLOTOV, Viktor Vasiliyevich).

   Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Viktor Vasiliyevich Zolotov, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

9. MISHUSTIN, Aleksey Mikhaylovich (a.k.a. MISHUSTIN, Alexey; a.k.a. MISHUSTIN, Alexy), Russia; Switzerland; DOB 07 Jul 1999; nationality Russia; Gender Male (individual) [RUSSIA-EO14024] (Linked To: MISHUSTIN, Mikhail Vladimirovich).

   Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Mikhail Vladimirovich Mishustin, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

10. MISHUSTIN, Aleksandr Mikhaylovich (a.k.a. MISHUSTIN, Alexander), Russia; DOB 13 Dec 2000; nationality Russia; Gender Male (individual) [RUSSIA-EO14024] (Linked To: MISHUSTIN, Mikhail Vladimirovich).

    Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Mikhail Vladimirovich Mishustin, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

11. MISHUSTINA, Vladlena Yuryevna (a.k.a. RAZINOVA, Vladlena Yuryevna), Moscow, Russia; DOB 02 Jan 1976; nationality Russia; Gender Female; Tax ID No. 770300684690 (Russia) (individual) [RUSSIA-EO14024] (Linked To: MISHUSTIN, Mikhail Vladimirovich).

Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Mikhail Vladimirovich Mishustin, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

12. NOVAK, Aleksandr Valentinovich (Cyrillic: НОВАК, Александр Валентинович) (a.k.a. NOVAK, Alexander Valentinovich), Russia; DOB 23 Aug 1971; POB Avdeyevka, Ukraine; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(iii)(A) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation

13. MEDVEDEV, Ilya Dmitrievich (Cyrillic: МЕДВЕДЕВ, Илья Дмитриевич), Russia; DOB 03 Aug 1995; POB Moscow, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024] (Linked To: MEDVEDEV, Dmitry Anatolievich).

Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Dmitry Anatolievich Medvedev, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

14. MEDVEDEVA, Svetlana Vladimirovna (Cyrillic: МЕДВЕДЕВА, Светлана Владимировна), Russia; DOB 15 Mar 1965; POB Kronshtadt, Leningrad Oblast, Russia; nationality Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: MEDVEDEV, Dmitry Anatolievich).

Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Dmitry Anatolievich Medvedev, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

15. MATVIYENKO, Sergey Vladimirovich (a.k.a. MATVIENKO, Sergei), St. Petersburg, Russia; Moscow, Russia; DOB 05 May 1973; POB St. Petersburg, Russia; nationality Russia; citizen Russia; Gender Male (individual) [RUSSIA-EO14024] (Linked To: MATVIYENKO, Valentina Ivanovna).

Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Valentina Ivanovna Matviyenko, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

16. BEGLOVA, Natalya Vladimirovna (Cyrillic: БЕГЛОВА, Наталья Владимировна) (a.k.a. BEGLOVA, Natalia Vladimirovna), Russia; DOB 12 Nov 1955; nationality Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: BEGLOV, Aleksandr Dmitrievich).

Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Aleksandr Dmitrievich Beglov, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

17. BEGLOVA, Olga Aleksandrovna (Cyrillic: БЕГЛОВА, Ольга Александровна) (a.k.a. BEGLOVA, Olga Alexandrova; a.k.a. KUDRYASHOVA, Olga), Russia; DOB 11 May

1985; nationality Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: BEGLOV, Aleksandr Dmitrievich).

Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Aleksandr Dmitrievich Beglov, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

18. BELOVA, Yuliya Aleksandrovna (Cyrillic: БЕЛОВА, Юлия Александровна) (a.k.a. BEGLOVA, Yulia Aleksandrovna (Cyrillic: БЕГЛОВА, Юлия Александровна); a.k.a. BEGLOVA, Yulia Alexandrovna), Russia; DOB 08 Jun 1981; nationality Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: BEGLOV, Aleksandr Dmitrievich).

Designated pursuant to section 1(a)(v) of E.O. 14024 for being a spouse or adult child of Aleksandr Dmitrievich Beglov, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

19. NABIULLINA, Elvira Sakhipzadovna (Cyrillic: НАБИУЛЛИНА, Эльвира Сахипзадовна), Moscow, Russia; DOB 29 Oct 1963; POB Ufa, Bashkortostan Republic, Russia; nationality Russia; Gender Female; Governor of the Central Bank of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(iii)(A) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249 (Apr. 15, 2021) (E.O. 14024) for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

20. SKOROBOGATOVA, Olga Nikolaevna (Cyrillic: СКОРОБОГАТОВА, Ольга Николаевна), Moscow, Russia; DOB 04 Jun 1969; POB Moscow Region, Russia; nationality Russia; Gender Female; First Deputy Governor of the Central Bank of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to sections 1(a)(i) and 1(a)(iii)(A) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy and for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

21. BYZOV, Sergey Vyacheslavovich (Cyrillic: БЫЗОВ, Сергей Вячеславович) (a.k.a. BYZOV, Sergei), Russia; DOB 10 Apr 1987; nationality Russia; citizen Russia; Gender Male; Passport 756139252 (Russia) expires 07 Oct 2027 (individual) [RUSSIA-EO14024] (Linked To: RADIOAVTOMATIKA LLC).

Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Radioavtomatika LLC, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

22. GALIN, Dmitrii Vladimirovich (a.k.a. GALIN, Dmitriy Vladimirovich (Cyrillic: ГАЛИН, Дмитрий Владимирович)), Moscow, Russia; DOB 02 May 1968; nationality

Russia; Gender Male (individual) [RUSSIA-EO14024] (Linked To: RADIOAVTOMATIKA LLC).

Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Radioavtomatika LLC, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

23. IVANOV, Vladimir Aleksandrovich (Cyrillic: ИВАНОВ, Владимир Александрович), Moscow, Russia; DOB 21 May 1987; POB Tambov Oblast, Russia; nationality Russia; Gender Male; Passport 76439979 (Russia) expires 20 Apr 2031 (individual) [RUSSIA-EO14024] (Linked To: RADIOAVTOMATIKA LLC).

Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Radioavtomatika LLC, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

24. SARKISYAN, Aleksandr Pavlovich (Cyrillic: САРКИСЬЯН, Александр Павлович), Russia; DOB 17 Aug 1946; POB Grozny, Republic of Chechnya, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024] (Linked To: SCIENTIFIC-TECHNICAL CENTER FOR ELECTRONIC WARFARE).

Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Scientific-Technical Center For Electronic Warfare, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

25. KHOKHLOV, Andrei Vladimirovich, Russia; DOB 02 Jun 1980; POB Murom, Russia; nationality Russia; Gender Male; Tax ID No. 503117548207 (Russia) (individual) [RUSSIA-EO14024] (Linked To: NOVASTREAM LIMITED; Linked To: RADIOAVTOMATIKA LLC).

Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Radioavtomatika LLC and of Novastream Limited, entities whose property and interests in property are blocked pursuant to E.O. 14024.

Entities:

1. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU MARKUS, Nab. Presnenskaya d. 12, et 45 kom 10 of 232, Moscow 123100, Russia; Organization Established Date 21 Jul 2003; Tax ID No. 7707327719 (Russia); Registration Number 1037707028204 (Russia) [RUSSIA-EO14024] (Linked To: CHECHIKHIN, Yuriy Valeryevich).

Designated pursuant to sections 1(a)(i) and 1(a)(vii) for operating or having operated in the technology sector of the Russian Federation economy and for being owned or

controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Yuriy Valeryevich Chechikhin, a person whose property and interests in property are blocked pursuant to E.O. 14024.

2. LLC VALTEX-ST (Cyrillic: ООО ВАЛТЕКС-НТ) (a.k.a. VALTEX SCIENCE AND TECHNOLOGY), Pr Staryi Zykovskii D. 5, Pom. IV, Moscow 125167, Russia; Organization Established Date 14 Feb 2008; Tax ID No. 7714973551 (Russia); Registration Number 1177746136600 (Russia) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having operated in the technology sector of the Russian Federation economy.

3. SINNO ELECTRONICS CO., LIMITED (Chinese Traditional: 信諾電子科技有限公司) (a.k.a. SINNO ELECTRONIC CO., LTD), Rm. B22, 1/F, Block B, East Sun Industrial Centre, 16 Shing Yip Street, Kwun Tong, Kowloon, Hong Kong, China; Rm. 1905, Xingda Garden Building, Kaiyuan Rd, Xingsha Development Area, Changsha 518031, China; Rm. 2408, Dynamic World Building, Zhonghang Rd, Shenzhen, Futian District 518031, China; Room 03, Chevalier House, 45-51 Chatham Road South, Tsim Sha Tsui, Kowloon, Hong Kong, China; Organization Established Date 11 Dec 2009; Registration Number 1401029 (Hong Kong) [RUSSIA-EO14024] (Linked To: RADIOAVTOMATIKA LLC).

   Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of Radioavtomatika LLC, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

4. TACO LLC (Armenian: ՏԱԿՈ ՍՊԸ) (a.k.a. TAKO LLC), Garegin Nzhdeh Str., Unit 17, Shengavit, Yerevan 0026, Armenia; Organization Type: Wholesale of electronic and telecommunications equipment and parts; Tax ID No. 02298191 (Armenia); Registration Number 269.110.1228684 (Armenia) [RUSSIA-EO14024] (Linked To: RADIOAVTOMATIKA LLC).

   Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of Radioavtomatika LLC, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

5. SCIENTIFIC-TECHNICAL CENTER FOR ELECTRONIC WARFARE (Cyrillic: НАУЧНО-ТЕХНИЧЕСКИЙ ЦЕНТР РАДИОЭЛЕКТРОННОЙ БОРЬБЫ) (a.k.a. AKTSIONERNOE OBSCHESTVO NAUCHNO-TEKHNICHESKI TSENTR RADIOELEKTRONNOI BORBY; a.k.a. AO NTTS REB; a.k.a. JOINT STOCK COMPANY SCIENTIFIC AND TECHNICAL CENTER OF RADIOELECTRONIC WARFARE (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО НАУЧНО-ТЕХНИЧЕСКИЙ ЦЕНТР РАДИОЭЛЕКТРОННОЙ БОРЬБЫ); a.k.a. JSC NTTS REB (Cyrillic: АО НТЦ РЭБ)), d. 29 korp. 135, ul. vereiskaya, Moscow 121357, Russia; Organization Established Date 29 Aug 2005; Tax ID No. 7731529843 (Russia); Government Gazette Number 78506999 (Russia); Registration Number 1057748002850 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having operated in the technology and defense and related materiel sectors of the Russian Federation economy.

6. OAO RADIOAVIONIKA (Cyrillic: ОАО РАДИОАВИОНИКА) (a.k.a. OJSC RADIOAVIONIKA; a.k.a. OPEN JOINT STOCK COMPANY RADIOAVIONIKA; a.k.a. OTKRYTOE ATSIONERNOE OBSHCHESTVO RADIOAVIONIKA; a.k.a. RADIOAVIONICA CORPORATION; a.k.a. RADIOAVIONICA JSC; a.k.a. RADIOAVIONIKA PAO), d.4 litera B, prospekt Troitski, St. Petersburg 190005, Russia; Organization Established Date 08 Feb 1993; Tax ID No. 7809015518 (Russia); Government Gazette Number 27465454 (Russia); Registration Number 1027810239555 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having operated in the technology and defense and related materiel sectors of the Russian Federation economy.

7. ZAO NTTS MODUL (Cyrillic: ЗАО НТЦ МОДУЛЬ) (a.k.a. CJSC STC MODUL; a.k.a. CLOSED JOINT STOCK COMPANY SCIENTIFIC AND TECHNICAL CENTER MODUL (Cyrillic: ЗАКРЫТОЕ АКЦИОНЕРНО ОБЩЕСТВО НАУЧНО-ТЕХНИЧЕСКИЙ ЦЕНТР МОДУЛЬ)), D.3 Ul.4-ya Vosmogo Marta, Moscow 125167, Russia; Organization Established Date 26 Aug 1992; Tax ID No. 7714009178 (Russia); Registration Number 1037739183892 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having operated in the technology sector of the Russian Federation economy.

8. ROTEK ELPOM, LLC (a.k.a. ROTEK-ELPOM), Ul. Marksistskaya D. 22, Str. 1, Floor 8, Office 801/11, Moscow 109147, Russia; Website www.raven-black.com; Organization Established Date 14 Mar 2005; Tax ID No. 7703545018 (Russia); Trade License No. 1057746425978 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having operated in the technology sector of the Russian Federation economy.

9. NOVASTREAM LIMITED (a.k.a. LLC NOVASTREAM (Cyrillic: ООО НОВОСТРИМ); a.k.a. NOVASTREAM LTD; a.k.a. OOO NOVASTREAM), Ul. Severnaya D. 2A, Pomeshch. 51, Vladimir 600007, Russia; Organization Established Date 22 Apr 2022; Organization Type: Wholesale of other machinery and equipment; Tax ID No. 3329101270 (Russia); Registration Number 1223300003079 (Russia) [RUSSIA-EO14024] (Linked To: RADIOAVTOMATIKA LLC).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Radioavtomatika LLC, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

10. OPEN JOINT STOCK COMPANY SVETLOGORSKKHIMVOLOKNO (Cyrillic: ОТКРЫТОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО СВЕТЛОГОРСКХИМВОЛОКНО) (a.k.a. OJSC SVETLOGORSK KHIMVOLOKNO; a.k.a. OTKRYTOE AKTSIONERNOE OBSHCHESTVO SVETLOGORSKKHIMVOLOKNO; a.k.a.

SVETLOGORSKKHIMVOLKNO OAO; a.k.a. "SOHIM"), d. 5, Nezhiloe Pomeshchenie, Ul. Zavodskaya, Svetlogorsk 247439, Belarus; Organization Established Date 1964; Target Type State-Owned Enterprise; Tax ID No. 400031289 (Belarus) [BELARUS-EO14038].

Designated pursuant to section 1(a)(vii) of Executive Order 14038 of August 9, 2021, "Blocking Property of Additional Persons Contributing to the Situation in Belarus," 86 FR 43905 (August 11, 2021) for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of Belarus.

Dated: September 30, 2022.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2022–21761 Filed 10–5–22; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

A. On September 30, 2022, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

BILLING CODE 4810–AL–P

Individuals:

1. DEMIN, Alexander Vyacheslavovich (Cyrillic: ДЕМИН, Александр Вячеславович), Russia; DOB 23 Sep 1988; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249 (Apr. 15, 2021) (E.O. 14024) for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

2. ZHUKOV, Alexander Dmitrievich (Cyrillic: ЖУКОВ, Александр Дмитриевич), Russia; DOB 01 Jun 1956; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

3. PETROV, Alexander Petrovich (Cyrillic: ПЕТРОВ, Александр Петрович), Russia; DOB 21 May 1958; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

4. POLYAKOV, Alexander Alekseevich (Cyrillic: ПОЛЯКОВ, Александр Алексеевич), Russia; DOB 31 Jan 1969; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

5. STRELYUKHIN, Alexander Mikhailovich (Cyrillic: СТРЕЛЮХИН, Александр Михайлович), Russia; DOB 04 Jul 1958; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

6. TOLMACHEV, Alexander Romanovich (Cyrillic: ТОЛМАЧЁВ, Александр Романович), Russia; DOB 07 Apr 1993; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

7. KHINSHTEIN, Alexander Evseyevich (Cyrillic: ХИНШТЕЙН, Александр Евсеевич), Russia; DOB 26 Oct 1974; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

8. SHOLOKHOV, Alexander Mikhailovich (Cyrillic: ШОЛОХОВ, Александр Михайлович), Russia; DOB 25 Jan 1962; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

9. VOLOTSKOV, Alexey Anatolievich (Cyrillic: ВОЛОЦКОВ, Алексей Анатольевич), Russia; DOB 05 Jul 1981; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

10. GORDEYEV, Alexey Vasilievich (Cyrillic: ГОРДЕЕВ, Алексей Васильевич), Russia; DOB 28 Feb 1955; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

11. NECHAEV, Alexey Gennadievich (Cyrillic: НЕЧАЕВ, Алексей Геннадьевич), Russia; DOB 30 Aug 1966; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

12. TKACHEV, Alexey Nikolaevich (Cyrillic: ТКАЧЕВ, Алексей Николаевич), Russia; DOB 01 Mar 1957; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

13. CHEPA, Alexey Vasilievich (Cyrillic: ЧЕПА, Алексей Васильевич), Russia; DOB 22 Nov 1955; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

14. POLYAKOVA, Alla Viktorovna (Cyrillic: ПОЛЯКОВА, Алла Викторовна), Russia; DOB 26 Nov 1970; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

15. HAMITOV, Amir Makhsudovich (Cyrillic: ХАМИТОВ, Амир Махсудович), Russia; DOB 04 Feb 1975; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

16. GRESHNEVIKOV, Anatoly Nikolaevich (Cyrillic: ГРЕШНЕВИКОВ, Анатолий Николаевич), Russia; DOB 29 Aug 1956; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

17. KRASOV, Andrey Leonidovich (Cyrillic: КРАСОВ, Андрей Леонидович), Russia; DOB 27 Jan 1967; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

18. MAKAROV, Andrey Mikhailovich (Cyrillic: МАКАРОВ, Андрей Михайлович), Russia; DOB 22 Jul 1954; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

19. KUZNETSOVA, Anna Yurievna (Cyrillic: КУЗНЕЦОВА, Анна Юрьевна), Russia; DOB 03 Jan 1982; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

20. TKACHYOV, Anton Olegovich (Cyrillic: ТКАЧЁВ, Антон Олегович), Russia; DOB 31 Mar 1994; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

21. KAVINOV, Artem Alexandrovich (Cyrillic: КАВИНОВ, Артем Александрович), Russia; DOB 03 Sep 1969; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

22. KIRIYANOV, Artem Yurievich (Cyrillic: КИРЬЯНОВ, Артем Юрьевич), Russia; DOB 12 Jan 1977; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

23. METELEV, Artem Pavlovich (Cyrillic: МЕТЕЛЕВ, Артем Павлович), Russia; DOB 11 Aug 1993; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

24. CHILINGAROV, Artur Nikolaevich (Cyrillic: ЧИЛИНГАРОВ, Артур Николаевич), Russia; DOB 25 Sep 1939; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

25. BABAKOV, Alexander Mikhailovich (Cyrillic: БАБАКОВ, Александр Михайлович) (a.k.a. BABAKOV, Aleksandr Mikhailovich; a.k.a. BABAKOV, Aleksandr Mikhaylovich), Russia; DOB 08 Feb 1963; POB Kishinev, Moldova; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

26. BAKHAREV, Konstantin Mikhailovich (Cyrillic: БАХАРЕВ, Константин Михайлович) (a.k.a. BAKHAREV, Konstantin Mikhaylovich), Russia; DOB 20 Oct 1972; POB Simferopol, Crimea, Ukraine; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13660] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

27. BELIK, Dmitry Anatolievich (Cyrillic: БЕЛИК, Дмитрий Анатольевич) (a.k.a. BELIK, Dmitriy Anatolyevich), Russia; DOB 17 Oct 1969; alt. POB Kular, Ust-Yansky District, Sakha Republic, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13660] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

28. DELIMKHANOV, Adam Sultanovich (Cyrillic: ДЕЛИМХАНОВ, Адам Султанович) (a.k.a. DELIMHANOV, Adam Sultanovich), Russia; DOB 25 Sep 1969; POB Benoy, Nozhay-Yurtovsky District, Chechen Republic, Russia; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [TCO] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

29. VYATKIN, Dmitry Fedorovich (Cyrillic: ВЯТКИН, Дмитрий Федорович), Russia; DOB 21 May 1974; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

30. KOBYLKIN, Dmitry Nikolaevich (Cyrillic: КОБЫЛКИН, Дмитрий Николаевич), Russia; DOB 07 Jul 1971; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

31. PEVTSOV, Dmitry Anatolievich (Cyrillic: ПЕВЦОВ, Дмитрий Анатольевич), Russia; DOB 08 Jul 1963; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

32. SABLIN, Dmitry Vadimovich (Cyrillic: САБЛИН, Дмитрий Вадимович), Russia; DOB 05 Sep 1968; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

33. SKRIVANOV, Dmitry Stanislavovich (Cyrillic: СКРИВАНОВ, Дмитрий Станиславович), Russia; DOB 15 Aug 1971; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader,

official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

34. KHUBEZOV, Dmitry Anatolievich (Cyrillic: ХУБЕЗОВ, Дмитрий Анатольевич), Russia; DOB 20 Dec 1971; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

35. UZDENOV, Dzhasharbek Borisovich (Cyrillic: УЗДЕНОВ, Джашарбек Борисович), Russia; DOB 25 Jan 1967; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

36. KUZNETSOV, Eduard Anatolievich (Cyrillic: КУЗНЕЦОВ, Эдуард Анатольевич), Russia; DOB 29 May 1972; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

37. VTORYGINA, Elena Andreyevna (Cyrillic: ВТОРЫГИНА, Елена Андреевна), Russia; DOB 17 Aug 1957; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

38. DRAPEKO, Elena Grigorievna (Cyrillic: ДРАПЕКО, Елена Григорьевна), Russia; DOB 29 Oct 1948; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

39. YAMPOLSKAYA, Elena Alexandrovna (Cyrillic: ЯМПОЛЬСКАЯ, Елена Александровна), Russia; DOB 20 Jun 1971; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation

(individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

40. MARCHENKO, Evgeny Evgenievich (Cyrillic: МАРЧЕНКО, Евгений Евгеньевич), Russia; DOB 17 Jul 1972; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

41. MOSKVICHEV, Evgeny Sergeyevich (Cyrillic: МОСКВИЧЕВ, Евгений Сергеевич), Russia; DOB 28 Sep 1957; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

42. REVENKO, Evgeny Vasilievich (Cyrillic: РЕВЕНКО, Евгений Васильевич), Russia; DOB 22 May 1972; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

43. ARAPOV, Georgy Konstantinovich (Cyrillic: АРАПОВ, Георгий Константинович), Russia; DOB 11 Sep 1999; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

44. KHOR, Gleb Yakovlevich (Cyrillic: ХОР, Глеб Яковлевич), Russia; DOB 08 Apr 1963; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

45. SHILKIN, Grigory Vladimirovich (Cyrillic: ШИЛКИН, Григорий Владимирович), Russia; DOB 20 Oct 1976; nationality Russia; Gender Male; Member of the State

Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

46. YAROVAYA, Irina Anatolievna (Cyrillic: ЯРОВАЯ, Ирина Анатольевна), Russia; DOB 17 Oct 1966; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

47. SOLODOVNIKOV, Ivan Alexandrovich (Cyrillic: СОЛОДОВНИКОВ, Иван Александрович), Russia; DOB 09 Apr 1985; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

48. ZATULIN, Konstantin Fedorovich (Cyrillic: ЗАТУЛИН, Константин Федорович), Russia; DOB 07 Sep 1958; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

49. GORYACHEVA, Ksenia Alexandrovna (Cyrillic: ГОРЯЧЕВА, Ксения Александровна), Russia; DOB 16 May 1996; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

50. BURANOVA, Larisa Nikolaevna (Cyrillic: БУРАНОВА, Лариса Николаевна), Russia; DOB 03 Apr 1969; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

51. KOVPAK, Lev Igorevich (Cyrillic: КОВПАК, Лев Игоревич), Russia; DOB 23 Oct 1978; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

52. NURIEV, Marat Abdulhaevich (Cyrillic: НУРИЕВ, Марат Абдулхаевич), Russia; DOB 14 May 1966; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

53. ORGEYEVA, Marina Eduardovna (Cyrillic: ОРГЕЕВА, Марина Эдуардовна), Russia; DOB 21 Sep 1959; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

54. GULIN, Maxim Alexeyevich (Cyrillic: ГУЛИН, Максим Алексеевич), Russia; DOB 16 May 1997; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

55. TOPILIN, Maxim Anatolievich (Cyrillic: ТОПИЛИН, Максим Анатольевич), Russia; DOB 19 Apr 1967; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

56. BERULAVA, Mikhail Nikolaevich (Cyrillic: БЕРУЛАВА, Михаил Николаевич), Russia; DOB 03 Aug 1950; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader,

official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

57. KISELEV, Mikhail Sergeyevich (Cyrillic: КИСЕЛЁВ, Михаил Сергеевич), Russia; DOB 18 Jun 1986; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

58. MIRONOV, Sergey Mikhailovich (Cyrillic: МИРОНОВ, Сергей Михайлович) (a.k.a. MIRONOV, Sergei Mikhailovich), Russia; DOB 14 Feb 1953; POB Pushkin, St. Petersburg, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

59. NEVEROV, Sergey Ivanovich (Cyrillic: НЕВЕРОВ, Сергей Иванович) (a.k.a. NEVEROV, Sergei Ivanovich), Russia; DOB 21 Dec 1961; POB Tashtagol, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

60. RUMYANTSEV, Nikita Gennadyevich (Cyrillic: РУМЯНЦЕВ, Никита Геннадьевич), Russia; DOB 27 Apr 1988; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

61. NOVICHKOV, Nikolay Vladimirovich (Cyrillic: НОВИЧКОВ, Николай Владимирович), Russia; DOB 24 Dec 1974; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

62. DMITRIEVA, Oksana Genrikhovna (Cyrillic: ДМИТРИЕВА, Оксана Генриховна), Russia; DOB 03 Apr 1958; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

63. LEONOV, Oleg Yurievich (Cyrillic: ЛЕОНОВ, Олег Юрьевич), Russia; DOB 10 Sep 1970; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

64. MATVEICHEV, Oleg Anatolievich (Cyrillic: МАТВЕЙЧЕВ, Олег Анатольевич), Russia; DOB 01 Feb 1970; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

65. MIKHAILOV, Oleg Alexeyevich (Cyrillic: МИХАЙЛОВ, Олег Алексеевич), Russia; DOB 06 Jan 1987; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

66. MOROZOV, Oleg Victorovich (Cyrillic: МОРОЗОВ, Олег Викторович), Russia; DOB 05 Nov 1953; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

67. ALIMOVA, Olga Nikolaevna (Cyrillic: АЛИМОВА, Ольга Николаевна), Russia; DOB 10 Apr 1953; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

68. KAZAKOVA, Olga Mikhailovna (Cyrillic: КАЗАКОВА, Ольга Михайловна), Russia; DOB 30 May 1968; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

69. TIMOFEYEVA, Olga Victorovna (Cyrillic: ТИМОФЕЕВА, Ольга Викторовна), Russia; DOB 19 Aug 1977; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

70. ARSHBA, Otary Ionovich (Cyrillic: АРШБА, Отари Ионович), Russia; DOB 12 Apr 1955; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

71. ZAVALNY, Pavel Nikolaevich (Cyrillic: ЗАВАЛЬНЫЙ, Павел Николаевич), Russia; DOB 11 Aug 1961; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

72. KRASHENINNIKOV, Pavel Vladimirovich (Cyrillic: КРАШЕНИННИКОВ, Павел Владимирович), Russia; DOB 21 Jun 1964; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

73. TOLSTOY, Petr Olegovich (Cyrillic: ТОЛСТОЙ, Петр Олегович), Russia; DOB 20 Jun 1969; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader,

official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

74. KARMAZINA, Raisa Vasilievna (Cyrillic: КАРМАЗИНА, Раиса Васильевна), Russia; DOB 09 Jan 1951; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

75. SHAYHUTDINOV, Rifat Gabdulkhakovich (Cyrillic: ШАЙХУТДИНОВ, Рифат Габдулхакович), Russia; DOB 23 Dec 1963; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

76. KURBANOV, Rizvan Daniyalovich (Cyrillic: КУРБАНОВ, Ризван Даниялович), Russia; DOB 03 Jan 1961; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

77. KOCHIEV, Robert Ivanovich (Cyrillic: КОЧИЕВ, Роберт Иванович), Russia; DOB 16 Mar 1966; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

78. CHEMERIS, Roza Basirovna (Cyrillic: ЧЕМЕРИС, Роза Басировна), Russia; DOB 11 Jun 1978; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

79. TARBAEV, Sangadzhi Andreyevich (Cyrillic: ТАРБАЕВ, Сангаджи Андреевич), Russia; DOB 15 Apr 1982; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

80. AVKSENTIEVA, Sardana Vladimirovna (Cyrillic: АВКСЕНТЬЕВА, Сардана Владимировна), Russia; DOB 02 Jul 1970; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

81. UMAKHANOV, Saygidpasha Darbishevich (Cyrillic: УМАХАНОВ, Сайгидпаша Дарбишевич), Russia; DOB 03 Apr 1962; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

82. PAHOMOV, Sergey Alexandrovich (Cyrillic: ПАХОМОВ, Сергей Александрович), Russia; DOB 06 Aug 1975; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

83. SHEREMET, Mikhail Sergeyevich (Cyrillic: ШЕРЕМЕТ, Михаил Сергеевич) (a.k.a. SHEREMET, Mikhail Sergeevich), Russia; DOB 23 May 1971; POB Dzhankoy, Ukraine; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13660] [RUSSIA-EO14024].

84. KARA-OOL, Sholban Valerievich (Cyrillic: КАРА-ООЛ, Шолбан Валерьевич), Russia; DOB 18 Jul 1966; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

85. SLUTSKY, Leonid Eduardovich (Cyrillic: СЛУЦКИЙ, Леонид Эдуардович) (a.k.a. SLUTSKI, Leonid Eduardovich; a.k.a. SLUTSKIY, Leonid Eduardovich), Russia; DOB 04 Jan 1968; POB Moscow, Russia; nationality Russia; Gender Male; Secondary

sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

86. ZHUROVA, Svetlana Sergeevna (Cyrillic: ЖУРОВА, Светлана Сергеевна), Russia; DOB 07 Jan 1972; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

87. RAZVOROTNEVA, Svetlana Victorovna (Cyrillic: РАЗВОРОТНЕВА, Светлана Викторовна), Russia; DOB 25 Mar 1968; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

88. SAVITSKAYA, Svetlana Evgenievna (Cyrillic: САВИЦКАЯ, Светлана Евгеньевна), Russia; DOB 08 Aug 1948; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

89. LARIONOVA, Tatiana Petrovna (Cyrillic: ЛАРИОНОВА, Татьяна Петровна), Russia; DOB 02 Jul 1955; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

90. SOLOMATINA, Tatiana Vasilievna (Cyrillic: СОЛОМАТИНА, Татьяна Васильевна), Russia; DOB 21 Apr 1956; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

91. TERESHKOVA, Valentina Vladimirovna (Cyrillic: ТЕРЕШКОВА, Валентина Владимировна), Russia; DOB 06 Mar 1937; nationality Russia; Gender Female;

Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

92. RASHKIN, Valery Fedorovich (Cyrillic: РАШКИН, Валерий Федорович), Russia; DOB 14 Mar 1955; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

93. PISKAREV, Vasily Ivanovich (Cyrillic: ПИСКАРЕВ, Василий Иванович), Russia; DOB 08 Nov 1963; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

94. VLASOVA, Veronika Valerievna (Cyrillic: ВЛАСОВА, Вероника Валериевна), Russia; DOB 02 Nov 1966; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

95. VODOLATSKY, Victor Petrovich (Cyrillic: ВОДОЛАЦКИЙ, Виктор Петрович), Russia; DOB 19 Aug 1957; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

96. ZAVARZIN, Victor Mikhailovich (Cyrillic: ЗАВАРЗИН, Виктор Михайлович), Russia; DOB 28 Nov 1948; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

97. PINSKY, Victor Vitalievich (Cyrillic: ПИНСКИЙ, Виктор Витальевич), Russia; DOB 06 Feb 1964; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

98. NIKOLAEVA, Victoria Victorovna (Cyrillic: НИКОЛАЕВА, Виктория Викторовна), Russia; DOB 21 Nov 1962; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

99. VASILIEV, Vladimir Abdualievich (Cyrillic: ВАСИЛЬЕВ, Владимир Абдуалиевич), Russia; DOB 11 Aug 1949; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

100. GUTENEV, Vladimir Vladimirovich (Cyrillic: ГУТЕНЕВ, Владимир Владимирович), Russia; DOB 27 Mar 1966; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

101. NOVIKOV, Vladimir Mikhailovich (Cyrillic: НОВИКОВ, Владимир Михайлович), Russia; DOB 09 Jun 1966; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

102. PAVLOV, Vladimir Victorovich (Cyrillic: ПАВЛОВ, Владимир Викторович), Russia; DOB 01 Jun 1976; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader,

official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

103. PLYAKIN, Vladimir Vladimirovich (Cyrillic: ПЛЯКИН, Владимир Владимирович), Russia; DOB 19 Sep 1981; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

104. SHAMANOV, Vladimir Anatolievich (Cyrillic: ШАМАНОВ, Владимир Анатольевич), Russia; DOB 15 Feb 1957; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

105. DAVANKOV, Vladislav Andreyevich (Cyrillic: ДАВАНКОВ, Владислав Андреевич), Russia; DOB 25 Feb 1984; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

106. TRETIAK, Vladislav Alexandrovich (Cyrillic: ТРЕТЬЯК, Владислав Александрович), Russia; DOB 25 Apr 1952; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

107. DAMDINTSURUNOV, Vyacheslav Anatolievich (Cyrillic: ДАМДИНЦУРУНОВ, Вячеслав Анатольевич), Russia; DOB 21 Sep 1977; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

108. STANKEVICH, Yuri Arkadievich (Cyrillic: СТАНКЕВИЧ, Юрий Аркадьевич), Russia; DOB 24 Jul 1976; nationality Russia; Gender Male; Member of the State Duma

of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

109. MUTSOEV, Zelimkhan Alikoevich (Cyrillic: МУЦОЕВ, Зелимхан Аликоевич), Russia; DOB 13 Oct 1959; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

Dated: September 30, 2022.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2022–21760 Filed 10–5–22; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

A. On September 30, 2022, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

BILLING CODE 4810–AL–P

Individuals

1. GIBATDINOV, Airat Minerasikhovich (Cyrillic: ГИБАТДИНОВ, Айрат Минерасихович) (a.k.a. GIBATDINOV, Ayrat Minerasikhovich), Russia; DOB 16 Jan 1986; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249 (Apr. 15, 2021) (E.O. 14024) for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

2. SALPAGAROV, Akhmat Anzorovich (Cyrillic: САЛПАГАРОВ, Ахмат Анзорович), Russia; DOB 31 Dec 1962; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

3. KONDRATENKO, Aleksey Nikolayevich (Cyrillic: КОНДРАТЕНКО, Алексей Николаевич), Russia; DOB 16 Dec 1969; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

4. AKIMOV, Alexander Konstantinovich (Cyrillic: АКИМОВ, Александр Константинович) (a.k.a. AKIMOV, Aleksandr Konstantinovich), Russia; DOB 10 Nov 1954; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

5. BASHKIN, Alexander Davidovich (Cyrillic: БАШКИН, Александр Давыдович) (a.k.a. BASHKIN, Aleksandr Davidovich), Russia; DOB 10 Jun 1962; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

6. BRYKSIN, Alexander Yuryevich (Cyrillic: БРЫКСИН, Александр Юрьевич) (a.k.a. BRYKSIN, Aleksandr Yuryevich), Russia; DOB 20 Jan 1967; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

7. DVOINYKH, Alexander Vlademirovich (Cyrillic: ДВОЙНЫХ, Александр Владимирович) (a.k.a. DVOYNYKH, Aleksandr Vladimirovich), Russia; DOB 19 Jan 1984; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

8. GUSAKOVSKY, Alexander Vladislavovich (Cyrillic: ГУСАКОВСКИЙ, Александр Владиславович) (a.k.a. GUSAKOVSKY, Aleksandr Vladislavovich), Russia; DOB 25 Aug 1970; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

9. KARLIN, Alexander Bogdanovich (Cyrillic: КАРЛИН, Александр Богданович), Russia; DOB 29 Oct 1951; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

10. KARELIN, Alexander Alexandrovich (Cyrillic: КАРЕЛИН, Александр Александрович) (a.k.a. KARELIN, Aleksandr Alexandrovich), Russia; DOB 19 Sep 1967; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

11. NAROLIN, Alexander Vladimirovich (Cyrillic: НАРОЛИН, Александр Владимирович), Russia; DOB 27 Jun 1972; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

12. NIKITIN, Alexander Valeryevich (Cyrillic: НИКИТИН, Александр Валерьевич) (a.k.a. NIKITIN, Aleksandr Valeryevich), Russia; DOB 26 Apr 1976; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

13. NOVIUKHOV, Alexander Vyacheslavovich (Cyrillic: НОВЬЮХОВ, Александр Вячеславович) (a.k.a. NOVYUKHOV, Aleksandr Vyacheslavovich), Russia; DOB 05 Oct 1975; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

14. PRONYUSHKIN, Alexander Yuryevich (Cyrillic: ПРОНЮШКИН, Александр Юрьевич) (a.k.a. PRONYUSHKIN, Aleksandr Yuryevich), Russia; DOB 31 Jul 1987; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

15. RAKITIN, Alexander Vasilyevich (Cyrillic: РАКИТИН, Александр Васильевич) (a.k.a. RAKITIN, Aleksandr Vasilievich), Russia; DOB 17 May 1958; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

16. SAVIN, Alexander Alexandrovich (Cyrillic: САВИН, Александр Александрович) (a.k.a. SAVIN, Aleksandr Alexandrovich), Russia; DOB 28 Jan 1962; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader,

official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

17. VAINBERG, Alexander Vladelenovich (Cyrillic: ВАЙНБЕРГ, Александр Владеленович) (a.k.a. VAYNBERG, Aleksandr Vladelenovich), Russia; DOB 02 Feb 1961; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

18. VYSOKINSKY, Alexander Gennadyevich (Cyrillic: ВЫСОКИНСКИЙ, Александр Геннадьевич) (a.k.a. VYSOKINSKY, Aleksandr Gennadyevich), Russia; DOB 24 Sep 1973; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

19. VARFOLOMEEV, Alexander Georgyevich (Cyrillic: ВАРФОЛОМЕЕВ, Александр Георгиевич) (a.k.a. VARFOLOMEYEV, Aleksandr Georgyevich), Russia; DOB 04 Jun 1965; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

20. YAROSHUK, Alexander Georgievich (Cyrillic: ЯРОШУК, Александр Георгиевич), Russia; DOB 15 Nov 1965; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

21. MAYOROV, Alexei Petrovich (Cyrillic: МАЙОРОВ, Алексей Петрович) (a.k.a. MAYOROV, Aleksey Petrovich), Russia; DOB 29 Dec 1961; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

22. ORLOV, Alexei Maratovich (Cyrillic: ОРЛОВ, Алексей Маратович) (a.k.a. ORLOV, Aleksey Maratovich), Russia; DOB 09 Oct 1961; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation

(individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

23. SINITSYN, Alexei Vladimirovich (Cyrillic: СИНИЦЫН, Алексей Владимирович) (a.k.a. SINITSYN, Aleksei Vladimirovich), Russia; DOB 13 Jan 1976; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

24. ZHUKOVA, Anastasia Gennadyevna (Cyrillic: ЖУКОВА, Анастасия Геннадьевна), Russia; DOB 08 Nov 1974; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

25. ARTAMONOV, Anatoly Dmitrievich (Cyrillic: АРТАМОНОВ, Анатолий Дмитриевич), Russia; DOB 05 May 1952; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

26. SHIROKOV, Anatoly Ivanovich (Cyrillic: ШИРОКОВ, Анатолий Иванович), Russia; DOB 29 Dec 1967; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

27. SHEVCHENKO, Andrei Anatolyevich (Cyrillic: ШЕВЧЕНКО, Андрей Анатольевич), Russia; DOB 29 May 1965; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

28. YEPISHIN, Andrei Nikolayevich (Cyrillic: ЕПИШИН, Андрей Николаевич) (a.k.a. YEPISHIN, Andrey Nikolayevich), Russia; DOB 29 Oct 1967; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

29. BAZILEVSKY, Andrey Alexandrovich (Cyrillic: БАЗИЛЕВСКИЙ, Андрей Александрович), Russia; DOB 24 Feb 1967; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

30. CHERNYSHEV, Andrey Vladimirovich (Cyrillic: ЧЕРНЫШЁВ, Андрей Владимирович) (a.k.a. CHERNYSHYOV, Andrey Vladimirovich), Russia; DOB 10 Jul 1970; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

31. KLIMOV, Andrey Akardyevich (Cyrillic: КЛИМОВ, Андрей Аркадьевич) (a.k.a. KLIMOV, Andrei Akardyevich), Russia; DOB 09 Nov 1954; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

32. KUTEPOV, Andrey Viktorovich (Cyrillic: КУТЕПОВ, Андрей Викторович), Russia; DOB 06 Apr 1971; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

33. KISLOV, Andrey Igoryevich (Cyrillic: КИСЛОВ, Андрей Игоревич), Russia; DOB 29 Aug 1958; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the

Government of the Russian Federation.

34. YATSKIN, Andrey Vladimirovich (Cyrillic: ЯЦКИН, Андрей Владимирович), Russia; DOB 25 Apr 1969; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

35. OTKE, Anna Ivanovna (Cyrillic: OTKE, Анна Ивановна), Russia; DOB 21 Dec 1974; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

36. FADZAYEV, Arsen Suleymanovich (Cyrillic: ФАДЗАЕВ, Арсен Сулейманович), Russia; DOB 05 Sep 1952; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

37. SHEIKIN, Artem Gennadyevich (Cyrillic: ШЕЙКИН, Артём Геннадьевич) (a.k.a. SHEYKIN, Artyom Gennadievich), Russia; DOB 25 Mar 1980; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

38. ZHAMSUYEV, Bair Bayaskhalanovich (Cyrillic: ЖАМСУЕВ, Баир Баясхаланович), Russia; DOB 29 Jan 1959; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

39. KHAMCHIEV, Belan Bagaudinovich (Cyrillic: ХАМЧИЕВ, Белан Багаудинович), Russia; DOB 07 Dec 1960; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

40. NEVZOROV, Boris Alexandrovich (Cyrillic: НЕВЗОРОВ, Борис Александрович), Russia; DOB 21 Sep 1955; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

41. GUSEV, Denis Vladimirovich (Cyrillic: ГУСЕВ, Денис Владимирович), Russia; DOB 26 Dec 1976; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

42. OYUN, Dina Ivanovna (Cyrillic: ОЮН, Дина Ивановна), Russia; DOB 25 Jun 1963; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

43. GORITSKY, Dmitry Yuryevich (Cyrillic: ГОРИЦКИЙ, Дмитрий Юрьевич), Russia; DOB 28 Oct 1970; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

44. KUZMIN, Dmitry Gennadyevich (Cyrillic: КУЗЬМИН, Дмитрий Геннадьевич), Russia; DOB 28 Jun 1975; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

45. PERMINOV, Dmitry Sergeyevich (Cyrillic: ПЕРМИНОВ, Дмитрий Сергеевич), Russia; DOB 03 Apr 1979; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

46. SAVELYEV, Dmitry Vladimirovich (Cyrillic: САВЕЛЬЕВ, Дмитрий Владимирович), Russia; DOB 03 Aug 1968; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

47. ISAKOV, Eduard Vladimirovich (Cyrillic: ИСАКОВ, Эдуард Владимирович), Russia; DOB 04 Oct 1973; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

48. PISAREVA, Elena Vladimirovna (Cyrillic: ПИСАРЕВА, Елена Владимировна) (a.k.a. PISAREVA, Yelena Vladimirovna), Russia; DOB 20 Jan 1967; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

49. SHUMILOVA, Elena Borisovna (Cyrillic: ШУМИЛОВА, Елена Борисовна) (a.k.a. SHUMILOVA, Yelena Borisovna), Russia; DOB 01 Apr 1978; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

50. SAVCHENKO, Evgeny Stepanovich (Cyrillic: САВЧЕНКО, Евгений Степанович) (a.k.a. SAVCHENKO, Yevgeny Stepanovich), Russia; DOB 08 Apr 1950; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

51. MUKHAMETSHIN, Farit Mubarakshevich (Cyrillic: МУХАМЕТШИН, Фарит Мубаракшевич), Russia; DOB 31 Jan 1947; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

52. KARELOVA, Galina Nikolayevna (Cyrillic: КАРЕЛОВА, Галина Николаевна), Russia; DOB 29 Jun 1960; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

53. SOLODUN, Galina Nikolayevna (Cyrillic: СОЛОДУН, Галина Николаевна), Russia; DOB 26 Jan 1968; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

54. EMELYANOV, Gennady Egorovich (Cyrillic: ЕМЕЛЬЯНОВ, Геннадий Егорович) (a.k.a. YEMELYANOV, Gennady Egorovich), Russia; DOB 01 Jan 1957; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

55. ORDENOV, Gennady Ivanovich (Cyrillic: ОРДЕНОВ, Геннадий Иванович), Russia; DOB 04 Sep 1957; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

56. YAGUBOV, Gennady Vladimirovich (Cyrillic: ЯГУБОВ, Геннадий Владимирович), Russia; DOB 17 Apr 1968; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader,

official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

57. RAPOTA, Grigoriy Alexeyevich (Cyrillic: РАПОТА, Григорий Алексеевич) (a.k.a. RAPOTA, Grigory Alexeyevich), Russia; DOB 05 Feb 1944; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

58. KARASIN, Grigory Borisovich (Cyrillic: КАРАСИН, Григорий Борисович), Russia; DOB 23 Aug 1949; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

59. LEDKOV, Grigory Petrovich (Cyrillic: ЛЕДКОВ, Григорий Петрович), Russia; DOB 26 Mar 1969; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

60. MOROZOV, Igor Nikolayevich (Cyrillic: МОРОЗОВ, Игорь Николаевич), Russia; DOB 13 Oct 1956; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

61. ZUBAREV, Igor Dmitryevich (Cyrillic: ЗУБАРЕВ, Игорь Дмитриевич), Russia; DOB 20 Jun 1966; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

62. SVYATENKO, Inna Yuryevna (Cyrillic: СВЯТЕНКО, Инна Юрьевна), Russia; DOB 06 Sep 1967; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the

Government of the Russian Federation.

63. YALALOV, Irek Ishmukhametovich (Cyrillic: ЯЛАЛОВ, Ирек Ишмухаметович), Russia; DOB 27 Jan 1961; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

64. KOZHANOVA, Irina Andreyevna (Cyrillic: КОЖАНОВА, Ирина Андреевна), Russia; DOB 06 Jul 1987; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

65. PETINA, Irina Alexandrovna (Cyrillic: ПЕТИНА, Ирина Александровна), Russia; DOB 31 Aug 1972; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

66. RUKAVISHNIKOVA, Irina Valeryevna (Cyrillic: РУКАВИШНИКОВА, Ирина Валерьевна), Russia; DOB 03 Feb 1973; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

67. ABRAMOV, Ivan Nikolayevich (Cyrillic: АБРАМОВ, Иван Николаевич), Russia; DOB 16 Jun 1978; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

68. DOLGOV, Konstantin Konstantinovich (Cyrillic: ДОЛГОВ, Константин Константинович), Russia; DOB 12 Aug 1968; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

69. KOSACHEV, Konstantin Iosifovich (Cyrillic: КОСАЧЕВ, Константин Иосифович), Russia; DOB 17 Sep 1962; POB Moscow, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

70. KOZHIN, Vladimir Igorevich (Cyrillic: КОЖИН, Владимир Игоревич), Russia; DOB 28 Feb 1959; POB Troitsk, Chelyabinsk Oblast, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

71. KAZANOKOV, Krym Olievich (Cyrillic: КАЗАНОКОВ, Крым Олиевич), Russia; DOB 19 Jul 1962; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

72. SAFIN, Lenar Rinatovich (Cyrillic: САФИН, Ленар Ринатович), Russia; DOB 11 Feb 1969; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

73. GUMEROVA, Lilia Salavatovna (Cyrillic: ГУМЕРОВА, Лилия Салаватовна) (a.k.a. GUMEROVA, Liliya Salavatovna), Russia; DOB 16 Dec 1972; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

74. GLEBOVA, Lyubov Nikolayevna (Cyrillic: ГЛЕБОВА, Любовь Николаевна), Russia; DOB 07 Mar 1960; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

75. SKAKOVSKAYA, Lyudmila Nikolayevna (Cyrillic: СКАКОВСКАЯ, Людмила Николаевна), Russia; DOB 13 Nov 1961; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

76. TALABAYEVA, Lyudmila Zaumovna (Cyrillic: ТАЛАБАЕВА, Людмила Заумовна), Russia; DOB 06 Jun 1957; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

77. PAVLOVA, Margarita Nikolayevna (Cyrillic: ПАВЛОВА, Маргарита Николаевна), Russia; DOB 22 Jan 1979; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

78. AFANASOV, Mikhail Alexandrovich (Cyrillic: АФАНАСОВ, Михаил Александрович), Russia; DOB 15 Jun 1953; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

79. BELOUSOV, Mikhail Vladimirovich (Cyrillic: БЕЛОУСОВ, Михаил Владимирович), Russia; DOB 11 Oct 1953; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader,

official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

80. AKHMADOV, Mohmad Isaevich (Cyrillic: АХМАДОВ, Мохмад Исаевич) (a.k.a. AKHMADOV, Mokhmad Isaevich), Russia; DOB 17 Apr 1972; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

81. BARAKHOYEV, Mukharbek Oybertovich (Cyrillic: БАРАХОЕВ, Мухарбек Ойбертович), Russia; DOB 04 Jan 1971; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

82. ULBASHEV, Mukharby Magomedovich (Cyrillic: УЛЬБАШЕВ, Мухарбий Магомедович), Russia; DOB 15 May 1960; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

83. KHAPSIROKOV, Murat Krym-Gerievich (Cyrillic: ХАПСИРОКОВ, Мурат Крым-Гериевич), Russia; DOB 26 Jan 1978; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

84. KOSYKHINA, Natalia Vladimirovna (Cyrillic: КОСИХИНА, Наталия Владимировна) (a.k.a. KOSIKHINA, Natalya Vladimirovna), Russia; DOB 07 Aug 1972; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

85. FYODOROV, Nikolai Vasilyevich (Cyrillic: ФЁДОРОВ, Николай Васильевич) (a.k.a. FYODOROV, Nikolay Vasilyevich), Russia; DOB 09 May 1958; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of

the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

86. KONDRATYUK, Nikolai Fyodorovich (Cyrillic: КОНДРАТЮК, Николай Фёдорович), Russia; DOB 11 Jul 1957; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

87. SEMISOTOV, Nikolai Petrovich (Cyrillic: СЕМИСОТОВ, Николай Петрович), Russia; DOB 02 Dec 1968; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

88. ZHURAVLEV, Nikolai Andreyevich (Cyrillic: ЖУРАВЛЁВ, Николай Андреевич) (a.k.a. ZHURAVLYOV, Nikolai Andreyevich), Russia; DOB 01 Sep 1976; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

89. VLADIMIROV, Nikolay Nikolayevich (Cyrillic: ВЛАДИМИРОВ, Николай Николаевич) (a.k.a. VLADIMIROV, Nikolai Nikolayevich), Russia; DOB 18 Nov 1979; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

90. KULIKOVSKIH, Nina Germanovna (Cyrillic: КУЛИКОВСКИХ, Нина Германовна) (a.k.a. KULIKOVSKIKH, Nina Germanovna), Russia; DOB 05 Feb 1961; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

91. KHLYAKINA, Oksana Vladimirovna (Cyrillic: ХЛЯКИНА, Оксана Владимировна), Russia; DOB 28 Nov 1969; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

92. ALEKSEEV, Oleg Aleksandrovich (Cyrillic: АЛЕКСЕЕВ, Олег Александрович) (a.k.a. ALEKSEYEV, Oleg Aleksandrovich), Russia; DOB 21 Dec 1967; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

93. TKACH, Oleg Polikarpovich (Cyrillic: ТКАЧ, Олег Поликарпович), Russia; DOB 23 Sep 1967; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

94. TSEPKIN, Oleg Vladimirovich (Cyrillic: ЦЕПКИН, Олег Владимирович), Russia; DOB 15 Sep 1965; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

95. EPIFANOVA, Olga Nikolayevna (Cyrillic: ЕПИФАНОВА, Ольга Николаевна) (a.k.a. EPIFANOVA, Olga Nikolaevna), Russia; DOB 19 Aug 1966; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

96. KHOKHLOVA, Olga Nikolayevna (Cyrillic: ХОХЛОВА, Ольга Николаевна), Russia; DOB 18 Nov 1957; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the

Government of the Russian Federation.

97. ZABRALOVA, Olga Sergeyevna (Cyrillic: ЗАБРАЛОВА, Ольга Сергеевна), Russia; DOB 30 Mar 1980; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

98. TARAKANOV, Pavel Vladimirovich (Cyrillic: ТАРАКАНОВ, Павел Владимирович), Russia; DOB 21 Jun 1982; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

99. TULTAEV, Peter Nikolayevich (Cyrillic: ТУЛТАЕВ, Пётр Николаевич) (a.k.a. TULTAYEV, Pyotr Nikolaevich), Russia; DOB 01 Jan 1961; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

100. PUSHKOV, Alexei Konstantinovich (Cyrillic: ПУШКОВ, Алексей Константинович) (a.k.a. PUSHKOV, Aleksei Konstantinovich), Russia; DOB 10 Aug 1954; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

101. GALUSHINA, Rimma Fyodorovna (Cyrillic: ГАЛУШИНА, Римма Фёдоровна), Russia; DOB 30 May 1963; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

102. ARENIN, Sergei Petrovich (Cyrillic: АРЕНИН, Сергей Петрович), Russia; DOB 29 Aug 1958; nationality Russia; Gender Male; Member of the Federation Council of the

Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

103. BEZDENEZHNYKH, Sergei Vyacheslavovich (Cyrillic: БЕЗДЕНЕЖНЫХ, Сергей Вячеславович) (a.k.a. BEZDENEZHNYKH, Sergey Vyacheslavovich), Russia; DOB 25 Aug 1979; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

104. BEREZKIN, Sergei Vladimirovich (Cyrillic: БЕРЁЗКИН, Сергей Владимирович) (a.k.a. BERYOZKIN, Sergey Vladimirovich), Russia; DOB 23 Jun 1955; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

105. GORNYAKOV, Sergei Vasilyevich (Cyrillic: ГОРНЯКОВ, Сергей Васильевич) (a.k.a. GORNYAKOV, Sergey Vasilyevich), Russia; DOB 05 Jan 1966; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

106. KISLYAK, Sergei Ivanovich (Cyrillic: КИСЛЯК, Сергей Иванович), Russia; DOB 07 Sep 1950; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

107. MITIN, Sergei Gerasimovich (Cyrillic: МИТИН, Сергей Герасимович) (a.k.a. MITIN, Sergey Gerasimovich), Russia; DOB 14 Jun 1951; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

108. MIKHAILOV, Sergei Petrovich (Cyrillic: МИХАЙЛОВ, Сергей Петрович) (a.k.a. MIKHAILOV, Sergey Patrovich), Russia; DOB 22 May 1965; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

109. IVANOV, Sergey Borisovich (Cyrillic: ИВАНОВ, Сергей Борисович), Russia; DOB 19 Apr 1952; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

110. KALASHNIK, Sergey Viktorovich (Cyrillic: КАЛАШНИК, Сергей Викторович), Russia; DOB 31 Mar 1978; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

111. KOLBIN, Sergey Nikolayevich (Cyrillic: КОЛБИН, Сергей Николаевич) (a.k.a. KOLBIN, Sergei Nikolayevich), Russia; DOB 29 Oct 1969; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

112. MURATOV, Sergey Nikolayevich (Cyrillic: МУРАТОВ, Сергей Николаевич), Russia; DOB 13 Jan 1964; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

113. MARTYNOV, Sergey Alexandrovich (Cyrillic: МАРТЫНОВ, Сергей Александрович), Russia; DOB 22 Aug 1959; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the

Government of the Russian Federation.

114. PERMINOV, Sergey Nikolayevich (Cyrillic: ПЕРМИНОВ, Сергей Николаевич), Russia; DOB 16 Sep 1968; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

115. RYABUKHIN, Sergey Nikolayevich (Cyrillic: РЯБУХИН, Сергей Николаевич), Russia; DOB 13 Nov 1954; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

116. GEREMEYEV, Suleiman Sadulayevich (Cyrillic: ГЕРЕМЕЕВ, Сулейман Садулаевич), Russia; DOB 20 Jan 1971; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

117. GORYACHEVA, Svetlana Petrovna (Cyrillic: ГОРЯЧЕВА, Светлана Петровна), Russia; DOB 03 Jun 1947; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

118. MAMSUROV, Taimuraz Dzhambekovich (Cyrillic: МАМСУРОВ, Таймураз Дзамбекович), Russia; DOB 13 Apr 1954; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

119. SAKHAROVA, Tatiana Anatolyevna (Cyrillic: САХАРОВА, Татьяна Анатольевна) (a.k.a. SAKHAROVA, Tatyana Anatolyevna), Russia; DOB 16 Jun 1973; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

120. GIGEL, Tatyana Anatolyevna (Cyrillic: ГИГЕЛЬ, Татьяна Анатольевна), Russia; DOB 27 Feb 1960; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

121. DENGIN, Vadim Yevgenyevich (Cyrillic: ДЕНЬГИН, Вадим Евгеньевич), Russia; DOB 23 Sep 1980; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

122. SEMYONOV, Valery Vladimirovich (Cyrillic: СЕМЁНОВ, Валерий Владимирович), Russia; DOB 16 Sep 1960; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

123. USATYUK, Valery Petrovich (Cyrillic: УСАТЮК, Валерий Петрович), Russia; DOB 14 Jul 1948; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

124. VASILYEV, Valery Nikolayevich (Cyrillic: ВАСИЛЬЕВ, Валерий Николаевич), Russia; DOB 17 Jul 1965; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

125. IKONNIKOV, Vasily Nikolayevich (Cyrillic: ИКОННИКОВ, Василий Николаевич), Russia; DOB 26 Apr 1961; nationality Russia; Gender Male; Member of the Federation

Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

126. BONDAREV, Viktor Nikolayevich (Cyrillic: БОНДАРЕВ, Виктор Николаевич), Russia; DOB 07 Dec 1959; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

127. NOVOZHILOV, Viktor Feodosyevich (Cyrillic: НОВОЖИЛОВ, Виктор Феодосьевич), Russia; DOB 16 Feb 1965; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

128. ZOBNEV, Viktor Viktororvich (Cyrillic: ЗОБНЕВ, Виктор Викторович), Russia; DOB 07 Jun 1964; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

129. BEKETOV, Vladimir Andreyevich (Cyrillic: БЕКЕТОВ, Владимир Андреевич), Russia; DOB 29 Mar 1949; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

130. GORODETSKIY, Vladimir Filippovich (Cyrillic: ГОРОДЕЦКИЙ, Владимир Филиппович) (a.k.a. GORODETSKY, Vladimir Filippovich), Russia; DOB 11 Jul 1948; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

131. KRUGLY, Vladimir Igorevich (Cyrillic: КРУГЛЫЙ, Владимир Игоревич), Russia; DOB 27 May 1955; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

132. KRAVCHENKO, Vladimir Kasimirovich (Cyrillic: КРАВЧЕНКО, Владимир Казимирович), Russia; DOB 12 Jun 1964; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

133. LEBEDEV, Vladimir Albertovich (Cyrillic: ЛЕБЕДЕВ, Владимир Альбертович), Russia; DOB 23 Apr 1962; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

134. POLETAYEV, Vladimir Vladimirovich (Cyrillic: ПОЛЕТАЕВ, Владимир Владимирович), Russia; DOB 23 May 1975; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

135. NAGOVITSYN, Vyacheslav Vladimirovich (Cyrillic: НАГОВИЦЫН, Вячеслав Владимирович), Russia; DOB 02 Mar 1956; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

136. TIMCHENKO, Vyacheslav Stepanovich (Cyrillic: ТИМЧЕНКО, Вячеслав Степанович), Russia; DOB 20 Nov 1950; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader,

official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

137. BORISOV, Yegor Afanasyevich (Cyrillic: БОРИСОВ, Егор Афанасьевич), Russia; DOB 15 Aug 1954; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

138. AFANASEVA, Yelena Vladimirovna (Cyrillic: АФАНАСЬЕВА, Елена Владимировна) (a.k.a. AFANASYEVA, Yelena Vladimirovna), Russia; DOB 27 Mar 1975; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

139. BIBIKOVA, Yelena Vasilyevna (Cyrillic: БИБИКОВА, Елена Васильевна), Russia; DOB 23 Sep 1956; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

140. PERMINOVA, Yelena Alekseyevna (Cyrillic: ПЕРМИНОВА, Елена Алексеевна), Russia; DOB 05 Dec 1980; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

141. ZLENKO, Yelena Gennadyevna (Cyrillic: ЗЛЕНКО, Елена Геннадьевна), Russia; DOB 20 Jun 1967; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

142. LAZUTKINA, Yulia Viktorovna (Cyrillic: ЛАЗУТКИНА, Юлия Викторовна) (a.k.a. LAZUTKINA, Yuliya Viktorovna), Russia; DOB 11 Mar 1981; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the

Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

143. ARKHAROV, Yuri Viktorovich (Cyrillic: АРХАРОВ, Юрий Викторович), Russia; DOB 13 Jun 1977; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

144. VALYAEV, Yuri Konstantinovich (Cyrillic: ВАЛЯЕВ, Юрий Константинович) (a.k.a. VALYAYEV, Yuri Konstantinovich), Russia; DOB 18 Apr 1959; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

145. FEDOROV, Yury Viktorovich (Cyrillic: ФЁДОРОВ, Юрий Викторович) (a.k.a. FYODOROV, Yury Viktorovich), Russia; DOB 01 Jan 1972; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

146. VOROBYOV, Yury Leonidovich (Cyrillic: ВОРОБЬЁВ, Юрий Леонидович), Russia; DOB 02 Feb 1948; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

147. ALTABAEVA, Ekateryna Borysovna (Cyrillic: АЛТАБАЕВА, Екатерина Борисовна) (a.k.a. ALTABAEVA, Ekaterina (Cyrillic: АЛТАБАЄВА, Катерина); a.k.a. ALTABAEVA, Ekaterina Borisovna; a.k.a. ALTABAEVA, Kateryna Borysivna (Cyrillic: АЛТАБАЄВА, Катерина Борисівна); a.k.a. ALTABAEVA, Yekaterina Borisovna), Russia; DOB 27 May 1956; POB Uglich, Russia; nationality Russia; Gender Female; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13660] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

148. AVDEEVA, Elena Osipovna (Cyrillic: АВДЕЕВА, Елена Осиповна) (a.k.a. AVDEEVA, Elena), Russia; DOB 19 Jul 1968; POB Cherepovets, Vologda Oblast, Russia; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

149. BRILKA, Sergey Fateevich (Cyrillic: БРИЛКА, Сергей Фатеевич) (a.k.a. BRILKA, Sergei), Russia; DOB 14 Mar 1954; POB Anga village, Irkutsk Oblast, Russia; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

150. DZHABAROV, Vladimir Mikhailovich (Cyrillic: ДЖАБАРОВ, Владимир Михайлович) (a.k.a. DZHABAROV, Vladimir; a.k.a. DZHABAROV, Vladimir Michailovich), Russia; DOB 29 Sep 1952; POB Samarkand, Uzbekistan; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

151. KANOKOV, Arsen Bashirovich (Cyrillic: КАНОКОВ, Арсен Баширович) (a.k.a. KANOKOV, Arsen), Russia; DOB 22 Feb 1957; POB Shitkhala, Kabardino-Balkaria, Russia; nationality Russia; Gender Male; Tax ID No. 773001202577 (Russia); Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

152. KAVDZHARADZE, Maksim Gennadyevich (Cyrillic: КАВДЖАРАДЗЕ, Максим Геннадьевич) (a.k.a. KAVDZHARADZE, Maxim), Russia; DOB 10 Jun 1969; POB Moscow, Russia; nationality Russia; Gender Male; Tax ID No. 772425762316 (Russia); Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader,

official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

153. KERIMOV, Suleiman Abusaidovich (Cyrillic: КЕРИМОВ, Сулейман Абусаидович) (a.k.a. KERIMOV, Suleyman), Moscow, Russia; Antibes, France; DOB 12 Mar 1966; POB Derbent, Dagestan, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

154. KLISHAS, Andrey Aleksandrovich (Cyrillic: КЛИШАС, Андрей Александрович) (a.k.a. KLISHAS, Andrei), Russia; DOB 09 Nov 1972; POB Yekaterinburg, Sverdlovsk, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

155. KOVITIDI, Olga Fedorovna (Cyrillic: КОВИТИДИ, Ольга Федоровна) (a.k.a. KOVITIDI, Olga), Russia; DOB 07 May 1962; POB Simferopol, Crimea, Ukraine; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

156. KRESS, Viktor Melkhiorovich (Cyrillic: КРЕСС, Виктор Мельхиорович) (a.k.a. KRESS, Viktor), Russia; DOB 16 Nov 1948; POB Kostroma Oblast, Russia; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

157. LUKIN, Sergey Nikolaevich (Cyrillic: ЛУКИН, Сергей Николаевич) (a.k.a. LUKIN, Sergei), Russia; DOB 07 Jul 1954; POB Perlevka, Semiluksky District, Voronezh Oblast, Russia; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the

Government of the Russian Federation.

158. MIZULINA, Yelena Borisovna (Cyrillic: МИЗУЛИНА, Елена Борисовна) (a.k.a. MIZULINA, Elena Borisovna), Russia; DOB 09 Dec 1954; POB Bui, Kostroma, Russia; nationality Russia; Gender Female; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

159. NARUSOVA, Lyudmila Borisovna (Cyrillic: НАРУСОВА, Людмила Борисовна) (a.k.a. NARUSOVA, Lyudmila), Russia; DOB 02 May 1951; POB Bryansk, Russia; nationality Russia; Gender Female; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

160. NEKRASOV, Aleksandr Nikolaevich (Cyrillic: НЕКРАСОВ, Александр Николаевич) (a.k.a. NEKRASOV, Alexander), Russia; DOB 20 Jun 1963; POB Severodvinsk, Arkhangelsk Oblast, Russia; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

161. PANCHENKO, Igor Vladimirovich (Cyrillic: ПАНЧЕНКО, Игорь Владимирович) (a.k.a. PANCHENKO, Igor), Russia; DOB 18 May 1963; POB Aleksin, Tula Oblast, Russia; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

162. PONOMAREV, Valeriy Andreevich (Cyrillic: ПОНОМАРЕВ, Валерий Андреевич) (a.k.a. PONOMAREV, Valery), Russia; DOB 17 Aug 1959; POB Tikhoe, Sakhalin Oblast, Russia; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

163. ROSSEL, Eduard Ergartovich (Cyrillic: РОССЕЛЬ, Эдуард Эргартович) (a.k.a. ROSSEL, Eduard), Russia; DOB 08 Oct 1937; POB Bor, Nizhny Novgorod Oblast, Russia; nationality Russia; Gender Male; Tax ID No. 666200807284 (Russia); Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

164. RYZHKOV, Nikolai Ivanovich (Cyrillic: РЫЖКОВ, Николай Иванович) (a.k.a. RIZHKOV, Nikolay Ivanovich), Russia; DOB 28 Sep 1929; POB Duleevka, Donetsk Region, Ukraine; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

165. TSEKOV, Serhiy Pavlovich (Cyrillic: ЦЕКОВ, Сергей Павлович) (a.k.a. TSEKOV, Sergei; a.k.a. TSEKOV, Sergey Pavlovich), Russia; DOB 28 Sep 1953; POB Simferopol, Crimea, Ukraine; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13660] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

166. TURCHAK, Andrey Anatolyevich (Cyrillic: ТУРЧАК, Андрей Анатольевич) (a.k.a. TURCHAK, Andrei), Russia; DOB 20 Dec 1975; POB St. Petersburg, Russia; nationality Russia; Gender Male; Tax ID No. 781002279818 (Russia); Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

167. UMAHANOV, Ilyas Magomed-Salamovich (Cyrillic: УМАХАНОВ, Ильяс Магомед-Саламович) (a.k.a. UMAKHANOV, Iliyas), Russia; DOB 27 Mar 1957; POB Makhachkala, Dagestan, Russia; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the

Government of the Russian Federation.

168. VASILENKO, Dmitriy Yuryevich (Cyrillic: ВАСИЛЕНКО, Дмитрий Юрьевич) (a.k.a. VASILENKO, Dmitry), Russia; DOB 11 May 1969; POB Kirishi, Russia; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

169. ZHUKOV, Aleksandr Arkadyevich (Cyrillic: ЖУКОВ, Александр Аркадьевич) (a.k.a. ZHUKOV, Alexander), Russia; DOB 29 Dec 1974; POB Shiryan, Karagaysky District, Perm Oblast, Russia; nationality Russia; Gender Male; Member of the Federation Council of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

Entity

1. THE FEDERATION COUNCIL OF THE FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION (Cyrillic: СОВЕТ ФЕДЕРАЦИИ ФЕДЕРАЛЬНОГО СОБРАНИЯ РОССИЙСКОЙ ФЕДЕРАЦИИ), 26 Bolshaya Dmitrovka Street, Moscow 103426, Russia; Website council.gov.ru; Target Type Government Entity [RUSSIA-EO14024].

Designated pursuant to section 1(a)(iv) of E.O. 14024 for being a political subdivision, agency, or instrumentality of the Government of the Russian Federation.

Dated: September 30, 2022.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2022–21757 Filed 10–5–22; 8:45 am]

BILLING CODE 4810–AL–C

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meetings

TIME AND DATE: September 27, 2022, 12:00 p.m. to 3:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (US Toll) or 1–669–900–6833 (US Toll) or (ii) 1–877–853–5247 (US Toll Free) or 1–888–788–0099 (US Toll Free), Meeting ID: 965 0198 5886, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is *https://kellen.zoom.us/meeting/register/tJIod-ihpj4iEtIX6pjmoWD40vPgG6Kk1l7X.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email, followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Board Action

The proposed Agenda will be reviewed, and the Board will consider adoption.

Ground Rules

➢ Board actions taken only in designated areas on agenda

IV. Approval of Minutes of the June 7, 2022, and August 11, 2022, UCR Board Meetings—UCR Board Chair

For Discussion and Possible Board Action

Draft Minutes from the June 7, 2022, and August 11, 2022, UCR Board meetings will be reviewed. The Board will consider action to approve.

V. Report of FMCSA—FMCSA Representative

The Federal Motor Carrier Safety Administration (FMCSA) will provide a report on relevant activity.

VI. Subcommittee Reports

Audit Subcommittee—UCR Audit Subcommittee Chair

A. Additional Compliance Evaluation Tools for the Annual State Audit Progress Report—UCR Audit Subcommittee Chair

For Discussion and Possible Board Action

The UCR Audit Subcommittee Chair will lead a discussion regarding the current evaluation process for the participating states' audit programs as required by the UCR Agreement. The Subcommittee recently approved adding the broker registration percentages to the annual state audit requirements beginning in the 2023 audit year. This additional compliance objective will require States to register brokers at 60% in order to comply. If approved, States will have six compliance objectives and will be required to qualify in three of the six to receive a passing score. The Board may take action to approve such options as may be discussed. The Audit Subcommittee recommends the UCR Board adopt this proposal.

B. Review of States' Audit Compliance Rates for Registration Years 2021 and 2022—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will present registration performance statistics and the related compliance percentages, Focused Anomaly Reviews (FARs), unregistered bracket 5 and 6 motor carrier audits for the 2021 and 2022 registration years.

Finance Subcommittee—UCR Finance Subcommittee Chair

A. Maturing Certificate of Deposit on November 12, 2022—UCR Finance Subcommittee Chair and UCR Depository Manager

For Discussion and Possible Board Action

The UCR Finance Subcommittee Chair and the UCR Depository Manager will discuss the status of a certificate of deposit held at the Bank of North Dakota in the amount of $2,650,000.00 that will mature on November 12, 2022, comprised of administrative reserves previously approved by the Board. The UCR Board of Directors may take action to reinvest such funds. The Finance Subcommittee recommends reinvestment of the funds in a 12-month United States Treasury asset at the prevailing rate of interest on the date that the reinvestment is finalized.

B. Investment of Excess Fees Held by the Depository—UCR Finance Subcommittee Chair and UCR Depository Manager

For Discussion and Possible Board Action

The UCR Finance Subcommittee Chair and the UCR Depository Manager will discuss the status of excess fees held by the UCR Depository and potential investment opportunities for the UCR Board of Directors consideration. The UCR Board may take action to invest such excess fees with intent to minimize future fee rates for motor carriers. The UCR Finance Subcommittee recommends that the 2021 excess fees be invested in a 6-month United States Treasury asset and the 2022 excess fees be invested in a 12-month United States Treasury asset.

C. Transactional Authorizations at the Bank of North Dakota—UCR Finance Subcommittee Chair

For Discussion and Possible Board Action

The Bank of North Dakota, a long-time partner with UCR, is requiring renewed authorizations to transact Automated Clearing House (ACH) banking matters. A discussion will be led by the UCR Finance Subcommittee Chair to direct appropriate authority for transacting ACH business. The Board may take action to appoint appropriate management or governance (Board Members, Subcommittee Members and/or the UCR Executive Director) to authorize ACH banking transactions. The Finance Subcommittee recommends that 3 individuals be authorized to execute these transactions and a fourth individual be authorized upon appointment to the UCR Board of Directors by the FMCSA.

D. Preview of the 2023 Administrative Expense Budget—UCR Depository Manager

The UCR Depository Manager will provide a preview of the 2023 administrative expense budget. A final budget will be presented to the UCR Board of Directors for review and consideration at the December 8, 2022, UCR Board Meeting.

Education and Training Subcommittee—UCR Education and Training Subcommittee Chair

Update on Current and Future Training Initiatives—UCR Education and Training Subcommittee Chair and UCR Staff Executive

The Education and Training Subcommittee Chair and the UCR Staff Executive will provide an update on current and planned future training initiatives and the E-Certificate program.

Industry Advisory Subcommittee—UCR Industry Advisory Subcommittee Chair

Update on Current Initiatives—UCR Industry Advisory Subcommittee Chair and UCR Staff Executive

The UCR Industry Advisory Subcommittee Chair and the UCR Staff Executive will provide an update on current and planned initiatives regarding motor carrier industry concerns.

VII. Contractor Reports—UCR Executive Director

- *UCR Executive Director's Report*

The UCR Executive Director will provide a report covering recent activity for the UCR Plan.

- *DSL Transportation Services, Inc.*

DSL Transportation Services, Inc. will report on the latest data from the Focused Anomaly Reviews (FARs) program, discuss motor carrier inspection results, pilot projects and other matters.

- *Seikosoft*

Seikosoft will provide an update on recent/new activity related to the National Registration System (NRS).

- *UCR Administrator Report (Kellen)*

The UCR Staff Executive will provide a management report covering recent activity for the Depository, Operations, and Communications.

VIII. Other Business—UCR Board Chair

The UCR Board Chair will call for any other business, old or new, from the floor.

IX. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, September 20, 2022 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2022–21943 Filed 10–4–22; 4:15 pm]

BILLING CODE 4910–YL–P

DEPARTMENT OF VETERANS AFFAIRS

Funding Opportunity Under Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grant Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Funding Opportunity.

SUMMARY: The Department of Veterans Affairs (VA) is announcing the availability of funds for legal services grants under the Legal Services for Homeless Veterans and Veterans At-Risk For Homelessness Grant (LSV) Program. This Notice of Funding Opportunity (NOFO) contains information concerning the LSV Program, the grant application processes and the amount of funding available. Awards made for legal services grants will fund operations beginning on or around June 1, 2023, for a period of 12 months.

DATES: Applications for legal services grants under the LSV Program must be received by LSV Program by 4 p.m. Eastern Standard Time (EST) on December 30, 2022. In the interest of fairness to all eligible applicants, as described in this NOFO, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submissions of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays, computer service outages or other submission-related problems.

ADDRESSES: For a copy of the application package: Copies of the application can be download from the LSV website at *www.va.gov/homeless/lsv.asp.* Questions may be referred to LSV Program via email at *lsv@va.gov.* For detailed LSV Program information and requirements, see part 79 of title 38, Code of Federal Regulations (38 CFR part 79).

Submission of Application Package: Applicants must submit applications electronically following instructions found at *www.va.gov/homeless/lsv.asp.* Applications may not be mailed, hand carried or sent by facsimile. Applications must be received by the LSV Program by 4 p.m. EST on the application deadline date. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected. See Section II. A. of this NOFO for maximum allowable grant amounts.

Technical Assistance: Information regarding how to obtain technical assistance with preparing a legal service grant application is available on the LSV Program website at *www.va.gov/homeless/lsv.asp.*

SUPPLEMENTARY INFORMATION:

Funding Opportunity Title: Legal Services for Homeless-Veterans and Veterans At-Risk for Homelessness Grant.

Announcement Type: Initial.

Funding Opportunity Number: VA–VJP–LSV–H–0922.

Assistance Listing Number: 64.056, Legal Services for Homeless-Veterans and Veterans At-Risk for Homelessness Grant.

Authorizing Legislation: Public Law 116–315 *Id.* § 4202 of the Act, codified at § 2022A of title 38, U.S.C., directs the Secretary of VA (Secretary) to make grants to eligible entities to provide certain legal services to homeless Veterans and Veterans at risk for homelessness.

Paperwork Reduction Act of 1995: 44 U.S.C. 3501–3521 requires approval by the Office of Management and Budget (OMB).

OMB Control Number: 2900–0905.

I. Funding Opportunity Description

A. Assistance Listing Number: 64.056, Legal Services for Homeless-Veterans and Veterans At-Risk for Homelessness Grant (hyperlink added).

B. Purpose: The LSV Program's purpose is to provide legal services grants to public or non-profit private entities who will provide legal services to eligible Veterans who are homeless or at risk for homelessness. The goal of the LSV Program is to assist homeless and at-risk Veterans who have unaddressed needs for legal services, which may create barriers to housing stability. Services provided to Veterans under this NOFO are designed to help Veterans increase housing stability by providing legal services, including eviction defense, that will help Veterans avoid homelessness or help them return to permanent housing in the community.

C. Funding Priorities: This NOFO will provide awards designed to address the needs identified in 38 CFR 79.20(a), including legal services related to housing; family law; protective orders and other matters related to domestic or intimate partner violence; access to health care; requests to upgrade military discharge; consumer law, such as financial services, debt collection, garnishments, usury, fraud and financial exploitation; employment law; and the top 10 unmet legal needs as enumerated on VA's annual Community Homelessness Assessment, Local Education and Networking Groups (CHALENG) survey for the grant award year. CHALENG survey results can be found at *https://www.va.gov/homeless/chaleng.asp.* Funds provided through this NOFO must not duplicate or replace funds provided from any Federal, State or local government agency or program to assist homeless Veterans.

D. Definitions: 38 CFR 79.5 contains definitions of terms used in the LSV Program.

E. Authority: Funding available under this NOFO is authorized by 38 U.S.C. 2022A. VA implements the LSV Program through regulations in 38 CFR part 79. Funds made available under this NOFO are subject to the requirements of these regulations.

F. Requirements: The applicant's request for funding must be consistent with the limitation and uses of legal services grant funds outlined in 38 CFR part 79 and this NOFO. Per the regulations and this NOFO, the following requirements apply to legal services grants awarded under this NOFO:

> Grantees may use a maximum of 10% of legal services grant funds for administrative costs as identified in 38 CFR 79.90. Administrative costs consist of all costs, including all direct and indirect costs, associated with the management of the program. These costs may include professional training for attorneys to provide legal services for Veterans or other activities that are not direct services. These costs also include the administrative costs of subcontractors.

G. Guidance for Providing Legal Services: Consistent with 38 CFR 79.20, grantees are expected to provide legal

services relevant to issues that interfere with the participant's ability to obtain or retain permanent housing. (NOTE: Specific details of the legal services provided may be protected from being released to the grantee or VA under attorney-client privilege; however, the grantee must provide sufficient information to demonstrate the frequency and type of legal services delivered.) Support for legal services can include paying for court filing fees to assist a participant with issues that interfere with the participant's ability to obtain or retain permanent housing or legal services, including issues that affect the participant's employability and financial security.

When serving participants who are at risk for homelessness, the grantee must document that the Veteran does not have sufficient resources or support networks (*e.g.,* friends, faith-based or other social networks) immediately available to prevent them from becoming homeless. The definition of at-risk may be demonstrated by one or more of the following living situations:

1. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
2. Is living in the home of another because of economic hardship;
3. Has been notified in writing that their right to occupy their current housing or the living situation will be terminated within 21 days after the date of application for assistance;
4. Is constructively evicted from their current housing because of untenable conditions created by the landlord such as shutting off electricity and water or discriminatory acts;
5. Lives in a hotel or motel, and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State or local government programs for low-income individuals;
6. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which reside more than 1.5 persons reside per room, as defined by the United States Census Bureau;
7. Is exiting a publicly funded institution or system of care (such as a health-care facility, a mental health facility, foster care or another youth facility, or correction program or institution);
8. Is fleeing/attempting to escape domestic violence, dating violence, sexual assault, stalking or other dangerous or life-threatening conditions that relate to violence against the individual, including a child, that has either taken place within the individual's primary nighttime residence or has made the individual afraid to return to their primary nighttime residence; and
9. Otherwise lives in housing that has characteristics associated with instability and an increased risk for homelessness.

H. Evaluation and Performance as noted in Section D. of VI. Award Administration Information of this Notice (hyperlink added).

II. Award Information

A. Allocation of Funds: Under this NOFO, approximately $11.25 million is available for grants to provide legal services to homeless Veterans or Veterans at-risk for homelessness. The LSV Program aims to provide grant funding up to a maximum of $150,000 to eligible applicants in an approximately 1-year grant cycle. The funding amount and number of awards will be determined based on the number of responses received by the VA. Funding will only be awarded to applicants who demonstrate sufficient capacity to provide legal services to homeless Veterans or Veterans at risk for homelessness. Renewal funding may be available in a future NOFO and is subject to the availability of funding.

Grants governed by this NOFO are expected to be awarded on or around June 1, 2023. Future renewal funding is dependent on such factors as need, geographical dispersion; funding availability; the recipient meeting performance goals and statutory and regulatory requirements; as well as results of VA performance measurement and monitoring.

If VA determines that grantee spending is not meeting the minimum percentage milestones identified below, VA may elect to recoup projected unused funds and reallocate funds among other grantees who are able to fully use the funds to provide legal services during the grant period. Should VA elect to recoup unspent funds, reductions in available grant funds would take effect the first business day following the end of the quarter. VA may elect to recoup funds in the following circumstances:

- The grantee's requests to VA for grant funds are less than 10% of the total grant award by the end of the first quarter of the grant cycle, no later than September 30, 2023.
- The grantee's requests to VA for grant funds are less than 30% of the total grant award by the end of the second quarter of the grant cycle, no later than December 31, 2023.
- The grantee's requests to VA for grant funds are less than 55% of the total grant award by the end of the third quarter of the grant cycle, no later than March 31, 2024.

Reductions will be calculated based on the total amount of payment requests submitted in the U.S. Department of Health and Human Services' (HHS) Payment Management System (PMS) by 5 p.m. EST on the last business day of the quarter. Should VA elect to recoup unspent funds, reductions in available grant funds would take place the second business day following the end of the quarter. If additional funds become available from funds recouped under the Award Information section of this NOFO, funds that are voluntarily returned by grantees, funds that become available due to a grant termination, or other funds still available for grant awards, VA may elect to offer these funds to other grantees. Additional funds may be provided to grantees that are in compliance with their grant agreement and have the capacity to use the additional funds, with priority given in descending order based on grantees' original application's ranking/score.

B. Funding Restrictions: Applicants may not receive funding to replace funds provided by any other Federal, State, or local government agency or program to assist homeless Veterans. VA will not fund projects or activities deemed outside the scope of those enumerated in 38 CFR 79.20 and this NOFO.

III. Eligibility Information

A. Eligibility: For purposes of this NOFO, an eligible applicant is a public or non-profit private entity as defined in 38 CFR 79.10. Applicants must have the necessary technical and administrative abilities and resources to execute the program successfully. Applicants must provide sufficient eligibility information to allow VA to evaluate their application for scoring purposes. Only eligible entities can apply in response to this NOFO.

Applicants with 501(c)(3) Internal Revenue status must provide a copy of their status determination letter received from the Internal Revenue Service. Award recipients must maintain their status as 501(c)(3) or 501(c)(19) non-profit, State or local government or recognized Indian Tribal government as defined by General Services Administration regulations, 41 CFR 105–71.102, for the entire award cycle. Faith-based organizations may apply for the LSV grant program. Faith-based organizations are eligible, on the same basis as any other organization, to

participate in the LSV grant program as described in 38 CFR 79.80.

B. Cost Sharing or Matching: Cost-sharing or matching is not required for this funding opportunity.

C. Other Eligibility Criteria: System for Award Management (*SAM.gov*) Registration. Applicants are required to register in *SAM.gov* before submitting a Federal award application. Federal award recipients must continue to maintain an active *SAM.gov* registration with current information through the life of their Federal award.

As described in 38 CFR 79.10, this program prohibits issuing awards to entities that do not meet criteria for an eligible entity.

IV. Application and Submission Information

A. Obtaining an Application Package: Applicants must submit applications electronically following instructions found at *www.va.gov/homeless/lsv.asp.* VA will not accept applications by mail, in person or by facsimile. Applications must be received electronically by the LSV Program by 4 p.m. EST on the application deadline date. Applications must arrive as a complete package, and VA will not review materials arriving separately from the original application package, resulting in the application being rejected. See Section II.A. of this NOFO for maximum allowable grant amounts. The required documentation for application submission is outlined in the Application Documentation Required section of this NOFO. Forms that must be included as part of a complete application package may be downloaded directly from VA's LSV's website at *www.va.gov/homeless/lsv.asp.* Questions may be referred to the LSV Program at *lsv@va.gov.*

B. Content and Form of Application: VA is seeking to focus resources to provide legal services to Veterans who are homeless or at risk for homelessness. Applicants must submit applications electronically following instructions found at *www.va.gov/homeless/lsv.asp.* Applicants must include all required documents in their application submission as described in ''Application Documentation Required'' section (see below). VA will reject application packages that are incorrect, incomplete or incorrectly formatted.

Application Documentation Required:

1. Applicants must provide a current Employer Identification Number, Data Universal Number System number, a valid Unique Entity Identifier (UEI) if available and a *SAM.gov* expiration date. VA reserves the right to verify the information and reject applications if the information cannot be readily verified. Applicants are required to register in *SAM.gov* before applying. They must continue to maintain an active *SAM.gov* registration with current information for the entire time they have an active Federal award or an application under consideration.

2. VA will give preference to applicants who have a demonstrated focus on women Veterans. For a preference to be given, the applicant must provide a plan that describes how the applicant will use at least 10% of the grant funds to service eligible women Veterans.

3. VA notes that legal services grant applications must include applicants' identification of the target populations and the area or community the applicant proposes to serve.

4. Funding Restrictions: Applicants may not receive funding to replace funds provided by any other Federal, State or local government agency or program to assist homeless Veterans. VA will not fund projects or activities deemed outside the scope of those enumerated in 38 CFR 79.20 and this NOFO.

V. Application Review Information

A. Application: VA will use the following criteria to score applicants who are applying for a legal services grant:

Section A (35 maximum points): Background, Qualifications, Experience and Past Performance of Applicant and any Identified Subcontractor. VA will award points based on the background, qualifications, experience and past performance of the applicant and any subcontractors identified by the applicant in the legal services grant application, as demonstrated by the following:

(1) *Background and Organizational History.*

(i) Applicant's, and any identified subcontractors', background and organizational history are relevant to the program.

(ii) Applicant, and any identified subcontractors, maintain organizational structures with clear lines of reporting and defined responsibilities.

(iii) Applicant, and any identified subcontractors, have a history of complying with agreements and not defaulting on financial obligations.

(2) *Staff qualifications.*

(i) Applicant's staff, and any identified subcontractors' staff, have experience working with individuals who are homeless, at risk for homelessness, or who have very low income, as defined under this part.

(ii) Applicant's staff, and any identified subcontractors' staff, have experience administering programs similar to the grant program under this part.

(3) *Organizational qualifications and past performance.*

(i) Applicant, and any identified subcontractors, have organizational experience providing legal services to individuals who are homeless, at risk for homelessness or who have very low income as defined under this part.

(ii) Applicant, and any identified subcontractors, have organizational experience administering a program similar in type and scale to the grant program.

(iii) Applicant, and any identified subcontractors, have or plan to hire staff, who are qualified to administer legal services, and as applicable, are in good standing as a member of the applicable state bar.

(4) *Experience working with Veterans.*

(i) Applicant's staff, and any identified subcontractors' staff, have experience working with Veterans.

(ii) Applicant, and any identified subcontractors, have organizational experience providing legal services to Veterans.

Section B (maximum 25 points): Program Concept and Legal Services Plan. VA will award points based on the applicant's program concept and legal services plan, as demonstrated by the following:

(1) *Need for program.*

(i) Applicant has shown a need among eligible Veterans in the area or community where the program will be based.

(ii) Applicant understands the legal services needs unique to eligible Veterans in the area or community where the program will be based.

(2) *Outreach and screening plan.*

(i) Applicant has a feasible outreach and referral plan to identify and assist eligible veterans that are most in need of legal services. This plan should include how the applicant will ensure that services are provided to eligible Veterans, including women Veterans and how the applicant will use at least 10% of the grant funds to service eligible women Veterans.

(ii) Applicant has a plan to process and receive referrals from eligible Veterans.

(iii) Applicant has a plan to assess and accommodate the needs of incoming eligible Veterans.

(3) *Program concept.*

(i) Applicant's program concept, size, scope and staffing plan are feasible.

(ii) Applicant's program is designed to meet the legal needs of eligible Veterans in the area or community where the program will be based.

(4) *Program implementation timeline.*

(i) Applicant's program will be implemented in a timely manner and legal services will be delivered to eligible Veterans as quickly as possible and within a specified timeline.

(ii) Applicant has a hiring plan in place to meet the applicant's program timeline or has existing staff to meet such timeline.

(5) *Collaboration and communication with VA.* Applicant has a plan to coordinate outreach and services with local VA facilities.

(6) *Ability to meet VA's requirements, goals and objectives for the grant program.* Applicant is committed to ensuring that its program meets VA's requirements, goals and objectives for the grant program as identified in the regulation and the Purpose Section of the NOFO (hyperlink added).

(7) *Capacity to undertake program.* Applicant has sufficient capacity, including staff resources, to undertake the program.

Section C (maximum 15 points): Quality Assurance and Evaluation Plan. VA will award points based on the applicant's quality assurance and evaluation plan, as demonstrated by the following:

(1) *Program evaluation.*

(i) Applicant has created clear, realistic and measurable metrics that align with the grant program's aim of addressing the legal needs of eligible Veterans against which the applicant's program performance can be continually evaluated.

(2) *Monitoring.*

(i) Applicant has adequate controls in place to regularly monitor the program, including any subcontractors, for compliance with all applicable laws, regulations and guidelines.

(ii) Applicant has adequate financial and operational controls in place to ensure the proper use of legal services grant funds.

(iii) Applicant has a plan for ensuring that the applicant's staff and any subcontractors are appropriately trained and comply with the requirements of 38 CFR part 79.

(3) *Remediation.* Applicant has a plan to establish a system to remediate non-compliant aspects of the program if and when they are identified.

(4) *Management and reporting.* Applicant's program management team has the capability and a system in place to provide to VA timely and accurate reports at the frequency set by VA.

Section D (maximum 15 points): Financial Capability and Plan. VA will award points based on the applicant's financial capability and plan, as demonstrated by the following:

(1) *Organizational finances.* Applicant, and any identified subcontractors, are financially stable.

(2) *Financial feasibility of program.*

(i) Applicant has a realistic plan for obtaining all funding required to operate the program for the period of the legal services grant.

(ii) Applicant's program is cost-effective and can be effectively implemented on-budget.

Section E (maximum 10 points): Area Linkages and Relations. VA will award points based on the applicant's area or community linkages and relations, as demonstrated by the following:

(1) *Area or community linkages.* Applicant has a plan for developing or has existing linkages with Federal (including VA), State, local and tribal governments, agencies, and private entities for the purposes of providing additional legal services to eligible Veterans.

(2) *Past working relationships.* Applicant (or applicant's staff), and any identified subcontractors (or subcontractors' staff), have fostered successful working relationships and linkages with public and private organizations providing services to Veterans in need of services similar to those covered under the grant program.

(3) *Local presence and knowledge.*

(i) Applicant has a presence in the area or community to be served by the applicant.

(ii) Applicant understands the dynamics of the area or community to be served by the applicant.

(4) *Integration of linkages and program concept.* Applicant's linkages to the area or community to be served by the applicant enhance the effectiveness of the applicant's program.

B. Applicant Certifications and Assurances: Applicants must sign and submit the grant application agreeing to the following:

(1) *Project Budget Template.* Applicants must attach an itemized detailed budget using the approved SF 424A form and corresponding to the narrative provided in the financial capability and plan. The categories and costs included in the detailed budget must indicate the plan and demonstrate compliance with cost principles. See the Attachments section at the end of the application. Successful applicants must follow all applicable budget requirements, including the Federal cost principles in 2 CFR part 200, LSV regulations at 38 CFR part 79 and budget requirements of this NOFO.

(2) *Additional Eligibility Documentation.* Applicants will provide other required or optional materials as attachments, including:

(i) Budget Template (required);

(ii) Letters of coordination (optional); and

(iii) Resumes or position descriptions of key staff (required).

C. Criteria for Threshold Review: Submission of an incorrect or incomplete application package will result in the application being rejected and not considered for award. Only applications that meet threshold requirements in 38 CFR 79.30 will be scored consistent with criteria in 38 CFR 79.35.

D. Review and Selection Process: Review and selection process may be found at 38 CFR 79.40. In case of a discrepancy between information provided by the applicant and other information available to VA, VA reserves the right to make funding decisions based on all available information or to not select an application. VA also will use the following considerations in 38 CFR 79.40(d) to select applicants for funding:

(1) VA will rank those applicants who score at least 50 cumulative points and receive at least one point under each of the categories: (a) Background, Qualifications, Experience and Past Performance of Applicant and Any Identified Subcontractor, (b) Program Concept and Legal Services Plan, (c) Quality Assurance and Evaluation Plan, (d) Financial Capability and Plan and (e) Area Linkages and Relations. VA will use the ranked scores of applicants as the primary basis for selection. The applicants will be ranked in order from highest to lowest.

(2) VA will give preference to applicants who have the demonstrated ability to provide or coordinate the provision of legal services individuals who are homeless, at risk for homelessness or have very low income, as defined by this part.

(3) To the extent practicable, VA will ensure that legal services grants are equitably distributed across geographic regions, including with respect to rural communities, trust lands, Native Americans and tribal organizations.

(4) VA will give preference to applicants with a demonstrated focus on women Veterans. For such a preference to be given, the applicant must provide a plan that describes how the applicant will use at least 10% of grant funds to provide legal services to women Veterans.

E. Funding Actions: VA will provide funding to all eligible applicants in the score order described in this NOFO until funding is exhausted. Funding is not guaranteed. Before awarding a grant agreement, VA reserves the right to make adjustments (*e.g.,* to funding

levels) as needed within the intent of this NOFO based on a variety of factors, including the quantity and quality of applications, geographic dispersion, as well as the availability of funding. VA will consider any information that comes to its attention, including information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics and performance under Federal awards. VA may not make a Federal award to an applicant if the applicant has not complied with all applicable UEI and *SAM.gov* requirements. Applicants may refer to 2 CFR part 25 and *SAM.gov* for more information. If an applicant has not fully complied by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant. VA may elect to award additional applications based on the availability of funds and quality of applications. Upon signature of the grant agreement by the Secretary, or designated representative, final selection will be completed, and the grant funds will be obligated for the funding period.

VI. Award Administration Information

A. Award Notice: Although subject to change, the LSV Program expects to announce grant awards on or around June 1, 2023. VA reserves the right to make adjustments (*e.g.,* to funding levels) as needed within the intent of the NOFO based on a variety of factors, including the availability of funding and performance. The initial announcement will be made via a news release posted on the VA's LSV website at *www.va.gov./homeless/lsv.asp.*

The LSV Program will notify successful and unsuccessful applicants. Only a grant agreement with a VA signature is evidence of an award and is an authorizing document allowing costs to be incurred against a grant award. Other notices, letters or announcements are not authorizing documents. The grant agreement includes the terms and conditions of the award and must be signed by the entity and VA to be legally binding.

B. Administrative and National Policy Requirements: VA places great emphasis on responsibility and accountability. VA has procedures in place to monitor grants provided under the Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grant. All applicants selected in response to this NOFO must agree to meet applicable inspection standards outlined in the grant agreement.

C. Payment: Grantees will receive payments electronically through HHS PMS. Grantees will have the ability to request payments as frequently as they choose subject to the following limitations:

1. During the first quarter of the grantee's legal services annualized grant award period, the grantee's cumulative requests for legal services grant funds may not exceed 35% of the total legal services grant award without written approval by the VA.

2. By the end of the second quarter of the grantee's legal services annualized grant award period, the grantee's cumulative requests for legal services grant funds may not exceed 60% of the total legal services grant award without written approval by VA.

3. By the end of the third quarter of the grantee's legal services annualized grant award period, the grantee's cumulative requests for legal services grant funds may not exceed 80% of the total legal services grant award without written approval by VA.

4. By the end of the fourth quarter of the grantee's annualized legal services grant award period, the grantee's cumulative requests for legal services grant funds may not exceed 100% of the total legal services grant award.

D. Reporting, Evaluation and Performance: VA places great emphasis on the responsibility and accountability of grantees. As described in 38 CFR 79.95, VA has procedures to monitor legal services provided to participants and outcomes associated with the legal services provided under the LSV Program. Applicants should be aware of the following:

1. Grantees will be required to track data that will consist of information on the participants served and the types of legal services provided by grantees. Information regarding legal services provided may be protected from being released to the VA under attorney-client privilege; however, the grantee must provide sufficient information to demonstrate the frequency and type of services delivered to meet performance measurement outcomes, as defined in 2 CFR 200.301.

2. VA will complete annual monitoring evaluations of each grantee. Monitoring also will include the submission of quarterly and yearly financial and performance reports by the grantee. The grantee will be expected to demonstrate adherence to the grantee's proposed program concept, as described in the grantee's application. All grantees are also subject to audits conducted by the VA or its representative.

3. Grantees will be assessed based on their ability to meet critical reporting requirements that are defined by the regulations.

VII. Federal Awarding Agency Contact

Ms. Madolyn Gingell, National Coordinator, Legal Services for Veterans, *Madolyn.Gingell@va.gov.*

Signing Authority:

Denis McDonough, Secretary of Veterans Affairs, approved this document on September 29, 2022, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2022–21603 Filed 10–5–22; 8:45 am]

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FEDERAL REGISTER

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Part II

Environmental Protection Agency

40 CFR Part 63
National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2002–0058; FRL–6312–02–OAR]

RIN 2060–AU20

National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes amendments to the national emission standards for hazardous air pollutants (NESHAP) at major sources from new and existing industrial, commercial, and institutional (ICI) boilers and process heaters. Certain aspects of these standards were challenged and subsequently remanded to the Agency by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit). This action finalizes amendments to several numeric emission limits for new and existing boilers and process heaters consistent with the court's opinion and sets compliance dates for these new emission limits. This action also provides further explanation of one aspect of the Agency's use of carbon monoxide (CO) as a surrogate for organic hazardous air pollutants (HAP) and its use of a CO threshold to represent the application of the maximum achievable control technology (MACT) for organic HAP. We are also finalizing several technical clarifications and corrections.

DATES: This final rule is effective on December 5, 2022. The incorporation by reference (IBR) of certain material listed in the rule is approved by the Director of the Federal Register as of October 6, 2022. The incorporation by reference of this material was previously approved by the Director of the Federal Register as of May 20, 2011.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Lisa Thompson, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–9775; and email address: *thompson.lisa@epa.gov* or Nick Hutson, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2968; and email address: *hutson.nick@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2002–0058. All documents in the docket are listed on the *https://www.regulations.gov/* website. Although listed, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov/.* Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform.

Organization of this document. The information in this preamble is organized as follows:

I. General Information
- A. Executive Summary
- B. Does this action apply to me?
- C. Where can I get a copy of this document and other related information?
- D. Judicial Review and Administrative Reconsideration

II. Background

III. Summary of Final Action and Significant Changes Since Proposal
- A. Revisions to MACT Floor Emission Limits
- B. Beyond-the-Floor Emission Limits
- C. Revisions to Output-Based Emission Limits
- D. CO as a Surrogate for Organic HAP
- E. CO 130 PPM Threshold Emission Limits
- F. New Source Definition
- G. Approval for CO_2 in Lieu of O_2 Monitoring for CO CEMS Compliance Calculations

IV. Results and Final Decisions
- A. What are the resulting changes to emission limits?
- B. What compliance dates are we finalizing?
- C. What other actions are we finalizing?

V. Summary of Cost, Environmental, and Economic Impacts
- A. What are the affected sources?
- B. What are the air quality impacts?
- C. What are the cost impacts?
- D. What are the secondary impacts?
- E. What are the economic impacts?
- F. What are the benefits?
- G. What analysis of environmental justice did we conduct?

VI. Statutory and Executive Order Reviews
- A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
- B. Paperwork Reduction Act (PRA)
- C. Regulatory Flexibility Act (RFA)
- D. Unfunded Mandates Reform Act (UMRA)
- E. Executive Order 13132: Federalism
- F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
- H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer and Advancement Act (NTTAA)
- J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- K. Congressional Review Act (CRA)

I. General Information

A. Executive Summary

1. Purpose of the Regulatory Action

a. Need for Regulatory Action

The NESHAP for Industrial, Commercial, and Institutional Boilers (ICI) and Process Heaters was promulgated on March 21, 2011 and amended on January 31, 2013 and again on November 20, 2015. Environmental groups and industry submitted petitions seeking judicial review of the 2013 NESHAP. On July 29, 2016, the D.C. Circuit remanded for further explanation the use of CO as a surrogate for organic HAP due to the EPA's failure to address a public comment received and vacated certain emission standards where it held that the EPA had improperly excluded certain units in establishing the emission standards. *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 631. On December 23, 2016, the D.C. Circuit amended its July 29, 2016 decision to remand those emission standards instead of vacating them. 844 F.3d 268. In March 2018, the court, in a separate challenge to the 2015 amended NESHAP, remanded for further explanation the EPA's decision to set a limit of 130 parts per million (ppm) CO as a minimum standard for certain subcategories of boilers and process heaters. *Sierra Club* v. *EPA,* 884 F.3d 1185.

In response to these remands, the EPA is finalizing revisions to several emission standards consistent with the court's opinion and providing further explanation of the two issues remanded for that purpose.

b. Legal Authority

The statutory authority for this final action is section 112 of the Clean Air Act (CAA). Section 112(d)(2) of the CAA directs the EPA to develop NESHAP which require existing and new major sources to control emissions of HAP using MACT based standards. This NESHAP applies to all ICI boilers and process heaters located at major sources of HAP emissions.[1]

2. Summary of the Major Provisions of the Regulatory Action in Question

The EPA is finalizing revisions to 34 different emission limits which it had previously promulgated in 2011 and amended in 2013. Of these 34 emission limits, 28 of the limits are more stringent and six of the limits are less stringent than the previously promulgated emission limits. The EPA is also finalizing a deadline of 3 years after the effective date of the final rule for sources to demonstrate compliance with these revised emission limits. A list of each combination of subcategory and pollutant with revised limits is shown in Table 1.

TABLE 1—SUMMARY OF SUBCATEGORIES WITH REVISED EMISSION LIMITS

Subcategory	Pollutant
New-Solid	HCl.
New-Dry Biomass Stoker	TSM.*
New-Biomass Fluidized Bed	CO, PM, TSM.
New-Biomass Suspension Burner	CO, TSM.*
New-Biomass Hybrid Suspension Grate.	CO.
New-Biomass Dutch Oven/Pile Burner.	PM.
New-Biomass Fuel Cell	PM.
New-Wet Biomass Stoker	CO, PM.
New-Liquid	HCl.
New-Heavy Liquid	PM, TSM.
New-Process Gas	PM.*
Existing-Solid	HCl, Hg.
Existing-Coal	PM.
Existing-Coal Stoker	CO.
Existing-Dry Biomass Stoker	TSM.*
Existing-Wet Biomass Stoker	CO, PM, TSM.
Existing-Biomass Fluidized Bed	CO, PM, TSM.
Existing-Biomass Suspension Burners.	PM, TSM.*
Existing-Biomass Dutch Oven/Pile Burner.	PM.
Existing-Liquid	Hg.
Existing-Heavy Liquid	PM.
Existing-Non-continental Liquid	PM.
Existing-Process Gas	PM.*

*Indicates a less stringent limit compared to the previously promulgated emission limits.

3. Costs and Benefits

We have estimated certain costs and benefits of the final rule, and these are found in Table 2. All of these estimates are in 2016 dollars (2016$). The monetized benefits estimate reflects an annual average of 446 tons of fine particulate matter ($PM_{2.5}$) emission reductions per year and 1,141 tons of sulfur dioxide (SO_2) emission reductions per year, both pollutants not directly regulated by this final rule. The unmonetized benefits include reduced exposure to directly regulated HAP, including mercury (Hg), hydrochloric acid (HCl), non-Hg metals (*e.g.,* antimony, cadmium), formaldehyde, benzene, and polycyclic organic matter; reduced climate effects due to reduced black carbon emissions; reduced ecosystem effects; and reduced visibility impairments. These estimates also include climate disbenefits resulting from an increase in carbon dioxide (CO_2) emissions, a secondary impact from electricity use by additional control devices in response to the final amendments.

Table 2 presents estimates of the present values (PV) and equivalent annualized values (EAV), calculated using discount rates of 3 and 7 percent as directed by OMB's Circular A–4, of the health benefits, climate disbenefits, compliance costs, and net benefits of the final rule, in 2016 dollars, discounted to 2020. The estimated net benefits are the estimated benefits minus the estimated disbenefits and the estimated costs of the final rule.

TABLE 2—ESTIMATED HEALTH BENEFITS, CLIMATE DISBENEFITS, COMPLIANCE COSTS, AND NET BENEFITS OF THE FINAL RULE, 2022 THROUGH 2029

[Millions 2016$, discounted to 2020][a]

	3% Discount rate	7% Discount rate
Present Value:		
Health Benefits[b]	$500 and $505	$350 and $353.
Climate Disbenefits[b]	$7	$7.
Compliance Costs[c]	$315	$265.
Net Benefits[d]	$178 and $182 + B	$80 and $83 + B.
Equivalent Annualized Value:		
Health Benefits	$71 and $72	$58 and $59.
Climate Disbenefits	$1	$1.
Compliance Costs	$45	$44.
Net Benefits	$25 and $26 + C	$13 and $14 + C.

[a] Numbers may not sum due to independent rounding.

[b] The health benefits are associated with several point estimates and are presented at real discount rates of 3 and 7 percent. The health benefits are a result of the $PM_{2.5}$ and SO_2 emission reductions estimated for this final rule, and are associated with several point estimates and are presented at real discount rates of 3 and 7 percent. The two benefits estimates are separated by the word ''and'' to signify that they are two separate estimates. The estimates do not represent lower- and upper-bound estimates and should not be summed. Data, resource, and methodological limitations prevented the EPA from monetizing the human health benefits from reduced exposure to mercury, HCl, and other HAP whose emissions are directly regulated by this final rule. The EPA provides a qualitative discussion of mercury, HCl, and other HAP benefits in the RIA. In addition, the potential benefits from reduced ecosystem effects and reduced visibility impairment from the reduction in emissions of non-HAP pollutants such as $PM_{2.5}$ and SO_2 are also not monetized here. Climate disbenefits are based on changes (increases) in CO_2 emissions and are calculated using four different estimates of the social cost of carbon ($SC–CO_2$) (model average at 2.5 percent, 3 percent, and 5 percent discount rates; 95th percentile at 3 percent discount rate). For the presentational purposes of this table, we show the climate disbenefits associated with the average $SC–CO_2$ at a 3 percent discount rate, but the Agency does not have a single central $SC–CO_2$ point estimate. We emphasize the importance and value of considering the disbenefits calculated using all four $SC–CO_2$ estimates; the additional disbenefit estimates are presented in section V of this preamble. As discussed in Chapter 4 of the Regulatory Impact Analysis (RIA) for this final rule, a consideration of climate disbenefits calculated using discount rates below 3 percent, including 2 percent and lower, are also warranted when discounting intergenerational impacts.

[1] See 75 FR 32016 and § 63.7575 ''What definitions apply to this subpart'' of 40 CFR part 63, subpart DDDDD, for definitions of ICI boilers and process heaters.

[c] To estimate these annualized costs, the EPA uses a conventional and widely accepted approach, the equivalent uniform annual cost (EUAC) approach, that applies a capital recovery factor (CRF) multiplier to capital investments and adds that to the annual incremental operating expenses. Annual costs were calculated using a 5.5% nominal interest rate consistent with the rate used for the cost analysis done for the proposed rule.

[d] The letter ''B'' captures the portion of the present value of net benefits due to the unmonetized benefits from the emission reductions of directly regulated HAP and all other emission changes resulting from this final rule. The letter ''C'' captures the portion of the equivalent annualized value of net benefits due to the unmonetized benefits from the emission reductions of directly regulated HAP and all other emission changes resulting from this final rule. The benefits from emission reductions of directly regulated HAP under this final rule are not monetized due to lack of appropriate valuation estimates. More information on the unmonetized benefits from HAP and non-HAP emission reductions can be found in Chapter 4 of the RIA.

As shown in Table 2, the PV of the health benefits of this final rule, discounted at a 3-percent discount rate, is estimated to be about $500 million and $505 million, with an EAV of about $71 million and $72 million. At a 7-percent discount rate, the PV of the health benefits is estimated to be $350 million and $353 million, with an EAV of about $58 million and $59 million. The two health benefits estimates for each discount rate reflect alternative $PM_{2.5}$ mortality risk estimates. The PV of the climate disbenefits of this final rule, discounted at a 3-percent rate, is estimated to be about $7 million, with an EAV of about $1 million. The PV of the compliance costs, discounted at a 3-percent rate, is estimated to be about $315 million, with an EAV of about $45 million. At a 7-percent discount rate, the PV of the compliance costs is estimated to be about $265 million, with an EAV of about $44 million.

More information on these impacts can be found in section V of this preamble and in the Regulatory Impact Analysis (RIA) for this final rule.

B. Does this action apply to me?

Table 3 lists the NESHAP and associated regulated industrial source categories that are the subject of this action. Table 3 is not intended to be exhaustive, but rather provides a guide for readers regarding the entities that this action affects. The final standards will be directly applicable to the affected sources. As defined in the *Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990* (see 57 FR 31576, July 16, 1992) and *Documentation for Developing the Initial Source Category List, Final Report* (see EPA–450/3–91–030, July 1992), the Industrial/Commercial Boiler source category includes boilers used in manufacturing, processing, mining, and refining or any other industry to provide steam, hot water, and/or electricity. The Institutional/Commercial Boilers source category includes, but is not limited to, boilers used in commercial establishments, medical centers, research centers, institutions of higher education, hotels, and laundries to provide electricity, steam, and/or hot water. Waste heat boilers are excluded from this definition. The Process Heaters source category includes, but is not limited to, secondary metals process heaters, and petroleum and chemical industry process heaters. A process heater is defined as an enclosed device using controlled flame, and the unit's primary purpose is to transfer heat indirectly to a process material (liquid, gas, or solid) or to a heat transfer material (*e.g.,* glycol or a mixture of glycol and water) for use in a process unit, instead of generating steam. Process heaters do not include units used for comfort heat or space heat, food preparation for on-site consumption, or autoclaves. Waste heat process heaters are excluded from this definition. A boiler or process heater combusting solid waste is not a boiler unless the device is exempt from the definition of a solid waste incineration unit as provided in section 129(g)(1) of the CAA.

TABLE 3—SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

Source category	NESHAP	NAICS code [1]	Examples of regulated entities
Any industry using a boiler or process heater as defined in the final rule.	Industrial, Commercial, and Institutional Boilers and Process Heaters.	211	Extractors of crude petroleum and natural gas.
		321	Manufacturers of lumber and wood products.
		322	Pulp and paper mills.
		325	Chemical manufacturers.
		324	Petroleum refineries, and manufacturers of coal products.
		316, 326, 339	Manufacturers of rubber and miscellaneous plastic products.
		331	Steel works, blast furnaces.
		332	Electroplating, plating, polishing, anodizing, and coloring.
		336	Manufacturers of motor vehicle parts and accessories.
		221	Electric, gas, and sanitary services.
		622	Health services.
		611	Educational services.

[1] North American Industry Classification System.

C. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this action is available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at *https://www.epa.gov/stationary-sources-air-pollution/industrial-commercial-and-institutional-boilers-and-process-heaters.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the action and key technical documents at this same website.

A redline version of the regulatory language that incorporates the finalized changes in this action is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2002–0058).

D. Judicial Review and Administrative Reconsideration

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by December 5, 2022. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal

proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

On March 21, 2011, the EPA established final emission standards for ICI boilers and process heaters at major sources, reflecting the application of the maximum achievable control technology (MACT) (76 FR 15608). On January 31, 2013, the EPA promulgated final amendments (78 FR 7138), which were challenged by industry and environmental petitioners. On November 20, 2015, the EPA promulgated additional amendments (80 FR 72789) in response to certain reconsideration issues.

On July 29, 2016, the D.C. Circuit issued its decision in *U.S. Sugar Corp* v. *EPA.* In that decision, the court upheld the EPA's 2013 final rule against all challenges brought by industry petitioners, and virtually all challenges brought by environmental petitioners. However, the court vacated the MACT floor emission limits for those subcategories where the EPA had excluded certain units from its MACT-floor calculation because those units burned less than 90 percent of the subcategory defining fuel. *U.S. Sugar Corp.* v. *EPA,* 830 F.3d at 631. As the court explained, ''[a]lthough the EPA allowed sources that combust only *10 per cent* of a subcategory defining fuel to join that subcategory, it declined to consider emissions from any source that burned *less than 90 per cent* of the subcategory-defining fuel when determining the average emissions level of the best performing sources in setting MACT floors for existing sources. And when it set a subcategory's MACT floors for new sources, the Agency declined to consider the emissions levels from any source that did not burn *100 per cent* of the fuel.'' *Id.* Because of this, ''several sources excluded from the MACT floor determination were among the best performing sources (or, in some cases, the single best performing source) in that fuel-based subcategory.'' *Id.* The court concluded that because the Clean Air Act requires the EPA to ''set the MACT floor at the level achieved by the best performing source, or the average of the best performing sources, in a subcategory,'' when ''the EPA includes a source in a subcategory, it must take into account that source's emissions levels in setting the MACT floor,'' no matter what percentage of subcategory-defining fuel that source burns. The D.C. Circuit therefore ''vacate[d] the MACT standards for all major boiler subcategories that would have been affected had the EPA considered all sources included in the subcategories.'' *Id.* at 632.

The D.C. Circuit subsequently granted EPA's motion for rehearing on remedy, withdrew its vacatur, and instead remanded for the EPA ''to identify those standards for which the MACT floor would have differed if the EPA had included all best-performing sources in each subcategory in its MACT-floor analysis'' and to ''revise those standards consistent with our July 29, 2016 opinion in this case.'' 844 F.3d at 270. Therefore, these standards have remained in effect since the court's decision.

The court in *U.S. Sugar* also remanded the use of CO as a surrogate for non-dioxin organic HAP to the EPA for the limited purpose of addressing public comments on the potential availability of post-combustion control technologies that could control CO. *Id.* at 628–30. As the D.C. Circuit explained, ''the EPA used carbon monoxide (CO) as a surrogate for several non-dioxin/furan organic HAPs when the Agency set the MACT floors for major boilers. In support of this approach, the EPA found that both CO and these HAPs were the products of 'incomplete combustion.' The Agency concluded as a result that CO was a reasonable surrogate because: (1) minimizing CO emissions would minimize these HAPs; (2) methods used for the control of these HAP emissions would be the same methods used to control CO emissions (*i.e.,* good combustion or using an oxidation catalyst); (3) standards limiting CO emissions would result in decreases in these HAP emissions; and (4) establishing emission limits for individual organic HAPs would be impractical and costly.'' *Id.* at 628 (citing 2010 Proposed Major Boilers Rule, 75 FR 32018). The environmental petitioners argued ''that the EPA has not adequately explained how setting emission standards for CO will . . . set emission standards for organic HAPs at the average level achieved by the best performers with regard to those HAPs.'' *Id.* The D.C. Circuit agreed, concluding that ''during notice and comment, the EPA failed to directly consider and respond to several comments that introduced evidence suggesting that other control technologies and methods could be effectively used to reduce HAP emissions without also impacting CO emissions, or vice versa.'' *Id.* at 629.

In a subsequent decision on March 16, 2018, the D.C. Circuit remanded the EPA's decision to set a limit of 130 ppm CO as a surrogate for non-dioxin organic HAP for certain subcategories, asking the Agency to better explain its analysis supporting its decision. *Sierra Club* v. *EPA,* 884 F.3d 1185. As the D.C. Circuit explained, in promulgating ''regulations that indirectly control a group of organic pollutants by limiting carbon monoxide emissions as a proxy for the targeted pollutants,'' and ''[a]fter calculating emissions limits for the organic pollutants by reference to the amount of carbon monoxide emitted by the best performing boilers in each subcategory, EPA concluded that the lowest of the carbon monoxide limits were too low, so it substituted a single, higher limit that it deemed sufficient to control the pollutants.'' *Id.* at 1189. The D.C. Circuit concluded that the ''EPA did not adequately justify its change of direction on the carbon monoxide limits because it failed to explain how the revised limits would minimize the targeted pollutants to the extent the Clean Air Act requires.'' *Id.* On August 24, 2020, the EPA published a notice of proposed rulemaking (NPRM) to address these issues remanded by the D.C. Circuit, and to make several technical clarifications and corrections (85 FR 52198). Section 112 of the CAA establishes a regulatory process to address emissions of hazardous air pollutants (HAP) from stationary sources. CAA section 112(d) requires the Agency to promulgate technology-based national emission standards for hazardous air pollutants (NESHAP) for major sources. ''Major sources'' are

defined in CAA section 112(a) as sources that emit or have the potential to emit 10 tons or more per year (tpy) of a single HAP or 25 tpy or more of any combination of HAP. For major sources, the technology-based NESHAP must require the maximum degree of reduction in emissions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). These standards are commonly referred to as MACT standards.

The MACT ''floor'' is the minimum control level allowed for MACT standards promulgated under CAA section 112(d)(3) and may not be based on cost considerations. For new sources, the MACT floor cannot be less stringent than the emissions control that is achieved in practice by the best controlled similar source. The MACT floor for existing sources may be less stringent than floors for new sources but may not be less stringent than the average emissions limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, the EPA must also consider control options that are more stringent than the floor (*i.e.,* ''beyond-the-floor'' options) under CAA section 112(d)(2). The EPA may establish beyond-the-floor standards more stringent than the floor based on considerations of the cost of achieving the emission reductions, any non-air quality health and environmental impacts, and energy requirements.

III. Summary of Final Action and Significant Changes Since Proposal

In this action, we are finalizing amendments to certain emission limits for new and existing boilers and process heaters. Most of these changes are identical to the emission limits that were proposed. As discussed further below at sections III.A.3 (HCl) and III.A.4 (PM), three of the emission limits have been revised since proposal following consideration of public comments received—New-Solid (HCl), New-Liquid (HCl), and Existing-Biomass Fluidized Bed (PM). We are also providing additional explanation to support the use of CO as a surrogate for organic HAP and to set a minimum CO emission limit of 130 ppm. In addition, we are finalizing approval of an alternative monitoring provision allowing for use of CO_2 as a diluent in lieu of O_2 when a continuous emission monitoring system (CEMS) is used to comply with an emission limit. We are also finalizing a small number of technical corrections based on our proposed action and our consideration of public comments received.

A. Revisions to MACT Floor Emission Limits

On July 29, 2016, the D.C. Circuit issued its decision in *U.S. Sugar Corp* v. *EPA.* In that decision, the court vacated those MACT limits where it held that the EPA had improperly excluded certain units in establishing the emission standards. Specifically, the court vacated all MACT limits where the EPA had included certain units in a subcategory but excluded those same units from its assessment of the subcategory's best performing sources. On December 23, 2016, the D.C. Circuit amended its July 29, 2016 decision, remanding those limits instead of vacating them, and ordering the Agency ''to identify those standards for which the MACT floor would have differed if the EPA had included all best-performing sources in each subcategory in its MACT-floor analysis'' and to ''revise those standards consistent with our July 29, 2016 opinion in this case.'' 844 F.3d at 270.

Prior to the *U.S. Sugar* decision, on August 20, 2013, the D.C. Circuit issued its decision in *National Ass'n. of Clean Water Agencies (NACWA)* v. *EPA,* which addressed challenges to the EPA's 2011 Sewage Sludge Incinerator (SSI) rule, issued under section 129 of the CAA. In *NACWA* v. *EPA,* the court remanded the EPA's use of the upper prediction limit (UPL) methodology to the Agency for further explanation of how the methodology reflected the average emissions limitation achieved by the best-performing 12 percent of sources (for existing sources) and the average emissions limitation achieved by the best-performing similar source (for new sources). *NACWA* v. *EPA,* 734 F.3d 1115, 1151. Because the UPL methodology used in the SSI rule was the same as that used in the Boiler Rule, the EPA requested a remand of the record in *U.S. Sugar* v. *EPA* in order to address the court's decision in *NACWA* v. *EPA.* The EPA prepared a memorandum explaining the methodology for the UPL, *EPA's Response to Remand of the Record for Major Source Boilers,*[2] that provided a detailed rationale to use the UPL as the basis of setting a MACT floor for new and existing sources. The methodology and the explanation in the memorandum were upheld by the D.C. Circuit in *U.S. Sugar* v. *EPA.* 830 F.3d at 639.

Accordingly, the EPA is finalizing changes to emission limits for new and existing boilers and process heaters. These changes address the court's concern regarding co-firing units that were included in a subcategory but excluded from consideration of that subcategory's best-performing sources in the 2013 analysis. In addition, these changes apply the UPL to the MACT floor analysis for limited datasets as explained in EPA's August 2019, memorandum titled ''Approach for Applying the Upper Prediction Limit to Limited Datasets for Boilers and Process Heaters at Major Sources.''

1. Overarching Methodology and Dataset Basis

In the 2020 proposal, the EPA based its revised analysis to address the remand on the same dataset used as the basis for the 2013 final rule.[3] [4] The 2013 final rule incorporated electronic reporting requirements into the rule. As a result, numerous emission test reports and other compliance data are now available through the Compliance and Emissions Data Reporting Interface (CEDRI) and WebFIRE.[5] However, since the revisions to the MACT floor analysis were conducted solely to address the remand in *U.S. Sugar* by correcting the calculations the court found impermissible, the EPA did not update its dataset to incorporate CEDRI compliance data into its revised MACT floor analysis.

While the EPA proposed to maintain the same dataset basis as the 2013 rule, the revisions to the rankings of emissions information to identify the best-performing units to include in the MACT floor calculation [6] required that the EPA conduct a more detailed review of the data available for the units in the dataset that had previously been excluded from the rankings, focusing on the newly identified best performers in

[2] See Docket ID Item No. EPA–HQ–OAR–2002–0058–3892.

[3] See 85 FR 52203.

[4] Emissions Database for Boilers and Process Heaters Containing Stack Test, CEM, and Fuel Analysis Data Reporting under ICR No. 2286.01 and ICR No.2286.03 (OMB Control Number 2060–0616) (version 8). See Docket ID Item No. EPA–HQ–OAR–2002–0058–3830.

[5] U.S. Environmental Protection Agency. Compliance and Emissions Data Reporting Interface (CEDRI) *https://www.epa.gov/electronic-reporting-air-emissions/cedri* and WebFIRE database *https://www.epa.gov/electronic-reporting-air-emissions/webfire.*

[6] See Docket ID Item No. EPA–HQ–OAR–2002–0058–0815 for background on how the EPA calculates MACT emission limits, along with the docketed memorandum, *Revised MACT Floor Analysis (2021) for the Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants—Major Source.*

the 2020 proposal. While reviewing the underlying emissions test reports, the EPA corrected some database errors, filled information gaps on relative heat inputs from individual fuel types for certain co-fired fuel blends in order to verify that units did indeed belong to a specific fuel subcategory based on background combustion process information provided in the test reports or database fuel heat input background tables, and adjusted CO instrument span measurements since some of the revised rankings showed test run values that were incorrectly reported as zero, non-detect, or negative in the database. The CO instrument span establishes the appropriate representative detection level (RDL) to use in the MACT floor calculations and the underlying emissions test reports in the record typically contained the span information. In some cases, when the span information was not available, default span values were assigned as discussed in the memorandum, *Incorporating Measurement Error in Reported Carbon Monoxide (CO) and Total Hydrocarbon (THC) Data (Revised August 2012).*[7] These adjustments were needed to ensure that we could use the data from the newly identified best performers. Had these units been identified as best performers in the original rulemaking, the EPA would have conducted a similar review of the test data and made the same corrections and adjustments. These data had not been previously scrutinized since they were not used in the original UPL calculations. While corrections were made to the original dataset for the purposes of revising UPL calculations for this final rule, no recent compliance data after January 31, 2013 (*e.g.,* emission test reports and other compliance data available through CEDRI and WebFIRE) were incorporated into the rankings or UPL calculations for these final MACT floor emission standards, for the reasons explained later in this subsection.

Commenters both agreed and disagreed with the EPA's use of the original 2013 dataset for this reanalysis of the emission limits. Some commenters provided limited, specific examples of where they believed additional data should be incorporated to provide additional emission test run variability in cases where there are limited datasets. However, these same commenters also agreed that EPA's use of the 2013 dataset is reasonable. These commenters pointed out that the court's decision in *U.S. Sugar* directed the EPA to correct its analysis of the 2013 dataset that established the emissions standards, not to collect new data.

Another commenter disagreed with the proposed approach to base the revisions to the MACT floor analysis on data from the 2013 final rule. The commenter claims the data is obsolete and ignores several years of compliance data available in CEDRI. This commenter did not dispute the EPA's methodology in calculating revised MACT standards consistent with the D.C. Circuit's opinion in *U.S. Sugar* v. *EPA.* The commenter's criticism was that the EPA should have considered additional data beyond those contained in the 2013 database for the remanded rule, and they claimed that, in fact, section 112(d) of the CAA requires the Agency to consider compliance data in its action on remand.

Another commenter also requested that the EPA consider certain additional data. The commenter stated that, ''it is appropriate to include only information that is relevant for setting the floor or identifying appropriate variability and exclude data that represents post-promulgation changes made to existing sources,'' [8] and that including the latter data would inappropriately redefine a standard based on actions taken to comply with such standard. However, the commenter believes that the EPA should not ignore units for which it has emissions information without justifying why the result from more limited data is sufficient. The commenter cites section 112(d)(3)(A) of the CAA, which requires that the MACT floor be no less stringent than the average emission limitation achieved by the best performing 12 percent of the existing sources for which the Administrator has emissions information.

The commenters claiming that the EPA must consider on remand additional data beyond the 2013 dataset that was used to establish the 2013 standards which were before the court misconstrue the D.C. Circuit's instructions in its decision remanding those standards to the EPA. The court stated that on remand, the EPA must ''identify those standards for which the MACT floor would have differed if the EPA had included all best-performing sources in each subcategory in its MACT-floor analysis.'' *U.S. Sugar* v. *EPA,* 844 F.3d 268 (2016) (granting EPA's motion for rehearing). The court further instructed the EPA to ''revise those standards consistent with'' the court's opinion. *Id.* Nothing in the court's opinion or in its grant of rehearing instructs or requires the EPA to initiate a new standard-setting process or to assemble additional data. Rather, the remand was targeted to *only* those standards affected by the court's decision, and the court did not address the question of whether the EPA should—let alone must—consider data that did not exist at the time the challenged rule was issued. In contrast, the D.C. Circuit vacated—rather than remanded—the EPA's 2004 emissions standards for commercial and industrial boilers because it anticipated a ''wholesale revision'' of the rule would be required. *NRDC* v. *EPA,* 489 F.3d 1250, 1262 (2007). Here, the court neither vacated the standards, nor indicated that it anticipated consideration of additional data.

The EPA further disagrees that section 112(d)(3)(A)'s reference to sources ''for which the Administrator has emissions information'' requires consideration of additional data beyond the 2013 dataset, such as compliance data. That qualifying language is intended to ensure that the EPA need not obtain emissions data from 100 percent of the source category or subcategory in order to identify the best performing 12 percent of the source category, consistent with the overall Congressional intent in enacting the 1990 amendments to section 112 to prevent delay in regulating emissions of hazardous air pollutants. Rather, the EPA could identify the best performing 12 percent of the sources for which it had emissions data, even if the Agency did not have emissions data for all the sources in the source category or subcategory and could set standards on that basis without having to collect information from all sources. In other words, the language the commenter refers to does not compel collection or consideration of additional data, particularly here, where the EPA is revising standards solely in response to a court remand on a very specific, limited issue. The EPA further notes that some commenters would have the EPA selectively consider additional data, such as data showing additional variability. For example, one commenter claims that the EPA must consider compliance data only for the purpose of accounting for variability, but not otherwise. The EPA does not agree that it would be reasonable or appropriate to consider compliance data only to account for additional variability. Where the EPA uses data for the UPL calculation, it uses that data for purposes of calculating the floor as well as for accounting for variability, and it

[7] See Docket ID Item No. EPA–HQ–OAR–2002–0058–3833.

[8] See Docket ID Item No. EPA–HQ–OAR–2002–0058–3969.

would not be appropriate to take a different approach here. As explained above, in this action the EPA is only correcting the flaw in its 2013 final rule analysis identified by the *U.S. Sugar* court in response to the court's remand. Further, while this action is limited to the remand, the Agency disagrees that, as a general matter, data representing compliance actions taken by sources to meet a previous standard are necessarily inappropriate to consider when revising a standard. However, that question is not at issue here.

The EPA's approach is reasonable given the limited nature of the remand. In addition, if the EPA were to revise the affected standards using newer emissions information, it could result in the potentially inequitable outcome of some units being subject to more stringent standards solely because of the EPA's error in its initial MACT floor calculations, while other units unaffected by the court decision would remain unchanged. Revising all of the boiler MACT standards, including the standards that have not been remanded, would require EPA to incur a significant resource burden and could result in wholesale changes to standards that were largely upheld by the D.C. Circuit. Given its other obligations under the statute and the EPA's determination that using new data is unnecessary to respond to the remand, the EPA has chosen to maintain the original data set for purposes of calculating standards. The revisions incorporate the co-fired boilers that met the subcategory definition using a threshold of at least 10 percent of a subcategory-defining fuel, on an annual heat input basis, but were excluded from the ranking analysis in the 2013 final emission standards. The D.C. Circuit in *U.S. Sugar* stated that, if the EPA includes a source in a subcategory, it must consider whether any source in that subcategory is a best-performing source which would then need to be accounted for in setting the MACT floor. *U.S. Sugar* v. *EPA,* 830 F.3d at 631. The final standards fully incorporate these sources in the development of standards as required by the remand.

2. UPL Methodology for Limited Datasets

Some of the MACT floor emission limits the EPA proposed were based on datasets with less than 7 test runs (''limited datasets''). There were limited datasets for the following subcategories and pollutants for both existing and new sources: process gas (Hg, HCl, total selected metals (TSM), and PM), biomass suspension burner (TSM), dry biomass stoker (TSM, PM, and CO), and coal fluidized bed coal refuse (CO). Limited datasets also existed for the following subcategories and pollutants for new sources: solid (Hg and HCl), liquid (Hg and HCl), heavy liquid (TSM and PM), light liquid (TSM and PM), biomass dutch oven/pile burner (TSM), biomass fuel cell (TSM), biomass fluidized bed (TSM), biomass suspension burner (TSM), biomass suspension grate (CO), wet biomass stoker (TSM), and coal (TSM and PM). On remand, these limited datasets were reviewed in additional detail to determine whether it was appropriate to make any modifications to the UPL approach used to calculate the MACT floors.

In addition to the proposed MACT floors involving limited datasets, the EPA also conducted a similar, more detailed review of the new source standards to evaluate if the UPL calculations required any adjustments to ensure that the resulting emission standards for new sources were not less stringent than for existing sources. Based on this review, the EPA found that the revised emission limits for three new source subcategories and pollutants did not reasonably account for variability and some changes were made to be consistent with *EPA's Approach for Applying the Upper Prediction Limit to Limited Dataset Boiler and Process Heaters at Major Sources* [9] to avoid the anomalous result the Court identified in *NACWA* v. *EPA* [10] where the calculated new source floor was less stringent than the existing source floor: These new source subcategories and pollutants are the following: solid (HCl), wet biomass stokers (TSM, PM), and biomass fluidized beds (PM).

The only comments received on the proposed methodology for analyzing limited datasets were made in the context of the new source solid fuel HCl emission limit. Those comments are summarized in section III.A.3 of this preamble.

The EPA is finalizing limited revisions to certain standards to address the specific issue identified by the court in *NACWA* v. *EPA.* The EPA is finalizing, as proposed, adjustments needed to three new source standards—Solid (HCl) and wet biomass stokers (TSM, PM), and biomass fluidized beds (PM)—to ensure that the new source floor is no less stringent than the existing source floor.[11] Additional detail about the determinations made at proposal are discussed in the docketed memorandum and no further analyses were needed as part of the final rule.[12]

3. Solid and Liquid Fuel HCl Emission Limits for New Sources

The proposed emission limits for HCl in the new source solid fuel and liquid fuel subcategories were both based on a value equal to 3 times the representative detection level (RDL) because the calculated UPL from the best performing similar source was less than this value.[13] In each case, the RDL value established for these two subcategories was based on the sampling times of the single best performer in each subcategory. For HCl, the detection level decreases with longer sampling times. For liquid fuels, the best performer had a 4-hour stack test, resulting in a 3 times RDL (3x RDL) of 5.4E–05 lb/MMBtu. For solid fuels, the best performer had a 1-hour stack test with an average oxygen concentration of 10.2 percent, resulting in a 3x RDL of 3.0E–04 lb/MMBtu.

In the case of liquid fuel boilers, the 3x RDL value was multiplied by a fuel variability factor to establish the MACT floor because the best performing unit had paired test data and fuel analysis data [14] to compare to fuel analysis used at the unit over time. The EPA also reviewed the data for the best performer in additional detail given that this best performing unit, ''LAShellChemicaGeismar, Furnace F–S801,'' had a limited dataset of 3 test runs. The EPA concluded that this unit was indeed a best performing unit.[15]

In the case of solid fuel boilers, the EPA proposed that the unit with the second lowest emission test results but the lowest variability, ''TXDibollTemple-Inland, PB–44'' (PB–44) was the best performing similar source.[16] This unit did not have paired test data and fuel analysis data to develop an appropriate fuel variability factor, so no fuel variability factor was applied to this emission limit.

[9] *See* Docket ID Item No. EPA–HQ–OAR–2002–0058–3946.

[10] *See National Assn. of Clean Water Agencies* v. *EPA (NACWA)* 734 F 3d 1115.

[11] See 85 FR 52205–52207.

[12] See Docket ID Item No. EPA–HQ–OAR–2002–0058–3946.

[13] In cases where the calculated UPL value is less than three times the representative detection level (3x RDL), where the RDL is the average detection level of the best performing sources, the limit is determined to be equivalent to the 3x RDL value. Such a limit ensures measurement variability is addressed and provides a limit that has a measurement imprecision similar to other EPA test methods.

[14] Paired fuel and testing data means that there is an analysis of the fuel that was being utilized during the emissions testing. Unpaired fuel data may be representative of fuel burned at the unit, but not specifically the fuel burned during the emissions testing.

[15] See 85 FR 52206.

[16] Ibid.

Comment: Two commenters stated that the 3x RDL emission limit for HCl should have been calculated differently. One of the commenters provided specific suggestions, indicating they believed it is not appropriate for the EPA to set a RDL based on the operation of the top performing boiler alone. The commenter suggested that a more representative approach to setting a detection limit would be to derive an RDL associated with all non-detect emission tests for the best-performing units in the subcategory.

Response: The EPA agrees with the commenter that sample time data should be analyzed for the entire top 12 percent of units, not just the single best performer. However, the EPA disagrees with the commenter's suggested approach which considers only data that were reported as non-detect (*i.e.,* the emissions results were below the detection level of the instrumentation) instead of all available reported pollutant-specific method detection levels from the best performing units in each subcategory. As we stated in the docketed memorandum, *Data and Procedure for Handling Below Detection Level Data in Analyzing Various Pollutant Emissions Databases for MACT and RTR Emission Limits (Revised 2012),* our approach, ''minimizes . . . effect of a test(s) with an inordinately high method detection level (*e.g.,* the sample volume was too small, the laboratory technique was insufficiently sensitive, or the procedure for determining the minimum value for reporting was other than the detection level).'' [17]

Therefore, the EPA revised the 3x RDL values for new source solid and new source liquid HCl 3x RDL to reflect data from the top 12 percent of boilers. The data were pulled from the 2013 dataset and supporting test report files from the docket from the 2013 final rule. Revised data and analysis for the 3x RDL values are found in the docketed memorandum *Revised (2021) Analysis of Minimum Detection Levels from Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants—Major Source.* The revised methodology and changes to the underlying data used for the 3x RDL calculations resulted in a 30 percent lower 3x RDL value than what was proposed for solid fuels, with the 3x RDL decreasing from 3.0E–04 to 2.1E–04 lb/MMBtu. For liquid fuels, the revised 3x RDL value is 122 percent higher than what we proposed, increasing from 5.4E–05 to 1.2E–04 lb/MMBtu.

Comment: Several commenters disagreed with the EPA's approach and rationale for selecting PB–44 as the best performing source for new solid fuel units, arguing that the solid fuel HCl limit calculations need to better account for natural variability in biomass fuel chloride levels as well as operational variability. Commenters noted that PB–44 only has a single three run test and it has a homogenous dry biomass fuel, sourced from on-site particleboard byproducts.

Commenters differed in their suggestions for what unit should be the best performing similar source. Some commenters suggested that Wellons Boiler was the best performing boiler, despite the larger variance in its HCl emissions. Some commenters made suggestions on how to adjust the Wellons Boiler data with additional data outside of the 2013 dataset. Other commenters suggested that other units in the top 12 percent for existing solid fuel HCl best performers were better choices than PB–44.

With regards to fuel variability, some commenters noted that PB–44 has only three test runs available and that a dataset with six test runs is superior to a dataset with three. One commenter also added that both PB–44 and Wellons Boiler do not have any HCl add-on control devices and the variation in emissions is directly related to fuel chloride content. The commenter argued that if the EPA had more data for PB–44, the variability in its HCl emission rates might be much higher and noted that variability can be determined more accurately with more test runs. This commenter also emphasized that the emissions of HCl at the lowest emitting unit are related to chloride variability in the fuel and not to the performance of any add-on control device. The commenter suggested several ways to better incorporate chloride variability in biomass fuels in its detailed comments.

One commenter further disagreed with the EPA's selection of PB–44 which had the second lowest emission test as the best performing similar source in its limited dataset analysis because it has lower variance in test results. The commenter suggested that variance is not the only consideration in the selection of a best performing similar source, especially where emissions are dictated by the fuel chloride variability and not by the use of a control device. This commenter also suggested that the EPA's selection of PB–44 to establish the new-source floor directly contradicts its assessment of long-term fuel variability by ignoring data related to fuel variability the Agency had previously argued was necessary. This commenter also suggested that the EPA's decision to finalize a standard based on limited dataset with only the UPL adjustment would be arbitrary, given that the fuel content must be taken into account to determine the emissions level that boiler actually achieved every day and under all operating conditions.

Response: The EPA disagrees with commenters that the PB–44 unit does not reflect the emissions control that is achieved in practice by the best controlled similar source. As discussed in section III.A of this preamble, the court remanded for further explanation the UPL methodology in *NACWA* v. *EPA,* in part for the EPA to explain how the UPL was appropriate for limited data sets in the face of the ''apparently illogical'' results where the emission limit for new sources was less stringent than the emission limit for existing sources. *NACWA* v *EPA,* 734 F.3d at 1144. Following the *NACWA* decision, the EPA issued the UPL memo and the limited data sets memo to provide the explanations requested by the court, and both approaches have been subsequently upheld by the D.C. Circuit. The EPA has applied the UPL and the limited data set approach in calculating the solid fuel HCl limit. The EPA could not determine that the Wellons Boiler, which commenters point out has more test runs available than the PB–44 unit, was the best performing similar source because it yielded the same ''apparently illogical'' result that the *NACWA* court questioned, *i.e.,* a new source limit that would be less stringent than the corresponding existing source limit, due to the variance in its data. In such circumstances, the EPA's limited data set approach provides that the EPA will further evaluate the individual dataset to ensure that the uncertainty associated with it does not cause the emissions limit to be so high that it does not reflect the emissions performance of the best performing similar source, for new source MACT standards.

Moreover, the EPA has broad discretion to identify best performing sources, and it is reasonable to consider variability in emissions when choosing the ''best'' sources from an emissions perspective. For example, a source could have the lowest average emissions level based on a single very low data point, but other very high emissions points. It is reasonable for the EPA to consider, in that circumstance, that a second source with a slightly higher average emissions level but consistently low emissions is a ''better'' performer

[17] See Docket ID Item No. EPA–HQ–OAR–2002–0058–3839.

than the first source. Consistent with the previous MACT floor methodology, the EPA has determined that MACT floors based on a single source must be based on at least three runs of test data to ensure that adequate variability can be incorporated. The EPA has not thrown out other MACT floor emission limits that are based on a single three run test.[18] PB–44 has three valid test runs and it is the unit with the second lowest emissions test average results but has a variance that is 5 times lower than the Wellons boiler, and it did not yield a new source limit that is less stringent than the existing source limit. Therefore the EPA continues to conclude PB–44 is the best performing similar source for new solid fuel units.

The EPA further disagrees with commenters that it should incorporate fuel variability into the revised emission limit by evaluating fuel variability from other units in the 2013 dataset. We have previously stated that we can only apply a fuel variability factor when we have paired test data and fuel analysis data.[19] PB–44 had no paired fuel analysis data with its single 3-run HCl emission test in the 2013 dataset, so a fuel variability factor could not be developed according to the historical methodology used in the Boiler Rule.

The solid fuel subcategory encompasses a wide variety of boilers and process heaters and many of these units have achieved this emission level in practice, though each unit, depending on facility- and unit-specific circumstances, may employ different fuel blends and control devices to do so. Both the revised CEDRI compliance dataset and the 2013 dataset used to establish the MACT floor calculations present several examples of units in the solid fuel subcategory that have achieved this limit in practice. According to compliance data submitted to EPA via CEDRI through December 31, 2020, most of the new units in the solid fuel subcategory are meeting this more stringent emission limit that is based on a 3x RDL value.[20] Of the new units with test data, 71 percent (10 of the 14 units with HCl compliance test data) are meeting the revised 3x RDL value.

The EPA also disagrees with some of the commenter suggestions to bring in new data from outside the 2013 dataset to serve a targeted purpose for this single subcategory. The EPA explains earlier in this document why the Agency is not required to consider new data for purposes of this action.

4. Biomass Fluidized Bed PM Emission Limits for Existing and New Sources

For existing biomass fluidized beds, we proposed to make the PM emission limit more stringent, decreasing from 1.1E–01 to 2.1E–02 lb/MMBtu. The existing source floor was based on the top 5 units in the subcategory since the subcategory had fewer than 30 sources. The units that were part of the top 5 changed after we re-ranked the data to address the *U.S. Sugar* remand.

For new biomass fluidized beds, we also proposed to make the PM emission limit more stringent, decreasing from 9.8E–03 to 4.1E–03 lb/MMBtu. The unit with the lowest minimum test average was ''ORGeorgiaPacificWaunaMill, EU35—Fluidized Bed Boiler'' (Wauna boiler). The Wauna boiler had six separate tests in the boiler dataset. However, the calculated UPL for the Wauna boiler was 3.2E–02 lb/MMBtu, which exceeded the UPL calculated for existing units in the same subcategory, which was 2.1E–02. Since the new source floor was less stringent than the existing source floor, the EPA reviewed the data further to evaluate if the unit truly reflected the best controlled similar source and to evaluate if the UPL calculations required any adjustments to ensure that the UPL did not result in a less stringent standard for new sources. The EPA conducted additional analysis and determined that the unit with the second lowest minimum test, ''WIGPGreenBay2818, B10—Wastepaper Sludge-Fired Boiler 10'' (B10), was the best controlled similar source because it had a variance three orders of magnitude lower than the Wauna boiler and did not yield a limit less stringent than the existing source limit.

Comment: One commenter noted that the EPA included 15 p.m. emission tests for the unit LAGPPortHudson, EQT0109—No. 6 CFB Boiler (Port Hudson boiler), including two 2007 tests in which the dry scrubber was off for one test and on for the other, and the EPA only included data from the test where the scrubber was off in the UPL calculations. The commenter stated that both tests should be included in the UPL calculations.

Response: We reviewed the docket record to evaluate the commenter's concerns with the test runs included for the Port Hudson boiler. The Port Hudson boiler had five different tests included in the UPL calculations at proposal. Four of the five tests, dated September 11, 2007, December 18, 2008, December 19, 2008, and July 29, 2009, were all conducted with the sorbent injection system control device operating. The fifth test in August 2007 was conducted with the scrubber control device off. Given that the scrubber operating reflected the more common unit operations, we also evaluated CEDRI data for the purpose of verifying that the unit typically operates with its sorbent injection system operating. We disagree with the commenter that we should use the tests from August 2007 with both the sorbent injection control operating as well as off. Since this unit typically operates the sorbent injection system control device, only the tests conducted while this control device is operated are representative of the emission levels and typical operations employed by this source. Introducing statistical variability in UPL calculations by mixing test results for different control configurations would be inconsistent with the MACT floor methodology [21] since the unit typically conducts its compliance testing with the control system operating. When we evaluated the August 2007 test report available in the docket in more detail, we found that the August 2007 test report had four different test scenarios. Scenario 1 and 2 were the only scenarios firing biomass fuels (both fired a combination of biomass and petroleum coke, but met the threshold of at least 10 percent heat

[18] *Revised MACT Floor Analysis (November 2011) for the Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants—Major Source.* Revised November 2011. See Docket ID Item No. EPA–HQ–OAR–2002–0058–3387.

[19] The EPA explained the limited nature of using only paired fuel variability data for the basis of its fuel variability factors in the original 2010 proposal. See *Maximum Achievable Control Technology (MACT) Floor Analysis (2010) for the Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants—Major Source.* See Docket ID Item No. EPA–HQ–OAR–2002–0058–0815. The EPA modified its approach slightly to address comments received on the proposed fuel analysis variability methodology as explained in the final rule (76 FR 15627) but never changed its fundamental criteria of looking only at paired fuel analysis data. As noted in the December 2011 reconsideration proposal, the EPA continued a consistent fuel variability methodology and at this juncture only ''[s]mall changes to fuel variability . . . to accommodate the new TSM standard and comments received during the reconsideration process'' were made, see Docket ID Item No. EPA–HQ–OAR–2002–0058–3387. When the EPA issued revised limits in the January 2013 final rule based on submitted data corrections or new data, it noted that the new data was incorporated that resulted in revised values, but the general MACT floor setting methodology remained the same (78 FR 7151).

[20] *Revised (2021) Methodology for Estimating Impacts for Industrial, Commercial, Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants,* which is available in the docket for this action.

[21] Some facilities submitted emission test data based on previous control configurations that are no longer installed on the unit. Emission data reported while using these previous control configurations were not used to establish the MACT floor. See Docket ID Item No. EPA–HQ–OAR–2002–0058–3387.

input from biomass). The test scenario included in the proposal analysis had the sorbent injection system turned off. For the reasons discussed above, we replaced the August 2007 test with the test scenario which had the sorbent injection system turned on. After replacing this test scenario, the Port Hudson boiler was no longer part of the top five boilers in the existing source floor calculations. The Port Hudson boiler was removed from the existing source floor calculation because it had the eighth lowest mean emission test after reviewing and correcting the test scenarios used in the analysis, based on public comment. The boiler that now had the fifth lowest mean emission test is PAPHGlatfelter, PB5 (PB5 boiler), so we added the two emission tests from the PB5 boiler into the analysis for the UPL calculation for the existing source MACT floor.

Comment: Two commenters requested a data correction for the 2006 test from the Wauna boiler. The commenters noted that the PM test results in the 2013 dataset and MACT floor ranking were listed incorrectly as lb/MMBtu in the MACT floor analysis. They pointed to the supporting test report, where the values were actually in units of grains per dry standard cubic foot (gr/dscf), corrected to 7 percent oxygen, instead of lb/MMBtu. These commenters requested that the EPA revise the UPL calculation after correcting the units of measure for the 2006 test.

Response: We reviewed the docket record to verify the units of measure for the 2006 Wauna boiler test and agree with the commenters that a correction is needed to convert the gr/dscf into units of lb/MMBtu. We made this correction in the revised UPL calculation for both new and existing sources.

Comment: One commenter stated the Wauna boiler's 2004 stack test is an outlier and should be excluded from the data. The commenter stated that the EPA should remove this test and recalculate the UPL with the remaining 15 test runs from the Wauna boiler.

Response: We reviewed the 2004 Wauna boiler test that the commenter stated should be excluded to assess whether or not this test is in fact an outlier. The 2004 test had the same test method and length of the test runs as the other five tests. In addition, none of the other five tests subtracted negative filter weights or had weights less than 1 milligram. As the emissions limit is expressed in terms of emissions per heat input, we checked both the emissions and heat input data for outliers. Our general outlier test is conducted at the 5% significance level in log space, and when a value is found to be an outlier at this level, we exclude it from further calculations. We conducted an outlier test with ProUCL [22] and determined that none of the PM emission test runs had outliers, either in normal or in log space, at the 1, 5, and 10% significance levels. Observing that the heat input for the 2004 test was between 57 and 66 percent lower than the heat input for the other five tests in normal space, we conducted an outlier test with ProUCL and found that the total heat input for 2004 was an outlier at the 5 and 10% significance levels for both normal and log space. Because the heat input component of the 2004 emissions test is an outlier, we agree with the commenter that the heat input and the corresponding emissions value from this test should be excluded as an outlier. Therefore, we removed the 2004 test data from the UPL calculation for both new and existing sources.

After making the corrections to the 2006 Wauna boiler test, removing the outlier 2004 Wauna boiler test, and correcting for the appropriate tests for the Port Hudson boiler control device configurations, the existing source floor value calculations have changed since proposal. The revised emission calculations for existing sources considering these public comments and related data changes have resulted in a more stringent UPL calculation of 7.4E–03 lb/MMBtu.

Comment: One commenter requested that the EPA revise its determination for the best performer for the new source PM limit for biomass fluidized beds. The commenter noted that the EPA chose to base the new source floor on the second-best performing unit, despite having a more robust dataset for the top performer. The EPA selected the unit with the second lowest mean because it stated that the unit with the lowest mean (Wauna boiler) exhibited too much variance in its emissions data. The commenter noted that the dataset for the second-best performer (B10) offered only six test runs, while the Wauna boiler had 18 runs and better represented true variability at the unit. The commenter argued that the MACT floor should be based on the top-performing unit which utilizes the best control technology, a fabric filter, and pointed out that five of the six stack tests for the Wauna boiler exhibit consistent performance.

Response: Based on the data correction made for the units of measure for the 2006 test and removal of the 2004 test as an outlier, the calculated 99 percent UPL for the Wauna boiler decreased from the calculation in the proposed rule, from 3.2E–02 to 8.4E–03 lb/MMBtu. This revised UPL calculation for new sources still yields an anomalous result, as the new source PM limit is less stringent than the 7.4E–03 lb/MMBtu PM limit for existing sources.

Consistent with the 2020 proposal, the EPA conducted additional investigation of the revised Wauna boiler dataset to determine whether the Wauna boiler was indeed the best performing similar source. After determining the correct distribution and ensuring that we used the correct equation for the distribution, we evaluated the variance of this unit. Our analysis showed that this unit, identified as the best performing unit based on average emissions, has the highest variance among the top five performing boilers in the existing source floor, even after making the corrections for the 2004 and 2006 test data noted above. The variance is 7 times higher than the unit with the second lowest ranked mean, B10. The overall average (considering all stack tests, not just the minimum stack test average) for the Wauna boiler is also higher than the units with the second, third, and fourth lowest mean emission test results. The overall average for the Wauna boiler is 1.5 times higher than the second ranked unit, B10. This information indicates that the second ranked unit, B10, has a more consistent level of emissions performance than the Wauna Boiler, and the resulting UPL calculations support this. The calculated UPL is lower for B10 than for the Wauna boiler. For these reasons, we continue to conclude that the Wauna boiler is not the best performing source for this subcategory and pollutant and we are finalizing B10 as the best performing source. Therefore, the EPA is finalizing the proposed PM emission limit of 4.1E–03 lb/MMBtu for new sources.

More complete details of the revised analysis for both new and existing source PM emission limits are included in the docketed memorandum, *Revised MACT Floor Analysis (2021) for the Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants—Major Source.*

B. Beyond-the-Floor Emission Limits

We proposed beyond-the-floor limits for 16 subcategory and pollutant combinations. We compared the revised emission limits to the limits from the 2013 final rule to assess whether a beyond-the-floor option was technically achievable and cost effective. Typically

[22] ProUCL is a comprehensive publicly available statistical software package. See *https://www.epa.gov/land-research/proucl-software.*

we would assess technical achievability and cost effectiveness by assessing various levels of stringency of emission reductions, technical achievability of options and associated costs. For this rule, for subcategories where the 2013 limit was more stringent than the MACT floor limit calculated in the 2020 proposal, we reviewed compliance data available through CEDRI and WebFIRE to assess whether the more stringent limit was being achieved in practice. There were nine subcategory and pollutant combinations for existing sources and seven subcategory and pollutant combinations for new sources where compliance data showed boilers that already achieved the 2013 limits. Then, to assess whether compliance with the 2013 limits was cost effective, we reviewed the control devices currently installed to determine if any cost savings would occur should we finalize the less stringent limit. In all cases, the controls that were already installed were the same types of controls that would be required to meet either the 2013 limits or the less stringent limits calculated in the proposed rule and, therefore, no additional costs would be incurred to meet the more stringent limits. As a result, we proposed 16 emission limits from the 2013 final rule as beyond-the-floor limits.

There were six limits in three subcategories—new and existing units for PM for Gas 2 units, TSM for biomass suspension burners, and TSM for dry biomass stokers—where the 2013 limits were more stringent than the MACT floor limits calculated for the proposed rule, but recent compliance data were not available. Since no data were available, we did not identify any beyond-the-floor options for these subcategories and beyond-the-floor limits were not proposed for these subcategories. For TSM, sources have the option to comply with either PM or TSM emission limits. The lack of available TSM data indicates that sources in these subcategories are all complying with the PM emission limits rather than the alternative TSM limits. The lack of available PM data for Gas 2 units indicates that sources are all meeting the Gas 1 subcategory definition.

Comment: One commenter suggested that the EPA's proposed approach for the beyond-the-floor analysis does not satisfy section 112(d)(2) of the CAA, which requires the ''maximum'' degree of reduction that is ''achievable'' considering cost and other factors through all potential reduction measures. The commenter noted that the EPA only considered whether the newly recalculated floors were less stringent than the emission levels that were already being achieved, and if ''no additional costs would be incurred to meet the more stringent limits,'' then the EPA set beyond-the-floor standards which are more stringent than the floors and are equivalent to the current standards that these boilers have already been meeting. The commenter acknowledged that the EPA is correct to recognize that the current limits are achievable but argued that the EPA's analysis does not actually consider what the ''maximum'' achievable reductions are, such as what reduction levels are achievable through use of cleaner fuels or control technologies.

This commenter also stated that it is unlawful that the EPA proposed to weaken six limits since all of the units subject to those limits have already been in compliance with them for more than three years. The commenter argued that any standards that are less stringent than the 2013 limits do not represent the average emission levels achieved by the relevant best performing units.

Response: We disagree with the commenter that the beyond-the-floor analysis does not satisfy section 112(d)(2) of the CAA. In 2013, the EPA conducted a subsequent beyond-the-floor analysis, evaluating whether any recalculated emission limits were less stringent than the 2011 rule in order to assess whether a beyond-the-floor option was technically achievable and cost effective. This analysis resulted in nine beyond-the-floor limits.[23] The beyond-the-floor analysis conducted in the proposal used the same methodology and resulted in 16 proposed beyond-the-floor limits.[24]

Most of the recalculated emission limits resulting from the *U.S. Sugar* remand resulted in more stringent limits compared to the 2013 final rule. For these limits, the EPA continues to believe the analysis in the 2011 rule is reasonable, and the EPA received no information during the comment period to demonstrate it is not. Further, for most affected standards where the EPA's recalculation of the UPL resulted in a less stringent numeric limit, the EPA is retaining the more stringent limit based on its authority to set standards beyond the MACT floor. This is a reasonable approach where sources have been complying with the 2013 standards, thus demonstrating that the standards are achievable, considering the factors enumerated in section 112(d)(2) of the CAA. The only exception to this approach is for alternative standards where there is no demonstration that any source has been complying with the standard since the 2016 compliance date because no units are in the subcategory or no units have chosen to utilize the alternative limits.

Based on this, additional analyses of compliance data, and the lack of information on additional control technologies provided by the commenter, we continue to believe that our beyond-the-floor analysis is appropriate, and we are finalizing the 16 beyond-the-floor limits as proposed.

We further disagree with the commenter that it is unlawful to finalize the six emission limits that were recalculated to be less stringent than the 2013 standards. First, the court in *U.S. Sugar* determined that the 2013 limits were incorrectly calculated and remanded the standards to the EPA. The recalculated MACT floors are a result of addressing deficiencies identified by the *U.S. Sugar* court and additionally by the *NACWA* decision on limited datasets. Second, we did not identify any beyond-the-floor options for these subcategories. We found that no biomass suspension burners or dry biomass stokers have been using the alternative TSM limit for compliance—all units have been complying with the PM limit. In addition, we found that no units have been subject to the PM limit in the Gas 2 subcategory and therefore have no information to conclude that additional reductions are achievable.

In addition, we note that while these six recalculated limits are slightly less stringent than the 2013 limits, in practice they are not effectively different. Affected sources would install the same control technology to meet either the remanded or the recalculated emissions limits, despite the slight increase in the recalculated limits. Furthermore, no emissions increases are expected to result from finalizing less stringent units in these subcategories since no sources exist that are subject to the Gas 2 limit, or that are choosing to meet the alternative TSM limits.

C. Revisions to Output-Based Emission Limits

In the proposed rule, the EPA re-calculated the corresponding output-based emission limits to update the limits in the fourth column of Tables 1 and 2 of the regulatory text. Revisions were not required for all the proposed emission limits due to rounding and the small amount of change in the corresponding input-based limit between the 2013 limits and the limits in the proposed rule. The memorandum,

[23] See Docket ID Item No. EPA–HQ–OAR–2002–0058–3843.

[24] See Docket ID Item No. EPA–HQ–OAR–2002–0058–3948.

Alternate Equivalent Output-Based Emission Limits for Boilers and Process Heaters Located at Major Source Facilities—2019 Revision, which is available in the docket for this action, provides details of the output-based emission limit revisions and methodology.

We received no comments on the proposed changes to the output-based standards. Therefore, we are finalizing the revisions to the output-based emission limits as proposed. We have revised output-based emission limit calculations to reflect the changes made to the corresponding input-based emission limits for existing source biomass fluidized bed PM and new sources solid and liquid fuel HCl. The memorandum, *Alternate Equivalent Output-Based Emission Limits for Boilers and Process Heaters Located at Major Source Facilities—2021 Revision,* which is available in the docket for this action, provides details of the output-based emission limit revisions since proposal.

D. CO as a Surrogate for Organic HAP

On July 29, 2016, the D.C. Circuit issued its decision in *U.S. Sugar Corp* v. *EPA,* 830 F.3d 579. In that decision, the court remanded to the EPA to adequately explain how CO acts as a reasonable surrogate for non-dioxin/furan organic HAPs. To be reasonable, the emission standard set for the surrogate must reflect what the best similar source or the best 12 percent of sources in the relevant subcategory achieved with regard to the HAP. This requires the surrogate's emissions to share a close relationship with the emissions of the HAP. The court identified that one crucial factor for determining whether that close relationship exists is the availability of alternative control technologies that reduce the HAP emissions without impacting that of the surrogate or, conversely, reduce the surrogate emissions without impacting the HAP emissions. The court stated that the EPA could not conclude that CO acts as a reasonable surrogate in this statutory context without considering whether the best performing boilers might be using alternative control technologies and methods that reduce organic HAP emissions beyond what they achieve by reducing CO alone. The court asked that EPA address concerns raised in public comments that alternative control technologies might further lower HAP emissions.

In response to this remand, the EPA provided further explanation to substantiate its finding that CO is an appropriate surrogate for non-dioxin/furan organic HAP. In the proposed rule, the EPA noted that available control technologies for organic HAP emissions are either combustion devices or recovery devices. Combustion is the more commonly applied option for controlling organic HAP because it is capable of high removal (destruction) efficiencies and its effectiveness does not depend on the makeup of the organic HAP stream or the organic HAP concentration. Recovery devices are not applicable for all organic HAP and are not effective in treating low organic HAP concentration streams, *i.e.,* the levels of concentrations seen in sources with good combustion practices.

In the proposal, we indicated that none of the best-performing units employ an add-on, alternative control device that was installed for controlling emissions of either organic HAP or CO. While many industrial boilers and process heaters employ post combustion controls for particulate matter, acid gases, and/or mercury, these add on controls are not designed to affect emissions of either CO or non-dioxin organic HAP. In any case, any add-on controls that are downstream of the combustion chamber of the boiler would be secondary controls that would only be effective (if at all) if the upstream primary control (the combustor) was ineffective. The presence of CO in the flue gas stream is an indicator of inefficient and incomplete combustion. The presence of non-dioxin organic HAP (or other organic compounds) in the flue gas stream would also be an indication that the upstream combustion process was inefficient and incomplete (*i.e.,* perfectly complete combustion of an organic compound would result in only CO_2 as a carbon-containing product). The best performing industrial boilers do not employ downstream controls for CO or non-dioxin organic HAP because the primary control (the combustor) is effectively destroying the non-dioxin organic HAP and downstream controls are not needed to achieve additional reductions. Minimum CO concentration in the flue gas stream is evidence of that the combustion process is efficient and effective. For these reasons, the Agency continued to conclude that CO is a reasonable surrogate for non-dioxin/furan organic HAP.

Comment: Commenters stated that not all organic HAP are products of incomplete combustion. Some organic HAP—such as polychlorinated biphenyls (PCBs) and polycyclic organic matter (POM)—can be present in the raw materials before combustion or can be generated outside the combustion unit or within the combustion unit but outside of the flame zone. In addition, different organic HAPs can be formed, destroyed, or reformed in various physical regions of diffusion flames and in different zones of premixed flames. Commenters stated that minimizing CO emissions will not minimize emissions of all organic HAP other than dioxins and furans because not all organic HAPs are formed or destroyed in combustion and post-combustion zones in the same fashion or like CO. The commenters further claimed that underlying formation and destruction of just CO in the simplest of situations involves several hundred reactions and tens of individual species are involved. The kinetics and thermodynamics become far more complex for other organic HAPs. Thus, the commenters argued, there is no basis in combustion science to presume that even any one organic HAP—much less all of them will behave similarly to CO. Specifically, the commenters claimed, pollutants like PCBs and POM/polycyclic aromatic hydrocarbon (PAH) will not be minimized by good combustion or through using a post-combustion oxidation catalyst.

Response: We agree with the commenter that organic compounds—and perhaps even organic HAP—are present in the fuels (coal, biomass, *etc*) used in industrial boilers. With regard to the PCBs mentioned by the commenter, we note that PCBs are commonly known as ''dioxin-like'' organic compounds [25] and their formation should similarly be limited by the work practice standards established for dioxins and furans. Regarding the POM/PAH mentioned by the commenter, these compounds are well known to be products of incomplete or inefficient (*i.e.,* oxygen-starved or fuel-rich) combustion.[26] [27] [28] [29] [30] Similarly, CO is also the product of inefficient combustion. In an oxygen-rich environment, complete and efficient combustion will produce CO_2 rather than CO. Regardless of whether organic HAP are present in the boiler's fuel before combustion, or whether they are generated within the combustion unit, all organic HAP would be destroyed under complete and efficient

[25] ''Dioxins'' are often described as ''dioxins, furans, and dioxin-like compounds''.

[26] Serban C. Moldoveanu, in *Pyrolysis of Organic Molecules* (*Second Edition*), 2019.

[27] T.A. Abrajano Jr., V. O'Malley, in Treatise on Geochemistry, 2007.''

[28] Z. Fan, L. Lin, in *Encyclopedia of Environmental Health (Second Edition),* 2011.

[29] M. Huang, T.M. Penning, in Encyclopedia of Food Safety, 2014.

[30] Tarek Saba, in *Introduction to Environmental Forensics (Third Edition),* 2015.

combustion conditions. Therefore, the presence of organic HAP in the boiler emission flue gas stream would be the result of incomplete combustion and higher emissions of CO (relative to CO_2) would be expected.

We also disagree with the comment that minimizing CO emissions will not minimize emissions of all organic HAP other than dioxins and furans. The Agency agrees that combustion is complex and involves many reactions causing many different organic compounds to form and be themselves combusted to form other organic compounds. Combustion is the process of breaking apart the organic (*i.e.,* carbon-containing) molecules in the fuel and converting them to CO_2. Perfectly complete combustion would convert all the carbon in the fuel to CO_2. Completeness of the combustion process is dependent on several variables, including the temperature, the amount of oxygen, and the mixing of the fuel and oxygen. Incomplete combustion results in production of partly broken down and partially oxidized organic compounds, including CO. Because the conversion of CO to CO_2 is a difficult step, and the last one in the destruction of hydrocarbons, including organic HAPs, the EPA concluded it is a good indicator of the completeness of combustion. Thus, decreasing levels of CO are correlated with increasing destruction of organic compounds until a threshold is reached where, because combustion of CO is the last step in combustion, the combustion of organic materials, including organic HAP, is essentially complete.

Comment: One commenter noted that boilers are frequently the primary control devices under many new source performance standards (NSPS) and NESHAP standards for control of emission streams containing organic compounds. Typically, vent gases containing organic HAP emissions are sent to boilers or process heaters as supplemental fuel if they have sufficient heating value, and boilers and process heaters are accepted as emission control devices because performance testing routinely shows that they can provide organic destruction efficiencies of greater than 98 percent. Nearly all boilers and process heaters use monitoring of CO as a means to evaluate whether the device is performing effectively, and when CO increases, the unit is not efficiently oxidizing CO to CO_2 and the organics are not being as effectively oxidized.

Response: We agree with the commenter that boilers have frequently been identified as the best way of reducing emissions of organic compounds. Combustion devices, such as boilers, continue to be identified as the best control option available for reducing organic HAP from various industrial processes.[31]

Comment: Commenters stated that organic HAP can be reduced not only through combustion controls but also through post-combustion controls such as fabric filters, wet scrubbers, and activated carbon injection (ACI). Commenters further stated that the EPA has found that ACI reduces emissions of all organic HAP by 80 to 90 percent. Commenters stated that this refutes the EPA's claims that the measures for controlling CO and organic HAP are the same.

Response: The EPA agrees that some downstream control devices have the capacity to reduce organic emissions. However, such downstream control devices are only effective if the primary control device—the combustor itself—is not effectively destroying the organic HAP before it reaches the downstream controls. Further, the effectiveness of the post-combustion techniques identified by the commenter, unlike thermal oxidation, depends specifically on the organic HAP and on the concentration of the particular organic HAP. The commenter noted that the EPA has previously stated that POM/PAH that is emitted during combustion can be further reduced by various post-combustion controls, including fabric filters, wet scrubbers, and ACI. However, as discussed previously, POM/PAH compounds are the product of incomplete and inefficient combustion. Therefore, if the combustor is optimized for combustion—as indicated by its CO emissions—then POM/PAH production will be minimized, and the downstream control equipment will be unnecessary.

We also disagree with the commenter that the EPA found that ACI reduces organic HAP emissions by 80 to 90 percent. The commenter is citing a telecommunication from an ACI vendor regarding organic HAP emissions from a sinter plant in the Integrated Iron and Steel Manufacturing source category, not a statement by EPA (85 FR 42090). In that action, for purposes of evaluating cost-effectiveness, the EPA assumed reductions at a level provided by the vendor but did not itself conclude that those reductions were achievable. The issue being addressed in the remand is whether the best performing units were using post-combustion controls that controlled organic HAP but did not control CO. None of the best performing boilers use an ACI system.

[31] See, for example, 40 CFR part 63, subparts F, G, H, I, and FFFF.

E. CO 130 PPM Threshold Emission Limits

On March 16, 2018, the D.C. Circuit issued its decision in *Sierra Club* v. *EPA,* 884 F.3d 1185. In that decision, the court remanded the EPA's decision to set a limit of 130 ppm CO as a surrogate for non-dioxin organic HAP for certain subcategories, asking the Agency to better explain its analysis supporting its decision. The court held that the EPA had not sufficiently explained its rationale and questioned EPA's reliance on data regarding the relationship between formaldehyde and organic HAP that the EPA had previously characterized as unreliable.

The court noted that if the EPA made and adequately supported a determination that no further reduction of HAP would occur once CO levels had been reduced to 130 ppm, the threshold would be appropriate and consistent with the CAA. The court noted three specific issues it believed the Agency did not adequately address: (1) the EPA gave no reason why organic HAP emissions could not be further reduced once CO emissions reach 130 ppm, (2) the EPA relied on formaldehyde data to support its conclusion but elsewhere stated that the same data were not a reliable indicator of organic HAP emissions at very low levels, and (3) the EPA did not adequately explain why 130 ppm is the appropriate level if there is a non-zero CO level below which organic HAP levels cannot be further reduced.

In response to this remand, the EPA provided further explanation to substantiate the 130 ppm threshold emission limit. In the proposed rule, we described the relationship that we previously found between CO and formaldehyde using the available data obtained during the 2013 rulemaking. The paired data showed decreasing formaldehyde emissions with decreasing CO emissions down to CO levels around 300 ppm (with formaldehyde emissions down to less than 1 ppm). A slight increase in formaldehyde emissions, to between 1 and 2 ppm, was observed at CO levels below around 200 ppm, suggesting a breakdown in the CO-formaldehyde relationship at low CO concentrations. At levels lower than 150 ppm, the mean levels of formaldehyde appeared to increase, as does the overall maximum value of and variability in formaldehyde emissions.

In the proposed rule, we corroborated our observation that reducing CO emissions also resulted in a reduction of

formaldehyde emissions until a leveling off in formaldehyde reductions is reached after which further reduction of CO levels appeared to result in higher levels of formaldehyde emitted. The proposed rule described in detail two additional studies—the polycyclic aromatic hydrocarbons (PAH) study [32] and the Multipollutant Control Research Facility (MPCRF) study [33]—that observed this same trend. In addition, in the proposed rule, we suggested a potential explanation for this observed trend. As has already been discussed, near complete combustion (as evidenced by very low CO concentration) is possible under an oxygen-rich environment. To achieve that oxygen-rich environment, excess combustion air must be provided to the burners. As the combustion process progresses, the increased combustion air can increase the turbulence and mixing within the boiler. This increased turbulence can result in some molecules of the reactants (*i.e.,* the oxygen and organic HAP) being forced near the furnace walls which are somewhat colder than the combustion zone. This cooling, known as the ''wall effect,'' may be sufficient to impact the combustion reaction, resulting in some organic HAP molecules that are not fully combusted, and thus emitted.

In the 2013 rulemaking, we determined that there are no further reductions of organic HAP available below 130 ppm CO. This analysis relied on our paired CO-formaldehyde data, yet we also stated that the same data were not a reliable indicator of organic HAP emissions at very low levels. At that time, we were not aware of any reason why formaldehyde concentrations would increase as CO concentrations continue to decrease, indicating improved combustion conditions. Our thinking in 2013 was that imprecise formaldehyde measurements at low concentrations may have accounted for this slight increase in formaldehyde emissions observed at CO levels below 130 ppm. In the preamble of the 2013 final rule, we stated, ''[b]ased on this, we do not believe that such measurements are sufficiently reliable to use as a basis for establishing an emissions limit.'' 78 FR 7145. In that statement, we were referring to the formaldehyde measurements and, thus, to the decision to set a CO standard instead of a formaldehyde standard.

Our evaluation of the PAH and MPRCRF studies revealed that the observed relationship in our CO-formaldehyde data was not due to imprecise or unreliable measurements, but in fact has been observed in other studies. Because the same CO–HAP relationship was presented in the PAH and MPCRF studies (*i.e.,* that organic HAP levels decreased with decreasing CO levels until a leveling off and trending upward with further decreasing CO levels), we concluded in the proposed rule that our formaldehyde data used in establishing the 130 ppm CO standard was not imprecise or unreliable and could be explained by the wall effect described above. These studies, combined with the relationship found in our CO-formaldehyde data, support that there is a non-zero CO level below which organic HAP levels are not further reduced.

Comment: One commenter opposed the EPA's claim that organic HAP are effectively nonexistent when CO levels are below 130 ppm. The commenter stated that the EPA's formaldehyde emissions data shows that there are significant formaldehyde emissions at CO levels below 130 ppm, at 2 ppm or more even with the limited data set available. The commenter also stated that the PAH study merely confirms that there are significant PAH emissions even at very high levels of excess air when CO levels would be expected to be very low. This data shows that gaseous PAH emissions actually increase with increasing excess air as it is increased from 20 percent to 40 percent—when CO levels would be dropping. The commenter further stated that the MPCRF study confirms that organic HAP emissions are not nonexistent when CO levels are at or below 130 ppm and that they are not correlated with CO.

Response: We disagree with the commenter that the *Sierra Club* decision requires the EPA to demonstrate that organic HAP emissions are ''nonexistent'' at the level of the CO standard. Rather, the court said that the standard based on a surrogate must be set at a level at which ''the EPA can be confident that the targeted HAP emissions are reduced as far as possible *or,* indeed, eliminated entirely.'' *Sierra Club,* 884 F.3d at 1195 (emphasis added). We agree with the commenter that organic HAP emissions can be non-zero when CO levels are below 130 ppm, but at that level, they are expected to be reduced to the greatest extent. Our CO-formaldehyde data for units operating at a CO concentration level below 130 ppm ranged from a measured high value of 2 ppm to a measured low value of 0.1 part per billion (ppb). The range of emissions from multiple tested units is expected due to inherent variability from unit-to-unit. In contrast, the data presented from the PAH and MPCRF studies were measured from a single unit (*i.e.,* each study used a single boiler for the tests). The MPCRF study shows the same trend with formaldehyde levels increasing from 10 ppb, at 70 ppm CO, to 57 ppb, at 40 ppm CO. The MPCRF study also shows that as the CO concentration levels at around 130 ppm, organic HAP, as a group, have been reduced to their minimum levels. Some of the organic HAP in the MPCRF study show the same trend as the PAH study and the EPA's CO-formaldehyde data. Some show no further reduction, but most of these also show a spike in concentration below 130 ppm CO. While some organic HAP did show further reduction, as stated earlier, as a group the organic HAP had been reduced to minimum levels by around 130 ppm. Based on the overall consideration of each of these organic HAP, we continue to conclude that there are no further reductions of organic HAP available below 130 ppm CO.

Comment: Commenters also disagreed with the EPA's statement that organic HAP cannot be further reduced when CO levels are below 130 ppm. The commenter stated that the EPA has recognized that all organic HAP emissions can be reduced with ACI, and some organic HAP emissions can also be reduced with other end-of-stack controls, including fabric filters and wet scrubbers.

Response: The EPA disagrees with the comment that organic HAP can be further reduced when emitted from a boiler with CO levels below 130 ppm. The level of organic HAP emitted, as indicated in the MPCRF study are in a range that is well below the inlet concentration of the post-combustion controls used for other pollutants. As discussed in the proposal preamble, Figure 4–16 of the MPCRF study shows the concentration of phenol, an organic HAP, plotted against concentration of CO. CO concentrations ranged from 40 to 140 ppm, at 7-percent oxygen, with phenol concentrations ranging from 0.6 parts per billion (ppb) at 40 ppm CO to 1 ppb at 140-ppm CO with the lowest phenol concentration (0.5 ppb) measured at 95-ppm CO (120-ppm CO at 3-percent oxygen). Concentrations of conventional pollutants (*e.g.,* NO_X, SO_2, PM) are present at much higher concentrations (ppm or vol% levels as opposed to ppb) at the inlet of their

[32] Organic Atmospheric Pollutants: Polycyclic Hydrocarbons from Coal Atmospheric Fluidised Bed Combustion (AFBC), A.M Mastral, M.S. Callen, R. Murillo, and T. Garcia, Instituto de Carboquimica, 1999.

[33] Surrogacy Testing in the MPCRF, Prepared for U.S. EPA by ARCADIS, March 30, 2011. See Docket ID Item No. EPA–HQ–OAR–2002–0058–3942.

respective controls devices (*e.g.,* SCR, wet scrubber, fabric filter or ESP).[34] Even mercury—which is a very low concentration pollutant that is not controlled by upstream combustion—is often present in concentrations of approximately 10 ppb at the inlet of the control devices and at a concentrations of approximately 1 ppb at the exit. Fixed-bed activated carbon adsorption units can be sized for controlling VOC-containing streams at concentrations *as low as several ppb* in the case of some toxic chemicals. However, while fixed-bed activated carbon adsorbers can be sized to treat low concentrations (several ppb) of VOC-containing gas streams, they can also introduce considerable pressure drop across the system resulting in additional electricity used by the system fans, which must be appropriately sized to overcome the pressure drop through the carbon beds. Therefore, we maintain that the quantity of organic HAPs being emitted below CO levels of 130 ppm is not susceptible to further control.

Furthermore, we disagree that all organic HAP emissions can be reduced with ACI and note that the commenter is citing a quote from an ACI vendor and not a statement from the EPA, as explained above. The effectiveness of ACI for air pollutant control is related to contact between a sorbent particle and a molecule of pollutant. The higher the concentration of the air pollutant—whether that be mercury or organic HAP—the more effective the pollutant is removed via adsorption to the carbon surface. As the concentration of the pollution decreases, the likelihood of contact between a pollutant molecule and a carbon sorbent particle declines significantly; and the effectiveness is diminished. Similar to the results that were observed for mercury, low inlet concentrations of organic HAP will result in a similar impact on control efficiency using ACI. In fact, none of the best performing organic HAP units are using ACI because those units are more effectively reducing organic HAP through combustion. It also is important to note that combustion devices, such as boilers, are among the best controls available for reducing organic HAP from various industrial processes.

F. New Source Definition

Several commenters requested that the EPA revise its definition of ''new source'' to base the determination of which sources must meet revised new source standards to only those sources that constructed or reconstructed after the EPA's 2020 proposed action for this final rule. The EPA disagrees that this is compelled by the statutory language and believes this final rule reflects a reasonable approach in these particular circumstances.

One commenter refers to the EPA's part 63 General Provisions regulations, which state that ''[a] new affected source for which construction commences after proposal of a relevant standard is subject to relevant standards for new affected sources, including compliance dates.'' 40 CFR 63.5(b)(1). The EPA disagrees that the statutory and regulatory provisions the commenter refers to are relevant here, or that those provisions override the statutory definition of ''new source,'' which is expressly based on the date EPA ''first proposes'' an emissions standard that applies to the source. See also 40 CFR 63.2 (defining ''new source'' in same manner). In fact, the different definition of ''new source'' in section 111 to which the commenter also refers only underscores the fact that Congress specifically defined ''new source'' in section 112 to be based on the ''first'' proposal of an emissions standard, rather than the more general ''proposed regulations'' found in section 111. Similarly, the other provisions the commenter refers to are not dispositive here. First, the General Provisions regulations the commenter refers to address pre-construction review requirements (40 CFR 63.5) and define ''emissions standard'' to mean ''a national standard, limitation, prohibition, or other regulation'' issued under section 112 (40 CFR 63.2). Neither of these provisions addresses the question here—whether the EPA must always re-define new sources when it revises a MACT standard. Similarly, the statutory definition of ''emission standard'' contains nothing that addresses whether the definition of ''new source'' under section 112 changes every time the EPA proposes to revise a MACT standard (CAA section 302(k)).

The EPA agrees that section 112(i)(2) does not address the commenter's request. That provision allows for a longer compliance period for new sources where the EPA's proposed standards are less stringent than the standards in the final rule. The commenter further claims that Congress did not address a situation where the EPA proposes to revise an emissions standard ten years after its first proposal of standards, and notes that this time period is even longer than the periodic review timeframe of 8 years. The commenter also claims that the EPA did not establish the definition of ''new source'' based on the arguably ''first'' proposal of MACT standards in 2003, and that the Agency has therefore conceded that ''first proposes'' can mean a subsequent proposal. The EPA believes its approach in the final rule is a reasonable application of the definition of ''new source'' in this particular circumstance. The MACT standards promulgated in 2004 were vacated by the D.C. Circuit in an opinion in which the court stated that it expected the reissued standards to change significantly based on a fundamental error the EPA made in defining which sources were subject to section 112 emissions standards and which sources were subject to section 129 emissions standards. *NRDC* v. *EPA,* 489 F.3d 1250 (D.C. Cir. 2007). Since the vacatur voided the standards entirely, and restored the status quo ante, there was arguably no proposal remaining after the vacatur. In response to the *NRDC* decision, the EPA undertook an entirely new rulemaking to replace the vacated standards, including an extensive data collection effort and, importantly, a new MACT floor calculation methodology. 76 FR 15608. In that circumstance, it is reasonable to consider the EPA as having ''first proposed'' an emission standard applicable to these sources in the replacement rulemaking.[35] Here, in contrast, the *U.S. Sugar* court upheld the UPL methodology the EPA used to set the MACT floor standards in another part of its opinion.[36] Where the EPA is undertaking an entirely new process to establish ''an emission standard'' applicable to a source, it is reasonable to interpret the definition of ''new source'' as applying based on the date when the EPA ''first proposes'' that new standard. However, where the Agency is simply recalculating emissions standards based on the same data and

[34] U.S. EPA. EPA Air Pollution Control Cost Manual. Sixth Edition. January 2002. EPA/452/B–02–001.

[35] The EPA notes that no commenter raised this issue in the 2011 rulemaking which was issued to replace the vacated 2004 standards, and it was not addressed in the record for the rule.

[36] As part of its review of standards affected by *U.S. Sugar,* the EPA also considered the court's prior decision in *NACWA* v. *EPA,* where the court remanded EPA's UPL methodology for further explanation based in part of the ''anomalous result'' the court found based on the UPL calculation for certain new source standards at a level that was less stringent than the UPL calculation for existing source standards. The EPA's subsequent explanation of the UPL methodology was upheld in *U.S. Sugar,* and it is appropriate for the Agency to consider standards where that ''anomalous result'' occurred and correct the calculation in those circumstances. For the new source solid fuel HCl standard, the EPA has done that through the application of its UPL methodology as applied to small data sets. The EPA's ''small data sets'' UPL approach was upheld by the D.C. Circuit in *Sierra Club* v. *EPA,* 895 F.3d 1 (2018).

same methodology, it is reasonable to treat the prior standard as EPA's ''first proposal'' of ''an emission standard'' for those sources.

One commenter claims that the EPA's proposed revised HCl standard for new source solid fuel units is significantly more stringent than the standard vacated by the *U.S. Sugar* court, and the significant change in stringency demonstrates that the EPA is using a new methodology which represents a ''drastic new approach'' that sources which constructed or reconstructed after the 2010 proposal could not have foreseen. Contrary to the commenter's assertion, the EPA is not applying a new methodology to revise the standards in this action. Rather, the EPA is simply correcting the error the court identified in how the Agency selected the best performing sources for each subcategory affected by the decision. It is not collecting any additional information or undertaking a wholesale revision of the standards. The fact that one standard became significantly more stringent does not mean the EPA has revised its methodology—it has not. Both the previous standard and the new standard were calculated using the UPL methodology.[37] Moreover, in its grant of rehearing on remedy, the court explained that it was remanding rather than vacating the standards affected by its holding because vacating the standards would remove important environmental protections while the EPA reissued the standards. *U.S. Sugar Corp.* v. *EPA,* 844 F.3d 268 (2016). It would be contrary to the court's purpose in revising its remedy to remand, rather than vacate, the emissions standards for the EPA to use the fact that its original standards were found to be inconsistent with the Act as a way to allow sources to meet less stringent standards.

Some commenters also pointed to other EPA rulemakings under sections 112 and 129 and requested that EPA take the approaches in those actions rather than the proposed approach. The EPA is basing its decision in this action on the facts and circumstances of this rulemaking, consistent with relevant provisions of CAA section 112. In the other actions that the commenters refer to, the circumstances were different and warranted a different approach. For example, the revision of EPA's Hospital/Medical/Infectious Waste Incinerator (HMIWI) standards in 2009 involved the collection of additional emissions information and a wholesale revision of the standards, unlike this action.[38] Further, actions taken to adopt MACT standards in the context of the EPA's risk and technology reviews under sections 112(d)(6) and (f)(2) also generally involve the calculation of new standards based on information that was not previously used in MACT calculations.

Commenters also express concern that the cost of compliance with the revised new source HCl standard for solid fuel units could be significant. One commenter refers to a specific unit constructed in 2016 which the commenter claims will need to add controls in order to meet the revised new source solid fuel HCl standard. The commenter claims that this renders the revised standard a ''beyond-the-floor'' MACT standard, and the EPA must therefore consider costs before adopting the revised standard. The EPA disagrees. The commenter conflates the two-step MACT standard-setting process in section 112(d)(2) and (d)(3). Under section 112(d)(3), the EPA's MACT standard can be no less stringent than the average emissions limitation achieved by the best performing twelve percent of sources in the subcategory, for existing sources, and the emissions limitation achieved by the best performing similar source, for new sources. It is well-established that, in setting these MACT floor standards, the EPA cannot consider the cost of achieving reductions. *National Lime Ass'n.* v. *EPA,* 233 F.3d 625 (D.C. Cir. 2000) (minimum stringency MACT floor requirements apply without regard to costs). This action addresses the D.C. Circuit's remand of certain MACT floor standards, and it is those floor standards that EPA is recalculating in a manner that is consistent with the court's decision. The fact that one particular recalculated standard may require sources to incur costs to comply does not transform the standard into a ''beyond-the-floor'' standard, and to do so would ignore the statute's clear directive establishing a minimum level of emissions reductions below which the MACT standard cannot be set, regardless of cost. Moreover, virtually all sources constructed or reconstructed after the 2010 proposal are in fact meeting the revised HCl standard and will therefore not incur any compliance costs.

Finally, contrary to commenters' assertions, the EPA is not applying a new standard retroactively. Every source affected by these revised limits has 3 years to come into compliance with the revised standards following promulgation, regardless of construction date. The commenter does not explain how the revised standard is a retroactive standard, except to state that a source that was constructed in 2016 could not have foreseen that the EPA would subsequently revise standards to make them more stringent. Section 112(a) defines ''new source'' based on when EPA ''first proposes'' an emissions standard for a source, and, as explained above, in this particular circumstance it is reasonable to consider EPA's 2010 proposal as the date when the Agency ''first proposed'' an emissions standard for these sources. In addition, the EPA is revising the standards to respond to the D.C. Circuit's remand in U.S. Sugar, and it was reasonable to assume, once that remand was issued, that revised standards would in some cases be more stringent than the remanded standards.

G. Approval for CO_2 in Lieu of O_2 Monitoring for CO CEMS Compliance Calculations

The current version of this regulation contains language which details how facilities that seek to monitor CO_2 in lieu of oxygen as part of their CEMS used to demonstrate compliance with the CO emission limits in this subpart must have this approach approved as an alternative method before doing so. In the proposed rule, we took comment on replacing the requirement to have approval of an alternative test method with a required methodology to be followed when monitoring CO_2 in lieu of oxygen as the diluent for CO which would account for any changes in CO_2 emission levels caused by a control device, etc. We further proposed removing several requirements for the continuous monitoring of moisture and flow which we found to be unnecessary.

Commenters supported the proposal to modify the requirement to obtain the Administrator's approval and allow this change to become self-implementing. Commenters further agreed with the EPA's proposal to remove requirements for the continuous monitoring of moisture and flow which were found to be unnecessary.

We are finalizing these provisions as proposed. Some commenters requested that we remove the requirements for continuous monitoring of moisture and flow when CO_2 measurements do not require these values for compliance

[37] The commenter claims that the solid fuel HCl standard for new sources was not vacated by the *U.S. Sugar* court and therefore EPA is not revising the standard based on that decision, but for other reasons. However, as noted above, as part of its review of standards affected by the *U.S. Sugar* remand on this issue, the EPA also applied its ''small data sets'' UPL memorandum where appropriate.

[38] The EPA notes that the definition of ''new solid waste incineration unit'' in section 129(g)(2), which was adopted in the 1990 CAAA, does not contain any reference to EPA's ''first'' proposal of applicable standards.

calculations. We believe the revisions accommodate the removal of moisture and flow when a dry CO_2 analyzer is used, obviating the need to make any additional changes to the rule language.

IV. Results and Final Decisions

A. What are the resulting changes to emission limits?

Based on all of the revisions made to address the remand related to ranking and assessing co-fired units in the MACT floor calculations, the changes made for UPL calculations for small datasets, the decisions to propose certain limits as beyond-the-floor limits, and consideration of public comments, we are finalizing revisions to 34 different emission limits. The detailed list of revisions to unit rankings and revised MACT floor calculations are presented in the docketed memorandums, *Revised MACT Floor Analysis (2019) for the Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants—Major Source* and *Revised MACT Floor Analysis (2021) for the Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants—Major Source.* Of these 34 emission limits, 28 of the limits are more stringent than the corresponding limits in the 2013 final rule. Six of the limits are modestly less stringent, with no more than a 25-percent change from the corresponding limit in the 2013 final rule. The final limits are shown in Table 4, along with corresponding limits from the 2013 final rule.

TABLE 4—SUMMARY OF CHANGES TO EMISSION LIMITS IN THE FINAL ACTION

Subcategory	Pollutant	2013 final rule emission limit (lb/MMBtu of heat input or ppm at 3-percent oxygen for CO)	Revised emission limit (lb/MMBtu of heat input or ppm at 3-percent oxygen for CO)
New—Solid	HCl	2.2E–02	2.1E–04
New—Dry Biomass Stoker	TSM	4.0E–03	5.0E–03
New—Biomass Fluidized Bed	CO	230	130
New—Biomass Fluidized Bed	PM	9.8E–03	4.1E–03
	(TSM)	(8.3E–05)	(8.4E–06)
New—Biomass Suspension Burner	CO	2,400	220
New—Biomass Suspension Burner	TSM	6.5E–03	8.0E–03
New—Biomass Hybrid Suspension Grate	CO	1,100	180
New—Biomass Dutch Oven/Pile Burner	PM	3.2E–03	2.5E–03
New—Biomass Fuel Cell	PM	2.0E–02	1.1E–02
New—Wet Biomass Stoker	CO	620	590
New—Wet Biomass Stoker	PM	0.03	0.013
New—Liquid	HCl	4.4E–04	1.5E–04
New—Heavy Liquid	PM	1.3E–02	1.9E–03
	(TSM)	(7.5E–05)	(6.4E–06)
New—Process Gas	PM	6.7E–03	7.3E–03
Existing—Solid	HCl	2.2E–02	2.0E–02
Existing—Solid	Hg	5.7E–06	5.4E–06
Existing—Coal	PM	4.0E–02	3.9E–02
Existing—Coal Stoker	CO	160	150
Existing—Dry Biomass Stoker	TSM	4.0E–03	5.0E–03
Existing—Wet Biomass Stoker	CO	1,500	1,100
Existing—Wet Biomass Stoker	PM	3.7E–02	3.4E–02
	(TSM)	(2.4E–04)	(2.0E–04)
Existing—Biomass Fluidized Bed	CO	470	210
Existing—Biomass Fluidized Bed	PM	1.1E–01	7.4E–03
	(TSM)	(1.2E–03)	(6.4E–05)
Existing—Biomass Suspension Burners	PM	5.1E–02	4.1E–02
	(TSM)	(6.5E–03)	(8.0E–03)
Existing—Biomass Dutch Oven/Pile Burner	PM	2.8E–01	1.8E–01
Existing—Liquid	Hg	2.0E–06	7.3E–07
Existing—Heavy Liquid	PM	6.2E–02	5.9E–02
Existing—Non-Continental Liquid	PM	2.7E–01	2.2E–01
Existing—Process Gas	PM	6.7E–03	7.3E–03

B. What compliance dates are we finalizing?

We are finalizing that facilities have up to 3 years after the effective date of the final rule to comply with the revised emissions limits in this final rule. Before this date, facilities must continue to comply with the rule as it was finalized in 2015. This allowance is being made considering that some facilities may require additional add-on controls or monitoring equipment to be designed, purchased, and installed in order to meet the more stringent emission limits, or to modify the method of compliance based on the changes in emission limits. In addition, units will require lead time to prepare and execute their testing plans to demonstrate compliance with the revised emission limits and to update reports to incorporate the revised emission limits.

C. What other actions are we finalizing?

We proposed a number of technical corrections to correct inadvertent errors that were promulgated in the 2013 and 2015 final rules. Public commenters also noted several additional technical corrections to correct additional errors in the final rule. In addition, we are removing the references to the date of

future final performance specifications for HCl CEMS because PS 18, the Performance Specifications for Gaseous Hydrogen Chloride, and Procedure 6, the Quality Assurance Requirements for Gaseous Hydrogen Chloride (HCl) Continuous Emission Monitoring Systems Used for Compliance Determination at Stationary Sources, were promulgated on July 7, 2017 at 80 FR 38628. The technical corrections we are finalizing are summarized in Table 5.

TABLE 5—FINALIZED TECHNICAL CORRECTIONS TO 40 CFR PART 63, SUBPART DDDDD

Section of subpart DDDDD	Description of correction
40 CFR 63.7500(a)	Revise this paragraph to remove the comma after ''paragraphs (b).''
40 CFR 63.7521(c)(1)(ii)	Revise this paragraph to remove the requirement to collect samples during the test period at 1-hour intervals.
40 CFR 63.7525(l) and 40 CFR 63.7540(a)(15).	Remove the references to a date of a final performance specification for HCl CEMS.
40 CFR 63.7530(b)(4)(iii)	Revise this paragraph to remove the sentence regarding establishing the pH operating limit because establishing the pH operating limit is not required for a PM wet scrubber.
40 CFR 63.7540(a)(9)	Revise this paragraph to clarify that ''certify'' is intended to apply only to PM CEMS, not PM continuous parameter monitoring systems (CPMS) because PM CPMS do not have a performance specification.
40 CFR 63.7575	Revise the definition of ''Other gas 1 fuel'' to clarify that it is the maximum Hg concentration of 40 micrograms/cubic meter of gas. Add definition of ''12-month rolling average'' to clarify that the previous 12 months must be consecutive but not necessarily continuous. Revise paragraph (4) of definition ''Steam output'' to correct ''heaters'' to ''headers.''
Table 1	Revise the output limit in item 8.a to correct for a rounding error, the value is now 4.3E–01 lb per MMBtu instead of 4.2E–01 lb per MMBtu. Remove footnote ''a'' from item 12b for the TSM limit for fuel cell units designed to burn biomass/bio-based solids. Add footnote ''a'' to item 1a for the solid fuel HCl limit, item 14a for the liquid fuel HCl limit, and item 15b for the light liquid fuel TSM limit.
Table 2	Removed footnote ''a'' for item 14b for the liquid fuel mercury emission limit and 16b for light liquid PM emission limit.
Table 7	Revise footnote ''b'' to clarify that when multiple performance tests are conducted, the maximum operating load is the lower of the maximum values established during the performance tests.
Table 8	Revise item 8.d to clarify that the correct equations to use are Equations 15 and Equations 16, 17, and/or 18 in 40 CFR 63.7530.
Table 14	Remove footnote ''a'' from item 12b for the TSM limit for fuel cell units designed to burn biomass/bio-based solids. Add footnote ''a'' to item 15b for the light liquid fuel TSM limit.
Table 15	Removed footnote ''a'' for item 14b for the liquid fuel mercury emission limit and 16b for light liquid PM emission limit.

V. Summary of Cost, Environmental, and Economic Impacts

A. What are the affected sources?

According to CEDRI data through December 31, 2020, there are 577 boilers and process heaters, of which 485 remain operational and belong in one of the subcategories that are subject to numeric emission limits.[39] This count excludes any boilers that are no longer operational, boilers that have refueled and switched to the natural gas subcategory and are, therefore, no longer impacted by changes to emission limits, or boilers that are classified as small or limited use. Of these units, we estimate that 54 units (individual boilers or process heaters) will incur cost or emissions impacts due to these final amendments. In addition, the EPA estimates that an additional six biomass boilers or process heaters will be constructed and subject to the revised emission limits over the next 8 years.

B. What are the air quality impacts?

Table 6 of this preamble shows the incremental emissions reductions that we estimate these final amendments will achieve. The reductions are incremental to the reductions accounted for in the 2013 final rule. Nationwide emissions of selected HAP (*i.e.,* HCl, hydrogen fluoride, Hg, and metals) would be reduced by an additional 117 tpy as compared to the estimates in the 2013 final rule. This increase is due mainly to changes to certain emission limits that are anticipated to achieve additional reductions. We estimate the final amendments will result in an additional 110 tpy of reductions in HCl emissions. We estimate that the final amendments will have a modest effect on Hg, with an estimated additional reduction of 7.5 lbs per year. Emissions of filterable PM are estimated to decrease by 586 tpy, of which 446 tpy is $PM_{2.5}$, due to this final action. Emissions of non-Hg metals (*i.e.,* arsenic, beryllium, cadmium, chromium, lead, manganese, nickel, and selenium) are estimated to decrease by 4.1 tpy. Estimates of reductions in antimony and cobalt were not quantified and are expected to be small. In addition, the final amendments are estimated to result in 1,141 tpy of reductions in SO_2 emissions. A discussion of the methodology used to estimate emissions, emissions reductions, and incremental emission reductions is presented in the memorandum, *Revised (2021) Methodology for Estimating Impacts for Industrial, Commercial, Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants,* which is available in the docket for this action.

[39] EPA notes that it considered compliance information from CEDRI for the purpose of evaluating costs and impacts of this action, in order to ensure that the actual costs of compliance are accurately reflected. For the reasons explained elsewhere, the Agency did not consider emissions data in CEDRI to recalculate the MACT floor standards affected by the D.C. Circuit remand in *U.S. Sugar.* The MACT ''floor'' is the minimum control level allowed for MACT standards promulgated under CAA section 112(d)(3) and may not be based on cost considerations.

TABLE 6—SUMMARY OF TOTAL EMISSIONS REDUCTIONS FOR THE FINAL RULE

[Tons per year]

Source	Subcategory	HCl	PM	Non-Hg metals [1]	Hg
Exiting Units	Coal	44.1	54.4	0.12	2.12E–03
	Biomass	13.6	521	3.8	1.65E–03
New Units	Biomass	52.3	9.9	0.14	0

[1] Arsenic, beryllium, cadmium, chromium, lead, manganese, nickel, and selenium.

C. What are the cost impacts?

We estimated the total capital costs of the final amendments to be about $201 million and the total annualized costs to be about $49.6 million in 2016 dollars. The total capital and annual costs include costs for control devices, testing, and monitoring associated with the changes to the emission limits. These costs are incremental to the costs presented in the 2013 final rule in the sense that they show where units with compliance data must install add-on controls or modify compliance strategies in order to meet the more stringent limits in this final action. Table 7 shows the total capital and annual cost impacts of the final rule for each subcategory. The cost methodology and results are documented in the memorandum, *Revised (2021) Methodology for Estimating Impacts for Industrial, Commercial, Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants,* which is available in the docket for this action.

TABLE 7—SUMMARY OF TOTAL CAPITAL AND ANNUAL COSTS FOR AFFECTED NEW AND EXISTING SOURCES FOR THE FINAL RULE

Source	Subcategory	Estimated number of affected units incurring a cost	Capital costs (millions 2016$)	Testing and monitoring annualized costs (millions 2016$/yr)	Annualized cost (millions 2016$/yr)
Existing Units	Coal	5	8.0	0.057	2.1
	Biomass	33	149.5	0.511	35.1
New Units	Biomass	11	43.3	0.043	12.3

Another way to present compliance costs is the present value (PV). A PV is an estimate of costs that is a discounted stream of the annualized costs for the final action calculated for the present day. The PV in 2016 of the costs is $265 million at a discount rate of 7 percent and $315 million at a discount rate of 3 percent. Calculated as an EAV, which is consistent with the PV of costs in 2016, the costs are $44 million at a discount rate of 7 percent and $45 million at a discount rate of 3 percent. These estimates are also in 2016 dollars. More information on the PV and EAV estimates can be found in the RIA for this final action which is available in the docket.

D. What are the secondary impacts?

The EPA estimated the additional water usage that would result from installing wet scrubbers to meet the amended emission limits for HCl would be 0.75 million gallons per year for new and existing sources compared to the 2013 baseline. In addition to the increased water usage, an additional 0.29 million gallons per year of wastewater will be produced for new and existing sources. The annual costs of treating the additional wastewater are approximately $1,920. These additional costs are accounted for in the control cost estimates.

The EPA estimated the additional solid waste that would result due to the final amendments to be 1,540 tpy for new and existing sources. Solid waste is generated from flyash and dust captured in fabric filters and electrostatic precipitators (ESP) installed for PM and Hg controls as well as from spent materials from wet scrubbers and sorbent injection systems installed for additional HCl controls. The costs of handling the additional solid waste generated are approximately $73,900. These costs are also accounted for in the control costs estimates.

The EPA estimated the final amendments would result in an increase of about 74.4 million kilowatts per year in national energy usage from the electricity required to operate control devices, such as wet scrubbers, ESPs, and fabric filters which are expected to be installed to meet the revised emission limits. This energy requirement is estimated to result in an increase of approximately 32,910 tpy CO_2 based on emissions related to additional energy consumption.

A discussion of the methodology used to estimate impacts is presented in the *Revised (2021) Methodology for Estimating Impacts for Industrial, Commercial, Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants,* which is available in the docket for this action.

E. What are the economic impacts?

The EPA conducted an economic impact analysis for this final rule, as detailed in the *Regulatory Impact Analysis for the ICI Boilers NESHAP Final Amendments,* which is available in the docket for this action. The economic impacts are calculated as the percentage of total annualized costs incurred by affected parent owners to their annual revenues. This ratio of total annualized costs to annual revenues provides a measure of the direct economic impact to parent owners of affected facilities while presuming no passthrough of costs to consumers of output produced by these facilities. Of 30 parent owners affected by this final rule, two of them will incur total annualized costs of 1 percent or greater of their revenues. The median total annualized cost of sales for affected parent owners is less than 0.01 percent. While two parent owners may experience substantial economic impacts as a result of complying with

this final rule, neither one is a small business according to Small Business Administration (SBA) guidelines. Overall, based on these estimated impacts, we can conclude that the economic impacts are relatively low for the affected entities and the multiple affected industries, and consumers of affected output should experience relatively low price changes.

F. What are the benefits?

There are no monetized benefits from the HAP emissions reductions directly regulated under this action due to lack of necessary input data. However, the EPA reports the estimated impact on health benefits from changes in $PM_{2.5}$ and SO_2 emissions that occur as a result of this final rule. The estimated health benefits are the monetized value of the human health benefits among populations exposed to changes in $PM_{2.5}$. This rule is expected to alter the emissions of $PM_{2.5}$ (and SO_2). Due to the small change in emissions expected, we used the ''benefit per ton'' (BPT) approach to estimate the benefits of this rulemaking. The EPA has applied this approach in several previous RIAs [40] in which the economic value of human health impacts is derived at the national level based on previously established source-receptor relationships from photochemical air quality modeling.[41] These BPT estimates provide the total monetized human health benefits (the sum of PM-attributable premature deaths and premature morbidity) of reducing 1 ton of $PM_{2.5}$ (or $PM_{2.5}$ precursor such as SO_2) from a specified source. Since proposal of this rule, the EPA has updated its BPT estimates to include state level estimates specifically for the Industrial Boiler sector. The method used to derive these estimates is described in the *Technical Support Document on Estimating the Benefit per Ton of Reducing Directly-Emitted $PM_{2.5}$, $PM_{2.5}$ Precursors and Ozone Precursors from 21 Sectors and its precursors from 21 sectors*.[42] One limitation of using the BPT approach is an inability to provide estimates of the health benefits associated with exposure to HAP (HCl, for example), CO, or nitrogen dioxide. The photochemical modeled emissions of the industrial point source sector-attributable $PM_{2.5}$ concentrations used to derive the BPT values may not match the change in air quality resulting from the emissions controls.

Specifically, all national-average BPT estimates reflect the geographic distribution of the modeled emissions, which may not exactly match the emission reductions that would occur due to rulemaking, and they may not reflect local variability in population density, meteorology, exposure, baseline health incidence rates, or other local factors for any specific location. The new BPT estimates developed for the Industrial Boiler sector in 2021 developed state-level estimates that addressed some of the limitations of the national analysis. Given the use of state level, sector specific air quality modeling and the small changes in emissions considered in this rulemaking, the difference in the quantified health benefits that result from the BPT approach compared with those obtained using a full-form air quality model should be minimal.

Table 8 summarizes the monetized PM related health benefits per ton in the states where units with emission reductions are located, using discount rates of 3 percent and 7 percent. Table 9 summarizes the monetized SO_2-related health benefits per ton of reducing precursor pollutant emissions in the states where units with emission reductions are located, using discount rates of 3 and 7 percent.

TABLE 8—ESTIMATED $PM_{2.5}$-RELATED BENEFITS PER TON OF FINAL RULE

State	Benefit per ton low (3% discount rate)	Benefit per ton low (7% discount rate)	Benefit per ton high (3% discount rate)	Benefit per ton high (7% discount rate)
CA	$503,000	$452,000	$510,000	$459,000
FL	140,000	126,000	141,000	127,000
GA	151,000	136,000	156,000	141,000
LA	117,000	105,000	123,000	110,000
ME	48,200	43,400	50,500	45,500
MI	259,000	233,000	262,000	236,000
NC	171,000	154,000	173,000	156,000
OK	103,000	92,600	106,000	95,8000
TN	227,000	204,000	235,000	212,000
WI	148,000	133,000	156,000	140,000

TABLE 9—ESTIMATED SO_2-RELATED BENEFITS PER TON OF FINAL RULE

State	Benefit per ton low (3% discount rate)	Benefit per ton low (7% discount rate)	Benefit per ton high (3% discount rate)	Benefit per ton high (7% discount rate)
AL	$50,600	$45,500	$52,100	$46,900
AR	42,300	38,100	43,000	38,700
FL	45,600	41,000	46,400	41,800
IL	54,800	49,300	55,300	51,300
MI	56,000	50,300	57,000	49,800

[40] U.S. EPA. Regulatory Impact Analysis for the Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States. June 2011; Regulatory Impact Analysis for the Final Mercury and Air Toxics Standards, December 2011; and Regulatory Impact Analysis for the Particulate Matter National Ambient Air Quality Standards; December 2012.

[41] Fann N, Fulcher CM, Hubbell BJ. The influence of location, source, and emission type in estimates of the human health benefits of reducing a ton of air pollution. Air Qual Atmos Health. 2009;2(3):169–176. doi:10.1007/s11869–009–0044–0.

[42] U.S. EPA. 2021. Technical Support Document (BPT TSD) on Estimating the Benefit per Ton of Reducing Directly-Emitted $PM_{2.5}$, $PM_{2.5}$ Precursors and Ozone Precursors from 21 Sectors and its precursors from 21 sectors. Technical Support Document. Available at: *https://www.epa.gov/benmap/reduced-form-tools-calculating-pm25-benefits.*

TABLE 9—ESTIMATED SO_2-RELATED BENEFITS PER TON OF FINAL RULE—Continued

State	Benefit per ton low (3% discount rate)	Benefit per ton low (7% discount rate)	Benefit per ton high (3% discount rate)	Benefit per ton high (7% discount rate)
NC	45,300	40,700	45,600	41,000
TX	14,900	13,400	15,100	13,600
VA	53,400	48,100	54,100	48,700
WA	20,300	18,300	20,800	18,700

TABLE 10—ANNUAL EMISSIONS REDUCTIONS OF $PM_{2.5}$ AND SO_2 BY STATE

State	Emission reductions (tons)	
	$PM_{2.5}$	SO_2
AL	.....	26
AR	.....	<0.1
CA	33	.....
FL	17	557
GA	10	.....
IL	.....	306
LA	27	.....
ME	5	.....
MI	4	41
NC	2	179
OK	257	.....
TN	40	.....
TX	.....	1
VA	.....	31
WA	.....	2
WI	51	.....

Table 10 above provides the annual emissions reductions of $PM_{2.5}$ and SO_2 by state. Table 11 summarizes the range of estimated benefits of these annual emission reductions by pollutant for the two benefit per ton estimates at discount rates of 3 percent and 7 percent.

TABLE 11—ESTIMATED $PM_{2.5}$ AND SO_2-RELATED ANNUAL HEALTH BENEFITS OF FINAL RULE

[Millions of 2016$]

Pollutant	Benefits low (3% discount rate)	Benefits low (7% discount rate)	Benefits high (3% discount rate)	Benefits high (7% discount rate)
$PM_{2.5}$	$68	$62	$68	$62
SO_2	55	50	56	51
Total	123	112	124	113

There are also climate disbenefits from the increase in CO_2 emissions that result from the increase in national energy use from control device operation. We estimate the social disbenefits of CO_2 emission increases expected from this final rule using the SC–CO_2 estimates presented in the *Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990.*[43] We have evaluated the SC–CO_2 estimates in the February 2021 TSD and have determined that these estimates are appropriate for use in estimating the social value of CO_2 emission changes expected from this final rule as part of fulfilling analytical guidance with respect to E.O. 12866. These SC–CO_2 estimates are interim values developed for use in benefit-cost analyses until an improved estimate of the impacts of climate change can be developed based on the best available science and economics.

Table 12 shows the estimated monetary value of the estimated changes in CO_2 emissions expected to occur for the final rule. For 2022–2024, no changes in CO_2 emissions occur since the control technologies included in the cost analysis mentioned in the Cost Methodology memo for the final rule are not expected to begin operation until 3 years after the effective date of the final rule, or 2025. Hence, there are no climate disbenefits for these 3 years. In 2025, the EPA estimated the dollar value of the CO_2-related effects by applying the SC–CO_2 estimates, included in the RIA's benefits chapter, to the estimated changes in CO_2

[43] Interagency Working Group on Social Cost of Greenhouse Gases (IWG). 2021. Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990. February. United States Government. Available at: *https://www.whitehouse.gov/briefing-room/blog/2021/02/26/a-return-to-science-evidence-based-estimates-of-the-benefits-of-reducing-climate-pollution/.*

emissions in the corresponding year under the final rule.[44] The EPA calculated the present value and annualized benefits from the perspective of 2020 by discounting each year-specific value to the year 2020 using the same discount rate used to calculate the SC–CO_2.[45]

TABLE 12—ESTIMATED CLIMATE DISBENEFITS FROM CHANGES IN CO_2 EMISSIONS FOR 2025

[Millions of 2016$][a]

Discount rate and statistic					
	Year	5% average	3% average	2.5% average	3% 95th percentile
Final Rule	2025	0.5	1.7	2.5	5.2

[a] Climate disbenefits are based on changes (reductions) in CO_2 emissions and are calculated using four different estimates of the social cost of carbon (SC–CO_2) (model average at 2.5 percent, 3 percent, and 5 percent discount rates; 95th percentile at 3 percent discount rate). We emphasize the importance and value of considering the disbenefits calculated using all four SC–CO_2 estimates. As discussed in the Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990, a consideration of climate benefits calculated using discount rates below 3 percent, including 2 percent and lower, are also warranted when discounting intergenerational impacts.

The climate disbenefits associated with the additional 32,910 short tons (or 29,855 metric tons) per year of CO_2 emissions generated as a result of the requirements of this final rule are therefore $1.7 million at a 3 percent discount rate, and range from $0.5 million at a 2.5 percent discount rate to $5.2 million at a 3 percent discount rate (95th percentile), all in 2016 dollars.[46] These disbenefits are estimated for 2025, the year of full implementation of this final rule (3 years after the effective date) using the interim social cost of carbon (SC–CO_2) for 2025 as shown in Table 12 to be consistent with the year for the $PM_{2.5}$ and SO_2 BPTs applied to generate those monetized benefits presented earlier in section V.F.[47]

These disbenefits are included in the estimates of benefits and net benefits for this final rule. The benefit analysis for this final rule, which includes PV and EAV estimates for the benefits and net benefits, is detailed in the *Regulatory Impact Analysis for the ICI Boilers and Process Heaters NESHAP Final Amendments,* which is available in the docket for this action.

G. What analysis of environmental justice did we conduct?

Executive Order 12898 directs the EPA to identify the populations of concern who are most likely to experience unequal burdens from environmental harms; specifically, minority populations, low-income populations, and indigenous peoples (59 FR 7629, February 16, 1994). Additionally, Executive Order 13985 was signed to advance racial equity and support underserved communities through Federal government actions (86 FR 7009, January 20, 2021). The EPA defines environmental justice (EJ) as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies'' (*https://www.epa.gov/environmentaljustice*). In recognizing that minority and low-income

[44] CO_2 emissions increases above the baseline as a result of the modeled policy are first expected in 2025, as control technologies applied in response to the final rule first begin operation in that year, and those emissions increase remain at that level afterwards, according to the cost analysis for this rule.

[45] According to OMB's Circular A–4, an ''analysis should focus on benefits and costs that accrue to citizens and residents of the United States'', and international effects should be reported separately. Circular A–4 also reminds analysts that ''[d]ifferent regulations may call for different emphases in the analysis, depending on the nature and complexity of the regulatory issues.'' To correctly assess the total climate damages to U.S. citizens and residents, an analysis must account for all the ways climate impacts affect the welfare of U.S. citizens and residents, how U.S. GHG mitigation activities affect mitigation activities by other countries, and spillover effects from climate action elsewhere. The SC–CO_2 estimates used in regulatory analysis under revoked E.O. 13783, including in the RIA for the proposed rule, were an approximation of some of the U.S.-specific climate damages from GHG emissions (*e.g.,* $7/mt$CO_2$ (2016 dollars) using a 3% discount rate for emissions occurring in 2025). Applying the same estimate (based on a 3% discount rate) to the CO_2 emissions expected under the final rule would yield disbenefits from climate impacts of $0.2 million (2016 dollars) in 2025. However, as discussed at length in the February 2021 TSD, these estimates are an underestimate of the damages of CO_2 emissions accruing to U.S. citizens and residents, as well as being subject to a considerable degree of uncertainty due to the manner in which they are derived. In particular, the estimates developed under revoked E.O. 13783 did not capture significant regional interactions, spillovers, and other effects and so are incomplete underestimates. As the U.S. Government Accountability Office (GAO) concluded in a June 2020 report examining the SC–GHG estimates developed under E.O. 13783, the models ''were not premised or calibrated to provide estimates of the social cost of carbon based on domestic damages''. U.S. Government Accountability Office (GAO). 2020. Social Cost of Carbon: Identifying a Federal Entity to Address the National Academies' Recommendations Could Strengthen Regulatory Analysis. GAO–20–254. Further, the report noted that the National Academies found that country-specific social costs of carbon estimates were ''limited by existing methodologies, which focus primarily on global estimates and do not model all relevant interactions among regions''. It is also important to note that the SC–GHG estimates developed under E.O. 13783 were never peer reviewed, and when their use in a specific regulatory action was challenged, the U.S. District Court for the Northern District of California determined that use of those values had been ''soundly rejected by economists as improper and unsupported by science,'' and that the values themselves omitted key damages to U.S. citizens and residents including to supply chains, U.S. assets and companies, and geopolitical security. The Court found that by omitting such impacts, those estimates ''fail[ed] to consider . . . important aspect[s] of the problem'' and departed from the ''best science available'' as reflected in the global estimates. *California* v. *Bernhardt,* 472 F. Supp. 3d 573, 613–14 (N.D. Cal. 2020). The EPA continues to center attention in this regulatory analysis on the global measures of the SC–GHG as the appropriate estimates and as necessary for all countries to use to achieve an efficient allocation of resources for emissions reduction on a global basis, and so benefit the U.S. and its citizens.

[46] In order to calculate these values, it is necessary to convert tons (short) of emissions to metric tons. These values may be converted to $/short ton using the conversion factor 0.90718474 metric tons per short ton for application to the short ton CO_2 emissions impacts provided in this rulemaking. Hence, 32,910 short tons of emissions become 29,855 metric tons (tonnes) of emissions.

[47] These SC–CO_2 values are stated in $/metric ton CO_2 and rounded to the nearest dollar. Such a conversion does not change the underlying methodology, nor does it change the meaning of the SC–CO_2 estimates. For both metric and short tons denominated SC–CO_2 estimates, the estimates vary depending on the year of CO_2 emissions and are defined in real terms, *i.e.,* adjusted for inflation using the Gross Domestic Product (GDP) implicit price deflator.

populations often bear an unequal burden of environmental harms and risks, the EPA continues to consider ways of protecting them from adverse public health and environmental effects of air pollution.

To examine the potential for any EJ issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of individual demographic groups of the populations living within 5 kilometers (km) and within 50 km of facilities with affected sources.[48] The EPA then compared the data from this analysis to the national average for each of the demographic groups.

The results of the demographic analysis indicate that, for populations within 5 km of the facilities in the source category, the percent minority population (being the total population minus the white population) is smaller than the national average (36 percent versus 40 percent). Within minorities, the percent of the population that is African American, Other and Multiracial, and Native American are similar to the national averages. The percent of the population that is Hispanic or Latino is below the national average (14 percent versus 19 percent). The percent of people living below the poverty level was higher than the national average (18 percent versus 13 percent). The percent of people living in linguistic isolation was less than the national average. The results of the analysis of populations within 50 km of the facilities in the source category were similar to the 5 km analysis, with the exception of the percent of the population living below the poverty level and the percent of the population over 25 without a high school diploma, which were closer to the national averages.

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). Nationwide emissions of selected HAP (*i.e.,* HCl, hydrogen fluoride, Hg, and metals) would be reduced by an additional 117 tpy as compared to the estimates in the 2013 final rule. We estimate the final amendments will result in an additional 110 tpy of reductions in HCl emissions, and 7.5 lbs per year of Hg. Emissions of filterable PM are estimated to decrease by 586 tpy, of which 446 tpy is $PM_{2.5}$. Emissions of non-Hg metals (*i.e.,* arsenic, beryllium, cadmium, chromium, lead, manganese, nickel, and selenium) are estimated to decrease by 4.1 tpy. In addition, the final amendments are estimated to result in 1,141 tpy of reductions in SO_2 emissions. A breakdown of emissions reductions by facility is presented in Appendix C of the memorandum, *Revised (2021) Methodology for Estimating Impacts for Industrial, Commercial, Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants,* which is available in the docket for this action. This final rule increases the level of environmental protection for all affected populations, without having any disproportionately high and adverse human health or environmental effects on any population, including any minority, low-income, or indigenous populations.

A summary of the proximity demographic assessment performed for Industrial, Commercial, and Institutional Boilers and Process Heaters facilities is included as Table 13. The methodology and the results of the demographic analysis are presented in a technical report, *Analysis of Demographic Factors for Populations Living Near Industrial, Commercial, and Institutional Boilers and Process Heaters,* available in this docket for this action (Docket ID EPA–HQ–OAR–2002–0058).

TABLE 13—PROXIMITY DEMOGRAPHIC ASSESSMENT RESULTS

Demographic group	Nationwide	Population within 50 km of 40 facilities	Population within 5 km of 40 facilities
Total Population	328,016,242	14,889,295	635,825
	White and Minority by Percent		
White	60%	65%	64%
Minority	40%	35%	36%
	Minority by Percent		
African American	12%	14%	13%
Native American	0.7%	0.5%	0.8%
Hispanic or Latino (includes white and nonwhite)	19%	13%	14%
Other and Multiracial	8%	7%	8%
	Income by Percent		
Below Poverty Level	13%	14%	18%
Above Poverty Level	87%	86%	82%
	Education by Percent		
Over 25 and without a High School Diploma	12%	12%	14%
Over 25 and with a High School Diploma	88%	88%	86%
	Linguistically Isolated by Percent		

[48] Note that many facilities have more than one affected boiler or process heater.

TABLE 13—PROXIMITY DEMOGRAPHIC ASSESSMENT RESULTS—Continued

Demographic group	Nationwide	Population within 50 km of 40 facilities	Population within 5 km of 40 facilities
Linguistically Isolated	5%	3%	4%

Notes:
• The nationwide population count and all demographic percentages are based on the Census' 2015–2019 American Community Survey five-year block group averages and include Puerto Rico. Demographic percentages based on different averages may differ. The total population counts within 5 km and 50 km of all facilities are based on the 2010 Decennial Census block populations.
• Minority population is the total population minus the white population.
• To avoid double counting, the ''Hispanic or Latino'' category is treated as a distinct demographic category for these analyses. A person is identified as one of five racial/ethnic categories above: White, African American, Native American, Other and Multiracial, or Hispanic/Latino. A person who identifies as Hispanic or Latino is counted as Hispanic/Latino for this analysis, regardless of what race this person may have also identified as in the Census.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://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 an economically significant regulatory action that was submitted to OMB for review. Any changes made in response to OMB recommendations have been documented in the docket. The RIA contains the estimated costs, benefits, and other impacts associated with this action, and it is available in the docket.

B. Paperwork Reduction Act (PRA)

The new information collection activities in this rule have been submitted for approval to OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 2028.12. OMB Control Number 2060–0551. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

The information requirements are based on notification, recordkeeping, and reporting requirements in the NESHAP General Provisions (40 CFR part 63, subpart A), which are mandatory for all operators subject to national emission standards. These recordkeeping and reporting requirements are specifically authorized by section 114 of the CAA (42 U.S.C. 7414). All information submitted to the EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to agency policies set forth in 40 CFR part 2, subpart B.

The final amendments changed several emission limits as part of the EPA's response to the remand granted on December 23, 2016, by the D.C. Circuit. The changes resulted in more stringent emission limits in some cases, which is expected to require additional recordkeeping and reporting burden. This increase is a result of additional monitoring and control devices anticipated to be installed to comply with the more stringent emission limits in the amendments. With additional control devices, comes additional control device parametric monitoring, or in the case of CO, continuous emissions monitoring, and the associated records of that monitoring that must be maintained on-site and reported. Over the next 3 years, approximately 34 respondents operating existing large solid fuel-fired boilers and 5 respondents operating new solid fuel-fired boilers will be impacted by the new requirements under the standard as a result of these amendments. In addition to the costs to install and maintain records of additional monitoring equipment, the ICR details other additional recordkeeping and reporting burden changing records associated with adjusting operating parameter limit values, modifying monitoring plans, and familiarizing themselves with the changes in the final amendments.

Respondents/affected entities: Owners or operators of ICI boilers and process heaters.

Respondent's obligation to respond: Mandatory, 40 CFR part 63.

Estimated number of respondents: 39.

Frequency of response: Semi-annual, annual, periodic.

Total estimated burden: 1,553 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,130,000 (per year), includes $949,000 annualized capital or operation and maintenance costs.

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 OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

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. Of the 30 entities (ultimate parent entities, all but two being in the private sector) determined to be impacted by this action, two are small entities. Of these two small entities, none is expected to incur any costs as a result of compliance with this action. More information on these small entity impacts is available in the RIA.

D. Unfunded Mandates Reform Act (UMRA)

This action contains a Federal mandate under UMRA, 2 U.S.C. 1531–1538, that may result in expenditures of $100 million or more for state, local, and tribal governments, in the aggregate, or the private sector in any one year. Accordingly, the EPA has prepared a written statement required under section 202 of UMRA. The statement is included in the RIA for this final rule that is in the docket for this action. This action is not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

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: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive

Order 13175. It will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 because the EPA does not believe the environmental health risks or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in the RIA.

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

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. The energy impacts estimated for this action increased only slightly the energy impacts estimated for the March 21, 2011, final rule which was concluded not to be a significant regulatory action under Executive Order 13211. Therefore, we conclude that this final rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action does not involve any new technical standards from those contained in the March 21, 2011, final rule. Therefore, the EPA did not consider the use of any voluntary consensus standards. See 76 FR 15660–15662 for the NTTAA discussion in the March 21, 2011, final rule. The EPA is, however, formalizing the incorporation of one technical standard that was already incorporated in 40 CFR 63.14 as well as in several existing tables in 40 CFR part 63, subpart DDDDD. This standard is ASTM D6784–02 (Reapproved 2008), Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method). This method, which describes the measurement of particle-bound, oxidized, elemental, and total mercury in stationary-source flue gases provides data that can be used for emissions assessments and reporting as well as the certification of continuous mercury monitoring systems. It describes equipment and procedures for obtaining samples of mercury from effluent ducts and stacks, for laboratory analysis, and for calculating results. It is applicable for sampling elemental, oxidized, and particle-bound mercury in flue gases of coal-fired stationary sources. It may not be suitable at all measurement locations, particularly those with high particulate loadings. Method applicability is limited to flue gas stream temperatures within the thermal stability range of the sampling probe and filter components. The standard is available to the public for free viewing online in the Reading Room section on ASTM's website at *https://www.astm.org/READINGLIBRARY/*. Hardcopies and printable versions are also available for purchase from ASTM. Additional information can be found at *https://www.astm.org/products-services/standards-and-publications.html*.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The documentation for this decision is contained in a technical report, *Analysis of Demographic Factors for Populations Living Near Industrial, Commercial, and Institutional Boilers and Process Heaters,* available in this docket for this action (Docket ID EPA–HQ–OAR–2002–0058).

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 a ''major rule'' as defined by U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements.

Michael S. Regan,

Administrator.

For the reasons stated in the preamble, 40 CFR part 63 is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continuous to read as follows:

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

Subpart A—General Provisions

■ 2. Section 63.14 is amended by revising paragraph (h)(103) to read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(h) * * *

(103) ASTM D6784–02 (Reapproved 2008), Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), Approved April 1, 2008; IBR approved for §§ 63.2465(d); 63.11646(a); and 63.11647(a) and (d); and tables 1, 2, 5, 11, 12t, 13, 14, and 15 to subpart DDDDD; tables 4 and 5 to subpart JJJJJ; tables 4 and 6 to subpart KKKKK; table 5 to subpart UUUUU; appendix A to subpart UUUUU; and table 4 to subpart JJJJJJ.

* * * * *

Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters

■ 3. Section 63.7500 is amended by revising paragraphs (a) introductory text, (a)(1), (c), and (e) to read as follows:

§ 63.7500 What emission limitations, work practice standards, and operating limits must I meet?

(a) You must meet the requirements in paragraphs (a)(1) through (3) of this section, except as provided in paragraphs (b) through (e) of this section. You must meet these requirements at all times the affected unit is operating, except as provided in paragraph (f) of this section.

(1) You must meet each emission limit and work practice standard in Tables 1 through 3 and 11 through 15 to this subpart that applies to your boiler or process heater, for each boiler or process heater at your source, except as provided under § 63.7522. The output-based emission limits, in units of pounds per million Btu of steam output, in Table 1 or 2 to this subpart are an alternative applicable only to boilers and process heaters that generate either steam, cogenerate steam with electricity,

or both. The output-based emission limits, in units of pounds per megawatt-hour, in Table 1 or 2 to this subpart are an alternative applicable only to boilers that generate only electricity. Boilers that perform multiple functions (cogeneration and electricity generation) or supply steam to common headers would calculate a total steam energy output using Equation 1 of § 63.7575 to demonstrate compliance with the output-based emission limits, in units of pounds per million Btu of steam output, in Table 1 or 2 to this subpart. If you operate a new boiler or process heater, you can choose to comply with alternative limits as discussed in paragraphs (a)(1)(i) through (iv) of this section, but on or after October 6, 2025, you must comply with the emission limits in Table 1 to this subpart. If you operate an existing boiler or process heater, you can choose to comply with alternative limits as discussed in paragraph (a)(1)(v) of this section, but on or after October 6, 2025 you must comply with the emission limits in Table 2 to this subpart.

(i) If your boiler or process heater commenced construction or reconstruction after June 4, 2010, and before May 20, 2011, you may comply with the emission limits in Table 11 or 14 to this subpart until January 31, 2016.

(ii) If your boiler or process heater commenced construction or reconstruction on or after May 20, 2011, and before December 23, 2011, you may comply with the emission limits in Table 12 or 14 to this subpart until January 31, 2016.

(iii) If your boiler or process heater commenced construction or reconstruction on or after December 23, 2011, and before April 1, 2013, you may comply with the emission limits in Table 13 or 14 to this subpart until January 31, 2016.

(iv) If you operate a new boiler or process heater, you must comply with either the emission limits in Table 1 to this subpart or the emission limits in Table 14 to this subpart until you must comply with the emission limits in Table 1.

(v) If you operate an existing boiler or process heater, you must comply with either the emission limits in Table 2 to this subpart or the emission limits in Table 15 to this subpart until you must comply with the emission limits in Table 2.

* * * * *

(c) Limited-use boilers and process heaters must complete a tune-up every 5 years as specified in § 63.7540. They are not subject to the emission limits in Tables 1 and 2 or Tables 11 through 15 to this subpart, the annual tune-up, or the energy assessment requirements in Table 3 to this subpart, or the operating limits in Table 4 to this subpart.

* * * * *

(e) Boilers and process heaters in the units designed to burn gas 1 fuels subcategory with a heat input capacity of less than or equal to 5 million Btu per hour must complete a tune-up every 5 years as specified in § 63.7540. Boilers and process heaters in the units designed to burn gas 1 fuels subcategory with a heat input capacity greater than 5 million Btu per hour and less than 10 million Btu per hour must complete a tune-up every 2 years as specified in § 63.7540. Boilers and process heaters in the units designed to burn gas 1 fuels subcategory are not subject to the emission limits in Tables 1 and 2 or Tables 11 through 15 to this subpart, or the operating limits in Table 4 to this subpart.

* * * * *

■ 4. Section 63.7505 is amended by revising paragraph (c) to read as follows:

§ 63.7505 What are my general requirements for complying with this subpart?

* * * * *

(c) You must demonstrate compliance with all applicable emission limits using performance stack testing, fuel analysis, or continuous monitoring systems (CMS), including a continuous emission monitoring system (CEMS), continuous opacity monitoring system (COMS), continuous parameter monitoring system (CPMS), or particulate matter continuous parameter monitoring system (PM CPMS), where applicable. You may demonstrate compliance with the applicable emission limit for hydrogen chloride (HCl), mercury, or total selected metals (TSM) using fuel analysis if the emission rate calculated according to § 63.7530(c) is less than the applicable emission limit. For gaseous fuels, you may not use fuel analyses to comply with the TSM alternative standard or the HCl standard. Otherwise, you must demonstrate compliance for HCl, mercury, or TSM using performance stack testing, if subject to an applicable emission limit listed in Table 1 or 2 or Tables 11 through 15 to this subpart.

* * * * *

■ 5. Section 63.7510 is amended by revising paragraphs (a) introductory text, (b), (c), (f), and (j) to read as follows:

§ 63.7510 What are my initial compliance requirements and by what date must I conduct them?

(a) For each boiler or process heater that is required or that you elect to demonstrate compliance with any of the applicable emission limits in Table 1 or 2 or Tables 11 through 15 to this subpart through performance (stack) testing, your initial compliance requirements include all the following:

* * * * *

(b) For each boiler or process heater that you elect to demonstrate compliance with the applicable emission limits in Table 1 or 2 or Tables 11 through 15 to this subpart for HCl, mercury, or TSM through fuel analysis, your initial compliance requirement is to conduct a fuel analysis for each type of fuel burned in your boiler or process heater according to § 63.7521 and Table 6 to this subpart and establish operating limits according to § 63.7530 and Table 8 to this subpart. The fuels described in paragraphs (a)(2)(i) and (ii) of this section are exempt from these fuel analysis and operating limit requirements. The fuels described in paragraph (a)(2)(ii) of this section are exempt from the chloride fuel analysis and operating limit requirements. Boilers and process heaters that use a CEMS for mercury or HCl are exempt from the performance testing and operating limit requirements specified in paragraph (a) of this section for the HAP for which CEMS are used.

(c) If your boiler or process heater is subject to a carbon monoxide (CO) limit, your initial compliance demonstration for CO is to conduct a performance test for CO according to Table 5 to this subpart or conduct a performance evaluation of your continuous CO monitor, if applicable, according to § 63.7525(a). Boilers and process heaters that use a CO CEMS to comply with the applicable alternative CO CEMS emission standard listed in Table 1 or 2 or Tables 11 through 15 to this subpart, as specified in § 63.7525(a), are exempt from the initial CO performance testing and oxygen concentration operating limit requirements specified in paragraph (a) of this section.

* * * * *

(f) For new or reconstructed affected sources (as defined in § 63.7490), you must complete the initial compliance demonstration with the emission limits no later than July 30, 2013, or within 180 days after startup of the source, whichever is later.

(1) If you are demonstrating compliance with an emission limit in Tables 11 through 13 to this subpart that is less stringent than the applicable

emission limit in Table 14 to this subpart, you must demonstrate compliance with the applicable emission limit in Table 14 no later than July 29, 2016.

(2) If you are demonstrating compliance with an emission limit in Table 14 to this subpart that is less stringent than the applicable emission limit in Table 1 to this subpart, you must demonstrate compliance with the applicable emission limit in Table 1 no later than October 6, 2025.

* * * * *

(j) For existing affected sources (as defined in § 63.7490) that have not operated between the effective date of the rule and the compliance date that is specified for your source in § 63.7495, you must complete the initial compliance demonstration, if subject to the emission limits in Table 2 or 14 to this subpart, as applicable, as specified in paragraphs (a) through (d) of this section, no later than 180 days after the re-start of the affected source and according to the applicable provisions in § 63.7(a)(2) as cited in Table 10 to this subpart. You must complete an initial tune-up by following the procedures described in § 63.7540(a)(10)(i) through (vi) no later than 30 days after the re-start of the affected source and, if applicable, complete the one-time energy assessment specified in Table 3 to this subpart, no later than the compliance date specified in § 63.7495.

* * * * *

■ 6. Section 63.7515 is amended by revising paragraphs (b), (c), (e), (g), and (i) to read as follows:

§ 63.7515 When must I conduct subsequent performance tests, fuel analyses, or tune-ups?

* * * * *

(b) If your performance tests for a given pollutant for at least 2 consecutive years show that your emissions are at or below 75 percent of the emission limit (or, in limited instances as specified in Tables 1 and 2 or 11 through 15 to this subpart, at or below the emission limit) for the pollutant, and if there are no changes in the operation of the individual boiler or process heater or air pollution control equipment that could increase emissions, you may choose to conduct performance tests for the pollutant every third year. Each such performance test must be conducted no more than 37 months after the previous performance test. If you elect to demonstrate compliance using emission averaging under § 63.7522, you must continue to conduct performance tests annually. The requirement to test at maximum chloride input level is waived unless the stack test is conducted for HCl. The requirement to test at maximum mercury input level is waived unless the stack test is conducted for mercury. The requirement to test at maximum TSM input level is waived unless the stack test is conducted for TSM.

(c) If a performance test shows emissions exceeded the emission limit or 75 percent of the emission limit (as specified in Tables 1 and 2 or 11 through 15 to this subpart) for a pollutant, you must conduct annual performance tests for that pollutant until all performance tests over a consecutive 2-year period meet the required level (at or below 75 percent of the emission limit, as specified in Tables 1 and 2 or 11 through 15).

* * * * *

(e) If you demonstrate compliance with the mercury, HCl, or TSM based on fuel analysis, you must conduct a monthly fuel analysis according to § 63.7521 for each type of fuel burned that is subject to an emission limit in Table 1 or 2 or Tables 11 through 15 to this subpart. You may comply with this monthly requirement by completing the fuel analysis any time within the calendar month as long as the analysis is separated from the previous analysis by at least 14 calendar days. If you burn a new type of fuel, you must conduct a fuel analysis before burning the new type of fuel in your boiler or process heater. You must still meet all applicable continuous compliance requirements in § 63.7540. If each of 12 consecutive monthly fuel analyses demonstrates 75 percent or less of the compliance level, you may decrease the fuel analysis frequency to quarterly for that fuel. If any quarterly sample exceeds 75 percent of the compliance level or you begin burning a new type of fuel, you must return to monthly monitoring for that fuel, until 12 months of fuel analyses are again less than 75 percent of the compliance level. If sampling is conducted on 1 day per month, samples should be no less than 14 days apart, but if multiple samples are taken per month, the 14-day restriction does not apply.

* * * * *

(g) For affected sources (as defined in § 63.7490) that have not operated since the previous compliance demonstration and more than 1 year has passed since the previous compliance demonstration, you must complete the subsequent compliance demonstration, if subject to the emission limits in Table 1 or 2 or Tables 11 through 15 to this subpart, no later than 180 days after the re-start of the affected source and according to the applicable provisions in § 63.7(a)(2) as cited in Table 10 to this subpart. You must complete a subsequent tune-up by following the procedures described in § 63.7540(a)(10)(i) through (vi) and the schedule described in § 63.7540(a)(13) for units that are not operating at the time of their scheduled tune-up.

* * * * *

(i) If you operate a CO CEMS that meets the Performance Specifications outlined in § 63.7525(a)(3) to demonstrate compliance with the applicable alternative CO CEMS emission standard listed in Table 1 or 2 or Tables 11 through 15 to this subpart, you are not required to conduct CO performance tests and are not subject to the oxygen concentration operating limit requirement specified in § 63.7510(a).

■ 7. Section 63.7520 is amended by revising paragraph (d) to read as follows:

§ 63.7520 What stack tests and procedures must I use?

* * * * *

(d) You must conduct a minimum of three separate test runs for each performance test required in this section, as specified in § 63.7(e)(3). Each test run must comply with the minimum applicable sampling times or volumes specified in Tables 1 and 2 or 11 through 15 to this subpart.

* * * * *

■ 8. Section 63.7521 is amended by revising paragraphs (a) and (c)(1)(ii) to read as follows:

§ 63.7521 What fuel analyses, fuel specification, and procedures must I use?

(a) For solid and liquid fuels, you must conduct fuel analyses for chloride and mercury according to the procedures in paragraphs (b) through (e) of this section and Table 6 to this subpart, as applicable. For solid fuels and liquid fuels, you must also conduct fuel analyses for TSM if you are opting to comply with the TSM alternative standard. For gas 2 (other) fuels, you must conduct fuel analyses for mercury according to the procedures in paragraphs (b) through (e) of this section and Table 6 to this subpart, as applicable. For gaseous fuels, you may not use fuel analyses to comply with the TSM alternative standard or the HCl standard. For purposes of complying with this section, a fuel gas system that consists of multiple gaseous fuels collected and mixed with each other is considered a single fuel type and sampling and analysis is only required on the combined fuel gas system that will feed the boiler or process heater.

Sampling and analysis of the individual gaseous streams prior to combining is not required. You are not required to conduct fuel analyses for fuels used for only startup, unit shutdown, and transient flame stability purposes. You are required to conduct fuel analyses only for fuels and units that are subject to emission limits for mercury, HCl, or TSM in Tables 1 and 2 or 11 through 15 to this subpart. Gaseous and liquid fuels are exempt from the sampling requirements in paragraphs (c) and (d) of this section.

* * * * *

(c) * * *

(1) * * *

(ii) Each composite sample will consist of a minimum of three samples collected at approximately equal intervals during the testing period for sampling during performance stack testing.

* * * * *

■ 9. Section 63.7522 is amended by revising paragraphs (b) introductory text, (d), (e)(1), (e)(2), (h), and (j)(1) to read as follows:

§ 63.7522 Can I use emissions averaging to comply with this subpart?

* * * * *

(b) For a group of two or more existing boilers or process heaters in the same subcategory that each vent to a separate stack, you may average PM (or TSM), HCl, or mercury emissions among existing units to demonstrate compliance with the limits in Table 2 or 15 to this subpart as specified in paragraphs (b)(1) through (3) of this section, if you satisfy the requirements in paragraphs (c) through (g) of this section.

* * * * *

(d) The averaged emissions rate from the existing boilers and process heaters participating in the emissions averaging option must not exceed 90 percent of the limits in Table 2 or 15 to this subpart at all times the affected units are subject to numeric emission limits following the compliance date specified in § 63.7495.

(e) * * *

(1) You must use Equation 1a or 1b or 1c to this paragraph (e)(1) to demonstrate that the PM (or TSM), HCl, or mercury emissions from all existing units participating in the emissions averaging option for that pollutant do not exceed the emission limits in Table 2 or 15 to this subpart. Use Equation 1a if you are complying with the emission limits on a heat input basis, use Equation 1b if you are complying with the emission limits on a steam generation (output) basis, and use Equation 1c if you are complying with the emission limits on a electric generation (output) basis.

Equation 1a to paragraph (e)(1)

$$AveWeightedEmissions = 1.1 \times \sum_{i=1}^{n} (Er \times Hm) \div \sum_{i=1}^{n} Hm \qquad \text{(Eq. 1a)}$$

Where:

AveWeightedEmissions = Average weighted emissions for PM (or TSM), HCl, or mercury, in units of pounds per million Btu of heat input.

Er = Emission rate (as determined during the initial compliance demonstration) of PM (or TSM), HCl, or mercury from unit, i, in units of pounds per million Btu of heat input. Determine the emission rate for PM (or TSM), HCl, or mercury by performance testing according to Table 5 to this subpart, or by fuel analysis for HCl or mercury or TSM using the applicable equation in § 63.7530(c).

Hm = Maximum rated heat input capacity of unit, i, in units of million Btu per hour.

n = Number of units participating in the emissions averaging option.

1.1 = Required discount factor.

Equation 1b to paragraph (e)(1)

$$AveWeightedEmissions = 1.1 \times \sum_{i=1}^{n} (Er \times So) \div \sum_{i=1}^{n} So \qquad \text{(Eq. 1b)}$$

Where:

AveWeightedEmissions = Average weighted emissions for PM (or TSM), HCl, or mercury, in units of pounds per million Btu of steam output.

Er = Emission rate (as determined during the initial compliance demonstration) of PM (or TSM), HCl, or mercury from unit, i, in units of pounds per million Btu of steam output. Determine the emission rate for PM (or TSM), HCl, or mercury by performance testing according to Table 5 to this subpart, or by fuel analysis for HCl or mercury or TSM using the applicable equation in § 63.7530(c). If you are taking credit for energy conservation measures from a unit according to § 63.7533, use the adjusted emission level for that unit, Eadj, determined according to § 63.7533 for that unit.

So = Maximum steam output capacity of unit, i, in units of million Btu per hour, as defined in § 63.7575.

n = Number of units participating in the emissions averaging option.

1.1 = Required discount factor.

Equation 1c to paragraph (e)(1)

$$AveWeightedEmissions = 1.1 \times \sum_{i=1}^{n} (Er \times Eo) \div \sum_{i=1}^{n} Eo \qquad \text{(Eq. 1c)}$$

Where:

AveWeightedEmissions = Average weighted emissions for PM (or TSM), HCl, or mercury, in units of pounds per megawatt hour.

Er = Emission rate (as determined during the initial compliance demonstration) of PM (or TSM), HCl, or mercury from unit, i, in units of pounds per megawatt hour. Determine the emission rate for PM (or TSM), HCl, or mercury by performance testing according to Table 5 to this subpart, or by fuel analysis for HCl or mercury or TSM using the applicable equation in § 63.7530(c). If you are taking

credit for energy conservation measures from a unit according to § 63.7533, use the adjusted emission level for that unit, Eadj, determined according to § 63.7533 for that unit.

Eo = Maximum electric generating output capacity of unit, i, in units of megawatt hour, as defined in § 63.7575.

n = Number of units participating in the emissions averaging option.

1.1 = Required discount factor.

(2) If you are not capable of determining the maximum rated heat input capacity of one or more boilers that generate steam, you may use Equation 2 to this paragraph (e)(2) as an alternative to using Equation 1a of paragraph (e)(1) of this section to demonstrate that the PM (or TSM), HCl, or mercury emissions from all existing units participating in the emissions averaging option do not exceed the emission limits for that pollutant in Table 2 or 15 to this subpart that are in pounds per million Btu of heat input.

Equation 2 to paragraph (e)(2)

$$AveWeightedEmissions = 1.1 \times \sum_{i=1}^{n}(Er \times Sm \times Cfi) \div \sum_{i=1}^{n}(Sm \times Cfi) \quad \text{(Eq. 2)}$$

Where:

AveWeightedEmissions = Average weighted emission level for PM (or TSM), HCl, or mercury, in units of pounds per million Btu of heat input.

Er = Emission rate (as determined during the most recent compliance demonstration) of PM (or TSM), HCl, or mercury from unit, i, in units of pounds per million Btu of heat input. Determine the emission rate for PM (or TSM), HCl, or mercury by performance testing according to Table 5 to this subpart, or by fuel analysis for HCl or mercury or TSM using the applicable equation in § 63.7530(c).

Sm = Maximum steam generation capacity by unit, i, in units of pounds per hour.

Cfi = Conversion factor, calculated from the most recent compliance test, in units of million Btu of heat input per pounds of steam generated for unit, i.

1.1 = Required discount factor.

* * * * *

(h) For a group of two or more existing affected units, each of which vents through a single common stack, you may average PM (or TSM), HCl, or mercury emissions to demonstrate compliance with the limits for that pollutant in Table 2 or 15 to this subpart if you satisfy the requirements in paragraph (i) or (j) of this section.

* * * * *

(j) * * *

(1) Conduct performance tests according to procedures specified in § 63.7520 in the common stack if affected units from other subcategories vent to the common stack. The emission limits that the group must comply with are determined by the use of Equation 6 to this paragraph (j)(1).

Equation 6 to paragraph (j)(1)

$$En = \sum_{i=1}^{n}(ELi \times Hi) \div \sum_{i=1}^{n} Hi \quad \text{(Eq. 6)}$$

Where:

En = HAP emission limit, pounds per million British thermal units (lb/MMBtu) or parts per million (ppm).

ELi = Appropriate emission limit from Table 2 or 15 to this subpart for unit i, in units of lb/MMBtu or ppm.

Hi = Heat input from unit i, MMBtu.

* * * * *

■ 10. Section 63.7525 is amended by revising paragraphs (a) introductory text, (a)(1), (a)(2) introductory text, (a)(2)(ii), (iv), and (vi), (l) introductory text, and (m) introductory text to read as follows:

§ 63.7525 What are my monitoring, installation, operation, and maintenance requirements?

(a) If your boiler or process heater is subject to a CO emission limit in Table 1 or 2 or Tables 11 through 15 to this subpart, you must install, operate, and maintain an oxygen analyzer system, as defined in § 63.7575, or install, certify, operate and maintain continuous emission monitoring systems for CO and oxygen (O_2) (or carbon dioxide (CO_2)) according to the procedures in paragraphs (a)(1) through (6) of this section.

(1) Install the CO CEMS including an O_2 (or CO_2) analyzer by the compliance date specified in § 63.7495. The CO and O_2 (or CO_2) levels shall be monitored at the same location at the outlet of the boiler or process heater. An owner or operator may determine compliance with the CO emissions limit using a CO_2 analyzer as the diluent monitor. If a CO_2 analyzer is used as the diluent monitor, EPA Method 19 F-factors in 40 CFR part 60, appendix A–7, for the fuel type(s) being burned in the unit and EPA Method 19 equations in 40 CFR part 60, appendix A–7, must be used to calculate the emissions corrected to 3 percent O_2 using the measured CO_2 percentage, and must also take into account that the 3 percent oxygen correction is to be done on a dry basis. The equations used to calculate the emissions, must also account for any CO_2 being added to, or removed from, the emissions gas stream as a result of limestone injection, scrubber media, etc. The methodology used to calculate the CO emissions and the methodology used to account for any CO_2 being added to, or removed from the emissions gas stream shall be detailed and approved in the site-specific monitoring plan developed according to § 63.7505(d).

(2) To demonstrate compliance with the applicable alternative CO CEMS emission standard listed in Table 1 or 2 or Tables 11 through 15 to this subpart, you must install, certify, operate, and maintain a CO CEMS and an oxygen analyzer according to the applicable procedures under Performance Specification 4, 4A, or 4B at 40 CFR part 60, appendix B; part 75 of this chapter (if an CO_2 analyzer is used); the site-specific monitoring plan developed according to § 63.7505(d); and the requirements in § 63.7540(a)(8) and this paragraph (a). Any boiler or process heater that has a CO CEMS that is compliant with Performance Specification 4, 4A, or 4B at 40 CFR part 60, appendix B, a site-specific monitoring plan developed according to § 63.7505(d), and the requirements in § 63.7540(a)(8) and this paragraph (a) must use the CO CEMS to comply with the applicable alternative CO CEMS

emission standard listed in Table 1 or 2 or Tables 11 through 15 to this subpart.

* * * * *

(ii) During each relative accuracy test run of the CO CEMS, you must collect emission data for CO concurrently using both the CO CEMS and Method 10, 10A, or 10B at 40 CFR part 60, appendix A–4. The relative accuracy testing must be conducted at representative operating conditions.

* * * * *

(iv) Any CO CEMS that does not comply with this paragraph (a) cannot be used to meet any requirement in this subpart to demonstrate compliance with a CO emission limit listed in Table 1 or 2 or Tables 11 through 15 to this subpart.

* * * * *

(vi) When CO_2 is used to correct CO emissions and CO_2 is measured on a wet basis, if needed, correct for moisture as follows: Install, operate, maintain, and quality assure a continuous moisture monitoring system for measuring and recording the moisture content of the flue gases, in order to correct the measured hourly volumetric flow rates for moisture when calculating CO concentrations. The following continuous moisture monitoring systems are acceptable: a continuous moisture sensor; an oxygen analyzer (or analyzers) capable of measuring O_2 both on a wet basis and on a dry basis; or a stack temperature sensor and a moisture look-up table, *i.e.,* a psychrometric chart (for saturated gas streams following wet scrubbers or other demonstrably saturated gas streams, only). The moisture monitoring system shall include as a component the automated data acquisition and handling system (DAHS) for recording and reporting both the raw data (*e.g.,* hourly average wet- and dry-basis O_2 values) and the hourly average values of the stack gas moisture content derived from those data. When a moisture look-up table is used, the moisture monitoring system shall be represented as a single component, the certified DAHS, in the monitoring plan for the unit or common stack.

* * * * *

(l) For each unit for which you decide to demonstrate compliance with the mercury or HCl emissions limits in Table 1 or 2 or Tables 11 through 15 to this subpart by use of a CEMS for mercury or HCl, you must install, certify, maintain, and operate a CEMS measuring emissions discharged to the atmosphere and record the output of the system as specified in paragraphs (l)(1) through (8) of this section. For HCl, this option for an affected unit takes effect on the date of approval of a site-specific monitoring plan.

* * * * *

(m) If your unit is subject to a HCl emission limit in Table 1 or 2 or Tables 11 through 15 to this subpart and you have an acid gas wet scrubber or dry sorbent injection control technology and you elect to use an SO_2 CEMS to demonstrate continuous compliance with the HCl emission limit, you must install the monitor at the outlet of the boiler or process heater, downstream of all emission control devices, and you must install, certify, operate, and maintain the CEMS according to either part 60 or part 75 of this chapter.

* * * * *

■ 11. Section 63.7530 is amended by revising paragraphs (b)(4)(ii)(E), (b)(4)(iii), and (h) to read as follows:

§ 63.7530 How do I demonstrate initial compliance with the emission limitations, fuel specifications and work practice standards?

* * * * *

(b) * * *

(4) * * *

(ii) * * *

(E) Use EPA Method 5 of appendix A to part 60 of this chapter to determine PM emissions. For each performance test, conduct three separate runs under the conditions that exist when the affected source is operating at the highest load or capacity level reasonably expected to occur. Conduct each test run to collect a minimum sample volume specified in Table 1 or 2 or Tables 11 through 15 to this subpart, as applicable, for determining compliance with a new source limit or an existing source limit. Calculate the average of the results from three runs to determine compliance. You need not determine the PM collected in the impingers (''back half'') of the Method 5 particulate sampling train to demonstrate compliance with the PM standards in this subpart. This shall not preclude the permitting authority from requiring a determination of the ''back half'' for other purposes.

* * * * *

(iii) For a particulate wet scrubber, you must establish the minimum pressure drop and liquid flow rate as defined in § 63.7575, as your operating limits during the three-run performance test during which you demonstrate compliance with your applicable limit. If you use a wet scrubber and you conduct separate performance tests for PM and TSM emissions, you must establish one set of minimum scrubber liquid flow rate and pressure drop operating limits. If you conduct multiple performance tests, you must set the minimum liquid flow rate and pressure drop operating limits at the higher of the minimum values established during the performance tests.

* * * * *

(h) If you own or operate a unit subject to emission limits in Table 1 or 2 or Tables 11 through 15 to this subpart, you must meet the work practice standard according to Table 3 to this subpart. During startup and shutdown, you must only follow the work practice standards according to items 5 and 6 of Table 3 to this subpart.

* * * * *

■ 12. Section 63.7533 is amended by revising paragraphs (a), (e), and (f) to read as follows:

§ 63.7533 Can I use efficiency credits earned from implementation of energy conservation measures to comply with this subpart?

(a) If you elect to comply with the alternative equivalent output-based emission limits, instead of the heat input-based limits listed in Table 2 or 15 to this subpart, and you want to take credit for implementing energy conservation measures identified in an energy assessment, you may demonstrate compliance using efficiency credits according to the procedures in this section. You may use this compliance approach for an existing affected boiler for demonstrating initial compliance according to § 63.7522(e) and for demonstrating monthly compliance according to § 63.7522(f). Owners or operators using this compliance approach must establish an emissions benchmark, calculate and document the efficiency credits, develop an Implementation Plan, comply with the general reporting requirements, and apply the efficiency credit according to the procedures in paragraphs (b) through (f) of this section. You cannot use this compliance approach for a new or reconstructed affected boiler. Additional guidance from the Department of Energy on efficiency credits is available at *https://www.epa.gov/ttn/atw/boiler/boilerpg.html.*

* * * * *

(e) The emissions rate as calculated using Equation 20 in paragraph (f) of this section from each existing boiler participating in the efficiency credit option must be in compliance with the limits in Table 2 or 15 to this subpart at all times the affected unit is subject to numeric emission limits, following

the compliance date specified in § 63.7495.

(f) You must use Equation 20 of this paragraph (f) to demonstrate initial compliance by demonstrating that the emissions from the affected boiler participating in the efficiency credit compliance approach do not exceed the emission limits in Table 2 or 15 to this subpart.

Equation 20 to paragraph (f)

$$E_{adj} = E_m \times (1 - ECredits) \quad \text{(Eq. 20)}$$

Where:

E_{adj} = Emission level adjusted by applying the efficiency credits earned, lb per million Btu steam output (or lb per MWh) for the affected boiler.

E_m = Emissions measured during the performance test, lb per million Btu steam output (or lb per MWh) for the affected boiler.

ECredits = Efficiency credits from Equation 19 to paragraph (c)(3)(i) of this section for the affected boiler.

* * * * *

■ 13. Section 63.7540 is amended by revising paragraphs (a) introductory text, (a)(8) introductory text, (a)(8)(ii), (a)(9), (a)(15) introductory text, (a)(19) introductory text, and (b) to read as follows:

§ 63.7540 How do I demonstrate continuous compliance with the emission limitations, fuel specifications and work practice standards?

(a) You must demonstrate continuous compliance with each emission limit in Tables 1 and 2 or 11 through 15 to this subpart, the work practice standards in Table 3 to this subpart, and the operating limits in Table 4 to this subpart that applies to you according to the methods specified in Table 8 to this subpart and paragraphs (a)(1) through (19) of this section.

* * * * *

(8) To demonstrate compliance with the applicable alternative CO CEMS emission limit listed in Table 1 or 2 or Tables 11 through 15 to this subpart, you must meet the requirements in paragraphs (a)(8)(i) through (iv) of this section.

* * * * *

(ii) Maintain a CO emission level below or at your applicable alternative CO CEMS-based standard in Table 1 or 2 or Tables 11 through 15 to this subpart at all times the affected unit is subject to numeric emission limits.

* * * * *

(9) The owner or operator of a boiler or process heater using a PM CPMS or a PM CEMS to meet requirements of this subpart shall install, certify (PM CEMS only), operate, and maintain the PM CPMS or PM CEMS in accordance with your site-specific monitoring plan as required in § 63.7505(d).

* * * * *

(15) If you are using a CEMS to measure HCl emissions to meet requirements of this subpart, you must install, certify, operate, and maintain the HCl CEMS as specified in paragraphs (a)(15)(i) and (ii) of this section. This option for an affected unit takes effect on the date of approval of a site-specific monitoring plan.

* * * * *

(19) If you choose to comply with the PM filterable emissions limit by using PM CEMS you must install, certify, operate, and maintain a PM CEMS and record the output of the PM CEMS as specified in paragraphs (a)(19)(i) through (vii) of this section. The compliance limit will be expressed as a 30-day rolling average of the numerical emissions limit value applicable for your unit in Table 1 or 2 or Tables 11 through 15 to this subpart.

* * * * *

(b) You must report each instance in which you did not meet each emission limit and operating limit in Tables 1 through 4 or 11 through 15 to this subpart that apply to you. These instances are deviations from the emission limits or operating limits, respectively, in this subpart. These deviations must be reported according to the requirements in § 63.7550.

* * * * *

■ 14. Section 63.7545 is amended by revising paragraph (e)(3) to read as follows:

§ 63.7545 What notifications must I submit and when?

* * * * *

(e) * * *

(3) A summary of the maximum CO emission levels recorded during the performance test to show that you have met any applicable emission standard in Table 1 or 2 or Tables 11 through 15 to this subpart, if you are not using a CO CEMS to demonstrate compliance.

* * * * *

■ 15. Section 63.7555 is amended by revising paragraphs (d) introductory text and (d)(5) to read as follows:

§ 63.7555 What records must I keep?

* * * * *

(d) For each boiler or process heater subject to an emission limit in Table 1 or 2 or Tables 11 through 15 to this subpart, you must also keep the applicable records in paragraphs (d)(1) through (11) of this section.

* * * * *

(5) If, consistent with § 63.7515(b), you choose to stack test less frequently than annually, you must keep a record that documents that your emissions in the previous stack test(s) were less than 75 percent of the applicable emission limit (or, in specific instances noted in Tables 1 and 2 or 11 through 15 to this subpart, less than the applicable emission limit), and document that there was no change in source operations including fuel composition and operation of air pollution control equipment that would cause emissions of the relevant pollutant to increase within the past year.

* * * * *

■ 16. Section 63.7575 is amended by:

■ a. Adding in alphabetical order the definition for ''12-month rolling average'';

■ b. Revising the definition of ''Other gas 1 fuel''; and

■ c. Revising paragraphs (3) and (4) under the definition of ''Steam output.''

The addition and revisions read as follows:

§ 63.7575 What definitions apply to this subpart?

* * * * *

12-month rolling average means the arithmetic mean of the previous 12 months of valid fuel analysis data. The 12 months should be consecutive, but not necessarily continuous if operations were intermittent.

* * * * *

Other gas 1 fuel means a gaseous fuel that is not natural gas or refinery gas and does not exceed a maximum

mercury concentration of 40 micrograms/cubic meters of gas.

* * * * *

Steam output * * *

(3) For a boiler that generates only electricity, the alternate output-based emission limits would be the appropriate emission limit from Table 1, 2, 14, or 15 to this subpart in units of pounds per million Btu heat input (lb per MWh).

(4) For a boiler that performs multiple functions and produces steam to be used for any combination of paragraphs (1), (2), and (3) of this definition that includes electricity generation of paragraph (3) of this definition, the total energy output, in terms of MMBtu of steam output, is the sum of the energy content of steam sent directly to the process and/or used for heating (S_1), the energy content of turbine steam sent to process plus energy in electricity according to paragraph (2) of this definition (S_2), and the energy content of electricity generated by a electricity only turbine as paragraph (3) of this definition (MW_3) and would be calculated using Equation 1 to this definition. In the case of boilers supplying steam to one or more common headers, S_1, S_2, and $MW_{(3)}$ for each boiler would be calculated based on its (steam energy) contribution (fraction of total steam energy) to the common header.

Equation 1 to the definition *Steam Output*

$$SO_M = S_1 + S_2 + (MW_{(3)}\ x\ CFn) \qquad \text{(Eq. 1)}$$

Where:

SO_M = Total steam output for multi-function boiler, MMBtu.

S_1 = Energy content of steam sent directly to the process and/or used for heating, MMBtu.

S_2 = Energy content of turbine steam sent to the process plus energy in electricity according to paragraph (2) of this definition, MMBtu.

$MW_{(3)}$ = Electricity generated according to paragraph (3) of this definition, MWh.

CFn = Conversion factor for the appropriate subcategory for converting electricity generated according to paragraph (3) of this definition to equivalent steam energy, MMBtu/MWh.

CFn for emission limits for boilers in the unit designed to burn solid fuel subcategory = 10.8.

CFn PM and CO emission limits for boilers in one of the subcategories of units designed to burn coal = 11.7.

CFn PM and CO emission limits for boilers in one of the subcategories of units designed to burn biomass = 12.1.

CFn for emission limits for boilers in one of the subcategories of units designed to burn liquid fuel = 11.2.

CFn for emission limits for boilers in the unit designed to burn gas 2 (other) subcategory = 6.2.

* * * * *

■ 17. Table 1 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 1 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS [c]

[As stated in § 63.7500, you must comply with the following applicable emission limits: [Units with heat input capacity of 10 million Btu per hour or greater]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	Or the emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
1. Units in all subcategories designed to burn solid fuel.	a. HCl	2.1E–04 [a] lb per MMBtu of heat input.	2.9E–04 [a] lb per MMBtu of steam output or 2.7E–03 [a] lb per MWh.	For M26A, collect a minimum of 1 dscm per run; for M26 collect a minimum of 120 liters per run.
	b. Mercury	8.0E–07 [a] lb per MMBtu of heat input.	8.7E–07 [a] lb per MMBtu of steam output or 1.1E–05 [a] lb per MWh.	For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm.
2. Units designed to burn coal/solid fossil fuel.	a. Filterable PM (or TSM).	1.1E–03 lb per MMBtu of heat input; or (2.3E–05 lb per MMBtu of heat input).	1.1E–03 lb per MMBtu of steam output or 1.4E–02 lb per MWh; or (2.7E–05 lb per MMBtu of steam output or 2.9E–04 lb per MWh).	Collect a minimum of 3 dscm per run.
3. Pulverized coal boilers designed to burn coal/solid fossil fuel.	a. Carbon monoxide (CO) (or CEMS).	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (320 ppm by volume on a dry basis corrected to 3-percent oxygen, [d] 30-day rolling average).	0.11 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
4. Stokers/others designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (340 ppm by volume on a dry basis corrected to 3-percent oxygen [d], 30-day rolling average).	0.12 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
5. Fluidized bed units designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (230 ppm by volume on a dry basis corrected to 3-percent oxygen, [d] 30-day rolling average).	0.11 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.

TABLE 1 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS [c]—Continued

[As stated in § 63.7500, you must comply with the following applicable emission limits: [Units with heat input capacity of 10 million Btu per hour or greater]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	Or the emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
6. Fluidized bed units with an integrated heat exchanger designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	140 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (150 ppm by volume on a dry basis corrected to 3-percent oxygen,[d] 30-day rolling average).	1.2E–01 lb per MMBtu of steam output or 1.5 lb per MWh; 3-run average.	1 hr minimum sampling time.
7. Stokers/sloped grate/others designed to burn wet biomass fuel.	a. CO (or CEMS)	590 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (390 ppm by volume on a dry basis corrected to 3-percent oxygen,[d] 30-day rolling average).	6.1E–01 lb per MMBtu of steam output or 6.5 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	1.3E–02 lb per MMBtu of heat input; or (2.6E–05 lb per MMBtu of heat input).	1.4E–02 lb per MMBtu of steam output or 1.9E–01 lb per MWh; or (2.7E–05 lb per MMBtu of steam output or 3.7E–04 lb per MWh).	Collect a minimum of 2 dscm per run.
8. Stokers/sloped grate/others designed to burn kiln-dried biomass fuel.	a. CO	460 ppm by volume on a dry basis corrected to 3-percent oxygen.	4.3E–01 lb per MMBtu of steam output or 5.1 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	3.0E–02 lb per MMBtu of heat input; or (5.0E–03 lb per MMBtu of heat input).	3.5E–02 lb per MMBtu of steam output or 4.2E–01 lb per MWh; or (5.2E–03 lb per MMBtu of steam output or 7.0E–02 lb per MWh).	Collect a minimum of 2 dscm per run.
9. Fluidized bed units designed to burn biomass/bio-based solids.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (310 ppm by volume on a dry basis corrected to 3-percent oxygen,[d] 30-day rolling average).	1.3E–01 lb per MMBtu of steam output or 1.5 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	4.1E–03 lb per MMBtu of heat input; or (8.4E–06 [a] lb per MMBtu of heat input).	5.0E–03 lb per MMBtu of steam output or 5.8E–02 lb per MWh; or (1.1E–05 [a] lb per MMBtu of steam output or 1.2E–04 [a] lb per MWh).	Collect a minimum of 3 dscm per run.
10. Suspension burners designed to burn biomass/bio-based solids.	a. CO (or CEMS)	220 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (2,000 ppm by volume on a dry basis corrected to 3-percent oxygen,[d] 10-day rolling average).	0.18 lb per MMBtu of steam output or 2.5 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	3.0E–02 lb per MMBtu of heat input; or (8.0E–03 lb per MMBtu of heat input).	3.1E–02 lb per MMBtu of steam output or 4.2E–01 lb per MWh; or (8.1E–03 lb per MMBtu of steam output or 1.2E–01 lb per MWh).	Collect a minimum of 2 dscm per run.
11. Dutch Ovens/Pile burners designed to burn biomass/bio-based solids.	a. CO (or CEMS)	330 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (520 ppm by volume on a dry basis corrected to 3-percent oxygen,[d] 10-day rolling average).	3.5E–01 lb per MMBtu of steam output or 3.6 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	2.5E–03 lb per MMBtu of heat input; or (3.9E–05 lb per MMBtu of heat input).	3.4E–03 lb per MMBtu of steam output or 3.5E–02 lb per MWh; or (5.2E–05 lb per MMBtu of steam output or 5.5E–04 lb per MWh).	Collect a minimum of 3 dscm per run.
12. Fuel cell units designed to burn biomass/bio-based solids.	a. CO	910 ppm by volume on a dry basis corrected to 3-percent oxygen.	1.1 lb per MMBtu of steam output or 1.0E+01 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	1.1E–02 lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input).	2.0E–02 lb per MMBtu of steam output or 1.6E–01 lb per MWh; or (5.1E–05 lb per MMBtu of steam output or 4.1E–04 lb per MWh).	Collect a minimum of 2 dscm per run.
13. Hybrid suspension grate boiler designed to burn biomass/bio-based solids.	a. CO (or CEMS)	180 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (900 ppm by volume on a dry basis corrected to 3-percent oxygen [d], 30-day rolling average).	0.22 lb per MMBtu of steam output or 2.0 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	2.6E–02 lb per MMBtu of heat input; or (4.4E–04 lb per MMBtu of heat input).	3.3E–02 lb per MMBtu of steam output or 3.7E–01 lb per MWh; or (5.5E–04 lb per MMBtu of steam output or 6.2E–03 lb per MWh).	Collect a minimum of 3 dscm per run.
14. Units designed to burn liquid fuel.	a. HCl	1.5E–04 [a] lb per MMBtu of heat input.	1.7E–04 [a] lb per MMBtu of steam output or 2.1E–03 [a] lb per MWh.	For M26A: Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.

TABLE 1 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS [c]—Continued

[As stated in § 63.7500, you must comply with the following applicable emission limits: [Units with heat input capacity of 10 million Btu per hour or greater]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	Or the emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
	b. Mercury	4.8E–07 [a] lb per MMBtu of heat input.	5.3E–07 [a] lb per MMBtu of steam output or 6.7E–06 [a] lb per MWh.	For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm.
15. Units designed to burn heavy liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	1.9E–03 lb per MMBtu of heat input; or (6.1E–06 [a] lb per MMBtu of heat input).	2.1E–03 lb per MMBtu of steam output or 2.7E–02 lb per MWh; or (6.7E–6 [a] lb per MMBtu of steam output or 8.5E–5 [a] lb per MWh).	Collect a minimum of 3 dscm per run.
16. Units designed to burn light liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	1.1E–03 [a] lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input).	1.2E–03 [a] lb per MMBtu of steam output or 1.6E–02 [a] lb per MWh; or (3.2E–05 lb per MMBtu of steam output or 4.0E–04 lb per MWh).	Collect a minimum of 3 dscm per run.
17. Units designed to burn liquid fuel that are non-continental units.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average based on stack test.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	2.3E–02 lb per MMBtu of heat input; or (8.6E–04 lb per MMBtu of heat input).	2.5E–02 lb per MMBtu of steam output or 3.2E–01 lb per MWh; or (9.4E–04 lb per MMBtu of steam output or 1.2E–02 lb per MWh).	Collect a minimum of 4 dscm per run.
18. Units designed to burn gas 2 (other) gases.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen.	0.16 lb per MMBtu of steam output or 1.0 lb per MWh.	1 hr minimum sampling time.
	b. HCl	1.7E–03 lb per MMBtu of heat input	2.9E–03 lb per MMBtu of steam output or 1.8E–02 lb per MWh.	For M26A, collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	c. Mercury	7.9E–06 lb per MMBtu of heat input	1.4E–05 lb per MMBtu of steam output or 8.3E–05 lb per MWh.	For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 3 dscm.
	d. Filterable PM (or TSM).	7.3E–03 lb per MMBtu of heat input; or (2.1E–04 lb per MMBtu of heat input).	1.3E–02 lb per MMBtu of steam output or 7.6E–02 lb per MWh; or (3.5E–04 lb per MMBtu of steam output or 2.2E–03 lb per MWh).	Collect a minimum of 3 dscm per run.

[a] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 63.7515 if all of the other provisions of § 63.7515 are met. For all other pollutants that do not contain a footnote ''a'', your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[b] Incorporated by reference, see § 63.14.

[c] If your affected source is a new or reconstructed affected source that commenced construction or reconstruction after June 4, 2010, and before April 1, 2013, you may comply with the emission limits in Table 11, 12, or 13 to this subpart until January 31, 2016. On and after January 31, 2016, but before October 6, 2025 you may comply with the emission limits in Table 14 to this subpart. On and after October 6, 2025 you must comply with the emission limits in this Table 1.

[d] An owner or operator may determine compliance with the carbon monoxide emissions limit using CO_2 as a diluent correction in place of oxygen as described in § 63.7525(a)(1). EPA Method 19 F-factors in 40 CFR part 60, appendix A–7, and EPA Method 19 equations in 40 CFR part 60, appendix A–7, must be used to generate the appropriate CO_2 correction percentage for the fuel type burned in the unit and must also take into account that the 3-percent oxygen correction is to be done on a dry basis. The methodology must account for any CO_2 being added to, or removed from, the emissions gas stream as a result of limestone injection, scrubber media, etc. This methodology must be detailed in the site-specific monitoring plan developed according to § 63.7505(d).

■ 18. Table 2 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 2 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR EXISTING BOILERS AND PROCESS HEATERS [d]

[As stated in § 63.7500, you must comply with the following applicable emission limits: [Units with heat input capacity of 10 million Btu per hour or greater]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	The emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
1. Units in all subcategories designed to burn solid fuel.	a. HCl	2.0E–02 lb per MMBtu of heat input	2.3E–02 lb per MMBtu of steam output or 0.26 lb per MWh.	For M26A, collect a minimum of 1 dscm per run; for M26, collect a minimum of 120 liters per run.

TABLE 2 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR EXISTING BOILERS AND PROCESS HEATERS [d]—Continued

[As stated in § 63.7500, you must comply with the following applicable emission limits: [Units with heat input capacity of 10 million Btu per hour or greater]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	The emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
	b. Mercury	5.4E–06 lb per MMBtu of heat input	6.2E–06 lb per MMBtu of steam output or 6.9E–05 lb per MWh.	For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 3 dscm.
2. Units design to burn coal/solid fossil fuel.	a. Filterable PM (or TSM).	3.9E–02 lb per MMBtu of heat input; or (5.3E–05 lb per MMBtu of heat input).	4.1E–02 lb per MMBtu of steam output or 4.8E–01 lb per MWh; or (5.6E–05 lb per MMBtu of steam output or 6.5E–04 lb per MWh).	Collect a minimum of 2 dscm per run.
3. Pulverized coal boilers designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (320 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 30-day rolling average).	0.11 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
4. Stokers/others designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	150 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (340 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 30-day rolling average).	0.14 lb per MMBtu of steam output or 1.6 lb per MWh; 3-run average.	1 hr minimum sampling time.
5. Fluidized bed units designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (230 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 30-day rolling average).	0.12 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
6. Fluidized bed units with an integrated heat exchanger designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	140 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (150 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 30-day rolling average).	1.3E–01 lb per MMBtu of steam output or 1.5 lb per MWh; 3-run average.	1 hr minimum sampling time.
7. Stokers/sloped grate/others designed to burn wet biomass fuel.	a. CO (or CEMS)	1,100 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (720 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 30-day rolling average).	1.1 lb per MMBtu of steam output or 13 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	3.4E–02 lb per MMBtu of heat input; or (2.0E–04 lb per MMBtu of heat input).	4.0E–02 lb per MMBtu of steam output or 4.8E–01 lb per MWh; or (2.4E–04 lb per MMBtu of steam output or 2.8E–03 lb per MWh).	Collect a minimum of 2 dscm per run.
8. Stokers/sloped grate/others designed to burn kiln-dried biomass fuel.	a. CO	460 ppm by volume on a dry basis corrected to 3-percent oxygen.	4.2E–01 lb per MMBtu of steam output or 5.1 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	3.2E–01 lb per MMBtu of heat input; or (5.0E–03 lb per MMBtu of heat input).	3.7E–01 lb per MMBtu of steam output or 4.5 lb per MWh; or (5.9E–03 lb per MMBtu of steam output or 7.0E–02 lb per MWh).	Collect a minimum of 1 dscm per run.
9. Fluidized bed units designed to burn biomass/bio-based solid.	a. CO (or CEMS)	210 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (310 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 30-day rolling average).	2.1E–01 lb per MMBtu of steam output or 2.3 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	7.4E–03 lb per MMBtu of heat input; or (6.4E–05 lb per MMBtu of heat input).	9.2E–03 lb per MMBtu of steam output or 0.11 lb per MWh; or (8.0E–05 lb per MMBtu of steam output or 9.0E–04 lb per MWh).	Collect a minimum of 1 dscm per run.
10. Suspension burners designed to burn biomass/bio-based solid.	a. CO (or CEMS)	2,400 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (2,000 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 10-day rolling average).	1.9 lb per MMBtu of steam output or 27 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	4.1E–02 lb per MMBtu of heat input; or (8.0E–03 lb per MMBtu of heat input).	4.2E–02 lb per MMBtu of steam output or 5.8E–01 lb per MWh; or (8.1E–03 lb per MMBtu of steam output or 0.12 lb per MWh).	Collect a minimum of 2 dscm per run.

TABLE 2 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR EXISTING BOILERS AND PROCESS HEATERS [d]—Continued

[As stated in § 63.7500, you must comply with the following applicable emission limits: [Units with heat input capacity of 10 million Btu per hour or greater]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	The emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
11. Dutch Ovens/Pile burners designed to burn biomass/bio-based solid.	a. CO (or CEMS)	770 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (520 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 10-day rolling average).	8.4E–01 lb per MMBtu of steam output or 8.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	1.8E–01 lb per MMBtu of heat input; or (2.0E–03 lb per MMBtu of heat input).	2.5E–01 lb per MMBtu of steam output or 2.6 lb per MWh; or (2.8E–03 lb per MMBtu of steam output or 2.8E–02 lb per MWh).	Collect a minimum of 1 dscm per run.
12. Fuel cell units designed to burn biomass/bio-based solid.	a. CO	1,100 ppm by volume on a dry basis corrected to 3-percent oxygen.	2.4 lb per MMBtu of steam output or 12 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	2.0E–02 lb per MMBtu of heat input; or (5.8E–03 lb per MMBtu of heat input).	5.5E–02 lb per MMBtu of steam output or 2.8E–01 lb per MWh; or (1.6E–02 lb per MMBtu of steam output or 8.1E–02 lb per MWh).	Collect a minimum of 2 dscm per run.
13. Hybrid suspension grate units designed to burn biomass/bio-based solid.	a. CO (or CEMS)	3,500 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (900 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 30-day rolling average).	3.5 lb per MMBtu of steam output or 39 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	4.4E–01 lb per MMBtu of heat input; or (4.5E–04 lb per MMBtu of heat input).	5.5E–01 lb per MMBtu of steam output or 6.2 lb per MWh; or (5.7E–04 lb per MMBtu of steam output or 6.3E–03 lb per MWh).	Collect a minimum of 1 dscm per run.
14. Units designed to burn liquid fuel.	a. HCl	1.1E–03 lb per MMBtu of heat input	1.4E–03 lb per MMBtu of steam output or 1.6E–02 lb per MWh.	For M26A, collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	b. Mercury	7.3E–07 lb per MMBtu of heat input	8.8E–07 lb per MMBtu of steam output or 1.1E–05 lb per MWh.	For M29, collect a minimum of 3 dscm per run; for M30A or M30B collect a minimum sample as specified in the method, for ASTM D6784 [b] collect a minimum of 2 dscm.
15. Units designed to burn heavy liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	5.9E–02 lb per MMBtu of heat input; or (2.0E–04 lb per MMBtu of heat input).	7.2E–02 lb per MMBtu of steam output or 8.2E–01 lb per MWh; or (2.5E–04 lb per MMBtu of steam output or 2.8E–03 lb per MWh).	Collect a minimum of 1 dscm per run.
16. Units designed to burn light liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	7.9E–03 lb per MMBtu of heat input; or (6.2E–05 lb per MMBtu of heat input).	9.6E–03 lb per MMBtu of steam output or 1.1E–01 lb per MWh; or (7.5E–05 lb per MMBtu of steam output or 8.6E–04 lb per MWh).	Collect a minimum of 3 dscm per run.
17. Units designed to burn liquid fuel that are non-continental units.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average based on stack test.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	2.2E–01 lb per MMBtu of heat input; or (8.6E–04 lb per MMBtu of heat input).	2.7E–01 lb per MMBtu of steam output or 3.1 lb per MWh; or (1.1E–03 lb per MMBtu of steam output or 1.2E–02 lb per MWh).	Collect a minimum of 2 dscm per run.
18. Units designed to burn gas 2 (other) gases.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen.	0.16 lb per MMBtu of steam output or 1.0 lb per MWh.	1 hr minimum sampling time.
.....	b. HCl	1.7E–03 lb per MMBtu of heat input	2.9E–03 lb per MMBtu of steam output or 1.8E–02 lb per MWh.	For M26A, collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	c. Mercury	7.9E–06 lb per MMBtu of heat input	1.4E–05 lb per MMBtu of steam output or 8.3E–05 lb per MWh.	For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 2 dscm.

TABLE 2 TO SUBPART DDDDD OF PART 63—EMISSION LIMITS FOR EXISTING BOILERS AND PROCESS HEATERS [d]—Continued

[As stated in § 63.7500, you must comply with the following applicable emission limits: [Units with heat input capacity of 10 million Btu per hour or greater]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	The emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
	d. Filterable PM (or TSM).	7.3E–03 lb per MMBtu of heat input or (2.1E–04 lb per MMBtu of heat input).	1.3E–02 lb per MMBtu of steam output or 7.6E–02 lb per MWh; or (3.5E–04 lb per MMBtu of steam output or 2.2E–03 lb per MWh).	Collect a minimum of 3 dscm per run.

[a] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 63.7515 if all of the other provisions of § 63.7515 are met. For all other pollutants that do not contain a footnote a, your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[b] Incorporated by reference, see § 63.14.

[c] An owner or operator may determine compliance with the carbon monoxide emissions limit be determined using CO_2 as a diluent correction in place of oxygen as described in § 63.7525(a)(1). EPA Method 19 F-factors in 40 CFR part 60, appendix A–7, and EPA Method 19 equations in 40 CFR part 60, appendix A–7, must be used to generate the appropriate CO_2 correction percentage for the fuel type burned in the unit and must also take into account that the 3-percent oxygen correction is to be done on a dry basis. The methodology must account for any CO_2 being added to, or removed from, the emissions gas stream as a result of limestone injection, scrubber media, etc. This methodology must be detailed in the site-specific monitoring plan developed according to § 63.7505(d).

[d] Before October 6, 2025 you may comply with the emission limits in Table 15 to this subpart. On and after October 6, 2025], you must comply with the emission limits in this Table 2.

■ 19. Table 3 of subpart DDDDD of part 63 is amended by revising the entries ''5.'' and ''6.'' to read as follows:

* * * * *

TABLE 3 TO SUBPART DDDDD OF PART 63—WORK PRACTICE STANDARDS

If your unit is . . .	You must meet the following . . .
* *	* * * * *
5. An existing or new boiler or process heater subject to emission limits in Table 1 or 2 or 11 through 15 to this subpart during startup.	a. You must operate all CMS during startup. b. For startup of a boiler or process heater, you must use one or a combination of the following clean fuels: natural gas, synthetic natural gas, propane, other Gas 1 fuels, distillate oil, syngas, ultra-low sulfur diesel, fuel oil-soaked rags, kerosene, hydrogen, paper, cardboard, refinery gas, liquefied petroleum gas, clean dry biomass, and any fuels meeting the appropriate HCl, mercury and TSM emission standards by fuel analysis. c. You have the option of complying using either of the following work practice standards. (1) If you choose to comply using paragraph (1) of the definition of ''startup'' in § 63.7575, once you start firing fuels that are not clean fuels you must vent emissions to the main stack(s) and engage all of the applicable control devices except limestone injection in fluidized bed combustion (FBC) boilers, dry scrubber, fabric filter, and selective catalytic reduction (SCR). You must start your limestone injection in FBC boilers, dry scrubber, fabric filter, and SCR systems as expeditiously as possible. Startup ends when steam or heat is supplied for any purpose, OR (2) If you choose to comply using paragraph (2) of the definition of ''startup'' in § 63.7575, once you start to feed fuels that are not clean fuels, you must vent emissions to the main stack(s) and engage all of the applicable control devices so as to comply with the emission limits within 4 hours of start of supplying useful thermal energy. You must engage and operate PM control within one hour of first feeding fuels that are not clean fuels [a]. You must start all applicable control devices as expeditiously as possible, but, in any case, when necessary to comply with other standards applicable to the source by a permit limit or a rule other than this subpart that require operation of the control devices. You must develop and implement a written startup and shutdown plan, as specified in § 63.7505(e). d. You must comply with all applicable emission limits at all times except during startup and shutdown periods at which time you must meet this work practice. You must collect monitoring data during periods of startup, as specified in § 63.7535(b). You must keep records during periods of startup. You must provide reports concerning activities and periods of startup, as specified in § 63.7555.
6. An existing or new boiler or process heater subject to emission limits in Table 1 or 2 or Tables 11 through 15 to this subpart during shutdown.	You must operate all CMS during shutdown. While firing fuels that are not clean fuels during shutdown, you must vent emissions to the main stack(s) and operate all applicable control devices, except limestone injection in FBC boilers, dry scrubber, fabric filter, and SCR but, in any case, when necessary to comply with other standards applicable to the source that require operation of the control device. If, in addition to the fuel used prior to initiation of shutdown, another fuel must be used to support the shutdown process, that additional fuel must be one or a combination of the following clean fuels: Natural gas, synthetic natural gas, propane, other Gas 1 fuels, distillate oil, syngas, ultra-low sulfur diesel, refinery gas, and liquefied petroleum gas.

TABLE 3 TO SUBPART DDDDD OF PART 63—WORK PRACTICE STANDARDS—Continued

If your unit is . . .	You must meet the following . . .
	You must comply with all applicable emissions limits at all times except for startup or shutdown periods conforming with this work practice. You must collect monitoring data during periods of shutdown, as specified in § 63.7535(b). You must keep records during periods of shutdown. You must provide reports concerning activities and periods of shutdown, as specified in § 63.7555.

[a] As specified in § 63.7555(d)(13), the source may request an alternative timeframe with the PM controls requirement to the permitting authority (state, local, or tribal agency) that has been delegated authority for this subpart by EPA. The source must provide evidence that (1) it is unable to safely engage and operate the PM control(s) to meet the ''fuel firing + 1 hour'' requirement and (2) the PM control device is appropriately designed and sized to meet the filterable PM emission limit. It is acknowledged that there may be another control device that has been installed other than ESP that provides additional PM control (*e.g.,* scrubber).

■ 20. Table 4 to subpart DDDDD of part 63 is amended by revising the column headings to read as follows:

* * * * *

TABLE 4 TO SUBPART DDDDD OF PART 63—OPERATING LIMITS FOR BOILERS AND PROCESS HEATERS

When complying with a numerical emission limit under Table 1, 2, 11, 12, 13, 14, or 15 of this subpart using . . .	You must meet these operating limits . . .
* * * * * * *	

* * * * *

■ 21. Table 7 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 7 TO SUBPART DDDDD OF PART 63—ESTABLISHING OPERATING LIMITS [a] [b]

[As stated in § 63.7520, you must comply with the following requirements for establishing operating limits:]

If you have an applicable emission limit for . . .	And your operating limits are based on . . .	You must . . .	Using . . .	According to the following requirements
1. PM, TSM, or mercury	a. Wet scrubber operating parameters.	i. Establish a site-specific minimum scrubber pressure drop and minimum flow rate operating limit according to § 63.7530(b).	(1) Data from the scrubber pressure drop and liquid flow rate monitors and the PM, TSM, or mercury performance test.	(a) You must collect scrubber pressure drop and liquid flow rate data every 15 minutes during the entire period of the performance tests. (b) Determine the lowest hourly average scrubber pressure drop and liquid flow rate by computing the hourly averages using all of the 15-minute readings taken during each performance test.
	b. Electrostatic precipitator operating parameters (option only for units that operate wet scrubbers).	i. Establish a site-specific minimum total secondary electric power input according to § 63.7530(b).	(1) Data from the voltage and secondary amperage monitors during the PM or mercury performance test.	(a) You must collect secondary voltage and secondary amperage for each ESP cell and calculate total secondary electric power input data every 15 minutes during the entire period of the performance tests. (b) Determine the average total secondary electric power input by computing the hourly averages using all of the 15-minute readings taken during each performance test.
	c. Opacity	i. Establish a site-specific maximum opacity level.	(1) Data from the opacity monitoring system during the PM performance test.	(a) You must collect opacity readings every 15 minutes during the entire period of the performance tests. (b) Determine the average hourly opacity reading by computing the hourly averages using all of the 15-minute readings taken during each performance test. (c) Determine the highest hourly average opacity reading measured during the test run demonstrating compliance with the PM (or TSM) emission limitation.

TABLE 7 TO SUBPART DDDDD OF PART 63—ESTABLISHING OPERATING LIMITS [a] [b]—Continued

[As stated in § 63.7520, you must comply with the following requirements for establishing operating limits:]

If you have an applicable emission limit for . . .	And your operating limits are based on . . .	You must . . .	Using . . .	According to the following requirements
2. HCl	a. Wet scrubber operating parameters.	i. Establish site-specific minimum effluent pH and flow rate operating limits according to § 63.7530(b).	(1) Data from the pH and liquid flow-rate monitors and the HCl performance test.	(a) You must collect pH and liquid flow-rate data every 15 minutes during the entire period of the performance tests. (b) Determine the hourly average pH and liquid flow rate by computing the hourly averages using all of the 15-minute readings taken during each performance test.
	b. Dry scrubber operating parameters.	i. Establish a site-specific minimum sorbent injection rate operating limit according to § 63.7530(b). If different acid gas sorbents are used during the HCl performance test, the average value for each sorbent becomes the site-specific operating limit for that sorbent.	(1) Data from the sorbent injection rate monitors and HCl or mercury performance test.	(a) You must collect sorbent injection rate data every 15 minutes during the entire period of the performance tests. (b) Determine the hourly average sorbent injection rate by computing the hourly averages using all of the 15-minute readings taken during each performance test. (c) Determine the lowest hourly average of the three test run averages established during the performance test as your operating limit. When your unit operates at lower loads, multiply your sorbent injection rate by the load fraction, as defined in § 63.7575, to determine the required injection rate.
	c. Alternative Maximum SO_2 emission rate.	i. Establish a site-specific maximum SO_2 emission rate operating limit according to § 63.7530(b).	(1) Data from SO_2 CEMS and the HCl performance test.	(a) You must collect the SO_2 emissions data according to § 63.7525(m) during the most recent HCl performance tests. (b) The maximum SO_2 emission rate is equal to the highest hourly average SO_2 emission rate measured during the most recent HCl performance tests.
3. Mercury	a. Activated carbon injection.	i. Establish a site-specific minimum activated carbon injection rate operating limit according to § 63.7530(b).	(1) Data from the activated carbon rate monitors and mercury performance test.	(a) You must collect activated carbon injection rate data every 15 minutes during the entire period of the performance tests. (b) Determine the hourly average activated carbon injection rate by computing the hourly averages using all of the 15-minute readings taken during each performance test. (c) Determine the lowest hourly average established during the performance test as your operating limit. When your unit operates at lower loads, multiply your activated carbon injection rate by the load fraction, as defined in § 63.7575, to determine the required injection rate.
4. Carbon monoxide for which compliance is demonstrated by a performance test.	a. Oxygen	i. Establish a unit-specific limit for minimum oxygen level according to § 63.7530(b).	(1) Data from the oxygen analyzer system specified in § 63.7525(a).	(a) You must collect oxygen data every 15 minutes during the entire period of the performance tests. (b) Determine the hourly average oxygen concentration by computing the hourly averages using all of the 15-minute readings taken during each performance test. (c) Determine the lowest hourly average established during the performance test as your minimum operating limit.

TABLE 7 TO SUBPART DDDDD OF PART 63—ESTABLISHING OPERATING LIMITS [a] [b]—Continued

[As stated in § 63.7520, you must comply with the following requirements for establishing operating limits:]

If you have an applicable emission limit for . . .	And your operating limits are based on . . .	You must . . .	Using . . .	According to the following requirements
5. Any pollutant for which compliance is demonstrated by a performance test.	a. Boiler or process heater operating load.	i. Establish a unit specific limit for maximum operating load according to § 63.7520(c).	(1) Data from the operating load monitors or from steam generation monitors.	(a) You must collect operating load or steam generation data every 15 minutes during the entire period of the performance test. (b) Determine the average operating load by computing the hourly averages using all of the 15-minute readings taken during each performance test. (c) Determine the highest hourly average of the three test run averages during the performance test, and multiply this by 1.1 (110 percent) as your operating limit.

[a] Operating limits must be confirmed or reestablished during performance tests.

[b] If you conduct multiple performance tests, you must set the minimum liquid flow rate and pressure drop operating limits at the higher of the minimum values established during the performance tests. For a minimum oxygen level, if you conduct multiple performance tests, you must set the minimum oxygen level at the lower of the minimum values established during the performance tests. For maximum operating load, if you conduct multiple performance tests, you must set the maximum operating load at the lower of the maximum values established during the performance tests.

■ 22. Table 8 to subpart DDDDD of part 63 is amended by revising entry ''8.'' to read as follows:

* * * * *

TABLE 8 TO SUBPART DDDDD OF PART 63—DEMONSTRATING CONTINUOUS COMPLIANCE

If you must meet the following operating limits or work practice standards . . .	You must demonstrate continuous compliance by . . .
* * * * * * *	
8. Emission limits using fuel analysis.	a. Conduct monthly fuel analysis for HCl or mercury or TSM according to Table 6 to this subpart; and b. Reduce the data to 12-month rolling averages; and c. Maintain the 12-month rolling average at or below the applicable emission limit for HCl or mercury or TSM in Tables 1 and 2 or 11 through 15 to this subpart. d. Calculate the HCl, mercury, and/or TSM emission rate from the boiler or process heater in units of lb/MMBtu using Equation 15 and Equations 16, 17, and/or 18 in § 63.7530.
* * * * * * *	

■ 23. Table 11 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 11 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER JUNE 4, 2010, AND BEFORE MAY 20, 2011

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during periods of startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
1. Units in all subcategories designed to burn solid fuel.	a. HCl	0.022 lb per MMBtu of heat input	For M26A, collect a minimum of 1 dscm per run; for M26 collect a minimum of 120 liters per run.
2. Units in all subcategories designed to burn solid fuel that combust at least 10 percent biomass/bio-based solids on an annual heat input basis and less than 10 percent coal/solid fossil fuels on an annual heat input basis.	a. Mercury	8.0E–07 [a] lb per MMBtu of heat input	For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm.

TABLE 11 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER JUNE 4, 2010, AND BEFORE MAY 20, 2011—Continued

If your boiler or process heater is in this subcategory . . .	For the following pollutants	The emissions must not exceed the following emission limits, except during periods of startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
3. Units in all subcategories designed to burn solid fuel that combust at least 10 percent coal/solid fossil fuels on an annual heat input basis and less than 10 percent biomass/bio-based solids on an annual heat input basis.	a. Mercury	2.0E–06 lb per MMBtu of heat input	For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm.
4. Units design to burn coal/solid fossil fuel.	a. Filterable PM (or TSM)	1.1E–03 lb per MMBtu of heat input; or (2.3E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
5. Pulverized coal boilers designed to burn coal/solid fossil fuel.	a. Carbon monoxide (CO) (or CEMS).	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (320 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
6. Stokers designed to burn coal/solid fossil fuel.	a. CO (or CEMS).	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (340 ppm by volume on a dry basis corrected to 3 percent oxygen ,[c] 10-day rolling average).	1 hr minimum sampling time.
7. Fluidized bed units designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (230 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
8. Fluidized bed units with an integrated heat exchanger designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	140 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (150 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
9. Stokers/sloped grate/others designed to burn wet biomass fuel.	a. CO (or CEMS)	620 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (390 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	3.0E–02 lb per MMBtu of heat input; or (2.6E–05 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
10. Stokers/sloped grate/others designed to burn kiln-dried biomass fuel.	a. CO	560 ppm by volume on a dry basis corrected to 3 percent oxygen.	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	3.0E–02 lb per MMBtu of heat input; or (4.0E–03 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run
11. Fluidized bed units designed to burn biomass/bio-based solids.	a. CO (or CEMS)	230 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (310 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	9.8E–03 lb per MMBtu of heat input; or (8.3E–05 [a] lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run
12. Suspension burners designed to burn biomass/bio-based solids.	a. CO (or CEMS)	2,400 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (2,000 ppm by volume on a dry basis corrected to 3 percent oxygen [c] 10-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	3.0E–02 lb per MMBtu of heat input; or (6.5E–03 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
13. Dutch Ovens/Pile burners designed to burn biomass/bio-based solids.	a. CO (or CEMS)	1,010 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (520 ppm by volume on a dry basis corrected to 3 percent oxygen [c] 10-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	8.0E–03 lb per MMBtu of heat input; or (3.9E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
14. Fuel cell units designed to burn biomass/bio-based solids.	a. CO	910 ppm by volume on a dry basis corrected to 3 percent oxygen.	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	2.0E–02 lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
15. Hybrid suspension grate boiler designed to burn biomass/bio-based solids.	a. CO (or CEMS)	1,100 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (900 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	2.6E–02 lb per MMBtu of heat input; or (4.4E–04 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run
16. Units designed to burn liquid fuel.	a. HCl	4.4E–04 lb per MMBtu of heat input	For M26A: Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run
	b. Mercury.	4.8E–07 [a] lb per MMBtu of heat input	For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm.
17. Units designed to burn heavy liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average.	1 hr minimum sampling time.

TABLE 11 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER JUNE 4, 2010, AND BEFORE MAY 20, 2011—Continued

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during periods of startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
	b. Filterable PM (or TSM)	1.3E–02 lb per MMBtu of heat input; or (7.5E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
18. Units designed to burn light liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3 percent oxygen.	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	2.0E–03 [a] lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run
19. Units designed to burn liquid fuel that are non-continental units.	a. CO	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average based on stack test.	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	2.3E–02 lb per MMBtu of heat input; or (8.6E–04 lb per MMBtu of heat input).	Collect a minimum of 4 dscm per run
20. Units designed to burn gas 2 (other) gases.	a. CO	130 ppm by volume on a dry basis corrected to 3 percent oxygen.	1 hr minimum sampling time.
	b. HCl	1.7E–03 lb per MMBtu of heat input	For M26A, Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	c. Mercury	7.9E–06 lb per MMBtu of heat input	For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 3 dscm.
	d. Filterable PM (or TSM)	6.7E–03 lb per MMBtu of heat input; or (2.1E–04 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.

[a] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 63.7515 if all of the other provision of § 63.7515 are met. For all other pollutants that do not contain a footnote ''a'', your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[b] Incorporated by reference, see § 63.14.

[c] An owner or operator may determine compliance with the carbon monoxide emissions limit using carbon dioxide as a diluent correction in place of oxygen as described in § 63.7525(a)(1). EPA Method 19 F-factors in 40 CFR part 60, appendix A–7, and EPA Method 19 equations in 40 CFR part 60, appendix A–7, must be used to generate the appropriate CO_2 correction percentage for the fuel type burned in the unit, and must also take into account that the 3% oxygen correction is to be done on a dry basis. The methodology must account for any CO_2 being added to, or removed from, the emissions gas stream as a result of limestone injection, scrubber media, etc. This methodology must be detailed in the site-specific monitoring plan developed according to § 63.7505(d).

■ 24. Table 12 to subpart DDDDD of part 63 is revised to read as follows:

TABLE 12 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER MAY 20, 2011, AND BEFORE DECEMBER 23, 2011

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during periods of start-up and shutdown . . .	Using this specified sampling volume or test run duration . . .
1. Units in all subcategories designed to burn solid fuel.	a. HCl	0.022 lb per MMBtu of heat input	For M26A, collect a minimum of 1 dscm per run; for M26 collect a minimum of 120 liters per run.
	b. Mercury	3.5E–06 [a] lb per MMBtu of heat input	For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 3 dscm.
2. Units design to burn coal/solid fossil fuel.	a. Filterable PM (or TSM)	1.1E–03 lb per MMBtu of heat input; or (2.3E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
3. Pulverized coal boilers designed to burn coal/solid fossil fuel.	a. Carbon monoxide (CO) (or CEMS).	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (320 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
4. Stokers designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (340 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 10-day rolling average).	1 hr minimum sampling time.
5. Fluidized bed units designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (230 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
6. Fluidized bed units with an integrated heat exchanger designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	140 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (150 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
7. Stokers/sloped grate/others designed to burn wet biomass fuel.	a. CO (or CEMS)	620 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (390 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.

TABLE 12 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER MAY 20, 2011, AND BEFORE DECEMBER 23, 2011—Continued

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during periods of start-up and shutdown . . .	Using this specified sampling volume or test run duration . . .
	b. Filterable PM (or TSM)	3.0E–02 lb per MMBtu of heat input; or (2.6E–05 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
8. Stokers/sloped grate/others designed to burn kiln-dried biomass fuel.	a. CO	460 ppm by volume on a dry basis corrected to 3 percent oxygen.	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	3.0E–02 lb per MMBtu of heat input; or (4.0E–03 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
9. Fluidized bed units designed to burn biomass/bio-based solids.	a. CO (or CEMS)	260 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (310 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	9.8E–03 lb per MMBtu of heat input; or (8.3E–05[a] lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
10. Suspension burners designed to burn biomass/bio-based solids.	a. CO (or CEMS)	2,400 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (2,000 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 10-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	3.0E–02 lb per MMBtu of heat input; or (6.5E–03 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
11. Dutch Ovens/Pile burners designed to burn biomass/bio-based solids.	a. CO (or CEMS)	470 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (520 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 10-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	3.2E–03 lb per MMBtu of heat input; or (3.9E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
12. Fuel cell units designed to burn biomass/bio-based solids.	a. CO	910 ppm by volume on a dry basis corrected to 3 percent oxygen.	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	2.0E–02 lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
13. Hybrid suspension grate boiler designed to burn biomass/bio-based solids.	a. CO (or CEMS)	1,500 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (900 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	2.6E–02 lb per MMBtu of heat input; or (4.4E–04 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
14. Units designed to burn liquid fuel.	a. HCl	4.4E–04 lb per MMBtu of heat input	For M26A: Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	b. Mercury	4.8E–07[a] lb per MMBtu of heat input	For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784[b] collect a minimum of 4 dscm.
15. Units designed to burn heavy liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	1.3E–02 lb per MMBtu of heat input; or (7.5E–05 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
16. Units designed to burn light liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3 percent oxygen.	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	1.3E–03[a] lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
17. Units designed to burn liquid fuel that are non-continental units.	a. CO	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average based on stack test.	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	2.3E–02 lb per MMBtu of heat input; or (8.6E–04 lb per MMBtu of heat input).	Collect a minimum of 4 dscm per run.
18. Units designed to burn gas 2 (other) gases.	a. CO	130 ppm by volume on a dry basis corrected to 3 percent oxygen.	1 hr minimum sampling time.
	b. HCl	1.7E–03 lb per MMBtu of heat input	For M26A, Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	c. Mercury	7.9E–06 lb per MMBtu of heat input	For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784[b] collect a minimum of 3 dscm.
	d. Filterable PM (or TSM)	6.7E–03 lb per MMBtu of heat input; or (2.1E–04 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.

[a] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 63.7515 if all of the other provision of § 63.7515 are met. For all other pollutants that do not contain a footnote ''a'', your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[b] Incorporated by reference, see § 63.14.

[c] An owner or operator may determine compliance with the carbon monoxide emissions limit using carbon dioxide as a diluent correction in place of oxygen as described in § 63.7525(a)(1). EPA Method 19 F-factors in 40 CFR part 60, appendix A–7, and EPA Method 19 equations in 40 CFR part 60, appendix A–7, must be used to generate the appropriate CO_2 correction percentage for the fuel type burned in the unit, and must also take into account that the 3% oxygen correction is to be done on a dry basis. The methodology must account for any CO_2 being added to, or removed from, the emissions gas stream as a result of limestone injection, scrubber media, etc. This methodology must be detailed in the site-specific monitoring plan developed according to § 63.7505(d).

■ 25. Table 13 to subpart DDDDD is of part 63 is revised to read as follows:

TABLE 13 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER DECEMBER 23, 2011, AND BEFORE APRIL 1, 2013

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during periods of start-up and shutdown . . .	Using this specified sampling volume or test run duration . . .
1. Units in all subcategories designed to burn solid fuel.	a. HCl	0.022 lb per MMBtu of heat input	For M26A, collect a minimum of 1 dscm per run; for M26 collect a minimum of 120 liters per run.
	b. Mercury	8.6E–07 [a] lb per MMBtu of heat input	For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm.
2. Pulverized coal boilers designed to burn coal/solid fossil fuel.	a. Carbon monoxide (CO) (or CEMS).	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (320 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	1.1E–03 lb per MMBtu of heat input; or (2.8E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
3. Stokers designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (340 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 10-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	2.8E–02 lb per MMBtu of heat input; or (2.3E–05 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
4. Fluidized bed units designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (230 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	1.1E–03 lb per MMBtu of heat input; or (2.3E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
5. Fluidized bed units with an integrated heat exchanger designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	140 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (150 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	1.1E–03 lb per MMBtu of heat input; or (2.3E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
6. Stokers/sloped grate/others designed to burn wet biomass fuel.	a. CO (or CEMS)	620 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (410 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 10-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	3.0E–02 lb per MMBtu of heat input; or (2.6E–05 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
7. Stokers/sloped grate/others designed to burn kiln-dried biomass fuel.	a. CO	460 ppm by volume on a dry basis corrected to 3 percent oxygen.	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	3.2E–01 lb per MMBtu of heat input; or (4.0E–03 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
8. Fluidized bed units designed to burn biomass/bio-based solids.	a. CO (or CEMS)	230 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (310 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	9.8E–03 lb per MMBtu of heat input; or (8.3E–05 [a] lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
9. Suspension burners designed to burn biomass/bio-based solids.	a. CO (or CEMS)	2,400 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (2,000 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 10-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	5.1E–02 lb per MMBtu of heat input; or (6.5E–03 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
10. Dutch Ovens/Pile burners designed to burn biomass/bio-based solids.	a. CO (or CEMS)	810 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (520 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 10-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	3.6E–02 lb per MMBtu of heat input; or (3.9E–05 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
11. Fuel cell units designed to burn biomass/bio-based solids.	a. CO	910 ppm by volume on a dry basis corrected to 3 percent oxygen.	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	2.0E–02 lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.

TABLE 13 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS THAT COMMENCED CONSTRUCTION OR RECONSTRUCTION AFTER DECEMBER 23, 2011, AND BEFORE APRIL 1, 2013—Continued

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during periods of start-up and shutdown . . .	Using this specified sampling volume or test run duration . . .
12. Hybrid suspension grate boiler designed to burn biomass/bio-based solids.	a. CO (or CEMS)	1,500 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (900 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 30-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	2.6E–02 lb per MMBtu of heat input; or (4.4E–04 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
13. Units designed to burn liquid fuel.	a. HCl	1.2E–03 lb per MMBtu of heat input	For M26A: Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	b. Mercury	4.9E–07 [a] lb per MMBtu of heat input	For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b]collect a minimum of 4 dscm.
14. Units designed to burn heavy liquid fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average; or (18 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 10-day rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	1.3E–03 lb per MMBtu of heat input; or (7.5E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
15. Units designed to burn light liquid fuel.	a. CO (or CEMS)	130 [a] ppm by volume on a dry basis corrected to 3 percent oxygen; or (60 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 1-day block average)..	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	1.1E–03 [a] lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.
16. Units designed to burn liquid fuel that are non-continental units.	a. CO	130 ppm by volume on a dry basis corrected to 3 percent oxygen, 3-run average based on stack test; or (91 ppm by volume on a dry basis corrected to 3 percent oxygen,[c] 3-hour rolling average).	1 hr minimum sampling time.
	b. Filterable PM (or TSM)	2.3E–02 lb per MMBtu of heat input; or (8.6E–04 lb per MMBtu of heat input).	Collect a minimum of 2 dscm per run.
17. Units designed to burn gas 2 (other) gases.	a. CO	130 ppm by volume on a dry basis corrected to 3 percent oxygen.	1 hr minimum sampling time.
	b. HCl	1.7E–03 lb per MMBtu of heat input	For M26A, Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	c. Mercury	7.9E–06 lb per MMBtu of heat input	For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b]collect a minimum of 3 dscm.
	d. Filterable PM (or TSM)	6.7E–03 lb per MMBtu of heat input; or (2.1E–04 lb per MMBtu of heat input).	Collect a minimum of 3 dscm per run.

[a] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit and you are not required to conduct testing for CEMS or CPMS monitor certification, you can skip testing according to § 63.7515 if all of the other provision of § 63.7515 are met. For all other pollutants that do not contain a footnote ''a'', your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[b] Incorporated by reference, see § 63.14.

[c] An owner or operator may determine compliance with the carbon monoxide emissions limit using carbon dioxide as a diluent correction in place of oxygen as described in § 63.7525(a)(1). EPA Method 19 F-factors in 40 CFR part 60, appendix A–7, and EPA Method 19 equations in 40 CFR part 60, appendix A–7, must be used to generate the appropriate CO_2 correction percentage for the fuel type burned in the unit, and must also take into account that the 3% oxygen correction is to be done on a dry basis. The methodology must account for any CO_2 being added to, or removed from, the emissions gas stream as a result of limestone injection, scrubber media, etc. This methodology must be detailed in the site-specific monitoring plan developed according to § 63.7505(d).

■ 26. Add Table 14 to subpart DDDDD of part 63 to read as follows:

TABLE 14 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS [c]

[As stated in § 63.7500, you may continue to comply with the following applicable emission limits until October 6, 2025: [Units with heat input capacity of 10 million Btu per hour or greater]]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	Or the emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
1. Units in all subcategories designed to burn solid fuel..	a. HCl	2.2E–02 lb per MMBtu of heat input	2.5E–02 lb per MMBtu of steam output or 0.28 lb per MWh.	For M26A, collect a minimum of 1 dscm per run; for M26 collect a minimum of 120 liters per run.

TABLE 14 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS [c]—Continued

[As stated in § 63.7500, you may continue to comply with the following applicable emission limits until October 6, 2025: [Units with heat input capacity of 10 million Btu per hour or greater]]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	Or the emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
	b. Mercury	8.0E–07 [a] lb per MMBtu of heat input.	8.7E–07 [a] lb per MMBtu of steam output or 1.1E–05 [a] lb per MWh.	For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm.
2. Units designed to burn coal/solid fossil fuel.	a. Filterable PM (or TSM).	1.1E–03 lb per MMBtu of heat input; or (2.3E–05 lb per MMBtu of heat input).	1.1E–03 lb per MMBtu of steam output or 1.4E–02 lb per MWh; or (2.7E–05 lb per MMBtu of steam output or 2.9E–04 lb per MWh).	Collect a minimum of 3 dscm per run.
3. Pulverized coal boilers designed to burn coal/solid fossil fuel.	a. Carbon monoxide (CO) (or CEMS).	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (320 ppm by volume on a dry basis corrected to 3-percent oxygen, [d] 30-day rolling average).	0.11 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
4. Stokers/others designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (340 ppm by volume on a dry basis corrected to 3-percent oxygen, [d] 30-day rolling average).	0.12 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
5. Fluidized bed units designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (230 ppm by volume on a dry basis corrected to 3-percent oxygen, [d] 30-day rolling average).	0.11 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
6. Fluidized bed units with an integrated heat exchanger designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	140 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (150 ppm by volume on a dry basis corrected to 3- percent oxygen, [d] 30-day rolling average).	1.2E–01 lb per MMBtu of steam output or 1.5 lb per MWh; 3-run average.	1 hr minimum sampling time.
7. Stokers/sloped grate/others designed to burn wet biomass fuel.	a. CO (or CEMS)	620 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (390 ppm by volume on a dry basis corrected to 3-percent oxygen, [d] 30-day rolling average).	5.8E–01 lb per MMBtu of steam output or 6.8 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	3.0E–02 lb per MMBtu of heat input; or (2.6E–05 lb per MMBtu of heat input).	3.5E–02 lb per MMBtu of steam output or 4.2E–01 lb per MWh; or (2.7E–05 lb per MMBtu of steam output or 3.7E–04 lb per MWh).	Collect a minimum of 2 dscm per run.
8. Stokers/sloped grate/others designed to burn kiln-dried biomass fuel.	a. CO	460 ppm by volume on a dry basis corrected to 3-percent oxygen.	4.2E–01 lb per MMBtu of steam output or 5.1 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	3.0E–02 lb per MMBtu of heat input; or (4.0E–03 lb per MMBtu of heat input).	3.5E–02 lb per MMBtu of steam output or 4.2E–01 lb per MWh; or (4.2E–03 lb per MMBtu of steam output or 5.6E–02 lb per MWh).	Collect a minimum of 2 dscm per run.
9. Fluidized bed units designed to burn biomass/bio-based solids.	a. CO (or CEMS)	230 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (310 ppm by volume on a dry basis corrected to 3-percent oxygen, [d] 30-day rolling average).	2.2E–01 lb per MMBtu of steam output or 2.6 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	9.8E–03 lb per MMBtu of heat input; or (8.3E–05 [a] lb per MMBtu of heat input).	1.2E–02 lb per MMBtu of steam output or 0.14 lb per MWh; or (1.1E–04 [a] lb per MMBtu of steam output or 1.2E–03 [a] lb per MWh).	Collect a minimum of 3 dscm per run.
10. Suspension burners designed to burn biomass/bio-based solids.	a. CO (or CEMS)	2,400 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (2,000 ppm by volume on a dry basis corrected to 3-percent oxygen, [d] 10-day rolling average).	1.9 lb per MMBtu of steam output or 27 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	3.0E–02 lb per MMBtu of heat input; or (6.5E–03 lb per MMBtu of heat input).	3.1E–02 lb per MMBtu of steam output or 4.2E–01 lb per MWh; or (6.6E–03 lb per MMBtu of steam output or 9.1E–02 lb per MWh).	Collect a minimum of 2 dscm per run.

TABLE 14 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS [c]—Continued

[As stated in § 63.7500, you may continue to comply with the following applicable emission limits until October 6, 2025: [Units with heat input capacity of 10 million Btu per hour or greater]]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	Or the emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
11. Dutch Ovens/Pile burners designed to burn biomass/bio-based solids.	a. CO (or CEMS)	330 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (520 ppm by volume on a dry basis corrected to 3-percent oxygen,[d] 10-day rolling average).	3.5E–01 lb per MMBtu of steam output or 3.6 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	3.2E–03 lb per MMBtu of heat input; or (3.9E–05 lb per MMBtu of heat input).	4.3E–03 lb per MMBtu of steam output or 4.5E–02 lb per MWh; or (5.2E–05 lb per MMBtu of steam output or 5.5E–04 lb per MWh).	Collect a minimum of 3 dscm per run.
12. Fuel cell units designed to burn biomass/bio-based solids.	a. CO	910 ppm by volume on a dry basis corrected to 3-percent oxygen.	1.1 lb per MMBtu of steam output or 1.0E+01 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	2.0E–02 lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input).	3.0E–02 lb per MMBtu of steam output or 2.8E–01 lb per MWh; or (5.1E–05 lb per MMBtu of steam output or 4.1E–04 lb per MWh).	Collect a minimum of 2 dscm per run.
13. Hybrid suspension grate boiler designed to burn biomass/bio-based solids.	a. CO (or CEMS)	1,100 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (900 ppm by volume on a dry basis corrected to 3-percent oxygen,[d] 30-day rolling average).	1.4 lb per MMBtu of steam output or 12 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	2.6E–02 lb per MMBtu of heat input; or (4.4E–04 lb per MMBtu of heat input).	3.3E–02 lb per MMBtu of steam output or 3.7E–01 lb per MWh; or (5.5E–04 lb per MMBtu of steam output or 6.2E–03 lb per MWh).	Collect a minimum of 3 dscm per run.
14. Units designed to burn liquid fuel.	a. HCl	4.4E–04 lb per MMBtu of heat input	4.8E–04 lb per MMBtu of steam output or 6.1E–03 lb per MWh.	For M26A: Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	b. Mercury	4.8E–07 [a] lb per MMBtu of heat input.	5.3E–07 [a] lb per MMBtu of steam output or 6.7E–06 [a] lb per MWh.	For M29, collect a minimum of 4 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 4 dscm.
15. Units designed to burn heavy liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	1.3E–02 lb per MMBtu of heat input; or (7.5E–05 [a] lb per MMBtu of heat input).	1.5E–02 lb per MMBtu of steam output or 1.8E–01 lb per MWh; or (8.2E–05 [a] lb per MMBtu of steam output or 1.1E–03 [a] lb per MWh).	Collect a minimum of 3 dscm per run.
16. Units designed to burn light liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	1.1E–03 [a] lb per MMBtu of heat input; or (2.9E–05 lb per MMBtu of heat input).	1.2E–03 [a] lb per MMBtu of steam output or 1.6E–02 [a] lb per MWh; or (3.2E–05 lb per MMBtu of steam output or 4.0E–04 lb per MWh).	Collect a minimum of 3 dscm per run.
17. Units designed to burn liquid fuel that are non-continental units.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average based on stack test.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	2.3E–02 lb per MMBtu of heat input; or (8.6E–04 lb per MMBtu of heat input).	2.5E–02 lb per MMBtu of steam output or 3.2E–01 lb per MWh; or (9.4E–04 lb per MMBtu of steam output or 1.2E–02 lb per MWh).	Collect a minimum of 4 dscm per run.
18. Units designed to burn gas 2 (other) gases.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen.	0.16 lb per MMBtu of steam output or 1.0 lb per MWh.	1 hr minimum sampling time.
	b. HCl	1.7E–03 lb per MMBtu of heat input	2.9E–03 lb per MMBtu of steam output or 1.8E–02 lb per MWh.	For M26A, Collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	c. Mercury	7.9E–06 lb per MMBtu of heat input	1.4E–05 lb per MMBtu of steam output or 8.3E–05 lb per MWh.	For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 3 dscm.

TABLE 14 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR NEW OR RECONSTRUCTED BOILERS AND PROCESS HEATERS [c]—Continued

[As stated in § 63.7500, you may continue to comply with the following applicable emission limits until October 6, 2025: [Units with heat input capacity of 10 million Btu per hour or greater]]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	Or the emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
	d. Filterable PM (or TSM).	6.7E–03 lb per MMBtu of heat input; or (2.1E–04 lb per MMBtu of heat input).	1.2E–02 lb per MMBtu of steam output or 7.0E–02 lb per MWh; or (3.5E–04 lb per MMBtu of steam output or 2.2E–03 lb per MWh).	Collect a minimum of 3 dscm per run.

[a] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 63.7515 if all of the other provisions of § 63.7515 are met. For all other pollutants that do not contain a footnote ''a'', your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[b] Incorporated by reference, see § 63.14.

[c] If your affected source is a new or reconstructed affected source that commenced construction or reconstruction after June 4, 2010, and before April 1, 2013, you may comply with the emission limits in Table 11, 12, or 13 to this subpart until January 31, 2016. On and after January 31, 2016, but before October 6, 2025 you may comply with the emission limits in this Table 14. On and after October 6, 2025, you must comply with the emission limits in Table 1 to this subpart.

[d] An owner or operator may determine compliance with the carbon monoxide emissions limit using carbon dioxide as a diluent correction in place of oxygen as described in § 63.7525(a)(1). EPA Method 19 F-factors in 40 CFR part 60, appendix A–7, and EPA Method 19 equations in 40 CFR part 60, appendix A–7, must be used to generate the appropriate CO_2 correction percentage for the fuel type burned in the unit, and must also take into account that the 3% oxygen correction is to be done on a dry basis. The methodology must account for any CO_2 being added to, or removed from, the emissions gas stream as a result of limestone injection, scrubber media, etc. This methodology must be detailed in the site-specific monitoring plan developed according to § 63.7505(d).

■ 27. Add Table 15 to subpart DDDDD of part 63 to read as follows:

TABLE 15 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR EXISTING BOILERS AND PROCESS HEATERS [D]

[As stated in § 63.7500, you may continue to comply with following emission limits until October 6, 2025: [Units with heat input capacity of 10 million Btu per hour or greater]]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	The emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
1. Units in all subcategories designed to burn solid fuel.	a. HCl	2.2E–02 lb per MMBtu of heat input	2.5E–02 lb per MMBtu of steam output or 0.27 lb per MWh.	For M26A, Collect a minimum of 1 dscm per run; for M26, collect a minimum of 120 liters per run.
	b. Mercury	5.7E–06 lb per MMBtu of heat input	6.4E–06 lb per MMBtu of steam output or 7.3E–05 lb per MWh.	For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 3 dscm.
2. Units design to burn coal/solid fossil fuel.	a. Filterable PM (or TSM).	4.0E–02 lb per MMBtu of heat input; or (5.3E–05 lb per MMBtu of heat input).	4.2E–02 lb per MMBtu of steam output or 4.9E–01 lb per MWh; or (5.6E–05 lb per MMBtu of steam output or 6.5E–04 lb per MWh).	Collect a minimum of 2 dscm per run.
3. Pulverized coal boilers designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (320 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 30-day rolling average).	0.11 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
4. Stokers/others designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	160 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (340 ppm by volume on a dry basis corrected to 3- percent oxygen,[c] 30-day rolling average).	0.14 lb per MMBtu of steam output or 1.7 lb per MWh; 3-run average.	1 hr minimum sampling time.
5. Fluidized bed units designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (230 ppm by volume on a dry basis corrected to 3- percent oxygen,[c] 30-day rolling average).	0.12 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
6. Fluidized bed units with an integrated heat exchanger designed to burn coal/solid fossil fuel.	a. CO (or CEMS)	140 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (150 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 30-day rolling average).	1.3E–01 lb per MMBtu of steam output or 1.5 lb per MWh; 3-run average.	1 hr minimum sampling time.

TABLE 15 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR EXISTING BOILERS AND PROCESS HEATERS [D]—Continued

[As stated in § 63.7500, you may continue to comply with following emission limits until October 6, 2025: [Units with heat input capacity of 10 million Btu per hour or greater]]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	The emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
7. Stokers/sloped grate/ others designed to burn wet biomass fuel.	a. CO (or CEMS)	1,500 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (720 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 30-day rolling average).	1.4 lb per MMBtu of steam output or 17 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	3.7E–02 lb per MMBtu of heat input; or (2.4E–04 lb per MMBtu of heat input).	4.3E–02 lb per MMBtu of steam output or 5.2E–01 lb per MWh; or (2.8E–04 lb per MMBtu of steam output or 3.4E–04 lb per MWh).	Collect a minimum of 2 dscm per run.
8. Stokers/sloped grate/ others designed to burn kiln-dried biomass fuel.	a. CO	460 ppm by volume on a dry basis corrected to 3-percent oxygen.	4.2E–01 lb per MMBtu of steam output or 5.1 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	3.2E–01 lb per MMBtu of heat input; or (4.0E–03 lb per MMBtu of heat input).	3.7E–01 lb per MMBtu of steam output or 4.5 lb per MWh; or (4.6E–03 lb per MMBtu of steam output or 5.6E–02 lb per MWh).	Collect a minimum of 1 dscm per run.
9. Fluidized bed units designed to burn biomass/bio-based solid.	a. CO (or CEMS)	470 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (310 ppm by volume on a dry basis corrected to 3- percent oxygen,[c] 30-day rolling average).	4.6E–01 lb per MMBtu of steam output or 5.2 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	1.1E–01 lb per MMBtu of heat input; or (1.2E–03 lb per MMBtu of heat input).	1.4E–01 lb per MMBtu of steam output or 1.6 lb per MWh; or (1.5E–03 lb per MMBtu of steam output or 1.7E–02 lb per MWh).	Collect a minimum of 1 dscm per run.
10. Suspension burners designed to burn biomass/bio-based solid.	a. CO (or CEMS)	2,400 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (2,000 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 10-day rolling average).	1.9 lb per MMBtu of steam output or 27 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	5.1E–02 lb per MMBtu of heat input; or (6.5E–03 lb per MMBtu of heat input).	5.2E–02 lb per MMBtu of steam output or 7.1E–01 lb per MWh; or (6.6E–03 lb per MMBtu of steam output or 9.1E–02 lb per MWh).	Collect a minimum of 2 dscm per run.
11. Dutch Ovens/Pile burners designed to burn biomass/bio-based solid.	a. CO (or CEMS)	770 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (520 ppm by volume on a dry basis corrected to 3-percent oxygen,[c] 10-day rolling average).	8.4E–01 lb per MMBtu of steam output or 8.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	2.8E–01 lb per MMBtu of heat input; or (2.0E–03 lb per MMBtu of heat input).	3.9E–01 lb per MMBtu of steam output or 3.9 lb per MWh; or (2.8E–03 lb per MMBtu of steam output or 2.8E–02 lb per MWh).	Collect a minimum of 1 dscm per run.
12. Fuel cell units designed to burn biomass/bio-based solid.	a. CO	1,100 ppm by volume on a dry basis corrected to 3-percent oxygen.	2.4 lb per MMBtu of steam output or 12 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	2.0E–02 lb per MMBtu of heat input; or (5.8E–03 lb per MMBtu of heat input).	5.5E–02 lb per MMBtu of steam output or 2.8E–01 lb per MWh; or (1.6E–02 lb per MMBtu of steam output or 8.1E–02 lb per MWh).	Collect a minimum of 2 dscm per run.
13. Hybrid suspension grate units designed to burn biomass/bio-based solid.	a. CO (or CEMS)	3,500 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average; or (900 ppm by volume on a dry basis corrected to 3- percent oxygen,[c] 30-day rolling average).	3.5 lb per MMBtu of steam output or 39 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	4.4E–01 lb per MMBtu of heat input; or (4.5E–04 lb per MMBtu of heat input).	5.5E–01 lb per MMBtu of steam output or 6.2 lb per MWh; or (5.7E–04 lb per MMBtu of steam output or 6.3E–03 lb per MWh).	Collect a minimum of 1 dscm per run.
14. Units designed to burn liquid fuel.	a. HCl	1.1E–03 lb per MMBtu of heat input	1.4E–03 lb per MMBtu of steam output or 1.6E–02 lb per MWh.	For M26A, collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	b. Mercury	2.0E–06 lb per MMBtu of heat input	2.5E–06 lb per MMBtu of steam output or 2.8E–05 lb per MWh.	For M29, collect a minimum of 3 dscm per run; for M30A or M30B collect a minimum sample as specified in the method, for ASTM D6784 [b] collect a minimum of 2 dscm.

TABLE 15 TO SUBPART DDDDD OF PART 63—ALTERNATIVE EMISSION LIMITS FOR EXISTING BOILERS AND PROCESS HEATERS [D]—Continued

[As stated in § 63.7500, you may continue to comply with following emission limits until October 6, 2025: [Units with heat input capacity of 10 million Btu per hour or greater]]

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	The emissions must not exceed the following emission limits, except during startup and shutdown . . .	The emissions must not exceed the following alternative output-based limits, except during startup and shutdown . . .	Using this specified sampling volume or test run duration . . .
15. Units designed to burn heavy liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	6.2E–02 lb per MMBtu of heat input; or (2.0E–04 lb per MMBtu of heat input).	7.5E–02 lb per MMBtu of steam output or 8.6E–01 lb per MWh; or (2.5E–04 lb per MMBtu of steam output or 2.8E–03 lb per MWh).	Collect a minimum of 1 dscm per run.
16. Units designed to burn light liquid fuel.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	7.9E–03 lb per MMBtu of heat input; or (6.2E–05 lb per MMBtu of heat input).	9.6E–03 lb per MMBtu of steam output or 1.1E–01 lb per MWh; or (7.5E–05 lb per MMBtu of steam output or 8.6E–04 lb per MWh).	Collect a minimum of 3 dscm per run.
17. Units designed to burn liquid fuel that are non-continental units.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen, 3-run average based on stack test.	0.13 lb per MMBtu of steam output or 1.4 lb per MWh; 3-run average.	1 hr minimum sampling time.
	b. Filterable PM (or TSM).	2.7E–01 lb per MMBtu of heat input; or (8.6E–04 lb per MMBtu of heat input).	3.3E–01 lb per MMBtu of steam output or 3.8 lb per MWh; or (1.1E–03 lb per MMBtu of steam output or 1.2E–02 lb per MWh).	Collect a minimum of 2 dscm per run.
18. Units designed to burn gas 2 (other) gases.	a. CO	130 ppm by volume on a dry basis corrected to 3-percent oxygen.	0.16 lb per MMBtu of steam output or 1.0 lb per MWh.	1 hr minimum sampling time.
	b. HCl	1.7E–03 lb per MMBtu of heat input	2.9E–03 lb per MMBtu of steam output or 1.8E–02 lb per MWh.	For M26A, collect a minimum of 2 dscm per run; for M26, collect a minimum of 240 liters per run.
	c. Mercury	7.9E–06 lb per MMBtu of heat input	1.4E–05 lb per MMBtu of steam output or 8.3E–05 lb per MWh.	For M29, collect a minimum of 3 dscm per run; for M30A or M30B, collect a minimum sample as specified in the method; for ASTM D6784 [b] collect a minimum of 2 dscm.
	d. Filterable PM (or TSM).	6.7E–03 lb per MMBtu of heat input or (2.1E–04 lb per MMBtu of heat input).	1.2E–02 lb per MMBtu of steam output or 7.0E–02 lb per MWh; or (3.5E–04 lb per MMBtu of steam output or 2.2E–03 lb per MWh).	Collect a minimum of three dscm per run.

[a] If you are conducting stack tests to demonstrate compliance and your performance tests for this pollutant for at least 2 consecutive years show that your emissions are at or below this limit, you can skip testing according to § 63.7515 if all of the other provisions of § 63.7515 are met. For all other pollutants that do not contain a footnote a, your performance tests for this pollutant for at least 2 consecutive years must show that your emissions are at or below 75 percent of this limit in order to qualify for skip testing.

[b] Incorporated by reference, see § 63.14.

[c] An owner or operator may determine compliance with the carbon monoxide emissions limit using carbon dioxide as a diluent correction in place of oxygen as described in § 63.7525(a)(1). EPA Method 19 F-factors in 40 CFR part 60, appendix A–7, and EPA Method 19 equations in 40 CFR part 60, appendix A–7, must be used to generate the appropriate CO_2 correction percentage for the fuel type burned in the unit, and must also take into account that the 3% oxygen correction is to be done on a dry basis. The methodology must account for any CO_2 being added to, or removed from, the emissions gas stream as a result of limestone injection, scrubber media, etc. This methodology must be detailed in the site-specific monitoring plan developed according to § 63.7505(d).

[d] Before October 6, 2025 you may comply with the emission limits in this Table 15. On and after October 6, 2025, you must comply with the emission limits in Table 2 to this subpart.

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Federal Register

Vol. 87, No. 193

Thursday, October 6, 2022

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Executive orders and proclamations **741–6000**

The United States Government Manual **741–6000**

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Electronic and on-line services (voice) **741–6020**

Privacy Act Compilation **741–6050**

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FEDERAL REGISTER PAGES AND DATE, OCTOBER

59633–60056 3
60057–60240 4
60241–60540 5
60541–60866 6

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

700 60059

3 CFR

Proclamations:
10456 60241
10457 60243
10458 60245
10459 60249
10460 60251
10461 60253
10462 60257
10463 60259
10464 60261
10465 60263

Executive Orders:
8809 (amended by 14085) 60541
9158 (amended by 14085) 60541
10694 (amended by 14085) 60541
11046 (amended by 14085) 60541
11545 (amended by 14085) 60541
13830 (amended by 14085) 60541
14084 60535
14085 60541
Memorandums:
Memorandum of September 30, 2022 60539
Memorandum of October 3, 2022 60545
Presidential Determinations:
No. 2022–24 of September 23, 2022 60057
No. 2022–25 of September 27, 2022 60547

7 CFR

272 59633
273 59633

9 CFR

Proposed Rules:
130 59731
201 60010

10 CFR

Proposed Rules:
431 60555

12 CFR

1022 60265

Proposed Rules:
234 60314
701 59740
702 60326
1282 60331

14 CFR

25 ..... 60059, 60549
39 ..... 59660, 60061
71 ..... 59664, 59666, 59667, 59668, 59670, 60265

Proposed Rules:
21 60338
39 ..... 60344, 60347, 60349, 60352
71 60356

15 CFR

744 60064
998 59671

16 CFR

1 60077

18 CFR

Proposed Rules:
35 60567
101 59870

26 CFR

Proposed Rules:
300 60357

31 CFR

570 59675

33 CFR

165 ..... 60267, 60269, 60271

Proposed Rules:
165 60363

34 CFR

Ch. II 60083, 60092

40 CFR

52 ..... 59688, 59692, 59695, 59697, 60102, 60273, 60292, 60551
63 60816
180 60295
271 59699

Proposed Rules:
52 60494
271 59748

47 CFR

9 60104

49 CFR

Proposed Rules:
243 59749

50 CFR

17 60298

600.....59965
635.....59965
660 .....59705, 59716, 59724, 60105
679.....59729, 59730

Proposed Rules:
17.....60580, 60612
679.....60638
680.....60638

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List October 4, 2022

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