



FEDERAL REGISTER

Vol. 87

Monday

No. 1

January 3, 2022

Pages 1–150

OFFICE OF THE FEDERAL REGISTER

II

Federal Register / Vol. 87, No. 1 / Monday, January 3, 2022



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Title 3—

Proclamation 10327 of December 27, 2021

The President

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America

A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to the President a report on the Secretary's investigation into the effect of imports of aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised the President of his opinion that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), the President concurred in the Secretary's finding that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of aluminum articles by imposing a 10 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico. Proclamation 9704 further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that the President determines that imports from that country no longer threaten to impair the national security, the President may remove or modify the restriction on aluminum articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

3. In Proclamation 9710 of March 22, 2018 (Adjusting Imports of Aluminum Into the United States), the President noted the continuing discussions with the European Union (EU) on behalf of its member countries on satisfactory alternative means to address the threatened impairment to the national security by aluminum articles imported from the EU. Recognizing that the EU has an important security relationship with the United States, the President determined that the necessary and appropriate means to address the threat to the national security posed by imports of aluminum articles from the member countries of the EU was to continue the ongoing discussions and to exempt aluminum articles imports from these countries from the tariff proclaimed in Proclamation 9704 until May 1, 2018. In Proclamation 9739 of April 30, 2018 (Adjusting Imports of Aluminum Into the United States), the President noted that, unless the President determines by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of aluminum articles from the member countries of the EU, the tariff proclaimed in Proclamation 9704 shall be effective June 1, 2018, for these countries.

4. The United States has successfully concluded discussions with the EU on behalf of its member countries on satisfactory alternative means to address the threatened impairment of the national security posed by aluminum

articles imports from the EU. The United States and the EU have agreed to expand coordination involving trade remedies and customs matters, monitor bilateral steel and aluminum trade, cooperate on addressing non-market excess capacity, and annually review their arrangement and their ongoing cooperation. In addition, the United States and the EU will seek to conclude, by October 31, 2023, negotiations on global steel and aluminum arrangements to restore market-oriented conditions and support the reduction of carbon intensity of steel and aluminum across modes of production.

5. The United States will implement a number of actions, including a tariff-rate quota that restricts the quantity of aluminum articles imported into the United States from the EU without the application of the tariff proclaimed in Proclamation 9704. Under the arrangement, aluminum articles that area accompanied by a certificate of analysis are eligible for in-quota treatment. In my judgment, these measures will provide an effective, long-term alternative means to address any contribution by EU aluminum articles imports to the threatened impairment to the national security by restraining aluminum articles imports to the United States from the EU, limiting transshipment, and discouraging excess aluminum capacity and production. In light of this agreement, I have determined that specified volumes of eligible aluminum articles imports from the EU will no longer threaten to impair the national security and have decided to exclude such imports from the EU up to a designated quota from the tariff proclaimed in Proclamation 9704 through December 31, 2023. The United States will monitor the implementation and effectiveness of the tariff-rate quota and other measures agreed upon with the EU in addressing our national security needs, and I may revisit this determination, as appropriate.

6. The alternative means, including the tariff-rate quota, align with the recommendations specified in the Secretary's report assessing the effect of imports of aluminum articles on the national security of the United States under section 232. The agreed-upon aggregate tariff-rate quota volume, totaling 18,000 metric tons of unwrought aluminum and 366,040 metric tons of semi-finished wrought aluminum, is consistent with the objective of reaching and sustaining a sufficient capacity utilization rate in the domestic aluminum industry.

7. In light of my determination to adjust the tariff proclaimed in Proclamation 9704 as applied to eligible aluminum articles imports from the EU, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to such tariff as it applies to other countries. I have determined that it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

8. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

9. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) To establish a tariff-rate quota on imports of aluminum articles from member countries of the EU as described in paragraph 5 of this proclamation, U.S. note 19 to subchapter III of chapter 99 of the HTSUS is amended

as provided for in the Annex to this proclamation. Imports of aluminum articles from member countries of the EU in excess of the tariff-rate quota quantities shall remain subject to the duties imposed by clause 2 of Proclamation 9704, as amended. The Secretary, in consultation with the United States Trade Representative and the Secretary of Homeland Security, shall recommend to the President, as warranted, updates to the in-quota volumes contained in the Annex to this proclamation. Aluminum articles from a member country of the EU imported under an exclusion granted pursuant to clause 3 of Proclamation 9704, as amended, shall count against the in-quota volume of the tariff-rate quota established in clause 1 of this proclamation.

(2) Clause 2 of Proclamation 9704, as amended, is further amended in the second sentence by deleting “and” before “(g)” and inserting before the period at the end: “, and (h) on or after 12:01 a.m. eastern standard time on January 1, 2022, from all countries except Argentina, Australia, Canada, Mexico, and except the member countries of the European Union through 11:59 p.m. eastern standard time on December 31, 2023, for aluminum articles covered by headings 9903.85.25 through 9903.85.44, inclusive.”

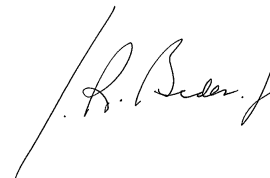
(3) Aluminum articles eligible for treatment under clause 1 of this proclamation must be accompanied by a certificate of analysis in order to receive such treatment. The Secretary, in consultation with the Secretary of Homeland Security and the United States Trade Representative, is authorized to take such actions as are necessary to ensure compliance with this requirement. Failure to comply could result in applicable remedies or penalties under United States law.

(4) The modifications made by clauses 1 through 3 of this proclamation and the Annex to this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on January 1, 2022, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(5) Any imports of aluminum articles from the member countries of the EU that were admitted into a United States foreign trade zone in “privileged foreign status” as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern standard time on January 1, 2022, shall be subject upon entry for consumption made on or after 12:01 a.m. eastern standard time on January 1, 2022, to the provisions of the tariff-rate quota in effect at the time of the entry for consumption.

(6) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

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

A handwritten signature in black ink, appearing to read "Joe Biden", is written on the right side of the page.

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ANNEX

**TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF
THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on January 1, 2022, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new tariff provision, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special," and "Rates of Duty 2", respectively:

1. U.S. note 19 to such subchapter III is modified by adding the following new subdivision 19(a)(v):

“(v) Subheadings 9903.85.25 through 9903.85.44, inclusive, set forth the ordinary customs duty treatment for the aluminum products (as enumerated in subdivision (b) of this note) of any member country of the European Union enumerated in this subdivision. Subheadings 9903.85.27 through 9903.85.44 shall be subject to any aggregate annual quantity established for each such subheading, including any allocations or other limitations that may be announced, in addition to the aggregate annual quantity set forth in the superior text to any such subheading, all as set forth on the Internet site of the Department of Commerce at the following link: [<https://bis.doc.gov/232-aluminum>]. No such country shall be allowed to import an aggregate quantity under any such subheading during any of the periods January through June, or July through December in any year that is in excess of the quantity that is allocated to such country by the Department of Commerce, as set forth on the Internet site of such Department as noted herein. No more than 60 percent of the tariff-rate quota to be filled in the first half of the year. Entries of any product of any such member country under heading 9903.85.25, when such product is described in an exclusion granted by the Department of Commerce shall be eligible to utilize such exclusion upon proper claim therefor, and such entries shall be counted against any annual aggregate quantitative limitation provided under this subdivision. No claim for entry under any provision of chapter 98 or of subchapter II of chapter 99 shall be allowed to reduce or prevent the application of an additional duty provided for under this note.

The member countries of the European Union that are covered by this subdivision and by heading 9903.85.03 and subheadings 9903.85.25 through 9903.85.44 shall include the following: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia (Czech Republic), Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.”

2. Note 19(d) is modified by inserting after “9903.85.11” the phrase “and subheadings 9903.85.25 through 9903.85.44”.
3. The article description of heading 9903.85.01 is modified by deleting “heading 9903.85.21” and inserting in lieu thereof “headings 9903.85.21, 9903.85.25, and subheadings 9903.85.27 through 9903.85.44”; and by inserting after “of Mexico” the phrase “; of member countries of the European

Union specified in subdivision (a)(v) of such U.S. note 19, under any limitations that may be established by the Department of Commerce under such U.S. note 19;"

4. The article description of heading 9903.85.03 is modified by adding after "of Mexico," the phrase "of member countries of the European Union (as enumerated in U.S. note 19(a)(v) to this subchapter".

5. The following new provisions and applicable superior text are inserted in such subchapter III in numerical sequence, with the material inserted in the columns entitled "Heading/Subheading", "Article Description", and "Rates of Duty 1-General", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
"9903.85.25	Aluminum products of member countries of the European Union enumerated in U.S. note 19(a)(v) to this subchapter, when such products are covered by an exclusion granted by the Secretary of Commerce under note 19(c) to this subchapter, provided that such goods shall be counted toward any quantitative limitation applicable to any such product until such limitation has filled.....	The duty provided in the applicable subheading		
	Aluminum products of member countries of the European Union enumerated in U.S. note 19(a)(v) to this subchapter and not described in heading 9903.85.25 to this subchapter, when entered in annual aggregate quantities not to exceed the quantities specified pursuant to such U.S. note 19: Unwrought aluminum products specified in U.S. note 19(b)(i) to this subchapter:			
9903.85.27	Unwrought aluminum, not alloyed (provided for in subheading 7601.10.30 or 601.10.60)			
9903.85.29	Other unwrought products, alloyed (provided for in subheading 7601.20.30, 7601.20.60 or 7601.20.90)			
9903.85.31	Other aluminum products, specified in U.S. note 19(b)(ii) through 19(b)(v) to this subchapter: Bars, rods and profiles of aluminum, not alloyed (provided for in subheading 7604.10.10,	The duty provided in the applicable subheading		

Heading/ Subheading	Article Description	Rates of Duty		2
		1		
		General	Special	
	7604.10.30 or 7604.10.50)	The duty provided in the applicable subheading		
9903.85.32	Hollow profiles of aluminum alloys (provided for in subheading 7604.21.00)	The duty provided in the applicable subheading		
9903.85.33	Bars, rods, and solid profiles, alloyed (provided for in subheading 7604.29.10, 7604.29.30 or 7604.29.50)	The duty provided in the applicable subheading		
9903.85.34	Wire of aluminum, of which the maximum cross-sectional dimension exceeds 7 mm (provided for in subheading 7605.11.00 or 7605.21.00)	The duty provided in the applicable subheading		
9903.85.35	Other wire of aluminum (provided for in subheading 7605.19.00 or 7605.29.00)	The duty provided in the applicable subheading		
9903.85.36	Products meeting the requirements of note 1(d) to this chapter and with a thickness of more than 6.3 mm (described in statistical reporting number 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.91.3055, 7606.91.6055, 7606.92.3025 or 7606.92.6055)	The duty provided in the applicable subheading		
9903.85.37	Products meeting the requirements of note 1(d) to this chapter and with a thickness not exceeding 6.3 mm (described in			

Heading/ Subheading	Article Description	Rates of Duty		2
		1		
		General	Special	
	statistical reporting number 7606.11.3060, 7606.12.3091, 7606.12.3096, 7606.91.3095, 7606.91.6095, 7606.92.3035 or 7606.92.6095), and clad products (described in statistical reporting number 7606.11.6000 or 7606.12.6000)	The duty provided in the applicable subheading		
9903.85.38	Aluminum alloy can stock (described in statistical reporting number 7606.12.3045 or 7606.12.3055)	The duty provided in the applicable subheading		
9903.85.39	Aluminum foil, not backed (described in statistical reporting number 7607.11.3000, 7607.11.6010, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, 7607.19.1000, 7607.19.3000 or 7607.19.6000)	The duty provided in the applicable subheading		
9903.85.40	Aluminum foil, backed (described in statistical reporting number 7607.20.1000 or 7607.20.5000)	The duty provided in the applicable subheading		
9903.85.41	Pipes and tubes of aluminum, seamless (described in statistical reporting number 7608.10.0030 or 7608.20.0030)	The duty provided in the applicable subheading		
9903.85.42	Pipes and tubes of aluminum, other than seamless (described in statistical reporting number 7608.10.0090 or 7608.20.0090)	The duty provided in the applicable subheading		
9903.85.43	Tube or pipe fittings of aluminum (for example, couplings, elbows, sleeves) (described in statistical reporting number			

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
	7609.00.0000)	The duty provided in the applicable subheading		
9903.85.44	Castings or forgings of aluminum (described in statistical reporting number 7616.99.5160 or 7616.99.5170)	The duty provided in the applicable subheading"		

Presidential Documents

Proclamation 10328 of December 27, 2021

Adjusting Imports of Steel Into the United States

By the President of the United States of America

A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to the President a report on the Secretary's investigation into the effect of imports of steel mill articles (steel articles) on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised the President of his opinion that steel articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), the President concurred in the Secretary's finding that steel articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of Proclamation 9711 of March 22, 2018 (Adjusting Imports of Steel Into the United States), are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of those steel articles by imposing a 25 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico. The proclamation further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that the President determines that imports from that country no longer threaten to impair the national security, the President may remove or modify the restriction on steel articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

3. In Proclamation 9711, the President noted the continuing discussions with the European Union (EU) on behalf of its member countries on satisfactory alternative means to address the threatened impairment to the national security by imports of steel articles from these countries. Recognizing that the member countries of the EU have an important security relationship with the United States, the President determined that the necessary and appropriate means to address the threat to the national security posed by imports of steel articles from these countries was to continue the ongoing discussions and to exempt steel articles imports from these countries from the tariff proclaimed in Proclamation 9705 until May 1, 2018. In Proclamation 9740 of April 30, 2018 (Adjusting Imports of Steel Into the United States), the President noted that, unless the President determines by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of steel articles from the member countries of the EU, the tariff proclaimed in Proclamation 9705 shall be effective June 1, 2018, for these countries.

4. The United States has successfully concluded discussions with the EU on behalf of its member countries on satisfactory alternative means to address the threatened impairment of the national security posed by steel articles

imports from the EU. The United States and the EU have agreed to expand coordination involving trade remedies and customs matters, monitor bilateral steel and aluminum trade, cooperate on addressing non-market excess capacity, and annually review their arrangement for alternative means and their ongoing cooperation. In addition, the United States and the EU will seek to conclude, by October 31, 2023, negotiations on global steel and aluminum arrangements to restore market-oriented conditions and support the reduction of carbon intensity of steel and aluminum across modes of production.

5. The United States will implement a number of actions, including a tariff-rate quota that restricts the quantity of steel articles imported into the United States from the EU without the application of the tariff proclaimed in Proclamation 9705. Under the arrangement, steel articles that are melted and poured in the EU are eligible for in-quota treatment. In my judgment, these measures will provide an effective, long-term alternative means to address any contribution by EU steel articles imports to the threatened impairment of the national security by restraining steel articles imports to the United States from the EU, limiting transshipment, discouraging excess steel capacity and production, and strengthening the United States-EU partnership in a fashion that will better enable future arrangements. In light of this agreement, I have determined that specified volumes of eligible steel articles imports from the EU will no longer threaten to impair the national security and have decided to exclude such imports from the EU up to a designated quota from the tariff proclaimed in Proclamation 9705 through December 31, 2023. The United States will monitor the implementation and effectiveness of the tariff-rate quota and other measures agreed upon with the EU in addressing our national security needs, and I may revisit this determination, as appropriate.

6. The alternative means, including the tariff-rate quota, advance the recommendations contained in the Secretary's January 2018 report. The agreed-upon aggregate tariff-rate quota volume specified in the agreement between the United States and the EU, totaling 3.3 million metric tons, is consistent with the objective of reaching and maintaining a sufficient capacity utilization rate in the domestic steel industry.

7. The United States also agreed to renew for 2 calendar years all exclusions that were granted and utilized to import steel products tariff-free from the EU in Fiscal Year 2021. These exclusions were granted by the Department of Commerce due to a lack of domestic availability of the specified products in the United States.

8. In light of my determination to adjust the tariff proclaimed in Proclamation 9705 as applied to eligible steel articles imported from the EU, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to such tariff as it applies to other countries. I have determined that it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

9. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

10. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States

Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) To establish a tariff-rate quota on imports of steel articles from member countries of the EU as set forth in paragraph 5 of this proclamation, U.S. Note 16 of subchapter III of chapter 99 of the HTSUS is amended as provided for in the Annex to this proclamation. Imports of steel articles from member countries of the EU in excess of the tariff-rate quota quantities shall remain subject to the duties imposed by clause 2 of Proclamation 9705, as amended. The Secretary, in consultation with the United States Trade Representative and the Secretary of Homeland Security, shall recommend to the President, as warranted, updates to the in-quota volumes contained in the Annex to this proclamation.

(2) Clause 2 of Proclamation 9705, as amended, is revised to read as follows:

“(2)(a) In order to establish certain modifications to the duty rate on imports of steel articles, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation and any subsequent proclamations regarding such steel articles.

(b) Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports covered by heading 9903.80.01, in subchapter III of chapter 99 of the HTSUS, shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (i) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union; (ii) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina, Australia, Brazil, and South Korea; (iii) on or after 12:01 a.m. eastern daylight time on August 13, 2018, from all countries except Argentina, Australia, Brazil, South Korea, and Turkey; (iv) on or after 12:01 a.m. eastern daylight time on May 20, 2019, from all countries except Argentina, Australia, Brazil, South Korea, and Turkey; (v) on or after 12:01 a.m. eastern daylight time on May 21, 2019, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea; and (vi) on or after 12:01 a.m. eastern standard time on January 1, 2022, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea, and except the member countries of the European Union through 11:59 p.m. eastern standard time on December 31, 2023, for steel articles covered by headings 9903.80.65 through 9903.81.19, inclusive. Further, except as otherwise provided in notices published pursuant to clause 3 of this proclamation, all steel articles imports from Turkey covered by heading 9903.80.02, in subchapter III of chapter 99 of the HTSUS, shall be subject to a 50 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 13, 2018, and prior to 12:01 a.m. eastern daylight time on May 21, 2019. All steel articles imports covered by heading 9903.80.61, in subchapter III of chapter 99 of the HTSUS, shall be subject to the additional 25 percent ad valorem rate of duty established herein with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on the date specified in a determination by the Secretary granting relief. These rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from each country as specified in the preceding three sentences”.

(3) The first two sentences of clause 1 of Proclamation 9980 of January 24, 2020 (Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles Into the United States), are revised to read as follows:

“In order to establish increases in the duty rate on imports of certain derivative articles, subchapter III of chapter 99 of the HTSUS is modified

as provided in Annex I and Annex II to this proclamation. Except as otherwise provided in this proclamation, all imports of derivative aluminum articles specified in Annex I to this proclamation shall be subject to an additional 10 percent ad valorem rate of duty, and all imports of derivative steel articles specified in Annex II to this proclamation shall be subject to an additional 25 percent ad valorem rate of duty, with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (i) on or after 12:01 a.m. eastern standard time on February 8, 2020, these rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, the Commonwealth of Australia (Australia), Canada, and the United Mexican States (Mexico) and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea and; (ii) on or after 12:01 a.m. eastern standard time on January 1, 2022, these rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, Australia, Canada, the member countries of the European Union and Mexico and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, the member countries of the European Union, Mexico, and South Korea.”

(4) Steel eligible for treatment under clause 1 of this proclamation must be melted and poured in a member country of the EU in order to receive such treatment. The Secretary, in consultation with the Secretary of Homeland Security and the United States Trade Representative, is authorized to take such actions as are necessary to ensure compliance with this requirement. Failure to comply could result in applicable remedies such as the collection of the tariff set forth in clause 2 of Proclamation 9705, or penalties under United States law.

(5) Steel articles from a member country of the EU imported under an exclusion granted pursuant to clause 3 of Proclamation 9705, as amended, shall not count against the in-quota volume of the tariff-rate quota established in clause 1 of this proclamation.

(6) The Secretary is directed to renew all utilized exclusions granted pursuant to clause 3 of Proclamation 9705, as amended, in Fiscal Year 2021 (October 1, 2020, through September 30, 2021), for the import of steel articles from one or more member countries of the EU for a period of 2 years from the date of this proclamation. The renewed exclusions shall be for an annual volume equal to that volume imported from a member country of the EU pursuant to the exclusion in Fiscal Year 2021. The Secretary shall communicate to U.S. Customs and Border Protection of the Department of Homeland Security the exclusions and the volumes of steel articles from member countries of the EU that are allowed under this provision. The Secretary shall, by publication on the Internet, or by other means, inform importers of the availability and volume of exclusions renewed by this provision. This provision does not alter or modify in any way the ability of importers to seek additional exclusions in accordance with clause 3 of Proclamation 9705, as amended, and as implemented by the Department of Commerce, for the import of steel articles from a member country of the EU.

(7) The Secretary shall, within 45 days of the issuance of this proclamation, publish in the *Federal Register* a notice seeking comments from interested parties on the exclusion process as set forth in Supplement No. 1 to part 705 of title 15 of the Code of Federal Regulations. Issues to be included for comment should include the responsiveness of the exclusion process to market demand and enhanced consultation with United States firms and

labor organizations. Within 60 days of the close of the comment period of the notice, the Secretary shall issue a proposed regulation revising the exclusion process as deemed appropriate following consideration of such comments. In carrying out the review of the exclusion process, the Secretary shall review whether the criteria for review of exclusion requests in clause 3 of Proclamation 9705 that the “steel article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations” and clause 3 of Proclamation 9704 that the “aluminum article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations” continues to be the appropriate criterion for making determinations. The Secretary is authorized to make such changes to the criteria as the Secretary deems necessary and shall issue a final rule implementing such changes within 60 days of the comment period on the proposed regulation.

(8) The Secretary, in coordination with the Secretary of State and the heads of other executive departments and agencies as necessary, shall establish a process to assist United States steel and aluminum consumers in identifying suppliers in those trading partners with which the United States has negotiated an arrangement under section 232 of the Trade Expansion Act of 1962, as amended, that can provide the relevant product.

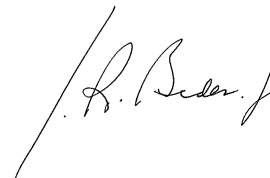
(9) On a regular basis, the Department of Commerce shall publish on its website the volume of steel articles imported under exclusions issued pursuant to clause 3 of Proclamation 9705, as amended.

(10) The modifications to the HTSUS made by clause 1 of this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on January 1, 2022, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(11) Any imports of steel articles from the member countries of the EU that were admitted into a United States foreign trade zone under “privileged foreign status” as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern standard time on January 1, 2022, shall be subject upon entry for consumption made on or after 12:01 a.m. eastern standard time on January 1, 2022, to the provisions of the tariff-rate quota in effect at the time of the entry for consumption.

(12) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

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

A handwritten signature in black ink, appearing to read "Joe Biden", is written on the right side of the page.

Billing code 3395-F2-P

ANNEX

**TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF
THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on January 1, 2022, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) is modified as follows, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special," and "Rates of Duty 2", respectively:

1. The text of the first sentence of subdivision (a)(i) of U.S. note 16 to such subchapter is modified to read as follows:

"Heading 9903.80.01 provides the ordinary customs duty treatment of iron or steel products of all countries—

(i) other than products of the United States, or

(ii) other than products of countries expressly exempt therefrom, pursuant to the article description of such heading and the terms of subdivisions (e) or (f) of this note, and

other than any iron or steel products of specified countries allowed to enter under a tariff-rate quota established for any such country under the terms of this note."

2. The text of subdivision (b) of such U.S. note 16 is modified by adding below clause (b)(v) the sentence "Any reference above to iron or steel products classifiable in any heading or subheading of chapter 72 or 73, as the case may be, shall mean that any good provided for in the article description of such heading or subheading and of all its subordinate provisions (both legal and statistical) is covered by the provisions of this note and related tariff provisions." The text of subdivisions (b) and (d) of such U.S. note 16 are each modified by deleting "heading 9903.80.01" and by inserting in lieu thereof "heading 9903.80.01 and subheadings 9903.80.05 through 9903.80.58 and 9903.80.65 through 9903.81.19, inclusive,".

3. The following new subdivision (f) is hereby inserted at the end of such U.S. note 16:

"(f) Subheadings 9903.80.65 through 9903.81.19, inclusive, set forth the ordinary customs duty treatment for the iron or steel products (as enumerated in subdivision (b) of this note) of any member country of the European Union enumerated in this subdivision. The aggregate annual import volume under subheadings 9903.80.65 through 9903.81.19 shall be limited to 3,300,170 metric tons. Subheadings 9903.80.65 through 9903.81.19 shall also be subject to any aggregate annual quantity established for each such subheading, including any allocations or other limitations that may be announced, all as set forth on the Internet site of the Department of Commerce at the following link: [<https://bis.doc.gov/232-steel>]. No such country shall be

allowed to import an aggregate quantity under any such subheading during any of the periods January through March, April through June, July through September or October through December in any year that is in excess of the quantity that is allocated to such country by the Department of Commerce, as set forth on the Internet site of such Department as noted herein. The Department of Commerce is authorized to carry forward any unused quantity of such product from one or more such countries from the first quarter of any calendar year to the third quarter of such year, or from the second quarter of any calendar year to the fourth quarter of such year. Entries of any product of any such member country that may be described in an exclusion granted by the Department of Commerce shall be eligible to utilize such exclusion upon proper claim therefor, and such entries shall not be counted against the annual aggregate quantitative limitation set forth in this subdivision.

The member countries of the European Union that are covered by this subdivision and by heading 9903.80.03 and subheadings 9903.80.65 through 9903.81.19 shall include the following: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia (Czech Republic), Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.”

4. The article description of heading 9903.80.01 is modified by inserting after “of South Korea,” the phrase “of member countries of the European Union specified in subdivision (f) of such U.S. note 16, under any provisions that may be established by the Department of Commerce under such U.S. note 16,”.

5. The article description of heading 9903.80.03 is modified by adding after “of South Korea,” the phrase “of member countries of the European Union enumerated in note 16(f) to this subchapter,”.

[Continues on next page]

6. The following new subheadings and superior text thereto are inserted in numerical sequence in subchapter III of chapter 99:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	"Iron or steel products of member countries of the European Union enumerated in U.S. note 16(f) to this subchapter, if entered in aggregate quantities prescribed in subdivision (f) of such note for any calendar year starting on January 1, 2022, and for any portion thereof as prescribed in such subdivision (f):			
9903.80.65	Hot-rolled sheet (provided for in subheading 7208.10.60, 7208.26.00, 7208.27.00, 7208.38.00, 7208.39.00, 7208.40.60, 7208.53.00, 7208.54.00, 7208.90.00, 7225.30.70 or 7225.40.70)	Free		
9903.80.66	Hot-rolled strip (provided for in subheading 7211.19.15, 7211.19.20, 7211.19.30, 7211.19.45, 7211.19.60, 7211.19.75, 7226.91.70 or 7226.91.80).....	Free		
9903.80.67	Hot-rolled plate, in coils (provided for in subheading 7208.10.15, 7208.10.30, 7208.25.30, 7208.25.60, 7208.36.00, 7208.37.00, 7211.14.00 (except for statistical reporting number 7211.14.0030 or 7211.14.0045) or 7225.30.30).....	Free		
9903.80.68	Cold-rolled sheet, provided for in subheading 7209.15.00, 7209.16.00, 7209.17.00, 7209.18.15, 7209.18.60, 7209.25.00, 7209.26.00, 7209.27.00, 7209.28.00, 7209.90.00, 7210.70.30, 7225.50.70, 7225.50.80 or 7225.99.00).....	Free		
9903.80.69	Cold-rolled strip (provided for in subheading 7211.23.15, 7211.23.20, 7211.23.30, 7211.23.45, 7211.23.60, 7211.29.20, 7211.29.45, 7211.29.60, 7211.90.00, 7212.40.10, 7212.40.50, 7226.92.50, 7226.92.70, 7226.92.80 or 7226.99.01 (except for statistical reporting number 7226.99.0110 or 7226.99.0130).....	Free		
9903.80.70	Cold-rolled black plate (provided for in subheading 7209.18.25)..... ...	Free		
9903.80.71	Plate in cut lengths (provided for in subheading 7208.40.30, 7208.51.00, 7208.52.00, 7210.90.10, 7211.13.00, 7211.14.00 (except for statistical reporting number 7211.14.0090), 7225.40.30,			

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	7225.50.60 or 7226.91.50)	Free		
9903.80.72	Flat-rolled products, hot-dipped (provided for in subheading 7210.41.00, 7210.49.00, 7210.70.60 (except for statistical reporting number 7210.70.6030 or 7210.70.6090), 7212.30.10, 7212.30.30, 7212.30.50, 7225.92.00 or 7226.99.01 (except for statistical reporting number 7226.99.0110 or 7226.99.0180)).....	Free		
9903.80.73	Flat-rolled products, coated (provided for in subheading 7210.20.00, 7210.61.00, 7210.69.00, 7210.70.60 (except for statistical reporting number 7210.70.6030 or 7210.70.6060), 7210.90.60, 7210.90.90, 7212.50.00 or 7212.60.00).....	Free		
9903.80.74	Tin-free steel (provided for in subheading 7210.50.00)	Free		
9903.80.75	Tin plate (provided for in subheading 7210.11.00, 7210.12.00 or 7212.10.00).....	Free		
9903.80.76	Silicon electrical steel sheets and strip (provided for in subheading 7225.11.00, 7225.19.00, 7226.11.10, 7226.11.90, 7226.19.10 or 7226.19.90).....	Free		
9903.80.77	Sheets and strip electrolytically coated or plated with zinc (provided for in subheading 7210.30.00, 7210.70.60 (except for statistical reporting number 7210.70.6060 or 7210.70.6090), 7212.20.00, 7225.91.00 or 7226.99.01 (except for statistical reporting number 7226.99.0130 or 7226.99.0180)).....	Free		
9903.80.78	Oil country pipe and tube goods (provided for in subheading 7304.23.30, 7304.23.60, 7304.29.10, 7304.29.20, 7304.29.31, 7304.29.41, 7304.29.50, 7304.29.61, 7305.20.20, 7305.20.40, 7305.20.60, 7305.20.80, 7306.29.10, 7306.29.20, 7306.29.31, 7306.29.41, 7306.29.60 or 7306.29.81)	Free		
9903.80.79	Line pipe exceeding 406.4 mm in outside diameter (provided for in subheading 7304.19.10 (except for statistical reporting number 7304.19.1020, 7304.19.1030, 7304.19.1045 or 7304.19.1060), 7304.19.50 (except for statistical reporting number 7304.19.5020 or 7304.19.5050), 7305.11.10,			

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	7305.11.50, 7305.12.10, 7305.12.50, 7305.19.10 or 7305.19.50).....	Free		
9903.80.80	Line pipe not exceeding 406.4 mm in outside diameter (provided for in subheading 7304.19.10 (except for statistical reporting number 7304.19.1080), 7304.19.50 (except for statistical reporting number 7304.19.5080), 7306.19.10 (except for statistical reporting number 7306.19.1050) or 7306.19.51 (except for statistical reporting number 7306.19.5150)).....	Free		
9903.80.81	Other line pipe (provided for in subheading 7306.19.10 (except for statistical reporting number 7306.19.1010) or 7306.19.51 (except for statistical reporting number 7306.19.5110)).....	Free		
9903.80.82	Standard pipe (provided for in subheading 7304.39.00 (except for statistical reporting number 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0028, 7304.39.0032, 7304.39.0040, 7304.39.0044, 7304.39.0052, 7304.39.0056, 7304.39.0068 or 7304.39.0072), 7304.59.80 (except for statistical reporting number 7304.59.8020, 7304.59.8025, 7304.59.8035, 7304.59.8040, 7304.59.8050, 7304.59.8055, 7304.59.8065 or 7304.59.8070) or 7306.30.50 (except for statistical reporting number 7306.30.5010, 7306.30.5015, 7306.30.5020 or 7306.30.5035)).....	Free		
9903.80.83	Structural pipe and tube (provided for in subheading 7304.90.10, 7304.90.30, 7305.31.20, 7305.31.40, 7305.31.60 (except for statistical reporting number 7305.31.6010), 7306.30.30, 7306.50.30, 7306.61.10, 7306.61.30, 7306.69.10 or 7306.69.30).....	Free		
9903.80.84	Mechanical tubing (provided for in subheading 7304.31.30, 7304.31.60 (except for statistical reporting number 7304.31.6010), 7304.39.00 (except for statistical reporting number 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0036, 7304.39.0048, 7304.39.0062, 7304.39.0076 or 7304.39.0080), 7304.51.10, 7304.51.50 (except for statistical reporting number			

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	7304.51.5005, 7304.51.5015 or 7304.51.5045), 7304.59.10, 7304.59.60, 7304.59.80 (except for statistical reporting number 7304.59.8010, 7304.59.8015, 7304.59.8030, 7304.59.8045, 7304.59.8060 or 7304.59.8080), 7304.90.50, 7304.90.70, 7306.30.10, 7306.30.50 (except for statistical reporting number 7306.30.5010, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085 or 7306.30.5090), 7306.50.10, 7306.50.50 (except for statistical reporting number 7306.50.5010), 7306.61.50, 7306.61.70 (except for statistical reporting number 7306.61.7030), 7306.69.50 or 7306.69.70 (except for statistical reporting number 7306.69.7030)).....	Free		
9903.80.85	Pressure tubing (provided for in subheading 7304.31.60 (except for statistical reporting number 7304.31.6050), 7304.39.00 (except for statistical reporting number 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.39.0076 or 7304.39.0080), 7304.51.50 (except for statistical reporting number 7304.51.5005 or 7304.51.5060), 7304.59.20, 7306.30.50 (except for statistical reporting number 7306.30.5015, 7306.30.5020, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5035, 7306.30.5040, 7306.30.5055, 7306.30.5085 or 7306.30.5090) or 7306.50.50 (except for statistical reporting number 7306.50.5030, 7306.50.5050 or 7306.50.5070)).....	Free		
9903.80.86	Tubes or pipes for piling (provided for in subheading 7305.39.10 or 7305.39.50)	Free		
9903.80.87	Pipes and tubes, not specially provided for (provided for in subheading 7304.51.50 (except for statistical reporting number 7304.51.5015, 7304.51.5045 or 7304.51.5060), 7305.90.10, 7305.90.50, 7306.90.10 or 7306.90.50)	Free		
9903.80.88	Hot-rolled sheet of stainless steel (provided for in subheading 7219.13.00, 7219.14.00, 7319.23.00 or 7219.24.00).....	Free		

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.80.89	Hot-rolled strip of stainless steel (provided for in subheading 7220.12.10 or 7220.12.50)	Free		
9903.80.90	Hot-rolled plate of stainless steel, in coils (provided for in subheading 7219.11.00 or 7219.12.00).....	Free		
9903.80.91	Cold-rolled sheet of stainless steel (provided for in subheading 7219.32.00, 7219.33.00, 7219.34.00, 7219.35.00 or 7219.90.00)	Free		
9903.80.92	Cold-rolled strip of stainless steel (provided for in subheading 7220.20.10, 7220.20.60, 7220.20.70, 7220.20.80, 7220.20.90 or 7220.90.00).....	Free		
9903.80.93	Cold-rolled plate of stainless steel, in coils (provided for in subheading 7219.31.00 (except for statistical reporting number 7219.31.0050)).....	Free		
9903.80.94	Wire of stainless steel, drawn (provided for in subheading 7223.00.10, 7223.00.50 or 7223.00.90) ...	Free		
9903.80.95	Pipes and tubes of stainless steel (provided for in subheading 7304.41.30, 7304.41.60, 7304.49.00, 7305.31.60 (except for statistical reporting number 7305.31.6090), 7306.40.10, 7306.40.50, 7306.61.70 (except statistical reporting number 7306.61.7060) or 7306.69.70 (except for statistical reporting number 7306.69.7060))..... ...	Free		
9903.80.96	Line pipe of stainless steel (provided for in subheading 7304.11.00 or 7306.11.00)	Free		
9903.80.97	Bars and rods of stainless steel, cold finished (provided for in subheading 7222.20.00 or 7222.30.00).....	Free		
9903.80.98	Bars and rods of stainless steel, hot-rolled (provided for in heading 7221.00.00 (except for statistical reporting number 7221.00.0017, 7221.00.0018 or 7221.00.0030) or subheading 7222.11.00, 7222.19.00 or 7222.40.30 (except for statistical reporting number 7222.40.3025 or 7222.40.3045)).....	Free		
9903.80.99	Blooms, billets and slabs of stainless steel (provided for in subheading 7218.91.00 and 7218.99.00).....	Free		

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.81.01	Oil country pipe and tube goods of stainless steel (provided for in subheading 7304.22.00, 7304.24.30, 7304.24.40, 7304.24.60, 7306.21.30, 7306.21.40 or 7306.21.80).....	Free		
9903.81.02	Ingots and other primary forms of stainless steel (provided for in subheading 7218.10.00).....	Free		
9903.81.03	Flat-rolled products of stainless steel (provided for in subheading 7219.21.00, 7219.22.00, 7219.31.00 (except for statistical reporting number 7219.31.0010) or 7220.11.00).....	Free		
9903.81.04	Bars and rods, hot-rolled, in irregularly wound coils, of stainless steel (provided for in heading 7221.00.00 (except for statistical reporting number 7221.00.0005, 7221.00.0045 or 7221.00.0075)).....	Free		
9903.81.05	Angles, shapes and sections of stainless steel (provided for in subheading 7222.40.30 (except for statistical reporting number 7222.40.3065 or 7222.40.3085) or 7222.40.60).....	Free		
9903.81.06	Angles, shapes and sections (provided for in subheading 7216.31.00, 7216.32.00, 7216.33.00, 7216.40.00, 7216.50.00, 7216.99.00, 7228.70.30 (except for statistical reporting number 7228.70.3060 or 7228.70.3081) or 7228.70.60).....	Free		
9903.81.07	Bars and rods, hot-rolled, in irregularly wound coils (provided for in subheading 7213.91.30, 7213.91.45, 7213.91.60, 7213.99.00 (except for statistical reporting number 7213.99.0060), 7227.20.00 (except for statistical reporting number 7227.20.0080) or 7227.90.60 (except for statistical reporting number 7227.90.6005, 7227.90.6010, 7227.90.6040 or 7227.90.6090)).....	Free		
9903.81.08	Wire (other than of stainless steel) (provided for in subheading 7217.10.10, 7217.10.20, 7217.10.30, 7217.10.40, 7217.10.50, 7217.10.60, 7217.10.70, 7217.10.80, 7217.10.90, 7217.20.15, 7217.20.30, 7217.20.45, 7217.20.60, 7217.20.75, 7217.30.15, 7217.30.30, 7217.30.45, 7217.30.60, 7217.30.75, 7217.90.10, 7217.90.50, 7229.20.00, 7229.90.10,			

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	7229.90.50 or 7229.90.90).....	Free		
9903.81.09	Bars, hot-rolled, not of stainless steel (provided for in subheading 7213.20.00, 7213.99.00 (except for statistical reporting number 7213.99.0030 or 7213.99.0090), 7214.10.00, 7214.30.00, 7214.91.00, 7214.99.00, 7215.90.10, 7227.20.00 (except for statistical reporting number 7227.20.0030), 7227.90.60 (except for statistical reporting number 7227.90.6020, 7227.90.6030 or 7227.90.6035), 7228.20.10, 7228.30.80 (except for statistical reporting number 7228.30.8010), 7228.40.00, 7228.60.60 or 7228.80.00).....	Free		
9903.81.10	Bars, cold-finished, not of stainless steel (provided for in subheading 7215.10.00, 7215.50.00, 7215.90.30, 7215.90.50, 7228.20.50, 7228.50.50 or 7228.60.80).....	Free		
9903.81.11	... Angles, shapes and sections of a type known as "light-shaped bars" (provided for in subheading 7216.10.00, 7216.21.00, 7216.22.00 or 7228.70.30 (except for statistical reporting number 7228.70.3010, 7228.70.3020 or 7228.70.3041)).....	Free		
9903.81.12	Reinforcing bars (provided for in subheading 7213.10.00, 7214.20.00 or 7228.30.80 (except for statistical reporting number 7228.30.8005, 7228.30.8015, 7228.30.8041, 7228.30.8045 or 7228.30.8070)).....	Free		
9903.81.13	Sheet piling (provided for in subheading 7301.10.00).....	Free		
9903.81.14	Nonenumerated railroad good (provided for in subheading 7302.40.00, 7302.90.10 or 7302.90.90).....	Free		
9903.81.15	Rails other than those known as "standard rails" (provided for in subheading 7302.10.10 (except for statistical reporting number 7302.10.1010, 7302.10.1035, 7302.10.1065 or 7302.10.1075).....	Free		
9903.81.16	Rails known as "standard rails" (provided for in subheading 7302.10.10 (except for statistical reporting number 7302.10.1015, 7302.10.1025,			

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.81.17	7302.10.1045 or 7302.10.1055) or 7302.10.50).....	Free		
	Products of tool steel (provided for in subheading 7224.10.00 (except for statistical reporting number 7224.10.0005 or 7224.10.0075), 7224.90.00 (except for statistical reporting number 7224.90.0005, 7224.90.0045, 7224.90.0055, 7224.90.0065 or 7224.90.0075), 7225.30.11, 7225.30.51, 7225.40.11, 7225.40.51, 7225.50.11, 7226.20.00, 7226.91.05, 7226.91.15, 7226.91.25, 7226.92.10, 7226.92.30, 7227.10.00, 7227.90.10, 7227.90.20, 7228.10.00, 7228.30.20, 7228.30.40, 7228.30.60, 7228.50.10, 7228.60.10 or 7229.90.05).....	Free		
	Blooms, billets and slabs, semi-finished (provided for in subheading 7207.11.00, 7207.12.00, 7207.19.00, 7207.20.00 or 7224.90.00 (except for statistical reporting number 7224.90.0015, 7224.90.0025 or 7224.90.0035)).....	Free		
	Ingots (provided for in subheading 7206.10.00, 7206.90.00 or 7224.10.00 (except for statistical reporting number 7224.10.0045)).....	Free"		

[FR Doc. 2021-28516

Filed 12-30-21; 8:45 am]

Billing code 7020-02-C

Presidential Documents

Memorandum of December 27, 2021

Maximizing Assistance to Respond to COVID-19

Memorandum for the Secretary of Health and Human Services[,] the Secretary of Homeland Security[, and] the Administrator of the Federal Emergency Management Agency

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the “Stafford Act”), I hereby order as follows:

Section 1. Policy. It is the policy of my Administration to combat and respond to the coronavirus disease 2019 (COVID-19) pandemic with the full capacity and capability of the Federal Government to protect and support our families, schools, and businesses, and to assist State, local, Tribal, and territorial governments to do the same. This policy includes the use of emergency and disaster assistance available from the Federal Emergency Management Agency (FEMA) to get COVID-19 testing to the places that need it most.

Sec. 2. Assistance for COVID-19 Screening as an Emergency Protective Measure. (a) With respect to a request to FEMA from any State, Tribal, or territorial government for direct Federal assistance to establish or expand COVID-19 testing sites, the Administrator of FEMA shall issue a mission assignment to the Department of Health and Human Services (HHS), on a fully reimbursable basis, to provide testing sites, launched and operated by HHS in close coordination with State, local, Tribal, and territorial public health departments.

(b) FEMA’s mission assignments will require HHS to adjudicate State, Tribal, and territorial requests through the Emergency Support Function #8 Advisory Council.

(c) FEMA shall fund 100 percent of the cost of activities associated with the mission assignments to HHS to provide COVID-19 testing sites as described in section 2(a) of this memorandum, as authorized by sections 403 (42 U.S.C. 5170b), 502 (42 U.S.C. 5192), and 503 (42 U.S.C. 5193) of the Stafford Act.

Sec. 3. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

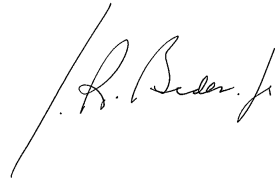
(i) the authority granted by law to an executive department or agency, or the head thereof; or

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

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

(c) This memorandum 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.

(d) The Administrator of FEMA is authorized and directed to publish this memorandum in the *Federal Register*.

A handwritten signature in black ink, appearing to read "R. B. Benson", is written over a horizontal line.

THE WHITE HOUSE,
Washington, December 27, 2021

[FR Doc. 2021-28520
Filed 12-30-21; 8:45 am]
Billing code 9111-23-P

Rules and Regulations

Federal Register

Vol. 87, No. 1

Monday, January 3, 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.

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. APHIS–2009–0095]

RIN 0579–AD10

Importation of Sheep, Goats, and Certain Other Ruminants; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The Animal and Plant Health Inspection Service recently issued a final rule that was published in the *Federal Register* on December 3, 2021. The rule amended the regulations governing the importation of animals and animal products to revise conditions for the importation of live sheep, goats, and certain other non-bovine ruminants, and products derived from sheep and goats, with regard to transmissible spongiform encephalopathies such as bovine spongiform encephalopathy and scrapie. The final rule improperly worded an amendatory instruction that resulted in the unintentional duplication of a sentence and left an obsolete section number in the regulations for the location of the requirements for the importation of sheep and goats from Canada for immediate slaughter. This document corrects that inadvertent error and amends the regulations with the proper wording.

DATES: This correction is effective January 3, 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Alexandra MacKenzie, Veterinary Medical Officer, Strategy & Policy, VS, APHIS, 4700 River Road, Unit 39, Riverdale, MD 20737–1231; (301) 851–3300, option 2.

SUPPLEMENTARY INFORMATION: On December 3, 2021, we published a final

rule (86 FR 68834–68864)¹ that will be effective on January 3, 2022, and that revised the regulations governing the importation of animals and animal products to revise conditions for the importation of live sheep, goats, and certain other non-bovine ruminants, and products derived from sheep and goats, with regard to transmissible spongiform encephalopathies such as bovine spongiform encephalopathy and scrapie.

The amendatory instruction to the Office of the Federal Register (OFR) for the revision to § 93.420 included an instruction to add a sentence after the heading for paragraph (a) introductory text. However, the instruction should have been to revise the first sentence after the heading of paragraph (a) introductory text.

By instructing the OFR to add a sentence after the heading of paragraph (a) introductory text as set forth in the rule, rather than revise the existing sentence, we inadvertently instructed the OFR to add a duplicative sentence and leave an obsolete section number in the regulations for the location of the requirements for the importation of sheep and goats from Canada for immediate slaughter. Our intention was to revise the first sentence after the heading for paragraph (a) introductory text and update the section where the requirements for the importation of sheep and goats from Canada for immediate slaughter could be found. Section 93.419 is currently listed in the regulations. However, the final rule removed and reserved § 93.419, and the sentence we added contains the new location of those requirements, which is § 93.435. Accordingly, this rule corrects our inadvertent error.

In FR Doc. 2021–26302 appearing on page 68834 in the *Federal Register* of December 3, 2021, the following correction is made:

§ 93.420 [Corrected]

■ On page 68859, in the first column, amendatory instruction number 10 is corrected to read as follows:

■ 10. In § 93.420, revise the first sentence of paragraph (a) introductory text to read as follows:

¹ To view the final rule, go to <http://www.regulations.gov> and enter APHIS–2009–0095 in the Search field.

§ 93.420 Ruminants from Canada for immediate slaughter other than sheep and goats.

(a) * * * The requirements for the importation of sheep and goats from Canada for immediate slaughter are contained in § 93.435. * * *

* * * * *

Done in Washington, DC, this 28th day of December 2021.

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–28413 Filed 12–30–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–1171; Project Identifier MCAI–2021–01361–Q; Amendment 39–21894; AD 2022–01–06]

RIN 2120–AA64

Airworthiness Directives; Cameron Balloons Ltd. Fuel Cylinders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Cameron Balloons Ltd. (Cameron) fuel cylinders installed on hot air balloons. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as quick shut-off (QSO) flanged adaptors manufactured with non-conforming (undersized) threads. This AD immediately requires either replacing the QSO flange adapter or inspecting the fuel cylinder for leakage and taking corrective action, and replacing the QSO flange adapter within 4 months. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 18, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 18, 2022.

The FAA must receive comments on this AD by February 17, 2022.

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

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** (202) 493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Cameron Balloons Ltd., St Johns Street, Bedminster, Bristol, BS3 4NH, United Kingdom; phone: +44 0 117 9637216; email: technical@cameronballoons.co.uk. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-1171.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-1171; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the MCAI, any comments received, and other information. The street address for the Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329-4144; email: mike.kiesov@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, has issued CAA AD G-2021-0014R1-E, dated December 10, 2021 (referred to after this as “the MCAI”), to address an unsafe condition for certain Cameron fuel cylinders. The MCAI states:

Certain Cameron Hot Air Balloon fuel cylinders are supplied with liquid offtakes

that consist of a quarter turn ball valve mounted on a flanged adaptor ([part number] P/N CB437, see [CAA AD] figure 1). Two recent batches of these adaptors have been manufactured with non-conforming (undersize) threads.

In certain cases, when the minimum sized adaptors are combined with cylinder bosses at maximum tolerance dimension and assembled to fuel cylinders, the thread can impinge (“bottom out”) on the cylinder boss. Although the required tightening torque value can be achieved at installation, the torque required to unscrew the flange could be below the minimum value. In extreme cases the adaptor may be unscrewed by hand.

This condition, if not detected and corrected, could result in an uncontrolled release of liquid propane which in turn could result in a fire hazard that could damage the balloon and its envelope, ultimately leading to a forced emergency landing, during which balloon occupants and persons on the ground could be injured.

To address this potential unsafe condition, Cameron Balloons Ltd. issued the Service Bulletin to provide instructions for the removal from service of the affected parts.

For the reasons described above, this [CAA] AD retains the requirements of CAA Emergency AD G-2021-0010-E dated 01 October 2021, which required a one-time inspection of each affected fuel cylinder for leakage around the threaded joint between the QSO valve adaptor flange and the cylinder boss and, depending on findings, removal from service of the affected fuel cylinder. The AD also required modification of each fuel cylinder by replacement of the affected part with a serviceable part.

Since AD G-2021-0010-E was issued, additional applicability information has been released by the manufacturer, Cameron Balloons Ltd. Additional serial number applicability for CB2902 Cylinders has been identified and added to the list of affected parts. (See [CAA AD] appendix 1).

For the reason described above AD 2021-0010-E, was superseded by AD G-2021-0014-E which expands the list of affected parts.

Since the issue of AD G-2021-0014-E additional information pertaining to the means of visual identification of the affected parts has been released by the manufacturer, Cameron Balloons Ltd. It was also found that that the replacement part specified in the previous [emergency airworthiness directives] EADs, Part No. CB437 ‘Issue G’ did not go into production and instead ‘Issue H’ was produced.

For the reasons described above this [CAA] AD has been revised to include additional information in the applicability, the inclusion of photos ([CAA AD] figures 2, 3 and 4) and to reference the correct replacement part number (updated drawing issue).

This revised [CAA] AD also introduces editorial changes not affecting the requirements.

You may examine the MCAI in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-1171.

Cameron identified fuel cylinder P/Ns CB2901, CB2902, and CB2903 that had the non-conforming QSO flange adaptor P/N CB437 Issue F installed at manufacture. However, the following additional fuel cylinders that were not fitted with flange adaptor P/N CB437 Issue F at manufacture may have been later retrofitted with P/N CB437 Issue F: Fuel cylinder P/Ns CB2901, CB2902, and CB2903; stainless steel fuel cylinder P/Ns CB426, CB497, CB599, CB959, CB2088, V20, V30, and V40; titanium fuel cylinder P/Ns CB2380, CB2383, CB2385, CB2387, and T30 (CY-050-A-001); and “Worthington” aluminum fuel cylinder P/N CB250.

The unsafe flange adaptor has “CB437” machine-engraved on the part. Flange adaptors with “CB437” hand-stamped on the part or machine-engraved with Issue H (“CB437/H”) or later issue are not subject to the unsafe condition.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Cameron Balloons CBL/TN/DCB/3287, Issue C, dated October 14, 2021, which specifies procedures for torque testing fuel cylinders and for replacing the handwheel valve or flange adapter. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Other Related Service Information

The FAA reviewed Cameron Balloons Service Bulletin No. 32, Revision 4, dated November 3, 2021. This service information specifies procedures for identifying affected parts (including figures illustrating both the unsafe and safe flange adapters). This service information also specifies inspecting fuel cylinders for leakage.

FAA’s Determination

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

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously.

Differences Between This AD and the MCAI

The MCAI identifies affected fuel cylinders by serial number or invoice number, while this AD identifies affected fuel cylinders by the type of engraving of P/N CB437 on the flange adapter.

The MCAI applies to hot air balloons and certain airships. This AD only applies to hot air balloons because the airships identified in the MCAI do not have an FAA type certificate.

FAA's Justification and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because a liquid propane leak could result in an inflight fire, damaging the balloon and leading to a forced emergency landing, which could injure balloon occupants and persons on the ground. In addition, some of the corrective actions must be accomplished before further flight. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2021-1171 and Project Identifier MCAI-2021-01361-Q" at the beginning of your comments. The most helpful comments reference a specific portion of the final

rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Mike Kiesov, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 396 fuel cylinders installed on hot air balloons worldwide. The FAA has no way of knowing the number of the hot air balloons of U.S. Registry that may have an affected fuel cylinder installed. The estimated cost on U.S. operators reflects the maximum possible cost based on fuel cylinders worldwide.

The average labor rate is \$85 per work-hour.

The FAA estimates that replacing the QSO flange adapter will take 1 work-hour and require parts costing \$80, for a cost of \$165 per adapter and up to \$65,340 for the U.S. fleet.

The FAA also estimates that it will take about 1 work-hour per hot air balloon to inspect the fuel cylinder for leakage for a cost of \$85 per hot air balloon and up to \$33,660 for the U.S. fleet. In addition, the FAA estimates that the torque test will take 1 work-hour for a cost of \$85 per hot air balloon. The FAA has no way of determining the number of hot air balloons that may need the torque test.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–01–06 Cameron Balloons Ltd.:
Amendment 39–21894; Docket No. FAA–2021–1171; Project Identifier MCAI–2021–01361–Q.

(a) Effective Date

This airworthiness directive (AD) is effective January 18, 2022.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to hot air balloons, certificated in any category, with the following Cameron Balloons Ltd. fuel cylinder if fitted with a flange adapter with part number (P/N) CB437 machine-engraved on the flange adapter:

- (i) P/Ns CB2901, CB2902, and CB2903;
- (ii) Stainless steel fuel cylinder P/Ns CB426, CB497, CB599, CB959, CB2088, V20, V30, and V40;
- (iii) Titanium fuel cylinder P/Ns CB2380, CB2383, CB2385, CB2387, and T30 (CY–050–A–001); and
- (iv) “Worthington” aluminum fuel cylinder P/N CB250.

Note 1 to paragraph (c)(1): Figures 1 through 3 of Cameron Balloons Service Bulletin SB No. 32, Revision 4, dated November 3, 2021, show examples of flange adapters with P/N CB437 machine-engraved and hand-stamped.

(2) The affected fuel cylinders may be installed on hot air balloons models including, but not limited to, those of the following design approval holders:

- (i) Aerostar International, Inc.;
- (ii) Ballonbau Worner GmbH;
- (iii) Balóny Kubiček spol. s.r.o.;
- (iv) Cameron Balloons Ltd.;
- (v) Eagle Balloons Corp.;
- (vi) JR Aerosports, Ltd (type certificate previously held by Sundance Balloons (US));
- (vii) Lindstrand Balloons Ltd.; and
- (viii) Michael D. McGrath (type certificate subsequently transferred to Andrew Philip Richardson, Adams Aerostats LLC).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI)

originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as fuel cylinder leakage of liquid propane caused by impinged threading on cylinder bosses having loose quick shut-off (QSO) flanged adaptors. The FAA is issuing this AD to detect and prevent fuel leakage of liquid propane. The unsafe condition, if not addressed, could result in a fire and consequent emergency landing.

(f) Compliance

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

(g) Actions

(1) Before further flight after the effective date of this AD, inspect each fuel cylinder for leakage around the threaded joint between the QSO valve adaptor flange and the cylinder boss using leak detector fluid.

(i) If there is any leakage, before further flight, replace the fuel cylinder with one that has a handwheel valve or flange adapter installed by following the instructions in Section 3.2 or 3.3 of Cameron Balloons CBL/TN/DCB/3287, Issue C, dated October 14, 2021.

(ii) If there is no leakage, before further flight, do a torque test of the fuel cylinder by following Section 2 of Cameron Balloons CBL/TN/DCB/3287, Issue C, dated October 14, 2021. If the fuel cylinder fails the torque test, before further flight, replace the fuel cylinder with one that has a handwheel valve or flange adapter installed by following the instructions in Section 3.2 or 3.3 of Cameron Balloons CBL/TN/DCB/3287, Issue C, dated October 14, 2021.

(2) Within 4 months after the effective date of this AD, unless done before further flight in paragraph (g)(1)(i) or (ii) of this AD, replace the flange adapter by following Section 3.3 of Cameron Balloons CBL/TN/DCB/3287, Issue C, dated October 14, 2021.

Note 2 to paragraph (g)(2): You may replace the flange adapter in accordance with paragraph (g)(2) of this AD before further flight after the effective date of this AD instead of doing the inspection in paragraph (g)(1) of this AD.

(3) As of the effective date of this AD, do not install on any hot air balloon a fuel cylinder with a flange adapter with a machine-engraved P/N CB437, unless it is engraved Issue H (“CB437/H”) or later.

(h) Special Flight Permit

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

(1) For more information about this AD, contact Mike Kiesov, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4144; email: mike.kiesov@faa.gov.

(2) Refer to United Kingdom (UK) Civil Aviation Authority (CAA) AD G–2021–0014R1–E, dated December 10, 2021, for more information. You may examine the UK CAA AD in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–1171.

(k) Material Incorporated by Reference

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

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

(i) Cameron Balloons CBL/TN/DCB/3287, Issue C, dated October 14, 2021.

(ii) [Reserved]

(3) For service information identified in this AD, contact Camron Balloons Ltd., St John Street, Bedminster, Bristol, BS3 4NH, United Kingdom; phone: +44 0 117 9637216; email: technical@cameronballoons.co.uk.

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

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

Issued on December 23, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–28348 Filed 12–30–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****23 CFR Part 625**

[Docket No. FHWA–2019–0030]

RIN 2125–AF88

Design Standards for Highways

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

ACTION: Final rule.

SUMMARY: FHWA amends its regulations governing design standards and standard specifications applicable to new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, and rehabilitation projects on the National Highway System (NHS). In issuing this final rule, FHWA will allow State departments of transportation (State DOT) to adopt procedures or design criteria, as approved by FHWA, that enable the State to undertake resurfacing, restoration, and rehabilitation (RRR) projects on freeways, including Interstate highways, without utilizing design exceptions as long as the RRR procedures or criteria are met. In addition, FHWA incorporates by reference the latest versions of design standards and standard specifications previously adopted and incorporated by reference and removes from its regulations the corresponding outdated or superseded versions of these standards and specifications.

DATES: This final rule is effective February 2, 2022. Use of the updated standards is required for all NHS projects authorized to proceed with design activities on or after February 2, 2023, unless an extension is granted for unique or extenuating circumstances.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 2, 2022. The incorporation by reference of certain other publications listed in the rule was approved by the Director of the Federal Register as of December 3, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Hilton, Office of Preconstruction, Construction and Pavements (HICP-10), (202) 924-8618, or via email at Elizabeth.Hilton@dot.gov, or Mr. Lev Gabrilovich, Office of the Chief Counsel (HCC-30), (202) 366-3813, or via email at Lev.Gabrilovich@dot.gov. Office hours are from 8 a.m. to 4:30 p.m., est., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Electronic Access and Filing**

This document, as well as the notice of proposed rulemaking (NPRM) and all comments received, may be viewed online through the Federal eRulemaking portal at www.regulations.gov using the docket number listed above. Electronic retrieval help and guidelines are also available at www.regulations.gov. An electronic copy of this document may

also be downloaded from the Office of the Federal Register's website at www.FederalRegister.gov and the Government Publishing Office's website at www.GovInfo.gov.

Background and Legal Authority

Pursuant to 23 U.S.C. 315 and under the authority delegated to FHWA in 49 CFR 1.85, FHWA is updating its existing regulations governing design standards for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, and rehabilitation projects on the NHS (including the Interstate System). This rulemaking is not expressly required by statute. However, this rulemaking is necessary to implement provisions of 23 U.S.C. 109 regarding design standards and criteria.

State DOTs are tasked with preserving the safety and usability of a vast network of existing highways. Past FHWA design standards required State DOTs to meet new construction standards on freeway RRR projects unless a design exception was approved. Recent national research has provided a better understanding of the relationship between geometric design features and crash frequency and severity. Therefore, to improve the efficiency of developing RRR projects on existing freeways, this final rule allows State DOTs to adopt procedures or design criteria, as approved by FHWA, that enable the State to undertake RRR projects on freeways, including Interstate highways, without utilizing design exceptions as long as the RRR procedures or criteria are met. This final rule also incorporates by reference updated versions of design standards and standard specifications previously adopted and incorporated by reference under 23 CFR 625.4 and removes the corresponding outdated or superseded versions of these standards and specifications from the regulations.

Several of these design standards and standard specifications were established by the American Association of State Highway and Transportation Officials (AASHTO) and the American Welding Society (AWS) and were previously adopted by FHWA through rulemaking. 83 FR 54876 (November 1, 2018). The new standards or specifications replace the previous versions of these standards or specifications and represent recent refinements that professional organizations have formally accepted. In this final rule, FHWA formally adopts them as standards for NHS projects.

The revisions include adopting the 2018 edition of the AASHTO *A Policy on Geometric Design Highways and Streets* (Green Book); the AWS D1.1/

D1.1M:2015 *Structural Welding Code—Steel*; the 2018 Interim Revisions to the AASHTO *Load and Resistance Factor Design (LRFD) Movable Highway Bridge Design Specifications*; the 2019 and 2020 Interim Revisions to the AASHTO *Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals*; and the 2019 and 2020 Interim Revisions to the AASHTO *LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals*. FHWA removes the incorporation by reference of the AASHTO *Standard Specifications for Transportation Materials and Methods of Sampling and Testing* and the 2018 Interim Revisions to the AASHTO/AWS D1.5M/D1.5: 2015—AMD1, Bridge Welding Code.

The adopted standards and specifications apply to all projects on the NHS (including the Interstate System). FHWA encourages the use of flexibility and a context-sensitive approach to consider a full range of project and user needs and the impacts to the community and natural and human environment. These design standards provide a range of acceptable values for highway features, allowing for flexibility that best suits the desires of the community while satisfying the purpose for the project and needs of its users.

State DOTs and local agencies should select design values based on factors including the context of the facility, needs of all project users, safety, mobility, human and natural environmental impacts, and project costs. For most situations, there is sufficient flexibility within the range of acceptable values to achieve a balanced design. However, when this is not possible, a design exception may be appropriate. Since 1985, FHWA has designated the criteria that have the most impact on roadway safety and operations as “controlling criteria.” 81 FR 27187 (May 5, 2016). State and local agencies may consider designs that deviate from the design standards when warranted based on the conditions, context, and consequences of the proposed projects. FHWA encourages State DOTs and local agencies to document design decisionmaking, particularly when standards cannot be met. Additional information on FHWA's adopted design standards and design exceptions is available at: <http://www.fhwa.dot.gov/design/standards>.

Statement of the Problem, Regulatory History and Next Steps

FHWA published a NPRM on November 24, 2020 (85 FR 74934), seeking public comment on proposed

revisions to its regulations at 23 CFR part 625 governing design standards and standard specifications applicable to new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, and rehabilitation projects on the NHS. Older versions of documents incorporated by reference needed to be updated, and more efficient procedures for the development of RRR projects on existing freeways are needed. FHWA also requested public comments and data on a draft economic analysis summarized in the preamble to the proposed rule. FHWA received 18 public comment submissions but no data related to the economic analysis. Commenters included several State DOTs, industry associations, associations of State and local officials, and individuals. After carefully considering the comments received in response to the NPRM, FHWA is promulgating final regulations with minor changes from the proposed regulatory text based on the comments received.

While FHWA is promulgating these final regulations, FHWA plans to consider additional updates to its design standards and standard specifications in order to ensure that these regulations reflect current best practices for new construction, reconstruction, resurfacing, restoration, and rehabilitation projects on different types of streets and roads on the NHS. For example, FHWA is considering whether additional documents should be incorporated by reference and whether the design standards should be revised to better facilitate the context-sensitive design of streets that safely serve all users. FHWA anticipates publishing a Notice and Request for Information to solicit public input on a range of questions related to making further changes to the Design Standards regulations at 23 CFR part 625.

Discussion Under 1 CFR Part 51

The documents that FHWA is incorporating by reference are reasonably available to interested parties, primarily State DOTs and local agencies carrying out Federal-aid highway projects. These documents represent recent refinements that professional organizations have formally accepted. The documents are also available for review at FHWA Headquarters (HQ) or may be obtained from AASHTO or AWS. The specific standards and specifications are summarized in this section of the preamble.

AASHTO GDHS-7, A Policy on Geometric Design of Highways and Streets, 7th Edition, 2018

This document, commonly called the “Green Book”, contains the current design research and practices for highway and street geometric design. This edition presents an updated framework for geometric design that is more flexible, multimodal, and performance-based than in the past. The document provides guidance to engineers and designers who strive to develop unique design solutions that meet the needs of all highway and street users on a project-by-project basis. The 2018 edition of the Green Book incorporates the latest research and current industry practices and is primarily applicable to new construction and reconstruction projects.

AASHTO LRFD MOV-2-I7 Movable Highway Bridge Design Specifications, 2018 Interim Revisions for 2007 2nd Edition, Copyright 2017

This document contains interim revisions to the AASHTO LRFD Movable Highway Bridge Design Specifications, Second Edition (2007), which provides the specifications for the design of bascule span, swing span, and vertical lift bridges. The Interim Revisions contain changes to the provisions relating to span locks contained in Section 2: Structural Design, parts 2.4.1.2.5 and C2.4.1.2.5, and Section 6: Mechanical Design, parts 6.8.1.5.1 and C6.8.1.5.1.

AASHTO LTS-6-I2-OL, 2019 Interim Revisions to (2013 Sixth Edition) Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, Copyright 2018

This document contains interim revisions to the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, Sixth Edition (2013), which provides the specifications for the design of structural supports for highway signs, luminaires, and traffic signals. The Interim Revisions contain changes to Section 5: Steel Design regarding unreinforced holes and cutouts (part 5.14.6.1), reinforced holes and cutouts (part 5.14.6.2), as well as mast-arm-to-pole connections (parts 5.14.7 and C5.14.7). It also contains changes to Section 11: Fatigue Design regarding stress range (part 11.9.2).

AASHTO LTS-6-I3, 2020 Interim Revisions to (2013 Sixth Edition) Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, Copyright 2019

This document contains interim revisions to the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, Sixth Edition (2013). The Interim Revisions contain changes to the weld inspection provisions contained in Section 5: Steel Design, parts 5.15.5 and C5.15.5.

AASHTO LRFD LTS-1-I3-OL, 2019 Interim Revisions to (2015 First Edition) LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, Copyright 2018

This document contains interim revisions to the AASHTO LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals which provides the specifications for the design of structural supports for highway signs, luminaires, and traffic signals using Load and Resistance Factor Design. The Interim Revisions contain changes to the provisions contained in Section 5: Steel Design regarding unreinforced and reinforced holes and cutouts (part 5.6.6.1) and mast-arm-to-pole connections (part 5.6.7). It also contains changes to Section 11: Fatigue Design regarding stress range (part 11.9.2).

AASHTO LRFD LTS-1-I4, 2020 Interim Revisions to (2015 First Edition) LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, Copyright 2019

This document contains interim revisions to the AASHTO LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals. The Interim Revisions contain changes to the discussion of ice loads presented in part C3.7 of Section 3: Loads. It also contains changes to the weld inspection provisions contained in Section 14: Fabrication, Materials and Detailing, parts 14.4.4.8 and C14.4.4.8.

AWS D1.1/D1.1M:2015 Structural Welding Code—Steel, 23rd Edition, Copyright 2015, Including Errata March 2016 (Second Printing)

This code contains the requirements for fabricating and erecting welded steel structures. The code includes basic information on the scope and limitations of the code, key definitions, and the major responsibilities of the parties involved with steel fabrication. It includes requirements for the design of

welded connections composed of tubular, or nontubular, product form members. It contains the performance qualification tests required to be passed by all welding personnel (welders, welding operators, and tack welders) to perform welding in accordance with this code. It also includes general fabrication and erection requirements applicable to welded steel structures governed by this code, including the requirements for base metals, welding consumables, welding technique, welded details, material preparation and assembly, workmanship, weld repair, and requirements for the welding of studs to structural steel. It contains criteria for the qualifications and responsibilities of inspectors, acceptance criteria for production welds, and standard procedures for performing visual inspection and nondestructive testing (NDT). It also includes basic information pertinent to the welded modification or repair of existing steel structures.

AASHTO/AWS D1.5M/D1.5: 2015–AMD1, Bridge Welding Code, 7th Edition, Amendment: December 12, 2016

This code covers welding fabrication requirements applicable to welded steel highway bridges. The code is applicable to both shop and field fabrication of steel bridges and bridge components. The code is to be used in conjunction with the AASHTO LRFD Bridge Design Specifications.

Section-by-Section Discussion of Changes to 23 CFR Part 625

This section of the preamble discusses the changes to 23 CFR part 625 that FHWA is making in this final rule. For each section, FHWA describes the final rule, explains how, if at all, it differs from the proposed change described in the NPRM, and states the reasons for any changes from the proposal.

Consistent with the proposed regulatory text contained in the November 24, 2020, NPRM, FHWA is revising 23 CFR 625.2(b), 625.3(a)(1), and 625.4(a)(3) to allow States to adopt procedures or design criteria, as approved by FHWA, that would enable the State to undertake RRR work on all NHS roadways without utilizing design exceptions as long as the RRR procedures or criteria are met. Under 23 U.S.C. 109(a), the Secretary must ensure proposed highway projects are designed and constructed in accordance with criteria best suited to serve adequately the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance. National

research, such as that incorporated in the AASHTO *Highway Safety Manual* (www.highwaysafetymanual.org), has provided a better understanding of the relationship between geometric design features and crash frequency and severity. As a result, the practice of roadway design is changing to a more performance-based, flexible approach, particularly for RRR projects. This performance-based approach has been advanced under several research projects conducted by the National Cooperative Highway Research Program (NCHRP) as documented in NCHRP Report 839: A Performance-Based Highway Geometric Design Process (<http://www.trb.org/Publications/Blurbs/175375.aspx>), NCHRP Report 785: Performance-Based Analysis of Geometric Design of Highways and Streets (<http://www.trb.org/Publications/Blurbs/171431.aspx>), and NCHRP Report 876: Guidelines for Integrating Safety and Cost-Effectiveness into Resurfacing, Restoration, and Rehabilitation (3R) Projects (<http://www.trb.org/Main/Blurbs/177914.aspx>). Rather than focusing solely on meeting dimensional design criteria, RRR projects can be developed based on project-specific conditions and existing and expected future roadway performance. State DOTs can make the best use of limited resources by developing RRR projects on all classes of roadways, including freeways, to maximize the safety and operational benefit of the overall transportation network.

Consistent with the proposed regulatory text, FHWA is revising § 625.3(a)(1) in accordance with 23 U.S.C. 109(c)(1), as amended by section 1404(a) of the 2015 Fixing America's Surface Transportation (FAST) Act (Pub. L. 114–94).¹ Revisions to § 625.3(a)(1) include changing the factors to be considered by design and construction standards for highways on the NHS from optional to mandatory consideration, and the addition of a new factor to consider—the cost savings that can be achieved by utilizing flexibility that exists in current design guidance and regulations.

Consistent with the proposed regulatory text, FHWA is adding new paragraph (a)(3) to § 625.3 to incorporate a long-standing exception to the

Interstate design standards for Alaska and Puerto Rico, found in 23 U.S.C. 103(c)(1)(B)(ii).

Consistent with the proposed regulatory text, FHWA is adding new paragraph (a)(4) to § 625.3 to incorporate the provisions of FAST Act section 1404(b) that allow, if certain conditions are met, a local jurisdiction that is a direct recipient of Federal funds to design a project using a roadway design publication that is different from the roadway design publication used by the State in which the local jurisdiction resides. One of the statutory requirements is that the roadway design publication must be recognized by FHWA. For the purpose of implementing section 1404(b), the design publications that FHWA currently recognizes are those listed in either the FHWA Memorandum dated August 20, 2013, regarding Bicycle and Pedestrian Facility Design Flexibility (available at www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_flexibility.cfm) or the related Questions and Answers (Q&As) (available at www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_flexibility_qa.cfm).

Changes to the proposed regulatory text were made to add “to use”, which was inadvertently omitted from the proposed regulatory text in 23 CFR 625.3(f)(2). FHWA establishes, in paragraph (f)(2) as redesignated, a process allowing a programmatic exception for the limited purpose of allowing States to use a more recent edition of a standard or specification adopted in § 625.4(d). A programmatic exception, if approved by FHWA, would enable a State to adopt a more recent refinement to a standard or specification than FHWA has incorporated by reference in its regulations. FHWA retains approval for such a programmatic exception at the appropriate HQs program office to ensure that the Agency is satisfied that interim implementation of a new edition is in the public interest. In addition, consistent with the proposed regulatory text, FHWA is revising § 625.3(f)(1)(i), as redesignated, to clarify that the provisions governing project exceptions only apply to projects on the NHS because States may develop their own standards for projects not on the NHS under § 625.3(a)(2) and 23 U.S.C. 109(o).

As discussed below, in § 625.4, FHWA is incorporating by reference the updated versions of design standards and standard specifications previously adopted and incorporated by reference, and removing the corresponding outdated or superseded versions of

¹ Under 23 U.S.C. 109(c)(1), design and construction standards for highways on the NHS shall consider the constructed and natural environment of the area; the environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; cost savings by utilizing flexibility that exists in current design guidance and regulations; and access for other modes of transportation.

these standards and specifications. In addition, FHWA is removing one previously adopted specification and adding one new specification.

Consistent with the proposed regulatory text, in § 625.4(a)(1), FHWA is removing the edition and date from the AASHTO *A Policy on Geometric Design Highways and Streets* because the edition and date are more properly included in paragraph (d)(1)(i) of this section.

Consistent with the proposed regulatory text, in § 625.4(a)(3), FHWA is focusing on statewide procedures and design criteria because under risk-based stewardship and oversight, design plans for individual RRR projects are typically delegated to the State. In addition, FHWA clarifies that consistent with current practice, if a State does not adopt design procedures or criteria for RRR projects as approved by FHWA, the geometric standards listed in paragraphs (a)(1) and (2) shall apply.

Changes to the proposed regulatory text were made based on comments received pertaining to § 625.4(b)(6). For consistency with other citations in this section, FHWA is inserting “AWS” in front of the name of the referenced document and removing the edition and date because they are more properly included in referenced paragraph (d) of this section.

Consistent with the proposed regulatory text, in § 625.4(b)(7), FHWA is inserting “AASHTO” in front of the name of the two documents incorporated by reference for clarity.

Consistent with the proposed regulatory text, in § 625.4(b)(9) and § 625.4(d)(2)(i), FHWA is incorporating a new reference to the AWS D1.1/D1.1M:2015 *Structural Welding Code—Steel* because many projects require welding of miscellaneous metal components for items such as light poles, sign supports, and railings. FHWA adopts minimum design standards to ensure the safety of the transportation infrastructure by ensuring all fabrication and manufacturing processes are performed to an acceptable standard. For instance, the AASHTO/AWS D1.5/D1.5M *Bridge Welding Code* is a minimum standard to ensure all steel bridges are welded to a standard that covers welding consumables, welding procedure requirements, qualification requirements, personal requirements, inspection and acceptance criteria. However, numerous transportation products are not covered by the *Bridge Welding Code* including light poles, high mast towers, sign structures, guard rail systems, and even pedestrian bridges. Because these other product

types are not covered by the *Bridge Welding Code*, and because they are in or over the right-of-way, they should be fabricated or manufactured to a minimum design standard, and FHWA adopts the AWS D1.1/D1.1M:2015 *Structural Welding Code—Steel*.

Consistent with the proposed regulatory text, in § 625.4(c)(2) and (d)(1)(x), FHWA is deleting the reference to the AASHTO *Standard Specifications for Transportation Materials and Methods of Sampling and Testing* (described as “Transportation Materials” in the existing regulatory text). This AASHTO publication covers a broad range of material specifications and testing procedures. While these standards represent effective, nationally recognized practices, adherence to these standards is not mandatory in all circumstances. Removal of these standards from the incorporation by reference is meant to clarify that use of these standards is not a mandatory requirement as a design standard for highways covered in part 625. Some of these material specifications and testing procedures remain individually incorporated by reference in regulations found in other parts of this title.

Changes to the proposed regulatory text were made based on a comment received pertaining to § 625.4(d)(1). FHWA is updating the address and contact information for AASHTO to “American Association of State Highway and Transportation Officials (AASHTO), 555 12th Street NW, Suite 1000, Washington, DC 20004, 1–800–231–3475, <https://store.transportation.org>.”

Consistent with the proposed regulatory text, in § 625.4(d)(1)(i), FHWA is adopting the 2018 edition of the AASHTO publication, *A Policy on Geometric Design Highways and Streets* (Green Book), replacing the 2011 edition. The 2018 Green Book supports efforts to develop Complete Streets (<https://www.transportation.gov/mission/health/complete-streets>) by emphasizing the need to utilize a flexible design approach to balance the needs of all users and modes of travel. It expands project context categories from two to five—adding rural town, suburban, and urban core to the previous contexts of urban and rural. While the 2018 Green Book is the adopted standard for NHS highways, public entities may wish to also reference other documents to inform the planning and design process, such as the *Urban Street Design Guide* published by the National Association of City Transportation Officials, the *AASHTO Guide for the Planning, Design, and Operation of Pedestrian*

Facilities and Guide for the Development of Bicycle Facilities, and the Institute of Transportation Engineers *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach*. These and other publications can support public entities in developing transportation projects that incorporate safe and convenient walking and bicycling facilities. Such projects improve safety for all modes, create more equitable access to transportation, and combat climate change.²

The 2018 Green Book also better describes the various types of projects—new construction, reconstruction, and projects on existing roads where the basic road type is unchanged—and provides design flexibility for each project type. This third project type is similar to what historically have been referred to as RRR projects. FHWA continues to use the term RRR in part 625 to be consistent with language in title 23 of the U.S.C. Although AASHTO does not define the phrase “change in basic road type,” FHWA generally interprets this phrase to include projects that change the general geometric character of a highway, such as widening to provide additional through motor vehicle lanes, widening to add a raised or depressed median where none currently exists, and projects that substantially modify horizontal or vertical alignments. Road changes that are accomplished with no, or only minimal, widening, such as lane reconfigurations (road diets), adding turn lanes, adding channelizing islands, or adding median curbs for access management are not considered a “change in the basic road type.” See 85 FR at 74937. In addition, for the purposes of determining geometric design criteria when applying the 2018 Green Book, full-depth pavement replacement projects that retain existing geometrics are not considered a “change in the basic road type.” The 2018 Green Book favors a performance-based approach for considering the effects of geometric design decisions. Under a performance-based design approach, the scope of geometric improvements for projects on existing roads that retain the existing basic road type should be driven by past safety and operational performance and predicted future performance for all modes of transportation. Consistent with 23 U.S.C. 109(n), RRR projects must preserve and extend the service life of

² See Expand and Improve Bicycle and Pedestrian Infrastructure, available at <https://www.transportation.gov/mission/health/Expand-and-Improve-Bicycle-and-Pedestrian-Infrastructure>.

the existing road and enhance highway safety.

Consistent with the proposed regulatory text, in § 625.4(d)(1)(vi), FHWA is incorporating by reference the 2018 Interim Revisions to the AASHTO *LRFD Movable Highway Bridge Design Specifications*. These standards are applicable to the design of bridge spans, mechanical systems (motors, hydraulics, etc.), electrical systems, and bridge protection systems for movable highway bridges. Changes in the 2018 Interim Revisions reflect the latest research, developments, and specifications promulgated by AASHTO and include important updates to the provisions for the mechanical and structural design requirements for span lock devices.

Changes to the proposed regulatory text were made to relocate the incorporation by reference of AASHTO/AWS D1.5M/D1.5 *Bridge Welding Code* from § 625.4(d)(1)(vii) to (d)(2)(iii). While reviewing a comment suggesting incorporating by reference the 2020 edition of AASHTO/AWS D1.5M/D1.5 *Bridge Welding Code*, FHWA found that while the 2020 edition was available on the AWS website, it was not available on the AASHTO website. It has since been posted to the AASHTO website. Because updates of the full document, which are generally published every 5 years, are available from the AWS Bookstore, FHWA is reserving § 625.4(d)(1)(vii) for future use and moving the incorporation by reference of the AASHTO/AWS D1.5M/D1.5 *Bridge Welding Code* to § 625.4(d)(2)(iii). Consistent with the proposed regulatory text, FHWA is deleting the 2018 Interim Revisions to the AASHTO/AWS D1.5M/D1.5: 2015–AMD1, *Bridge Welding Code*, previously adopted in § 625.4(d)(1)(vii)(A). This interim revision was provided by AASHTO to owners and fabricators for informational purposes only to alert them to proposed revisions to the AASHTO/AWS D1.5M/D1.5:2015 *Bridge Welding Code*. The interim revisions can be used, but FHWA is not retaining them as a minimum design standard.

Consistent with the proposed regulatory text, in § 625.4(d)(1)(viii), FHWA is incorporating the 2019 and 2020 Interim Revisions to the AASHTO *Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals*. In § 625.4(d)(1)(ix), FHWA is incorporating the 2019 and 2020 Interim Revisions to the AASHTO *LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals*. These standards are applicable to the structural design of supports for

highway signs, luminaires, and traffic signals. They are intended to serve as a standard and guide for the design, fabrication, and erection of these types of supports. Changes in the 2019 and 2020 Interim Revisions to both publications reflect the latest research, developments, and specifications promulgated by AASHTO and address items such as providing updated dimensional and detailing requirements for certain support connections to control fatigue and providing updated requirements on the testing of welds in certain connections.

Use of the updated standards is required for all NHS projects authorized to proceed with design activities on or after one year following the effective date of the final rule, unless an extension is granted for unique or extenuating circumstances.

Discussion of Comments Received in Response to the NPRM

FHWA received 18 public comments in response to the NPRM. Commenters included several State DOTs, industry associations, associations of State and local officials, and individuals. The following summarizes the comments received and FHWA's responses to the most significant issues raised in the comments.

Comment

FHWA received general comments on the NPRM that do not concern specific provisions of the rule. Four State DOTs, the American Council of Engineering Companies, the National Association of Small Trucking Companies, and the American Road & Transportation Builders Association expressed general support for the regulatory changes.

Response

FHWA appreciates the comment.

Comment

The Delaware DOT expressed support for incorporating by reference the updated documents as proposed. They asked FHWA to consider eliminating the requirement for standards regarding RRR projects on the NHS.

Response

Under 23 U.S.C. 109(a), the Secretary must ensure proposed highway projects are designed and constructed in accordance with criteria best suited to serve adequately the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance. FHWA has determined that standards for RRR projects on the NHS are necessary to implement this

statutory requirement as well as the statutory requirement for design criteria for the NHS under 23 U.S.C. 109(c) and Congress's intent that any project for resurfacing, restoring, or rehabilitating any highway, other than a highway access to which is fully controlled, in which Federal funds participate shall be constructed in accordance with standards to preserve and extend the service life of highways and enhance highway safety, as identified in 23 U.S.C. 109(n).

Comment

The Missouri DOT asked for clarification on the meaning of the text in § 625.3(a)(1) that reads "shall be those approved by the Secretary in cooperation with the State DOTs."

Response

The cited text mirrors the statutory language found in 23 U.S.C. 109(b) and (c)(2). The text means that the standards adopted by FHWA are developed in conjunction with the State DOTs. Many of the standards adopted by FHWA are AASHTO publications that are approved by the State DOTs through a balloting process. AASHTO does not publish RRR criteria but States may adopt State RRR standards for use on the NHS under 23 CFR 625.4(a)(3), subject to FHWA approval. In this case, FHWA works directly with individual States.

Comment

The Missouri DOT also suggested that the adoption of the latest Interim Revisions for structural supports for highway signs, luminaires, and traffic signals in § 625.4(d)(1)(viii)(B) and (C) and (d)(1)(ix)(C) and (D) is not necessary because updating their standards systemically is time and cost prohibitive, especially when failures of poles, mast arms, etc. are not as catastrophic as a bridge failure. They believe they have sufficient procedures in place for routine maintenance and in-service inspections to prevent eminent structural failures.

Response

General provisions to control fatigue in the design of ancillary highway structures were first incorporated by reference into 23 CFR part 625 in 2015 (80 FR 61307). The interim revisions adopted here do not substantially affect the fatigue design provisions already incorporated by reference, and therefore FHWA does not expect these updates to be time or cost prohibitive compared to previous requirements. No change was made to the final regulatory text.

Comment

The American Society of Civil Engineers (ASCE) expressed general support for the changes and encouraged additional discussion of 23 CFR 625.3(a)(4) which is conditioned, in part, on whether “the local jurisdiction is a direct recipient of federal funds for the project.” ASCE notes that confusion may arise on projects that utilize multiple funding sources and asks whether this provision applies only to projects that solely rely on Federal funds, or if it includes projects where Federal funds account for a portion of the funding required.

Response

Section 1404(b) of the FAST Act provides local jurisdictions with additional flexibility in the choice of design standards for specific projects. Under section 1404(b), a State may allow a local jurisdiction to design the project using a roadway design publication that is different from the roadway design publication used by the State in which the local jurisdiction resides if the following requirements are met: (1) The local jurisdiction is a direct recipient of Federal funds for the project; (2) the design publication is adopted by the local jurisdiction and recognized by FHWA; (3) the design(s) complies with all applicable Federal laws and regulations; and (4) projects applying the design publication are on a roadway owned by the local jurisdiction and not on the Interstate System. For section 1404(b) of the FAST Act to apply, the entity must receive any Federal funds directly, such as through a Federal grant (e.g., RAISE), not as a pass-through from another entity. The project may also utilize non-Federal funds, but any Federal funds must be received directly.

Comment

The National Association of City Transportation Officials (NACTO) submitted comments on behalf of NACTO, the National League of Cities (NLC), the National Association of Counties (NACo), the Association of Metropolitan Planning Organizations (AMPO), the American Public Works Association (APWA), and the National Association of Regional Councils (NARC). They asked FHWA to replace “may” with “shall” in § 625.3(a)(4), in an effort to strengthen the directive to States to defer to recognized, adopted city design guidance on non-Interstate, locally-owned, directly-Federally-funded projects. They also requested that language be added allowing this provision to also apply when local

jurisdictions receive Federal funds as a subrecipient from a State.

Response

The requested changes are inconsistent with the statutory language contained in the FAST Act. Congress specifically provided States with the option—rather than a requirement—to allow local jurisdictions that are direct recipients of Federal funds for a project to use a publication other than the one used by the State. Congress also limited this flexibility to local jurisdictions that are direct recipients of Federal funds for the project. Therefore, the requested changes have not been made in the final regulatory text.

Comment

AASHTO expressed general support for the proposed changes while requesting a few specific changes.

Regarding § 625.4(b), AASHTO referenced comments submitted in March 2020 regarding the National Bridge Inspection Standards NPRM (Federal Docket No. FHWA–2017–0047), recommending that the Manual for Bridge Evaluation and the Manual for Bridge Element Inspection be removed from their current location in § 650.317 and added to § 625.4(b). AASHTO recommends this change, noting that [part] 625 is updated more frequently than [part] 650 and relocating these two references would allow for States to use the most current edition earlier.

Response

Since the documents incorporated by reference in 23 CFR part 650 describe processes related to the inspection and evaluation of in-service bridges, rather than structural design, their incorporation into 23 CFR part 625 would be inconsistent with the purpose of the Design Standards regulation, as stated in § 625.1, which is “To designate those standards, policies, and standard specifications that are acceptable to the Federal Highway Administration (FHWA) for application in the geometric and structural design of highways.” No change was made in the final regulatory text.

Comment

Regarding § 625.5(b)(9), AASHTO supports the addition of AWS D1.1/D1.1M Structural Welding Code—Steel to the list of acceptable design standards. They recommended the addition of language stating that if there is a conflict between D1.1 or D1.4 and the AASHTO/AWS D1.5M/D1.5 Bridge Welding Code that the Bridge Welding Code take precedence.

Response

The purpose of the Design Standards regulation is to designate acceptable design standards and it is not intended to function like a contractual vehicle that would set out an order of precedence. Other standards incorporated by reference into 23 CFR part 625, such as the AASHTO LRFD Bridge Construction Specifications, appropriately provide direction on where each AWS specification is applicable. No change was made in the final regulatory text.

Comment

Regarding § 625.4(d)(1), AASHTO requested that the contact information for AASHTO be changed to “American Association of State Highway and Transportation Officials (AASHTO), 555 12th Street NW, Suite 1000, Washington, DC 20004, 1–800–231–3475, <https://store.transportation.org>.”

Response

The revised contact information has been incorporated in the final regulatory text.

Comment

The Minnesota DOT requested that the regulation be modified to allow for a process by which a DOT could request a programmatic exception to the design standards adopted for the NHS, primarily the AASHTO *A Policy on Geometric Design of Highways and Streets* (Green Book), subject to FHWA approval.

Response

With respect to design criteria for new construction and reconstruction projects, FHWA adopts standards such as the Green Book based on the results of the AASHTO committee process as described in 23 U.S.C. 109(c)(2)(A). The AASHTO committees develop design criteria with input from transportation officials across the country and play an important role in vetting new research and determining what to include in national criteria. The AASHTO balloting process ensures that publications issued by AASHTO are supported by a majority of State DOTs. FHWA intends to continue following this process without individual State programmatic exceptions to deviate from these standards. The allowance to develop State RRR standards for all roadway classifications should eliminate the need for many project design exceptions. No change was made in the final regulatory text.

Comment

The American Concrete Pavement Association (ACPA) recommended that § 625.3(a)(1)(iii) focus on the use of life-cycle cost analysis by modifying the text to read “Life-cycle cost savings by utilizing flexibility that exists in current design guidance and regulations; and”.

Response

The language for § 625.3(a)(1)(iii) matches the statutory text found in 23 U.S.C. 109(c)(1)(C). The statutory language does not preclude using life-cycle cost analysis. FHWA does not intend to limit the statutory language regarding cost savings to life-cycle cost savings. No change was made in the final regulatory text.

Comment

One individual recommended against the proposed changes in favor of retaining the existing framework to ensure consistency in design of the Interstate System, with continued allowance for States to request design exceptions when standards cannot be met.

Response

The AASHTO Interstate Standards, adopted in 23 CFR 625.4(d)(1)(ii), have long allowed RRR projects to use the standard in place at the time of original construction or incorporation into the Interstate System, so FHWA does not anticipate the final rule to substantially effect project design on the Interstate System. No change was made to the final regulatory text.

Comment

Another individual requested the following changes to the design standards and standard specifications incorporated by reference in § 625.4:

1. Reorganize paragraphs (a)(4) through (7) by part number.
2. Revise paragraph (b)(6) to be consistent with rest of paragraph and reference the full standard title.
3. Revise paragraphs (d)(1)(v) and (vii) and (d)(2)(i) to reference the 2020 editions of referenced standards.
4. Revise redesignated paragraph (d)(2)(ii) to reference the 2018 edition of the AWS D1.4/D1.4M *Structural Welding Code—Steel Reinforcing Bars*.

Response

Responses to the above comments are provided in the same order:

1. Paragraphs (a)(4) through (7) will not be rearranged to avoid creating cross-reference problems from other parts of the CFR and from other documents.

2. FHWA agrees with this suggestion and has revised the final regulatory text.

3. The 2020 publications were released during development of the NPRM. Since FHWA did not propose to adopt them in the NPRM, FHWA will not adopt the new versions at this time but will consider them for adoption in a future rulemaking. No changes in editions were made to the final regulatory text. However, FHWA is reserving § 625.4(d)(1)(vii) for future use and moving the incorporation of the AASHTO/AWS D1.5M/D1.5 *Bridge Welding Code* to § 625.4(d)(2)(iii) because updates of the full document, which are generally published every 5 years, are available from the AWS Bookstore.

4. The 2018 edition of the AWS D1.4/D1.4M *Structural Welding Code—Steel Reinforcing Bars* will be considered in a future rulemaking since FHWA did not propose to adopt it in the NPRM. No change was made to the final regulatory text.

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

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order (E.O.) 12866. Accordingly, OMB has not reviewed it. This action complies with E.O.s 12866 and 13563 to improve regulation. The amendments allow the development of RRR procedures or design criteria for projects on freeways, update several industry design standards and standard specifications adopted and incorporated by reference under 23 CFR part 625, and remove the corresponding outdated or superseded versions of these standards and specifications. FHWA anticipates that the rule does not adversely affect, in a material way, any sector of the economy. In addition, the rule does not interfere with any action taken or planned by another agency and does not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. The rule also does not raise any novel legal or policy issues.

The following is a summary of the results of the economic analysis for this rule. The preamble of the NPRM contained FHWA's economic analysis and invited public comment. No comments were received regarding the economic analysis or economic impact of this rulemaking. FHWA anticipates that the economic impact of this

rulemaking is minimal. Based on project data captured in FHWA's Fiscal Management Information System from October 2014 to September 2018, FHWA estimates that an average of 685 projects (totaling \$18.5 billion) per year, will be eligible to be designed to State-specific RRR standards. FHWA does not have data to determine how many of the 685 projects per year do not meet the new construction standard through the implementation of design exceptions, nor does FHWA have data to demonstrate how many hours State DOTs spend developing design exception requests on freeway projects undertaken to perform RRR-type work. FHWA requested that State DOTs provide comments to the docket if they had any data that would be relevant to this analysis. Specifically, FHWA sought data on (1) the percentage of RRR-type freeway projects developed by State DOTs that utilized a design exception because the project could not meet a new construction standard, (2) the average number of employee hours spent developing, reviewing, and approving each design exception, (3) the average hourly compensation of employees involved with these design exception activities, (4) reasons for requesting exceptions (operational, safety, resource constraint, innovation, etc.), and (5) cost savings associated with the proposed design exception. No data was received in response to this request.

Most State DOTs already have staff dedicated to developing RRR standards for non-freeway projects, and any additional staff time needed to develop RRR standards for freeways is anticipated to be minimal. The NCHRP released Research Report 876 entitled “Guidelines for Integrating Safety and Cost-Effectiveness into Resurfacing, Restoration, and Rehabilitation (3R) Projects,” which provides guidance and assistance to States for developing these standards. See <http://www.trb.org/NCHRP/Blurbs/177914.aspx>. When this final rule is implemented, the resulting design of the freeway project is anticipated to be the same, but FHWA expects that net cost savings will be realized by allowing the States to develop their own standards and eliminate the need for many design exceptions.

FHWA does not anticipate any cost or safety impacts due to removing the AASHTO *Standard Specifications for Transportation Materials and Methods of Sampling and Testing* from the list of standards incorporated by reference. Nor does FHWA anticipate any cost or safety impacts due to incorporating by reference the AWS D1.1/D1.1M:2015

Structural Welding Code—Steel, as most States are already using this standard for the welding of miscellaneous structural steel items. FHWA anticipates that the economic impact of updating several industry design standards and standard specifications adopted and incorporated by reference is minimal. These updated standards and specifications represent recent refinements that professional organizations have formally accepted and are widely used for projects off the NHS. For these reasons, FHWA finds that the expected economic benefits of the final rule will outweigh the estimated costs of the final rule. FHWA anticipates that the economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not necessary.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601–612), FHWA has evaluated the effects of this rule on small entities, such as local governments and businesses. Based on the evaluation, FHWA has determined that this action is not anticipated to have a significant economic impact on a substantial number of small entities. The amendments update several industry design standards and standard specifications adopted and incorporated by reference under 23 CFR part 625. FHWA has determined that the projected impact upon small entities that utilize Federal-aid highway program funding for the development of highway improvement projects on the NHS is expected to be negligible. Therefore, FHWA certifies that the action will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

FHWA has determined that this rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48). The actions in this final rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$155 million or more in any one year (2 U.S.C. 1532). In addition, the definition of “Federal Mandate” in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or Tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program permits this type of flexibility.

Executive Order 13132 (Federalism Assessment)

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

Executive Order 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program. This E.O. applies because State and local governments are directly affected by the regulation, which is a condition on Federal highway funding. Local entities should refer to the Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction, for further information.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct, sponsor, or require through regulations. FHWA has determined that this final rule does not contain collection of information requirements for the purposes of the PRA.

National Environmental Policy Act

FHWA has analyzed this final rule for the purposes of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321, *et seq.*) and has determined that this action does not have any effect on the quality of the human and natural environment because it only makes technical changes and incorporates by reference the latest versions of design standards and standard specifications previously adopted and incorporated by reference under 23 CFR part 625 and removes the corresponding outdated or superseded versions of these standards and specifications. The final rule qualifies as a categorical exclusion to NEPA under 23 CFR 771.117(c)(20), which applies to the promulgation of regulations, and no unusual circumstances under 23 CFR 771.117(b) are present.

Executive Order 13175 (Tribal Consultation)

FHWA has analyzed this final rule under E.O. 13175 and anticipates that it will not have substantial direct effects on one or more Indian Tribes, will not impose substantial direct compliance costs on Indian Tribal governments, and will not preempt Tribal law. This final rule will not impose any direct compliance requirements on Indian Tribal governments nor will it have any economic or other impacts on the viability of Indian Tribes. Therefore, a Tribal summary impact statement is not required.

Executive Order 12898 (Environmental Justice)

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

Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the spring and fall of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 625

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference.

Issued under authority delegated in 49 CFR 1.85 on:

Stephanie Pollack,

Deputy Administrator, Federal Highway Administration.

In consideration of the foregoing, FHWA amends 23 CFR part 625 as follows:

PART 625—DESIGN STANDARDS FOR HIGHWAYS

■ 1. Revise the authority citation for part 625 to read as follows:

Authority: 23 U.S.C. 103, 109, 315, and 402; Sec. 1073 of Pub. L. 102–240, 105 Stat. 1914, 2012; Sec. 1404 of Pub. L. 114–94, 129 Stat. 1312; 49 CFR 1.85.

■ 2. Amend § 625.2 by revising the first sentence of paragraph (b) to read as follows:

§ 625.2 Policy.

* * * *

(b) Resurfacing, restoration, and rehabilitation (RRR) projects shall be constructed in accordance with standards that preserve and extend the service life of highways and enhance highway safety. * * *

* * * *

■ 3. Amend § 625.3 by:

■ a. Revising and republishing paragraph (a);

■ b. Adding subject headings to paragraphs (b) through (e); and

■ c. Revising and republishing paragraph (f).

The revisions and additions read as follows:

§ 625.3 Application.

(a) *Applicable standards.* (1) Design and construction standards for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation of a highway on the NHS shall be those approved by the Secretary in cooperation with the State DOTs. These standards must consider, in addition to the criteria described in § 625.2(a), the following:

(i) The constructed and natural environment of the area;

(ii) The environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity;

(iii) Cost savings by utilizing flexibility that exists in current design guidance and regulations; and

(iv) Access for other modes of transportation.

(2) Federal-aid projects not on the NHS are to be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.

(3) Interstate highways located in Alaska and Puerto Rico shall be designed in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway.

(4) A State may allow a local jurisdiction to design a project using a roadway design publication that is different from the roadway design publication used by the State in which the local jurisdiction resides if—

(i) The local jurisdiction is a direct recipient of Federal funds for the project;

(ii) The roadway design publication is adopted by the local jurisdiction and recognized by FHWA;

(iii) The design complies with all applicable Federal laws and regulations; and

(iv) The project is located on a roadway that is owned by the local jurisdiction and is not part of the Interstate System.

(b) *Deviations from specific minimum values on the NHS.* * * *

* * * *

(c) *Application of other FHWA regulations.* * * *

* * * *

(d) *Funding source.* * * *

* * * *

(e) *Very minor or no roadway work.* * * *

* * * *

(f) *Exceptions—(1) Project exception.*

(i) Approval within the delegated authority provided by FHWA Order M1100.1A may be given on a project basis to designs on the NHS which do not conform to the minimum criteria as set forth in the standards, policies, and standard specifications for:

(A) Experimental features on projects; and

(B) Projects where conditions warrant that exceptions be made.

(ii) The determination to approve a project design that does not conform to the minimum criteria is to be made only after due consideration is given to all project conditions such as maximum service and safety benefits for the dollar invested, compatibility with adjacent sections of roadway and the probable time before reconstruction of the section due to increased traffic demands or changed conditions.

(2) *Programmatic exception.* Approval within the delegated authority provided by FHWA Order M1100.1A may be given, on a programmatic basis, to use a more recent edition of any standard or specification incorporated by reference under § 625.4(d).

■ 4. Amend § 625.4 by:

■ a. Revising paragraphs (a)(1) and (3) and (b)(6) and (7);

■ b. Adding paragraph (b)(9);

■ c. Revising paragraph (c);

■ d. Revising the last sentence in the paragraph (d) introductory text;

■ e. Revising and republishing paragraphs (d)(1) and (2); and

■ f. Adding a subject heading to paragraph (e).

The revision and additions read as follows:

§ 625.4 Standards, policies, and standard specifications.

(a) * * *

(1) A Policy on Geometric Design of Highways and Streets, AASHTO (incorporated by reference; see paragraph (d) of this section).

* * * *

(3) The geometric design standards for resurfacing, restoration, and rehabilitation (RRR) projects on NHS highways shall be the procedures or the design criteria established for individual projects, groups of projects, or all RRR projects in a State, and as approved by FHWA. The RRR design standards shall reflect the consideration of the traffic, safety, economic, physical, community, and environmental needs of the projects. If a State does not adopt design procedures or criteria for RRR projects as approved by FHWA, the standards listed in paragraphs (a)(1) and (2) shall apply.

* * * *

(b) * * *

(6) AWS D1.4/D1.4M Structural Welding Code—Reinforcing Steel (paragraph (d) of this section).

(7) AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, (paragraph (d) of this section); or AASHTO LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals (paragraph (d) of this section).

* * * *

(9) AWS D1.1/D1.1M Structural Welding Code—Steel (paragraph (d) of this section).

(c) *Materials.* (1) General Materials Requirements, refer to 23 CFR part 635, subpart D.

(2) Quality Assurance Procedures for Construction, refer to 23 CFR part 637, subpart B.

(d) * * * For information on the availability of this material at NARA, email fr.inspection@nara.gov or go to www.archives.gov/federal-register/cfr/ibr-locations.html.

(1) American Association of State Highway and Transportation Officials (AASHTO), 555 12th Street NW, Suite 1000, Washington, DC 20004, 1–800–231–3475, <https://store.transportation.org>.

(i) AASHTO GDHS–7, A Policy on Geometric Design of Highways and Streets, 7th Edition, 2018.

(ii) A Policy on Design Standards—Interstate System, May 2016.

(iii) Standard Specifications for Highway Bridges, 17th Edition, 2002

(iv) AASHTO–LRFD Bridge Construction Specifications, 4th Edition, copyright 2017.

(v) AASHTO LRFD–8, LRFD Bridge Design Specifications, 8th Edition, 2017.

(vi) AASHTO LRFD Movable Highway Bridge Design Specifications, 2nd Edition, 2007, with:

(A) Interim Revisions, 2008,

(B) Interim Revisions, 2010,

(C) Interim Revisions, 2011,

(D) Interim Revisions, 2012,
 (E) Interim Revisions, 2014,
 (F) Interim Revisions, 2015, and
 (G) Interim Revisions, 2018.
 (vii) [Reserved]
 (viii) AASHTO LTS-6, Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 6th Edition, copyright 2013, with:
 (A) AASHTO LTS-6-I1, 2015 Interim Revisions to Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, copyright 2014,
 (B) AASHTO LTS-6-I2-OL, 2019 Interim Revisions to Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, copyright 2018, and
 (C) AASHTO LTS-6-I3, 2020 Interim Revisions to Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, copyright 2019.
 (ix) AASHTO LRFDLTS-1, LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 1st Edition, copyright 2015, with:
 (A) AASHTO LRFDLTS-1-I1-OL, 2017 Interim Revisions to LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, copyright 2016,
 (B) AASHTO LRFDLTS-1-I2-OL, 2018 Interim Revisions to LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, copyright 2017,
 (C) AASHTO LRFDLTS-1-I3-OL, 2019 Interim Revisions to LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, copyright 2018, and
 (D) AASHTO LRFDLTS-1-I4, 2020 Interim Revisions to LRFD Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, copyright 2019.
 (2) American Welding Society (AWS), 8669 NW 36 Street, #130 Miami, FL 33166-6672; www.aws.org; or (800) 443-9353 or (305) 443-9353.
 (i) AWS D1.1/D1.1M:2015 Structural Welding Code—Steel, 23rd Edition, copyright 2015, including Errata March 2016 (second printing).
 (ii) AWS D1.4/D1.4M:2011 Structural Welding Code—Reinforcing Steel, 2011.
 (iii) AASHTO/AWS D1.5M/D1.5: 2015-AMD1, Bridge Welding Code, 7th Edition, Amendment: December 12, 2016.
 (e) *Additional design resources.* * * *

[FR Doc. 2021-28236 Filed 12-30-21; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 210

Docket No. FISCAL-2021-0002

RIN 1530-AA26

Federal Government Participation in the Automated Clearing House

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

ACTION: Final rule.

SUMMARY: The Department of the Treasury, Bureau of the Fiscal Service (Fiscal Service) is adopting the changes we proposed in an August 2021 notice of proposed rulemaking for our regulation governing the use of the Automated Clearing House (ACH) Network. Consistent with past practice, our regulation adopts, with some exceptions, the Nacha Operating Rules & Operating Guidelines (Operating Rules & Guidelines) developed and published by Nacha as the rules governing the use of the ACH Network by Federal agencies. We are issuing this final rule to address changes that Nacha has made since its publication of the 2019 Operating Rules & Guidelines. These changes include amendments set forth in the 2020 and 2021 Operating Rules & Guidelines, including supplement #1-2021.

DATES: Effective February 2, 2022. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of February 2, 2022.

ADDRESSES: You can download this final rule at the following website: fiscal.treasury.gov/ach/.

FOR FURTHER INFORMATION CONTACT: Ian Macoy, Director of Settlement Services, at (202) 874-6835 or ian.macoy@fiscal.treasury.gov; or Frank J. Supik, Senior Counsel, at frank.supik@fiscal.treasury.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On August 18, 2021, the Fiscal Service published a Notice of Proposed Rulemaking at 86 FR 46631 that proposed amendments to title 31 CFR part 210 (part 210). Part 210 governs the use of the ACH Network by Federal agencies.

The ACH Network is a nationwide electronic fund transfer system that provides for the inter-bank clearing of electronic credit and debit transactions and for the exchange of payment-related information among participating financial institutions.

The ACH Network facilitates payment transactions between several participants. These participants include the:

- **Originator:** A company or individual that agrees to initiate an ACH entry according to an arrangement with a Receiver.

- **Originating Depository Financial Institution (ODFI):** An institution that receives the payment instruction from the Originator and forwards the ACH entry to the ACH Operator.

- **ACH Operator:** A central clearing facility that receives entries from ODFIs, distributes the entries to appropriate Receiving Depository Financial Institutions, and performs settlement functions for the financial institutions.

- **Receiving Depository Financial Institution (RDFI):** An institution that receives entries from the ACH Operator and posts them to the account of its depositors (Receivers).

- **Receiver:** An organization or consumer that has authorized an Originator to initiate an ACH entry to the Receiver's account with the RDFI.

- **Third-Party Service Provider:** An entity other than the Originator, ODFI, or RDFI that performs any functions on behalf of the Originator, ODFI, or RDFI in connection with processing ACH entries. These functions may include, for example, creating ACH files on behalf of an Originator or ODFI, or acting as a sending point or receiving point on behalf of an ODFI or RDFI.

Rights and obligations among participants in the ACH Network are generally governed by Nacha's Operating Rules & Guidelines. The Operating Rules & Guidelines establish standards for sending and receiving ACH entries, provide specifications and formatting requirements for the electronic transmission of transaction information, set forth the rights and obligations of the entities listed above when transmitting, receiving, or returning ACH entries, and cover other related matters. The Operating Rules & Guidelines also provide guidance regarding best practices to ACH Network participants. There is an industry consensus that the Operating Rules & Guidelines provide a uniform set of standards for ACH transactions and that these standards enable efficient transaction processing.

Part 210 incorporates the Operating Rules & Guidelines by reference, with certain exceptions. The Operating Rules & Guidelines govern the use of the ACH Network by financial institutions and other parties but must be incorporated by reference in part 210 to apply to the Federal Government's use of the ACH Network. From time to time, the Fiscal

Service amends part 210 to address changes that Nacha periodically makes to the Operating Rules & Guidelines or to revise the regulation as otherwise appropriate. The Federal Government generally adopts changes to the Operating Rules & Guidelines unless the changes address enforcement and compliance of the Operating Rules & Guidelines, would adversely impact government operations, or are irrelevant to Federal agency participation in the ACH Network.

Currently, part 210 incorporates the 2019 Operating Rules & Guidelines, subject to certain exceptions. Nacha has adopted several changes since the publication of the 2019 Operating Rules & Guidelines, as reflected in the 2021 Operating Rules & Guidelines and supplements thereto. The Fiscal Service is adopting most of these changes, consistent with the amendments proposed in the NPRM.

II. Public Comment and Fiscal Service Response

The Fiscal Service sought public comment on the proposed rule to assist the agency in giving full consideration to the matters discussed in the NPRM. We received one substantive comment, which was submitted by Nacha and co-signed by nine Payments Association members (Nacha Comment Letter).

The Nacha Comment Letter expressed support for the Fiscal Service's proposal to adopt the majority of the Operating Rules & Guidelines. The Nacha Comment Letter expressed particular support for the Fiscal Service's adoption of the revised Same Day ACH transaction dollar limit. In light of the NPRM's proposal to not adopt the Nacha Operating Rules & Guidelines' contact registry provisions, the Nacha Comment Letter suggested that the Fiscal Service consider alternative means of providing contact information to industry participants. The transaction dollar limit and contact registry are discussed below.

In addition, the Nacha Comment Letter suggested that the Fiscal Service explore methods of adopting changes to the Nacha Operating Rules & Guidelines. The Fiscal Service will consider alternatives, but the procedures for incorporating the Nacha Operating Rules & Guidelines into the Code of Federal Regulations by reference are established by the Office of the Federal Register. These rules require, among other steps, that the Fiscal Service conduct a rulemaking procedure.

III. Summary of Final Rule

During the last amendment to part 210, the Fiscal Service adopted, with some exceptions, Nacha's 2019 Operating Rules & Guidelines. Subsequently, Nacha published two versions of the Operating Rules & Guidelines, the 2020 Operating Rules & Guidelines and the 2021 Operating Rules & Guidelines. The relevant 2020 changes are included in the 2021 version that we are incorporating by reference. Below, we outline the major changes that were published in these updates.

A. 2020 Operating Rules & Guidelines Changes

The 2020 Operating Rules & Guidelines made several changes to the Operating Rules and Guidelines. These changes included raising the Same Day ACH dollar limit, differentiating the codes associated with certain return transactions, modifying data security requirements, clarifying fraud detection standards for WEB Debit transactions, and adding a new Same Day ACH processing window.

Same Day ACH per Transaction Dollar Limit Increase

Nacha approved a rule change to update the Same Day ACH per transaction dollar limit from \$100,000 to \$1,000,000.¹ At implementation, both Same Day ACH credits and Same Day ACH debits will be eligible for Same Day ACH processing up to \$1,000,000 per transaction.

We are adopting this rule, effective March 18, 2022. Acceptance of this rule will enable individuals and entities to make Same-Day ACH payments of up to \$1,000,000 to the Federal Government and will enable Federal disbursements up to the same amount.

Differentiating Unauthorized Return Codes

The 2020 Operating Rules & Guidelines changed the usage of certain Nacha "Return Reason Codes," which afforded financial institutions more insight into the reason why a transaction was returned.

Under the prior rules, Nacha used one Return Reason Code (the R10 code) as a catch-all to identify transactions that were returned for several underlying return reasons, including some for which a valid authorization existed. Under the revised Rule, Nacha re-purposed another Return Reason Code (the R11 code) to allow ACH network participants to more readily identify

¹ This rule change was published in Supplement #1–2021 to the Nacha Operating Rules.

ACH transactions that are being returned due to an error, even though an authorization exists for the transaction (e.g., if the authorization is for a different amount and/or date). The newly re-purposed code is used only to identify the return of a debit transaction in which there is an error, but for which there is an authorization.²

The Operating Rules & Guidelines will treat returned transactions using either code (R10 and R11) as unauthorized. However, an Originator will be permitted to correct the underlying error in an R11 return (if possible). Subject to certain other requirements, the Originator may be able to resubmit the underlying ACH transaction without obtaining a new authorization.³

We are adopting this change. Doing so will allow the Fiscal Service to remain consistent with industry practice, allowing for consistent operation across the ACH network. Moreover, using the R11 return code will provide greater insight into the reasons for the return of certain transactions.

Supplemental Fraud Detection Standards for WEB Debits

The Fiscal Service previously adopted Nacha's updated fraud detection standards for WEB debit transactions.⁴ The Fiscal Service adopted this change with a delayed effective date of March 22, 2022.⁵ The updated rule clarifies that Nacha requirements for a "commercially reasonable fraudulent transaction detection system" include the use of account validation services for WEB debit transactions. We are adopting the updated rule, which may help reduce ACH return transactions and the incidence of fraudulent transactions affecting the Federal Government.

B. 2021 Operating Rules & Guidelines Changes

The 2021 Operating Rules & Guidelines implemented several additional changes beyond those in the 2020 Operating Rules & Guidelines. These changes included, but are not limited to, clarifying certain portions of the enforcement provisions of the Operating Rules & Guidelines, implementing a new Same Day ACH

² The 2021 Operating Rules & Guidelines implements a second phase of this rule. This second phase is discussed below.

³ Some transaction errors, such as errors due to the failure to provide certain notices or the failure to use an acceptable "source document," cannot be corrected. In those cases, the Originator will be required to submit a new ACH entry.

⁴ See 85 FR 15715 (Mar. 19, 2020).

⁵ *Id.*

processing window, implementing a second phase of Nacha's return code rule, establishing a time limit on certain warranty claims, and implementing Nacha's contact registry. As explained in more detail below, we are not adopting the amendments to the enforcement and contact registry provisions but are adopting the remaining changes.

Enforcement

The 2021 Operating Rules & Guidelines defines an "egregious violation" within the context of rules enforcement.

We are not adopting this amendment. Under 31 CFR 210.2(d), the enforcement provisions of the Operating Rules & Guidelines are inapplicable to Federal agencies.

Differentiating Unauthorized Return Reasons

As discussed above, Nacha repurposed the R11 Return Reason code to further differentiate between certain returned debit ACH transactions. The 2021 Operating Rules & Guidelines implemented a second phase of this rule change, which will apply Nacha's existing Unauthorized Entry Fee to ACH debit entries that are returned with the newly repurposed code. These transactions are associated with an authorization of a debit transaction when there is an error or defect in the payment such that the entry does not conform to the terms of the authorization.

The Fiscal Service is adopting this rule change. Adopting this change maintains consistency with other ACH Network participants and creates additional incentives to minimize the amount of unauthorized (or incorrectly authorized) ACH transactions.

Limitation on Warranty Claims

Nacha's 2021 Operating Rules & Guidelines impose time limits on an RDFI's ability to make a claim against an ODFI's authorization warranty.

The Operating Rules & Guidelines require an ODFI to warrant that an ACH entry has been properly authorized by the Receiver. Under the prior rules, there was no time limit on the ODFI's warranties. Instead, these limits were determined by state statutes of limitations, which may vary.

The change sets forth different time periods, depending upon whether the transaction affects consumer and non-consumer accounts. This rule allows an RDFI to make a claim for one year from the settlement date of an entry to a non-consumer account. In the case of an entry to a consumer account, the RDFI

may make a claim for two years from the entry's Settlement Date. In addition, the RDFI can make a claim for entries settling within 95 calendar days from the Settlement Date of the first unauthorized debit to a consumer account.

The Fiscal Service is adopting this rule change.

Supplementing Data Security Requirements

Nacha previously expanded its Data Security Requirements rule, which the Fiscal Service adopted,⁶ but in the 2021 Operating Rules & Guidelines Nacha updated the effective date and expanded the existing ACH Security Framework to explicitly require large, non-financial institution Originators, Third-Party Service Providers, and Third-Party Senders to protect account numbers used in the initiation of ACH entries by rendering them unreadable when stored electronically.

The Fiscal Service is adopting the updated rule, which will expand existing security requirements and protect information associated with ACH transactions.

ACH Contact Registry

In 2019, Nacha approved a rule creating an ACH contact registry. Under this rule, all ACH financial institutions are required to register contact information for their ACH operations and fraud and/or risk management areas. Financial institutions may voluntarily register contacts for additional personnel or departments at their discretion. The contact information is available to other registered ACH participating financial institutions, payments associations, ACH Operators, and Nacha to use in the event of ACH-related system outages, erroneous payments, duplicates, reversals, fraudulent payments and any other use within scope, such as identifying the proper contact for letters of indemnity. The contact information includes Routing and Transit Numbers (RTNs).

Nacha is implementing the ACH Contact Registry rule in two phases. Phase 1 became effective on July 1, 2020, the date on which the registration portal was opened for "Participating Depository Financial Institutions" to begin to submit and query contact information. Under Phase 2, Nacha's enforcement authority for the Rule becomes effective.

We are not adopting this amendment. Although participation in the registry can be expected to provide some

benefits to the industry, all Federal Government RTNs are controlled by Treasury through the Fiscal Service. The Fiscal Service prohibits debit origination to all Treasury-controlled ACH RTNs. To mitigate the risk of inappropriate use of any Treasury RTNs, the Fiscal Service prohibits their publication. Moreover, under 31 CFR 210.2(d), the enforcement provisions of the Operating Rules & Guidelines are inapplicable to Federal agencies. The Fiscal Service appreciates Nacha's suggestion that the Federal Government consider alternative methods of making appropriate contact information available to financial institutions and may do so in the future.

Reversals

The 2021 Operating Rules & Guidelines also clarify the proper circumstances under which an ACH entry may be reversed. The amendments to the Operating Rules & Guidelines specifically state that the initiation of reversing entries or files for any reason other than those explicitly permissible under the Operating Rules & Guidelines is prohibited and define non-exclusive examples of circumstances in which the origination of reversals is improper.

The reversals rule also establishes additional formatting requirements for reversals; limits the ability to modify the contents of other fields in a reversing entry to allow changes only to the extent necessary to facilitate proper processing of the reversal; explicitly permits an RDFI to return an improper reversal; and expands the permissible reasons for a Reversing Entry to include an error in the effective entry date.

The Fiscal Service is adopting this rule, which will clarify the circumstances under which entries can be reversed and assist in the efficient processing of ACH transactions involving the Federal Government.

Meaningful Modernization

The 2021 Operating Rules & Guidelines also contain five amendments that Nacha characterizes as "Meaningful Modernization." These five amendments are designed to improve and simplify the ACH user experience by facilitating the adoption of new technologies and channels for the authorization and initiation of ACH payments; reducing barriers to the use of the ACH Network; providing clarity and increasing consistency around certain ACH authorization processes; and reducing certain administrative burdens related to ACH authorizations.

Specifically, the five rules:

⁶ See 85 FR 15715 (Mar. 19, 2020).

- Explicitly define the use of standing authorizations for consumer ACH debits;
- Define and allow for oral authorization of consumer ACH debits beyond telephone calls;
- Clarify and provide greater consistency of ACH authorization standards across payment initiation channels;
- Reduce the administrative burden of providing proof of authorization; and
- Better facilitate the use of electronic and oral Written Statements of Unauthorized Debit.

Standing Authorizations

The current authorization framework for consumer ACH debits encompasses recurring and single payments. A single entry is a one-time payment and can be between parties that have no previous relationship. ACH Originators that have, or want to use, a different model for ongoing commerce do not have specific rules for payments that are a hybrid, falling somewhere in between recurring and single entries.

This rule change defines a “Standing Authorization” as an advance authorization by a consumer of future debits at various intervals. The consumer would initiate the future debits by additional actions, which differs from the requirements for recurring ACH transactions. The rule allows the use of different Standard Entry Class codes. By allowing standing authorizations, Nacha will fill the gap between single and recurring payments and enable businesses and consumers to make more flexible payment arrangements for relationships that are ongoing in nature.

The Fiscal Service is adopting this rule. The Fiscal Service believes that the Standing Authorization rule may increase options for initiating ACH transactions with the Federal Government. As a result, agencies may be able to adopt new payment processes that better fit their needs and the needs of their customers.

Oral Authorizations

The Oral Authorizations rule defines and allows “Oral Authorizations” as a valid authorization method for consumer debits distinct from a telephone call.

Under the rule, any Oral Authorization obtained via any channel needs to meet defined requirements. An Oral Authorization obtained over the internet that is not a telephone call also needs to meet the risk and security requirements that currently apply to Internet-Initiated/Mobile (WEB) ACH entries. The rule will allow for Standing

Authorizations to be obtained orally. In addition, the rule will allow for subsequent entries initiated under a Standing Authorization to be initiated through voice commands, instructions, or affirmations.

The Fiscal Service is adopting this amendment. The Fiscal Service believes that the Oral Authorization rule may increase options for initiating efficient ACH transactions with the Federal Government.

Other Authorization Issues

The 2021 Operating Rules & Guidelines also include rule changes grouped as “Other Authorization Issues,” which cover other modifications and re-organizations of the general authorization rules for clarity, flexibility, and consistency.

The rule re-organizes the general authorization rules to better incorporate Standing Authorizations, Oral Authorizations, and other changes. In addition, the amended rule explicitly states that authorization of any credit entry to a consumer account and any entry to a non-consumer account can be by any method allowed by law or regulation. Only consumer debit authorizations require a writing that is signed or similarly authenticated. The amended rule also requires all authorizations to meet the standards of “readily identifiable” and “clear and readily understandable terms,” which aim to reduce the incidence of erroneous transactions. Finally, the rule applies the “minimum data element” standards that currently are only stated in the rules for Telephone-Initiated Entries to all consumer debit authorizations.

The Fiscal Service is adopting these amendments, which will benefit the Federal Government and those who participate in ACH transactions with it.

Alternative to Proof of Authorization

The 2021 Operating Rules & Guidelines provide an ODFI and Originator the option of accepting a return of a transaction in lieu of providing a copy of an authorization. Previously, an Originator was required to provide proof of authorization to its ODFI in such time that the ODFI can respond to an RDFI’s request for proof of an authorization within ten banking days.

This change reduces an administrative burden on ODFIs and their Originators by allowing them to choose their method of response. The rule is intended to help reduce the costs and time needed to resolve some exceptions in which proof of authorization is requested. However, if

the RDFI still needs proof of authorization, the ODFI and its Originator must provide it within ten days of the RDFI’s subsequent request.

The Fiscal Service is adopting these amendments. The Fiscal Service agrees that these rule amendments may make certain ACH transaction processes more efficient. If the Federal Government determines that it is inefficient to provide the requested proof of authorization, the new rule will allow it to return the ACH instead of expending resources to locate and transmit the information to the RDFI and Receiver.

Written Statement of Unauthorized Debit via Electronic or Oral Methods

The 2021 Operating Rules & Guidelines change the “Written Statement of Unauthorized Debit” rule, which makes an RDFI responsible for obtaining a consumer’s Written Statement of Unauthorized Debit (WSUD) prior to returning a debit as unauthorized. This change allows for electronic or oral acceptance of WSUDs.

The rule reduces an administrative burden on RDFIs and their customers. The changes emphasize that WSUDs may be obtained and signed electronically, which could include the same methods permissible for obtaining a consumer debit authorization.

The Fiscal Service is adopting these amendments, which may increase the efficiency of ACH transactions involving the Federal Government by allowing electronic records and signatures to be used for WSUDs, expediting the processing of allegedly fraudulent electronic transactions involving the Federal Government and other parties.

Minor Rules Topics

Nacha has passed other amendments that change several areas of the Operating Rules & Guidelines to address minor issues or correct errata. These changes have little-to-no impact on ACH participants and no material impact on the Federal Government’s participation in the ACH network. Nacha’s minor rule amendments became effective on various dates, according to the date of the Nacha errata correction or other message.

The Fiscal Service is adopting these minor rule amendments.

III. Section-by-Section Analysis

In order to incorporate in part 210 the Operating Rules & Guidelines changes that we are accepting, we are replacing references to the 2019 Rules & Guidelines with references to the 2021 Operating Rules & Guidelines.

210.2(a)

We are amending the reference to NACHA—The Electronic Payments Association (NACHA) to simply refer to Nacha.

§ 210.2(d)

We are amending the definition of “applicable ACH Rules” at § 210.2(d) by replacing the reference to the “2019 NACHA Operating Rules and Guidelines” with a reference to the “2021 NACHA Operating Rules & Guidelines” and Supplement #1–2021. In particular, Supplement #1–2021 will increase the Same Day ACH limit to \$1 million, effective March 18, 2022. In addition, we are expanding the list of Operating Rules & Guidelines that are not incorporated by reference to include the Operating Rules & Guidelines governing the Participating DFI registry.

§ 210.3(b)

We are amending § 210.3(b) by replacing the references to the “2019 NACHA Operating Rules & Guidelines” with references to “Nacha’s 2021 Operating Rules & Guidelines,” including Supplement #1–2021.

§ 210.6

We are amending § 210.6(g) by replacing the reference to the “2019 NACHA Operating Rules and Guidelines” with a reference to the “2021 NACHA Operating Rules & Guidelines,” as amended through March 31, 2021.

IV. Incorporation by Reference

The 2021 Operating Rules & Guidelines, including Supplement #1–2021, are incorporated by reference into part 210 with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. Office of Federal Register regulations require that agencies discuss in the preamble of a final rule ways that the materials the agency proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties. In addition, the preamble of the final rule must summarize the material. 1 CFR 51.5(a). In accordance with the Office of the Federal Register’s requirements, Supplementary Information section I summarizes the Operating Rules & Guidelines and section III summarizes the individual provisions being adopted. Financial institutions utilizing the ACH Network are bound by the Operating Rules & Guidelines and have access to them in the course of their everyday business. The Operating Rules & Guidelines are available as a bound

book or in online form from Nacha, 2550 Wasser Terrace, Suite 400, Herndon, Virginia 20171, tel. 703–561–1100, info@nacha.org.

V. Procedural Analysis

Regulatory Planning and Review

The final rule does not meet the criteria for a “significant regulatory action” as defined in Executive Order 12866. Therefore, the regulatory review procedures contained therein do not apply.

Regulatory Flexibility Act Analysis

It is hereby certified that the final rule will not have a significant economic impact on a substantial number of small entities. The final rule imposes on the Federal Government a number of changes that Nacha has already adopted and imposed on private sector entities that utilize the ACH Network. The rule does not impose any additional burdens, costs or impacts on any private sector entities, including any small entities. Accordingly, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not required.

Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532 (Unfunded Mandates Act), requires that the agency prepare a budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires the agency to identify and consider a reasonable number of regulatory alternatives before promulgating the rule. We have determined that the final rule will not result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. Accordingly, we have not prepared a budgetary impact statement or specifically addressed any regulatory alternatives.

List of Subjects in 31 CFR Part 210

Automated Clearing House, Electronic funds transfer, Financial institutions, Fraud, Incorporation by reference.

Words of Issuance

For the reasons set out in the preamble, 31 CFR part 210 is amended as follows:

PART 210—FEDERAL GOVERNMENT PARTICIPATION IN THE AUTOMATED CLEARING HOUSE

■ 1. The authority citation for part 210 continues to read as follows:

Authority: 5 U.S.C. 5525; 12 U.S.C. 391; 31 U.S.C. 321, 3301, 3302, 3321, 3332, 3335, and 3720.

■ 2. In § 210.2:

■ a. Revise paragraph (a) and paragraph (d) introductory text;

■ b. Redesignate paragraphs (d)(2) through (7) as paragraphs (d)(3) through (8); and

■ c. Add new paragraph (d)(2).

The revisions and addition read as follows:

§ 210.2 Definitions.

* * * * *

(a) *ACH Rules* means the 2021 Operating Rules & Guidelines, including Supplement #1–2021, (both incorporated by reference, see § 210.3(b)) published by Nacha, a national association of regional member clearing house associations, ACH Operators, and participating financial institutions located in the United States.

* * * * *

(d) *Applicable ACH Rules* means the ACH Rules, except:

* * * * *

(2) Section 1.14 (governing the Participating DFI Contact registry);

* * * * *

■ 3. In § 210.3, revise paragraph (b) to read as follows:

§ 210.3 Governing law.

* * * * *

(b) *Incorporation by reference.* Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Bureau of the Fiscal Service must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Bureau of the Fiscal Service, 401 14th Street SW, Room 400A, Washington, DC 20227, ph. (202) 874–6680 and from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fr.inspection@nara.gov or go to www.archives.gov/federal-register/cfr/ibr-locations.html.

(1) Nacha, 2550 Wasser Terrace, Suite 400, Herndon, Virginia 20171, tel. 703–561–1100, info@nacha.org.

(i) 2021 Nacha Operating Rules & Guidelines: The Guide to the Rules Governing the ACH Network, copyright 2021; into § 210.2.

(ii) Supplement #1–2021, Notice of Amendment to the 2021 Nacha Operating Rules, dated April 8, 2021; into § 210.2.

(2) [Reserved]

* * * * *

§ 210.6 [Amended]

■ 4. In § 210.6, in paragraph (g), remove the text “2019 NACHA Operating Rules and Guidelines” and add in its place the text “applicable ACH Rules”.

David A. Lebryk,

Fiscal Assistant Secretary.

[FR Doc. 2021–28048 Filed 12–30–21; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[EPA–HQ–OW–2020–0154; FRL–7998–02–OW]

State of New Mexico Underground Injection Control Program; Primacy Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is approving an application from the State of New Mexico under the Safe Drinking Water Act (SDWA) to revise the State's existing Underground Injection Control (UIC) program for Class I injection wells located within the State, except those in Indian country. New Mexico has revised the State's UIC Class I program regulations to establish new permit conditions, oversight, and enforcement to manage hazardous waste injection activities by petroleum refineries in such a manner that is protective of underground sources of drinking water. The State's Class I hazardous waste injection wells are only authorized for use by petroleum refineries for the waste generated by the refinery (“generator”). With this action, EPA is also codifying previously approved, non-substantial changes to the New Mexico UIC program. New Mexico will continue to implement and enforce a State UIC regulatory program that is as stringent as the existing federal program.

DATES: This final rule is effective on January 3, 2022. The Director of the

Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 on January 3, 2022. For judicial purposes, this final rule is promulgated as of January 3, 2022. **ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–HQ–OW–2020–0154. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Kyle Carey, Drinking Water Protection Division, Office of Ground Water and Drinking Water (4606M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2322; fax number: (202) 564–3754; email address: carey.kyle@epa.gov, or Evelyn Rosborough, Region VI Library (6WD), U.S. Environmental Protection Agency, 1201 Elm Street, Suite 500, Dallas, Texas 75270; telephone number: (214) 665–7515; fax: (214) 665–6490; email address: rosborough.evelyn@epa.gov.

SUPPLEMENTARY INFORMATION: This supplementary information is organized as follows:

- I. Introduction
 - A. UIC State Primacy
 - B. New Mexico's UIC Primacy Program Revision
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- 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 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
- J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- K. Congressional Review Act (CRA)

I. Introduction

EPA approved the State of New Mexico's UIC program as meeting the requirements for primary enforcement responsibility (primacy) for Class I, III, IV, and V injection wells, under SDWA Section 1422, on July 11, 1983.

A. UIC State Primacy

To obtain primacy for the UIC program, EPA conducts a technical and legal review of a state's primacy application. EPA's review encompasses a comprehensive evaluation of every aspect of each of the following elements: The state's UIC statutes and regulations, which must include provisions that are as stringent as the federal requirements; documents describing the public participation process; a request from the state's governor for primacy under SDWA; the program description; an attorney's general statement of enforcement authority; and a memorandum of agreement between EPA and the state, describing the administration, implementation, and enforcement of the state's UIC program.

B. New Mexico's UIC Primacy Program Revision

The State of New Mexico has revised its UIC Class I program regulations to establish new permit conditions, oversight, and enforcement to manage Class I hazardous waste disposal wells by petroleum refineries, except those in Indian country. EPA considers New Mexico's application to be a “substantial” program revision and therefore subject to the agency's approval procedures specified in the *Code of Federal Regulations* (CFR) at 40 CFR 145.32(b)(2) and (4).

C. UIC Class I Wells

Class I wells are typically drilled thousands of feet below the lowermost underground source of drinking water as authorized under SDWA. Non-hazardous waste disposal wells include municipal wastewater treatment, food

production, and non-hazardous manufacturing waste. Whereas Class I hazardous waste disposal wells include the injection of waste that may be considered harmful to the public health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing process wastes to batteries. The injection of hazardous waste is strictly regulated under the Resource Conservation and Recovery Act (RCRA) and SDWA. Construction, permitting, operating, and monitoring requirements are more stringent for Class I hazardous waste disposal wells than for any other Class I injection well category. Examples of Class 1 hazardous waste disposal well requirements are listed Section V.B of this preamble.

D. This Final Rule

In this final rule, EPA is approving New Mexico's application because it meets or exceeds all applicable requirements for approval under SDWA Section 1422 and the agency has determined that the State is capable of administering a Class I program pertaining to hazardous waste disposal wells for use by petroleum refineries in a manner consistent with the terms and purposes of SDWA and all applicable regulations to protect underground sources of drinking water (USDWs). With EPA's approval, New Mexico will continue to implement and enforce a state UIC regulatory program that is as stringent as the existing federal program.

This action also updates the compilation of previously approved State statutes and regulations and, therefore, EPA is incorporating by reference the amended compilation of New Mexico's SDWA 1422 Program for Class I, III, IV, and V wells. See Section VI of this preamble for further information on the incorporation by reference.

II. Legal Authorities

These proposed regulations are being promulgated under the authority of SDWA Sections 1422 and 1450, 42 U.S.C. 300h-1 and 300j-9.

III. State UIC Program Requirements

SDWA Section 1421 requires the EPA Administrator to promulgate federal requirements for effective state UIC programs to prevent underground injection activities that endanger USDWs. SDWA Sections 1422 and 1425 establish requirements for states seeking EPA approval of state UIC programs.

For states that seek approval for UIC programs under SDWA Section 1422, EPA has promulgated a regulation

setting forth the applicable procedures and substantive requirements, codified at 40 CFR part 145. It includes requirements for state permitting programs (by referencing certain provisions of 40 CFR parts 24 and 144), compliance evaluation programs, enforcement authority, and information sharing. Each state UIC regulatory program must be as stringent as the existing federal program.

IV. State of New Mexico's Application

A. Background

On May 2, 2019, EPA determined that the agency had received a complete UIC program revision application from the State of New Mexico, in which the State requested approval of its revised UIC regulations for Class I injection wells.

On October 13, 2020 (85 FR 64437), EPA published a **Federal Register** document announcing New Mexico's submittal of a complete UIC program revision application to the agency. In that announcement, EPA proposed to approve the application from New Mexico under SDWA Section 1422 to implement a UIC program for Class I hazardous waste disposal wells for use by petroleum refineries located within the State, except those in Indian country; sought public comments on the agency's intent to approve New Mexico's application; and provided an opportunity to request a public hearing.

B. Public Participation Activities Conducted by the State of New Mexico

On May 15, 2015, the New Mexico Water Quality Control Commission (WQCC or Commission) published a public notice of the Commission's intent to adopt amendments to the WQCC rules governing underground injection control to authorize the State of New Mexico to allow the approval of Class I hazardous waste injection wells for use by petroleum refineries. The public notice was published in 15 newspapers across the State of New Mexico. Written comments on the proposed rulemaking changes were accepted between May 15, 2015, and July 14, 2015. A public hearing was held on July 14, 2015, before both a WQCC hearing officer and the full Commission. Prior to the hearing, five technical witnesses from the Navajo Nation and one from New Mexico Oil Conservation Division pre-filed written testimony. At the hearing, in addition to the technical witnesses, several members of the public, including local elected officials, provided written or oral testimony in favor of the proposed rule changes. There was no testimony, written or oral, in opposition to the proposal.

C. Public Participation Activities Conducted by EPA

As previously noted, on October 13, 2020, EPA published a document announcing the receipt of a complete application for a UIC program revision from New Mexico, the agency's proposed approval of New Mexico's application, a request for public comment, and a public hearing to be held on November 27, 2020. EPA published this announcement in the **Federal Register** (85 FR 64437), the *Albuquerque Journal*, the *Roswell Daily Record*, the *Gallup Independent*, and on websites of both EPA Region VI and EPA Headquarters. In addition, EPA emailed a link to the document published in the **Federal Register** to a statewide list of interested stakeholders.

V. Public Comments Received on the Proposed Rule and EPA's Response to Comments

A. Public Comments

The public comment period on EPA's October 13, 2020 (85 FR 64437) proposed approval was open for 45 days and ended on November 27, 2020. EPA received 15 public comment submissions. Two commenters are in support of the rule and provided clarification on the planned permitting and use of Class I hazardous waste disposal wells by petroleum refineries in New Mexico. Multiple commenters objected to the proposed rule, expressing general confusion about the safety of hazardous waste disposal within context of surface water and groundwater sources of drinking water in New Mexico and the protection provided under the UIC program in Indian country. These comments of general non-support for the UIC program do not include specific technical or legal assertions for EPA to further evaluate. For example, several commenters expressed concern about the safety of underground injection in general and with respect to sources of drinking water and expressed confusion over the underground injection well permitting authorities found within the State of New Mexico and Indian country.

B. EPA's Response

SDWA sets the requirements for underground injection control activities, including hazardous waste disposal, that are subject to regulations promulgated by EPA and approval issued by either EPA or an authorized state, tribe, or territory. These activities are regulated by the UIC program. To operate an injection well, an owner or operator must receive approval through

the appropriate UIC permitting authority. Injection well owners and operators may not: Site, construct, operate, maintain, convert, plug, abandon wells, or conduct any other injection activity that endangers USDWs. The purpose of the UIC program requirements is to ensure that either: Injected fluids stay within the well and the intended injection zone, or fluids that are directly or indirectly injected into a USDW do not cause a public water system to violate drinking water standards or otherwise adversely affect public health. The UIC program works with injection well owners and operators throughout the life of the well to ensure their wells and their practices do not contaminate drinking water. This is achieved through monitoring, reporting, inspections, compliance assistance, and enforcement action.¹

Nationally, injection wells are overseen by a state, tribal, or territorial agency or one of EPA's regional offices. The State of New Mexico has primacy and is authorized to implement the UIC program for Class I, II, III, IV, and V injection wells within the boundaries of the State only (see Section I of this preamble). Since EPA's 1983 UIC program primacy approval, the agency has determined that New Mexico is capable of continuing to administer its UIC program in a manner consistent with the terms and purposes of SDWA and all applicable regulations to protect USDWs.

Class I wells are typically drilled thousands of feet below the lowermost underground source of drinking water. Hazardous waste disposal is one of four approved injection fluid sub-categories under the Class I program. Industry injects hazardous waste, as defined by the RCRA, through Class I wells. These types of Class I wells are strictly regulated under RCRA and SDWA. Construction, permitting, operating, and monitoring requirements are more stringent for Class I hazardous waste disposal wells than for other Class I injection well categories. For example, preconstruction requirements for Class I hazardous waste disposal wells include additional structural studies to demonstrate: Injection and confining formations are free of vertically transmissive fissures or faults; low seismicity and probability of earthquakes; minimum area of review of two miles; and no-migration petition demonstrating that fluids will remain in the injection zone for as long as they are

hazardous (e.g., modeling conducted to show either the waste will remain in the injection zone for 10,000 years or it will be rendered non-hazardous before migration) among other requirements.²

After close consideration of all the comments, EPA is providing a clarifying response document that addresses the general concerns raised by commenters. The comments received and EPA's response are available in EPA's Docket No. EPA-HQ-OW-2020-0154.

A virtual public hearing was held on November 27, 2020, with four persons in attendance in addition to EPA staff and an EPA contractor. The attendees did not provide comment.

VI. Incorporation by Reference

In this action, EPA is approving the revisions to the State of New Mexico's UIC program to permit Class I hazardous waste injection wells for use by petroleum refineries in the State, except those in Indian country. New Mexico's statutes and supporting documentation are publicly available in EPA's Docket at EPA-HQ-OW-2020-0154. This action amends 40 CFR part 147 and incorporates by reference the EPA-approved State statutes and regulations considered by this rule.

The provisions of New Mexico's statutes and regulations that contain standards, requirements, and procedures applicable to owners or operators of UIC Class I hazardous waste wells used by petroleum refineries within the State are incorporated by reference into 40 CFR 147.1601 as described in the regulatory text. Provisions of the New Mexico's statutes and regulations that contain standards, requirements, and procedures applicable to owners or operators of Class I, III, IV, and V injection were incorporated by reference into 40 CFR 147.1601 through prior EPA rules, but are being reapproved in this new format, described in the following paragraph. Any provisions incorporated by reference, as well as all permit conditions issued pursuant to such provisions, are enforceable by EPA pursuant to SDWA Section 1423 and 40 CFR 147.1(e).

In order to better serve the public, EPA is reformatting the codification of EPA-approved New Mexico SDWA Section 1422 UIC program statutes and regulations for well Classes I, III, IV, and V. Instead of codifying the New Mexico statutes and regulations as separate

paragraphs, EPA is now incorporating by reference a compilation that contains "EPA Approved New Mexico SDWA § 1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, and V," dated March 11, 2021. This compilation is incorporated by reference into 40 CFR 147.1601 and is available at <https://www.regulations.gov> in the docket for this rule. EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov> and also in hard copy at the EPA Region VI office (see the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). A complete list of the New Mexico statutes and regulations contained in the compilation, titled "EPA Approved New Mexico SDWA § 1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, and V," dated March 11, 2021, is also now codified in Table 1 to paragraph (a) at 40 CFR 147.1601.

VII. Effective Date

This final rule is effective immediately upon publication. Section 553(d) of the Administrative Procedure Act ("APA"), 5 U.S.C. 553(d), provides that final rules shall not become effective until 30 days after publication in the **Federal Register**, "except . . . as otherwise provided by the agency for good cause," among other exceptions. The purpose of this provision is to "give affected parties a reasonable time to adjust their behavior before the final rule takes effect." *Omnipoint Corp. v. FCC*, 78 F.3d 620, 630 (D.C. Cir. 1996); see also *United States v. Gavrilovic*, 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). Thus, in determining whether good cause exists to waive the 30-day delay, an agency should "balance the necessity for immediate implementation against principles of fundamental fairness, which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling." *Gavrilovic*, 551 F.2d at 1105. EPA has determined that there is good cause for making this final rule effective immediately. This action approves State permitting, oversight, and enforcement requirements for Class I hazardous waste disposal activities for use by petroleum refineries and codifies other already-approved changes to the New Mexico program. Currently, there are no Class I hazardous waste disposal wells in New Mexico. As a result, there are no current permittees that need time to prepare for this rule and any prospective permittees will benefit from

¹ For information on the approval for UIC primary permitting and enforcement authority visit: <https://www.epa.gov/uic/primary-enforcement-authority-underground-injection-control-program>.

² A comparison of requirements between Class I non-hazardous waste injection wells and Class I hazardous waste disposal wells can be found at: https://www.epa.gov/sites/default/files/2015-10/documents/page_uic-class1_summary_class1_reqs_508c.pdf.

the regulatory certainty that an immediate effective date will provide. This final rule will not require affected persons to take action or change behavior to come into compliance within the next 30 days.

In this action, EPA is also amending 40 CFR part 147 to incorporate non-substantial changes to the New Mexico UIC program, previously approved by letter under 40 CFR 145.32(b)(4). EPA did not undergo notice and comment on these non-substantial revisions because the agency had previously approved them by letter and is now simply updating the CFR to reflect these previously approved, non-substantial revisions. Because these revisions have already been approved, the codification of these revisions is ministerial. As a result, EPA finds there is “good cause” pursuant to 5 U.S.C. 553(b) to publish these codifications without prior notice and opportunity for comment. Letters from EPA approving the non-substantial revisions to the New Mexico Administrative Code and the New Mexico Annotated Statutes are included in the docket for reference.

For these reasons, EPA finds that good cause exists under Section 5 U.S.C. 553(d)(3) to make this rule effective immediately upon publication.

VIII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review

This action has been exempted from review under this Executive Order by the Office of Management and Budget (OMB).

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2040–0042. Reporting or record-keeping requirements will be based on the State of New Mexico UIC Regulations, and the State of New Mexico is not subject to the PRA.

C. Regulatory Flexibility Act (RFA)

The agency certifies that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may

certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden, or otherwise has a positive economic effect on the small entities subject to the rule. This action does not impose any requirements on small entities as this action approves and codifies existing State of New Mexico’s UIC program revisions. EPA has therefore concluded that this action will have no net regulatory burden for any directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandates as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector. EPA’s approval of the State of New Mexico’s program revisions will not constitute a federal mandate because there is no requirement that a state establish UIC regulatory programs.

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. This action contains no federal mandates for tribal governments and does not impose any enforceable duties on tribal governments. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the agency has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in Section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it approves program requirements for the State of New Mexico’s existing UIC program.

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

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

I. National Technology Transfer and Advancement Act

This rule does not involve technical standards.

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

EPA has determined that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This action approves the State of New Mexico’s revisions to its existing UIC program.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 808(2)). EPA has made a good cause finding for this rule as discussed in Section VII of the preamble, including the basis for that finding.

List of Subjects in 40 CFR Part 147

Environmental protection, Incorporation by reference, Indian lands, Intergovernmental relations, Reporting and recordkeeping requirements, Water supply.

Michael S. Regan,
Administrator.

For the reasons set out in the preamble, the Environmental Protection Agency is amending 40 CFR part 147 as follows:

PART 147—STATE, TRIBAL, AND EPA-ADMINISTERED UNDERGROUND INJECTION CONTROL PROGRAMS

■ 1. The authority citation for Part 147 continues to read as follows:

Authority: 42 U.S.C. 300f *et seq.*; and 42 U.S.C. 6901 *et seq.*

■ 2. Revise § 147.1601 as follows:

§ 147.1601 State-administered program—Class I, III, IV, and V wells.

The UIC Program for Class I, III, IV, and V wells in the State of New Mexico, except for those located on Indian country as defined under 40 CFR 144.3, is the program administered by the New Mexico Water Quality Control Commission, the New Mexico Environment Department (formerly the New Mexico Environmental Improvement Division), and the Oil Conservation Division of the New Mexico Energy, Minerals and Natural Resources Department and approved by EPA pursuant to section 1422 of the Safe Drinking Water Act (SDWA). The effective date of this program is August 10, 1983. A subsequent program revision application for Class I hazardous waste injection wells, which are only authorized for use by petroleum refineries for the waste

generated by the refinery (“generator”), except in Indian country, was approved by EPA pursuant to section 1422 of the SDWA. The effective date of this program is January 3, 2022. The State-administered UIC programs for Classes I, III, IV, and V consist of the following elements, as submitted to EPA in the State’s program applications.

(a) *Incorporation by reference.* The New Mexico State provisions cited in “EPA-Approved New Mexico SDWA § 1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, and V,” dated March 11, 2021, and listed in Table 1 to this paragraph (a), are incorporated by reference and made a part of the applicable UIC program under SDWA for the State of New Mexico. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and

1 CFR part 51. Copies of the State of New Mexico’s provisions that are incorporated by reference may be inspected at the U.S. Environmental Protection Agency, Water Docket, EPA Docket Center (EPA/DC), EPA WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20004, or the Region VI, Library, U. S. Environmental Protection Agency, 1201 Elm Street, Suite 500, Dallas, Texas 75270. If you wish to obtain materials from the EPA Headquarters Library, please call the Water Docket at (202) 566–2426 or from the EPA Regional Office, please call (214) 665–8326. You may also inspect the materials at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fr.inspection@nara.gov or go to www.archives.gov/federal-register/cfr/ibr-locations.html.

TABLE 1 TO PARAGRAPH (a): EPA—APPROVED STATE OF NEW MEXICO SDWA § 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, III, IV, AND V

State citation	Title/subject	State effective date	EPA approval date
New Mexico Administrative Code, Title 20, Chapter 6, Part 2.	Ground and Surface Water Protection.	December 21, 2018	January 3, 2022, [insert Federal Register citation].
New Mexico Administrative Code, Title 19, Chapter 14, Parts 1–4.	Geothermal Resources Development.	February 27, 2018	January 3, 2022, [insert Federal Register citation].

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference, are also part of the approved State-administered UIC program:

(1) Water Quality Act, New Mexico Statutes Annotated Sections 74–6–1 through 74–6–13 (1978 and Supp. 1982);

(2) Geothermal Resources Development Act, New Mexico Statutes Annotated, Chapter 71, Article 9 (July 1, 2016);

(3) Surface Mining Act, New Mexico Statutes Annotated Sections 69–25A–1 through 69–25A–35 (1978 and Supp. 1980).

(c) *Memorandum of Agreement.*

(1) The Memorandum of Agreement between EPA Region VI and the New Mexico Water Quality Control Commission, the Environmental Improvement Division, and the Oil Conservation Division, signed by the EPA Regional Administrator on April 13, 1983;

(2) Letter from the Director, Environmental Improvement Division and the Director, Oil Conservation Division, to Regional Administrator, EPA Region IV, “Re: New Mexico Underground Injection Control Program—Clarification,” February 10, 1983.

(3) Amendment No. 1, Underground Injection Program Substitute Memorandum of Agreement Between the State of New Mexico and United States Environmental Protection Agency Region VI, signed by the EPA Regional Administrator on May 2, 2019.

(d) *Statement of legal authority.*

(1) Attorney General’s Statement, signed by the Assistant Attorney General for the Environmental Improvement Division, the Assistant Attorney General for Oil Conservation Division, and the Deputy Attorney General, Civil Division, Counsel for the Mining and Minerals Division, undated, submitted December 8, 1982.

(2) Attorney General’s Statement for Program Revision of New Mexico UIC Program, signed by Bill Brancard, Special Assistant Attorney General, State of New Mexico Energy, Minerals and Natural Resources Department, submitted December 12, 2018.

(e) *Program Description and any other materials.* The Program Description and any other materials submitted as part of the application or as supplements thereto.

[FR Doc. 2021–28237 Filed 12–30–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 200124–0029]

RTID 0648–XB702

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; 2021 Red Snapper Private Angling Component Accountability Measure in Federal Waters off Texas

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

ACTION: Temporary rule, accountability measure.

SUMMARY: Through this temporary rule, NMFS implements accountability measures (AMs) for the red snapper recreational sector private angling component in the Gulf of Mexico (Gulf) off Texas for the 2021 fishing year. Based on information provided by the State of Texas Parks and Wildlife Department (TPWD), NMFS has determined that the 2020 Texas regional management area private angling

component annual catch limit (ACL) for Gulf red snapper was exceeded.

Therefore, NMFS reduces the 2021 private angling component ACL of Gulf red snapper for the Texas regional management area. This reduction will remain in effect through the remainder of the current fishing year on December 31, 2021, and is necessary to protect the Gulf red snapper resource.

DATES: This temporary rule is effective from 12:01 a.m., local time, on December 28, 2021, until 12:01 a.m., local time, on January 1, 2022.

FOR FURTHER INFORMATION CONTACT:

Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727-824-5305, email: kelli.odonnell@noaa.gov.

SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery, which includes red snapper, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) through regulations at 50 CFR part 622. All red snapper weights discussed in this temporary rule are in round weight.

In 2015, Amendment 40 to the FMP established two components within the recreational sector fishing for red snapper: The private angling component, and the Federal charter vessel and headboat (for-hire) component (80 FR 22422, April 22, 2015). In 2020, NMFS implemented Amendments 50 A-F to the FMP, which delegated authority to the Gulf states (Louisiana, Mississippi, Alabama, Florida, and Texas) to establish specific management measures for the harvest of red snapper in Federal waters of the Gulf by the private angling component of the recreational sector (85 FR 6819, February 6, 2020). These amendments allocate a portion of the private angling ACL to each state, and each state is required to constrain landings to its allocation as part of state management.

As described at 50 CFR 622.39(a)(2)(i), the Gulf red snapper recreational sector quota (ACL) is 7.399 million lb (3.356 million kg) and the recreational private angling component quota (ACL) is 4.269 million lb (1.936 million kg). Also, as described at 50 CFR 622.23(a)(1)(ii)(E), the Texas regional management area private angling component ACL is 265,105 lb (120,250 kg). Regulations at 50 CFR 622.23(b) require that if a state's red snapper private angling component landings exceed the applicable state's component ACL, then in the following

fishing year, that state's private angling ACL will be reduced by the amount of that ACL overage in the prior fishing year.

For the 2019 fishing year, the Texas recreational red snapper private component (private vessel and state charter vessels) was managed under an exempted fishing permit with a state ACL of 265,090 lb (120,243 kg). Under Amendment 50F, any overage of the 2019 Texas ACL would be applied to Texas's portion of the 2020 private angling ACL. On August 24, 2020, NMFS determined that 2019 landings of red snapper off Texas for the private angling component were 375,616 lb (170,377 kg) and published a temporary rule reducing the Texas regional management area private angling component ACL for Gulf red snapper to 154,579 lb (70,116 kg) for the 2020 fishing year (85 FR 52055, August 24, 2020).

On September 23, 2020 Texas filed a complaint in the United States District Court for the Southern District of Texas alleging, in part, that the NMFS used incorrect data when determining the overage of the 2019 Texas ACL (*State of Texas v. Department of Commerce*, No. 3:20-cv-297 (S.D. Tex.)). Texas estimated that its 2019 landings were 327,105 lb (148,372 kg), resulting in a 62,015 lb (28,170 kg) overage of its 2019 annual catch limit. The different estimates resulted from NMFS and Texas using different recreational harvest estimation methodologies. Specifically, Texas misapplied the length-weight relationship component of the estimation methodology, which resulted in lower landings estimates than those produced by NMFS. However, NMFS and Texas were not aware of this discrepancy until the fall 2020, which was too late to address the issue for either the 2019 or 2020 fishing years. To resolve the litigation, NMFS has agreed to use Texas's 2019 and 2020 estimates to apply the accountability measure in 2020 and 2021. Texas has agreed to dismiss, with prejudice, all claims in the complaint, provide more timely landings estimates to NMFS, prohibit harvest in their state waters when it determines its private angling ACL is met or projected to be met, and use an agreed methodology for estimating landings for 2021 and beyond.

Consistent with the agreement, the 2019 estimate landings of red snapper off Texas for the private angling component is revised from 375,616 lb (170,377 kg) to 327,105 lb (148,372 kg), which results in an overage of 62,015 lb (28,170 kg) for the 2019 fishing year and an adjusted 2020 Texas ACL of 203,090

lb (92,120 kg). Texas has estimated that the 2020 landings of red snapper off Texas for the private angling component is 229,725 lbs (104,202 kg), resulting in an overage of 26,635 lb (12,081 kg) and an adjusted 2021 Texas ACL of 238,470 lb (108,168 kg). Additionally, as a result of the adjusted Texas ACL, the total private angling component quota and the total recreational quota (ACL), will also be reduced. The private angling component quota will reduce from 4,269,000 lb (1,936,000 kg) to 4,242,365 lb (1,824,304 kg) and the total recreational quota will reduce from 7,399,000 lb (3,356,000 kg) to 7,372,365 lb (3,344,049 kg). The recreational private angling component ACLs for other Gulf state management areas for 2021 are unaffected by this notice.

The TPWD is responsible for ensuring that 2021 private angling component landings in the Texas regional management area do not exceed the adjusted 2021 Texas ACL. As described at 50 CFR 622.23(c), a Gulf state with an active delegation of state management of the red snapper private angling component may request that NMFS close all, or an area of, Federal waters off that state to the harvest and possession of red snapper by private anglers. At the request of Texas, NMFS previously announced closure dates for the red snapper private angling component in Gulf Federal waters off Texas for the 2021 fishing year (85 FR 78792 (December 7, 2020); 86 FR 43117 (August 6, 2021)). On November 15, 2021, Texas closed state waters to red snapper fishing (<https://tpwd.texas.gov/newsmedia/releases/?req=20211109a>).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required under 50 CFR 622.23(b) which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

The Assistant Administrator for NOAA Fisheries (AA) finds that the need to implement this action to reduce the private angling component ACL for the Texas regional management area constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because such procedures are contrary to the public interest. Such procedures are

contrary to the public interest because a failure to implement the ACL overage adjustment prior to the end of 2021 would not reduce the 2021 Texas ACL, consistent with the agreement between NMFS and Texas, and as required under Amendments 50F. Adjusting the 2021 Texas ACL will ensure that any harvest in excess of that adjusted ACL is accounted for during the 2022 fishing year.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of the action under 5 U.S.C. 553(d)(3).

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

Dated: December 28, 2021.

Karen Abrams,

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

[FR Doc. 2021-28455 Filed 12-28-21; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140819687-5583-02; RTID 0648-XB688]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; 2021-2022 Commercial Closure for Spanish Mackerel in the Atlantic Southern Zone

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the Atlantic southern zone for commercial Spanish mackerel in or from the Atlantic exclusive economic zone. NMFS has determined that the commercial quota for Spanish mackerel in the Atlantic southern zone will be reached by January 3, 2022. Therefore, NMFS closes

the Atlantic southern zone to commercial harvest of Spanish mackerel on January 3, 2022. This closure is necessary to protect the Spanish mackerel resource in the Atlantic.

DATES: This temporary rule is effective from 6 a.m. eastern time on January 3, 2022, until 12:01 a.m. eastern time on March 1, 2022.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727-824-5305, or email: mary.vara@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish in the Atlantic includes king mackerel, Spanish mackerel, and cobia on the east coast of Florida, and is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All weights described for the Atlantic migratory group of Spanish mackerel (Atlantic Spanish mackerel) apply as either round or gutted weight.

For management purposes, the commercial sector of Atlantic Spanish mackerel is divided into northern and southern zones. The southern zone consists of Federal waters off South Carolina, Georgia, and the east coast of Florida. The southern zone boundaries extend from the border of North Carolina and South Carolina, which is a line extending in a direction of 135°34'55" from true north beginning at 33°51'07.9" N latitude and 78°32'32.6" W longitude to the intersection point with the outward boundary of the U.S. exclusive economic zone, to the border of Miami-Dade and Monroe Counties in Florida at 25°20'24" N latitude.

The southern zone commercial quota for Atlantic Spanish mackerel is 2,667,330 lb (1,209,881 kg). Regulations

at 50 CFR 622.388(d)(1)(i) require NMFS to close the commercial sector for Atlantic Spanish mackerel in the southern zone when the commercial quota is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial quota for Atlantic Spanish mackerel in the southern zone will be reached by January 3, 2022.

Accordingly, the commercial sector for Atlantic Spanish mackerel in the southern zone is closed effective at 6 a.m. eastern time on January 3, 2022, through February 28, 2022, the end of the current fishing year.

During the commercial closure, a person on a vessel that has been issued a valid Federal permit to harvest Atlantic Spanish mackerel may continue to retain this species in the southern zone under the recreational bag and possession limits specified in 50 CFR 622.382(a)(1)(iii) and (a)(2), as long as the recreational sector for Atlantic Spanish mackerel is open (50 CFR 622.384(e)(1)).

Also during the closure, Atlantic Spanish mackerel from the southern zone, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to Atlantic Spanish mackerel from the southern zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(2)).

Commercial harvest of Atlantic Spanish mackerel in the southern zone for the 2022-2023 fishing year begins on March 1, 2022.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.388(d)(1)(i), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment is unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the commercial closure for Atlantic Spanish mackerel have already been subject to notice and public comment, and all that remains is to notify the public of the commercial closure. Prior notice and opportunity for public comment on this action is

contrary to the public interest because of the need to immediately implement the commercial closure to protect the Atlantic Spanish mackerel resource. The capacity of the fishing fleet allows for rapid harvest of the commercial quota, and any delay in the commercial closure could result in the commercial quota being exceeded. Prior notice and opportunity for public comment would require time and would potentially result in a harvest that exceeds the commercial quota.

For the aforementioned reasons, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness of this action.

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

Dated: December 28, 2021.

Karen Abrams,

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

[FR Doc. 2021-28442 Filed 12-28-21; 4:15 pm]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 87, No. 1

Monday, January 3, 2022

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-1170; Project Identifier MCAI-2020-01572-G]

RIN 2120-AA64

Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Schempp-Hirth Flugzeugbau GmbH Model Janus, Mini-Nimbus HS-7, Nimbus-2, and Standard Cirrus gliders. This proposed AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a disconnected pendulum elevator. This proposed AD would require installing colored markings and revising the existing aircraft flight manual (FM) and service manual (SM). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by February 17, 2022.

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

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.
- **Fax:** (202) 493-2251.
- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12 140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Schempp-Hirth Flugzeugbau GmbH, Krehenstrasse 25, 73230 Kirchheim/Teck, Germany; phone: +49 7021 7298-0; fax: +49 7021 7298-199; email: info@schempp-hirth.com; website: <https://www.schempp-hirth.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-1170; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329-4165; fax: (816) 329-4090; email: jim.rutherford@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2021-1170; Project Identifier MCAI-2020-01572-G" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR

11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Jim Rutherford, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0260, dated November 26, 2020 (referred to after this as "the MCAI"), to address an unsafe condition on certain serial numbered Schempp-Hirth Flugzeugbau GmbH Model Janus, Mini-Nimbus HS 7, Nimbus-2, Standard Cirrus, Standard Cirrus B, Standard Cirrus CS 11-75L, and Nimbus-2M gliders. The MCAI states:

During an aero tow of a Standard Cirrus, the pendulum elevator disconnected. The technical investigation concluded that the elevator attachment was not properly locked. Due to similarity of design, this kind of event could also occur on other Schempp-Hirth sailplanes, including Nimbus-2M powered sailplanes.

This condition, if not corrected, could lead to failure of the elevator connection and loss of control of the (powered) sailplane.

To address this potential unsafe condition, Schempp-Hirth published the [technical note] TN, providing instructions to install an optical indicator and to update the Aircraft Flight Manual (AFM).

For the reasons described above, this [EASA] AD requires installation of an optical indicator and amendment of the AFM.

You may examine the MCAI in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-1170.

Related Service Information Under 14 CFR Part 51

The FAA reviewed Schempp-Hirth Flugzeugbau GmbH Technical Note No. 278-40/286-36/295-33/328-14/798-4, Revision 1, dated November 12, 2020 (issued as one document). The service information contains procedures for

installing colored markings to the top of the elevator on both sides of the locking mechanism and revising the existing aircraft FM and SM. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA's Determination

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per glider	Cost on U.S. operators
Install markings	1 work-hour × \$85 per hour = \$85	\$10	\$95	\$8,265
Revise FM and SM	1 work-hour × \$85 per hour = \$85	0	85	7,395

Authority for This Rulemaking

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information already described, except as described under "Differences Between this Proposed AD and the MCAI."

Differences Between This Proposed AD and the MCAI

The MCAI applies to Schempp-Hirth Flugzeugbau GmbH Model Standard Cirrus B, Standard Cirrus CS 11-75L, and Nimbus-2M gliders, and this proposed AD would not because these models do not have an FAA type certificate.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 87 gliders of U.S. registry.

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

§ 39.13 [Amended]

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

Schempp-Hirth Flugzeugbau GmbH: Docket No. FAA-2021-1170; Project Identifier MCAI-2020-01572-G.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by February 17, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Schempp-Hirth Flugzeugbau GmbH Model Janus, Mini-Nimbus HS-7, Nimbus-2, and Standard Cirrus gliders, with a serial number listed in Schempp-Hirth Flugzeugbau GmbH Technical Note No. 278-40/286-36/295-33/328-14/798-4, Revision 1, dated November 12, 2020, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2700, Flight Control System.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a disconnected pendulum elevator. The FAA is

issuing this AD to prevent an improperly locked elevator attachment. The unsafe condition, if not addressed, could result in failure of the elevator connection and loss of control of the glider.

(f) Compliance

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

(g) Required Actions

Within 90 days after the effective date of this AD, do the following actions concurrently.

(1) Install colored markings on the elevator in accordance with Action 1 in Schempp-Hirth Flugzeugbau GmbH Technical Note No. 278-40/286-36/295-33/328-14/798-4, Revision 1, dated November 12, 2020 (issued as one document).

(2) Revise the existing aircraft flight manual (FM) and service manual (SM) for your glider by replacing the pages specified in Action 2 in Schempp-Hirth Flugzeugbau GmbH Technical Note No. 278-40/286-36/295-33/328-14/798-4, Revision 1, dated November 12, 2020 (issued as one document), as applicable to your glider, with the revised pages for the manual applicable to your glider dated June 2020.

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

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329-4165; fax: (816) 329-4090; email: jim.rutherford@faa.gov.

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2020-0260, dated November 26, 2020, for more information. You may examine the EASA AD in the AD docket at <https://www.regulations.gov> by searching for and locating it in Docket No. FAA-2021-1170.

(3) For service information identified in this AD, contact Schempp-Hirth Flugzeugbau GmbH, Krehenstrasse 25, 73230 Kirchheim/Teck, Germany; phone: +49 7021 7298-0; fax: +49 7021 7298-199; email: info@schempp-hirth.com; website: <https://www.schempp-hirth.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110.

Issued on December 22, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-28320 Filed 12-30-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

[Docket ID ED-2021-OESE-0116]

Proposed Requirement—American Rescue Plan Act Elementary and Secondary School Emergency Relief Fund

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Proposed requirement.

SUMMARY: The Department of Education (Department) proposes a requirement for the American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund, under the American Rescue Plan Act of 2021 (ARP Act). This requirement is intended to promote accountability and transparency by requiring each State educational agency (SEA) to post on its website maintenance of equity information for each applicable local educational agency (LEA).

DATES: We must receive your comments on or before February 2, 2022.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

• **Federal eRulemaking Portal:** Go to www.regulations.gov to submit your comments electronically. Information on using [Regulations.gov](https://www.regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “FAQ.”

• **Postal Mail, Commercial Delivery, or Hand Delivery:** If you mail or deliver your comments about the proposed requirement, address them to U.S. Department of Education, 400 Maryland Avenue SW, Room 3W113, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Britt Jung, U.S. Department of Education, 400 Maryland Avenue SW, Room 3W113, Washington, DC 20202. Telephone: (202) 453-5563. Email: ESSERF@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: *Invitation to Comment:* We invite you to submit comments regarding the proposed requirement. To ensure that your comments have maximum effect in developing the requirement, we urge you to clearly identify the specific section of the proposed requirement that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from the proposed requirement.

During and after the comment period, you may inspect all public comments about the proposed requirement by accessing [Regulations.gov](https://www.regulations.gov). You may also inspect the comments in person. Please contact the person listed under **FOR FURTHER INFORMATION CONTACT** to make arrangements to inspect the comments in person.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed requirement. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The ARP ESSER Fund provides nearly \$122 billion to

SEAs and LEAs to help them safely reopen and sustain the safe operation of schools and address the impacts of the COVID-19 pandemic by addressing students' academic, social, emotional, and mental health needs. As a condition of receiving the funds, each SEA and LEA must comply with multiple requirements, including the maintenance of equity requirements in section 2004 of the ARP Act.

Program Authority: ARP Act, Public Law 117-2, March 11, 2021.

Proposed Requirement: This document contains one proposed requirement.

Background

The ARP Act provides nearly \$122 billion via the ARP ESSER Fund to SEAs and LEAs to help schools return safely to in-person instruction; sustain the safe operation of schools; and address the academic, social, emotional, and mental health impacts of the COVID-19 pandemic on the Nation's students. Under section 2004 of the ARP Act, SEAs and LEAs must meet new maintenance of equity requirements to receive funds under the ARP ESSER Fund. These provisions ensure that LEAs and schools serving a large share of students from low-income backgrounds do not experience a disproportionate share of reduced funding in fiscal years (FYs) 2022 and 2023, and that, for the highest-poverty LEAs, State funding is not decreased below their FY 2019 level. In addition, the maintenance of equity provisions ensure that each LEA safeguards its high-poverty schools from disproportionate cuts to funding and staffing. On August 6, 2021, the Department issued a Dear Colleague Letter (DCL) to Chief State School Officers and District School Superintendents emphasizing the importance of maintaining equity and addressing specific implementation challenges for FY 2022. On August 6, the Department also issued updated Frequently Asked Questions on the Maintenance of Equity Requirements (FAQs)¹ providing detailed guidance on how each SEA and LEA can maintain equity and comply with the maintenance of equity provisions. In that guidance, the Department indicated that SEAs and LEAs should consider making maintenance of equity data publicly available.

In Appendix A to the FAQs issued in June 2021 and updated on August 6 and October 1, 2021, the Department

required each SEA to report to it baseline and initial data on the State's high-need and highest-poverty LEAs. These data include: a list of the high-need LEAs; the statewide per-pupil amount of State funds provided to all LEAs in FYs 2021 and 2022 as well as the per-pupil amount provided to each high-need LEA in those years; a list of the highest-poverty LEAs; and the per-pupil amount of State funds provided to each highest-poverty LEA in FYs 2019 and 2022. In addition, each SEA was required to submit a list of the high-poverty schools in each LEA that must maintain equity in FY 2022. The Department is posting these data on its website at: <https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-and-secondary-school-emergency-relief/maintenance-of-equity/> and will update the website as new data become available. The Department also intends to collect SEA-level maintenance of equity data through each State's annual performance report and will make those data publicly available.

Although data on State-level maintenance of equity will be available on the Department's website, there are not publicly available data for LEA-level maintenance of equity. Accordingly, on October 5, 2021, the Department proposed a requirement² to address this need for transparency and accountability consistent with the Department's policy goals of ensuring that schools serving large proportions of historically underserved groups of students—including students from low-income families, students of color, English learners, students with disabilities, migratory students, and students experiencing homelessness—receive an equitable share of State and local funds as the Nation continues to recover from the impact of the COVID-19 pandemic on our education system. To support these goals, and to ensure public accountability for the implementation of the LEA-level maintenance of equity provisions of the ARP Act, the Department proposed to require that each SEA make publicly available information on how each LEA in the State is maintaining fiscal and staffing equity to meet the requirements of section 2004(c) of the ARP Act. Requiring that maintenance of equity data be publicly available would allow parents, families, and local communities to access information on how the LEA is maintaining equity for schools with

high concentrations of students from low-income families. Additionally, public posting of data and information on how each LEA in the State is maintaining equity is an important accountability tool for SEAs and the Department.

In response to the proposed requirement, the Department received 27 comments from States, LEAs, and national organizations. After considering those comments and other stakeholder input, the Department proposes this significantly revised requirement.

Many commenters recommended that the Department extend the reporting deadline to allow more time for SEAs and LEAs to prepare to meet the data reporting requirements and ensure more accurate reporting. The Department recognizes the concerns of grantees regarding accurate data reporting on a constricted timeline. As a result, the Department proposes to adjust the deadline to significantly extend the period for reporting data.

In addition, multiple commenters strongly recommended allowing for increased flexibility in the reporting requirements to accommodate SEAs' and LEAs' different school finance reporting systems. In response to these comments, the Department proposes to specify expanded options available to SEAs for reporting data to allow an LEA to demonstrate that the LEA maintained equity by providing applicable per-pupil expenditure data where appropriate. Specifically, paragraph (d) of the proposed requirement permits an SEA and its LEAs, in meeting and reporting LEA-level maintenance of equity, to rely on the applicable per-pupil expenditure data required to be included on the State report card pursuant to section 1111(h)(1)(C)(x) of the Elementary and Secondary Education Act of 1965 (ESEA). This paragraph would provide an LEA additional flexibility in meeting the LEA-level maintenance of effort requirement by using expenditure data the LEA may already have available for reporting per-pupil expenditures under section 1111(h)(1)(C)(x) of the ESEA without establishing new reporting systems.

Finally, commenters expressed concern over the potential burden that these data reporting requirements would place on SEAs and LEAs, noting that systems may not be in place yet to collect and analyze the data and that developing such systems takes significant amounts of time and labor.

The Department acknowledges these concerns and has addressed them through changes designed to achieve the

¹ See https://oese.ed.gov/files/2021/08/Maintenance-of-Equity-updated-FAQs_final_08.06.2021.pdf.

² www.federalregister.gov/documents/2021/10/05/2021-21764/proposed-requirement-american-rescue-plan-act-elementary-and-secondary-school-emergency-relief-fund.

benefit of sharing information on State and local funding in order to support students who have been subject to longstanding opportunity gaps in our education system.

Under paragraph (c) of the proposed requirements, each State would be required to publish, by December 31 following each applicable school year, specific data regarding compliance with the LEA-level maintenance of equity requirements. We are specifically requesting comment on whether such data elements would be available on the proposed timeline and, if not, when such data would be available. We also solicit comment as to whether, in the alternative, States would be able to publish data on the same proposed timeline demonstrating how each LEA met the fiscal and staffing equity requirements *generally*, instead of the specific data elements in proposed paragraph (c), and whether it would achieve similar transparency objectives. Under this alternative approach, States would have additional flexibility in the data they use to demonstrate LEA compliance with the requirements, though such an approach could limit cross-State data comparability and provide less certainty for stakeholders regarding the types of data they may reasonably expect from their SEA on LEA implementation.

Finally, given the proposed flexibilities in reporting on LEA-level maintenance of equity, the Department proposes in paragraph (b) that each SEA, by March 31, 2022 for FY 2022 which is the 2021–2022 school year and by November 1, 2022 for FY 2023 which is the 2022–2023 school year, publish on its website a description of how the SEA will ensure that each LEA that is not excepted from LEA-level maintenance of equity requirements is ensuring that its high-poverty schools are protected from any reduction of per-pupil funding by an amount that exceeds the overall per-pupil reduction in the LEA, if any, such that the LEA can make any necessary adjustments in a timely manner. This provision is designed to ensure an SEA has a process for determining that its LEAs actually maintain equity and, if the LEAs do not, are able to make any necessary adjustments in a timely manner.

Several questions in the FAQs on LEA-level maintenance of equity (see generally Questions 22–32) address the data an SEA would report under this proposed requirement. For example, Question 32 discusses LEAs that may be excepted under proposed paragraph (a)(1) from meeting the LEA-level maintenance of equity requirements, including those LEAs that qualify as

having exceptional or uncontrollable circumstances in FY 2022 due to the pandemic. (See also the August 6, 2021, DCL.) Similarly, Questions 23–25 clarify how to identify high-poverty schools under proposed paragraph (a)(2). Question 26 provides information applicable to proposed paragraphs (c)(1) and (2) and (d) on how the amount of per-pupil funding aligns with reporting on per-pupil expenditures under section 1111(h)(1)(C)(x) of the ESEA. Questions 28 and 29 clarify how to determine full-time-equivalent (FTE) staff applicable to proposed paragraphs (c)(3) and (4). Finally, Questions 27 and 30 address how to determine if an LEA has maintained equity in its high-poverty schools for proposed paragraph (c)(5).

Proposed Requirement

(a) By March 31, 2022 for FY 2022 which is the 2021–2022 school year and by November 1, 2022 for FY 2023 which is the 2022–2023 school year, a State educational agency (SEA) must publish the following LEA-level maintenance of equity data on its website:

(1) The identity of each LEA in the State that is excepted from LEA-level maintenance of equity requirements under section 2004(c)(2) of the ARP Act for each of the following reasons:

(i) The LEA has a total enrollment of less than 1,000 students.

(ii) The LEA operates a single school.

(iii) The LEA serves all students within each grade span with a single school.

(iv) The LEA has notified the SEA that the LEA demonstrates an exceptional or uncontrollable circumstance under section 2004(c)(2)(D) of the ARP Act and has not implemented an aggregate reduction in combined State and local per-pupil funding.

(v) The LEA has been granted an exception from LEA-level maintenance of equity requirements by the Department due to an exceptional or uncontrollable circumstance under section 2004(c)(2)(D) of the ARP Act and the Department has informed the SEA of this exception.

(2) For each LEA that is not excepted from LEA-level maintenance of equity requirements as detailed in paragraph (a)(1), the schools in the LEA that are identified as “high-poverty schools” as defined in section 2004(d)(4) of the ARP Act.

(b) By March 31, 2022 for FY 2022 which is the 2021–2022 school year and by November 1, 2022 for FY 2023 which is the 2022–2023 school year, each SEA must publish on its website a description of how the SEA will ensure that each LEA that is not excepted from LEA-level maintenance of equity

requirements is ensuring that its high-poverty schools are protected from any reduction of per-pupil funding by an amount that exceeds the overall per-pupil reduction in the LEA, if any, such that the LEA can make any necessary adjustments in a timely manner.

(c) By December 31 following each applicable school year (*e.g.*, December 31, 2022, for FY 2022 which is the 2021–2022 school year) or such other date as the Department may approve upon request from an SEA due to the SEA’s specific circumstances, an SEA must publish the following LEA-level maintenance of equity data on its website for each LEA in the State that is not excepted from LEA-level maintenance of equity requirements as detailed in paragraph (a)(1):

(1) The per-pupil amount of funding for each high-poverty school in the LEA in FYs 2021, 2022, and 2023, as applicable for the year for which the data are published.

(2) The per-pupil amount of funding in the aggregate for all schools in the LEA, on a districtwide basis or by grade span, in FYs 2021, 2022, and 2023, as applicable for the year for which the data are published.

(3) The per-pupil number of full-time-equivalent (FTE) staff for each high-poverty school in the LEA in FYs 2021, 2022, and 2023, as applicable for the year for which the data are published, which may also be indicated as the number of students per FTE staff.

(4) The per-pupil number of FTE staff in the aggregate for all schools in the LEA, on a districtwide basis or by grade span, in FYs 2021, 2022, and 2023, as applicable for the year for which the data are published, which may also be indicated as the number of students per FTEs.

(5) Whether the LEA did not maintain equity for any high-poverty school in FY 2022 or 2023, as applicable for the year for which the data are published.

(d) For the purpose of the reporting required in paragraph (c), an SEA and its LEAs may rely on the applicable per-pupil expenditure data required to be included on the State report card pursuant to section 1111(h)(1)(C)(x) of the Elementary and Secondary Education Act of 1965.

(e) All data required to be published under paragraphs (a)–(d) must be published in a way that is machine-readable and accessible, in a location accessible for parents and families. LEA- and school-level data must be listed by the applicable National Center for Education Statistics LEA ID and school ID, where applicable.

Executive Orders 12866 and 13563*Regulatory Impact Analysis*

Under Executive Order 12866, the Office of Management and Budget (OMB) must determine whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an “economically significant” rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive Order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing the proposed requirement only on a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected the approach that would maximize net benefits. Based on an analysis of anticipated costs and benefits, we believe that the proposed requirement is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with the Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department’s programs and activities.

Potential Costs and Benefits

The Department has analyzed the costs and benefits of complying with the proposed requirement. Due to the varying capacity and administrative structures of affected entities, we cannot estimate, with absolute precision, the likely effects of the proposed requirement. However, as discussed below, we estimate that the proposed requirement would have a net cost of \$60,000 over two years.

As an initial matter, the Department recognizes that staff at SEAs and LEAs nationwide expend considerable effort every year on education finance, both in their general supervisory capacity and as part of their efforts to comply with the maintenance of equity requirements in the ARP Act. The analysis below is not an attempt to quantify those efforts. Rather, this analysis is limited only to the incremental cost of complying with

the proposed requirement (e.g., through public reporting).

For the purposes of these estimates, the Department assumes that the proposed requirement does not generate any additional data collection or retention burdens beyond those already imposed by the statutory requirement itself. To the extent that these assumptions are incorrect, actual costs borne by States could be higher than those outlined below.

We assume that a representative from each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico (hereafter collectively referred to as States) would review the final requirement. We assume that such review would take, on average, one hour per State for a one-time cost of approximately \$2,800.³

We assume that, for each State, a management analyst would spend approximately eight hours, on average, compiling the relevant data and preparing it for posting. Within this estimate, we assume a management analyst would employ any necessary data suppression rules, add NCES identifiers, and make any necessary formatting changes for posting of the data. We assume that posting the data online would take a network administrator (\$59.09⁴ per hour) approximately 30 minutes. In total, we assume posting data would cost approximately \$23,900 per year.

Finally, we assume that approximately 20 States would need to update their data after initial posting. We assume the updates would take a management analyst approximately 4 hours to complete and would require 30 minutes for a network administrator to post. In total, we assume posting corrections would cost approximately \$4,900 per year.

In general, we believe that the costs outlined above could be offset with funds the States have reserved under the ARP ESSER grant program. The benefit of publicly posting LEA-level maintenance of equity data is to facilitate public accountability so that

³ The Department assumes a loaded wage rate of \$53.79 per hour based on the average hourly wage rate for management analysts employed in State governments, excluding schools and hospitals (https://www.bls.gov/oes/current/naics4_999200.htm), which is multiplied by 1.61 to account for the employer cost for employee compensation (<https://www.bls.gov/news.release/pdf/ecec.pdf>).

⁴ The Department assumes a loaded wage rate of \$59.09 per hour based on the average hourly wage rate for network and computer systems administrators employed in State governments, excluding schools and hospitals (https://www.bls.gov/oes/current/naics4_999200.htm), which is multiplied by two to account for overhead and benefits.

parents and families will be able to access publicly available information on how each LEA in the State is maintaining fiscal and staffing equity. Additionally, public posting of data and information on how each LEA in the State is maintaining equity is an important accountability tool for SEAs and the Department. As such, we believe the benefit to the general public would far outweigh any burden on States.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum "Plain Language in Government Writing" require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make the proposed requirement easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Would the proposed regulations be difficult to understand for or to explain to someone with literacy challenges or limited English proficiency?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections?
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make the proposed requirement easier to understand, see the instructions in the **ADDRESSES** section.

Intergovernmental Review: These programs are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual

revenue below \$7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The proposed regulatory action would affect only States, none of which is a small entity for the purpose of this analysis.

Paperwork Reduction Act

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*). This helps ensure that the public understands the Department's collection instructions, respondents provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

The proposed requirement that an SEA must publish on its website LEA-level maintenance of equity data for each LEA in the State contains an information collection requirement. Under the PRA, the Department has submitted this requirement to OMB for its review.

A Federal agency may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number. Notwithstanding any other provision of the law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently valid OMB control number.

As discussed in the *Potential Costs and Benefits* section of the *Regulatory Impact Analysis*, this proposed requirement would create cost and burden hours for SEAs. In the following paragraphs, we estimate the cost and burden hours associated with complying with this proposed requirement. Differences between the estimates in the *Regulatory Impact Analysis* and this section are due to differences in calculating the net impact and annual impact of this requirement.

We assume that, for each SEA, including the District of Columbia and the Commonwealth of Puerto Rico, a

management analyst, at an hourly rate of \$53.79, will spend approximately 8 hours compiling the relevant data and preparing it for publication on the SEA website. At an hourly rate of \$59.09, we estimate that posting the data online would take a network administrator approximately 30 minutes. We estimate that posting the LEA-level maintenance of equity data would cost each SEA \$460 and result in 8.5 burden hours annually for a total annual cost of \$23,900, and 442 burden hours.

We estimate that approximately 20 States will need to update their data after initial posting. We assume the updates would take a management analyst approximately 4 hours to complete and would require 30 minutes for a network administrator to post. We estimate posting corrections will cost each SEA \$240 and result in 4.5 burden hours for a total cost of \$4,900, and 90 burden hours.

Collectively, we estimate that this proposed requirement would result in a total estimated cost of \$28,800 and a total estimated burden of 532 hours to the public annually.

The Department is requesting paperwork clearance on the OMB 1810-0759 data collection associated with this proposed requirement. That request will account for all burden hours and costs discussed within this section. Consistent with 5 CFR 1320.8(d), the Department is soliciting comments on the information collection through this document. Between 30 and 60 days after publication of this document in the **Federal Register**, OMB is required to make a decision concerning the collections of information contained in this proposed requirement. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives your comments on these Information Collection Requests by February 2, 2022. Comments related to the information collection activities must be submitted electronically through the Federal eRulemaking Portal at www.regulations.gov by selecting the Docket ID number ED-2021-OESE-0116 or via postal mail, commercial delivery, or hand delivery by referencing the Docket ID number and the title of the information collection request at the top of your comment. Comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, Room 6W208D, Washington, DC 20202-8240.

Note: The Office of Information and Regulatory Affairs and the Department review all comments related to the

information collection activities posted at www.regulations.gov.

COLLECTION OF INFORMATION

Information collection activity	Estimated number of responses	Hours per response	Total estimated burden hours	Estimated total cost
LEA-level Maintenance of Equity Data Posting	52	8.5	442	\$23,900
LEA-level Maintenance of Equity Data Updates	20	4.5	90	4,900
Annualized Total	72	.....	532	28,800

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 the 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.

Ian Rosenblum,

Deputy Assistant Secretary for Policy and Programs, Delegated the authority to perform the functions and duties of the Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2021-28376 Filed 12-30-21; 8:45 am]

BILLING CODE 4000-01-P

SURFACE TRANSPORTATION BOARD**49 CFR Parts 1144 and 1145**

[Docket No. EP 711 (Sub-No. 1)]

Reciprocal Switching

AGENCY: Surface Transportation Board.

ACTION: Notification of public hearing.

SUMMARY: The Surface Transportation Board (Board) will hold a public hearing

on March 15 and 16, 2022, concerning the reciprocal switching regulations it proposed in this proceeding. The hearing will be held in the Hearing Room of the Board's headquarters, located at 395 E Street SW, Washington, DC 20423-0001. All interested persons are invited to appear. In addition, the Board will pause the period for ex parte discussions, beginning January 24, 2022, and modify the instructions for ex parte communications in this proceeding to permit ex parte discussions with up to two Board members in the same meeting.

DATES: The hearing will be held on March 15 and 16, 2022, beginning at 9:30 a.m., in the Hearing Room of the Board's headquarters and will be open for public observation.¹ The hearing will be available for viewing on the Board's website. Any person wishing to speak at the hearing should file with the Board a notice of intent to participate (identifying the party, proposed speaker, and time requested) as soon as possible but no later than January 27, 2022. Written comments, including required written testimony by hearing participants, may be submitted by all interested persons by February 14, 2022. Hearing participants are required to submit written testimony by February 14, 2022. Additionally, by the same date, any interested person, including those who will not appear at the hearing, may submit written comments addressing matters related to the proceeding, including the areas of interest identified below.

ADDRESSES: All filings should be submitted via e-filing on the Board's website at www.stb.gov. Filings will be posted to the Board's website and need not be served on the other hearing participants, written commenters, or any other party to the proceeding.

¹ The Board will provide additional instructions and requirements for facility entry in a subsequent decision. If the Board determines that the hearing should be held virtually, either entirely or in part, the Board will issue a subsequent decision by no later than March 1, 2022, indicating whether that is the case and containing registration instructions.

FOR FURTHER INFORMATION CONTACT:

Sarah Fancher at (202) 245-0355.

Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION:

In Reciprocal Switching (NPRM), EP 711 (Sub-No. 1) et al., (STB served July 27, 2016),² the Board proposed new regulations under which the Board would exercise its statutory authority to require rail carriers to establish switching arrangements in certain circumstances. The Board received numerous comments in response to the proposal. In addition, Board members have been participating in ex parte meetings with interested persons, and summaries of those meetings are posted in the docket pursuant to the procedure detailed in the *NPRM*. To allow interested persons to submit testimony to update the record, the Board will hold a public hearing and invite comments.

Background

Competitive access generally refers to the ability of a shipper or a competitor railroad to use the facilities or services of an incumbent railroad to extend the reach of the services provided by the competitor railroad. The provisions of 49 U.S.C. 11102 and 10705 make three competitive access remedies available to shippers and carriers: The prescription of through routes, terminal trackage rights, and, as relevant here, reciprocal switching. Under reciprocal switching, an incumbent carrier transports a shipper's traffic to an interchange point, where it switches the rail cars over to the competing carrier. The competing carrier pays the incumbent carrier a switching fee for bringing or taking the cars from the shipper's facility to the interchange point, or vice versa. The switching fee is incorporated in some manner into the competing carrier's total rate to the shipper. Reciprocal switching thus enables a competing carrier to offer its own single-line rate to

² The proposed rule was published in the **Federal Register**, 81 FR 51149 (Aug. 3, 2016).

compete with the incumbent carrier's single-line rate, even if the competing carrier's lines do not physically reach a shipper's facility. *NPRM*, EP 711 (Sub-No. 1) et al., slip op. at 2.

Reciprocal switching can occur as part of a voluntary arrangement between carriers, or it may be ordered by the Board. Under section 11102, the Board may require the establishment of a switching arrangement when it finds that the arrangement either (1) is practicable and in the public interest, or (2) is necessary to provide competitive rail service. 49 U.S.C. 11102(c)(1). Section 11102(c)(1) authorizes the Board to establish the conditions of and compensation for switching service if the affected carriers cannot reach agreement on those matters within a reasonable period. The Board's implementation of section 11102 is guided by the rail transportation policy set forth in 49 U.S.C. 10101. *See NPRM*, EP 711 (Sub-No. 1) et al., slip op. at 16.

The Board's current regulations governing reciprocal switching were promulgated in 1985 by the Board's predecessor, the Interstate Commerce Commission (ICC), *see Intramodal Rail Competition*, 1 I.C.C.2d 822 (1985), *aff'd sub nom. Balt. Gas & Elec. v. United States*, 817 F.2d 108 (D.C. Cir. 1987), and are codified at 49 CFR 1144.³ The regulations provide that reciprocal switching would only be prescribed if the agency determines that it "is necessary to remedy or prevent an act that is contrary to the competition policies of 49 U.S.C. [§] 10101 or is otherwise anticompetitive," and "otherwise satisfies the criteria of . . . [§] 11102(c)." 49 CFR 1144.2(a)(1). The Board's regulations also provide relevant factors that the agency shall consider in determining whether to prescribe competitive access, along with a "standing" requirement. 49 CFR 1144.2(a)(1)–(2). The regulations do not address how the Board should establish compensation for Board-ordered switching when the carriers cannot reach agreement within a reasonable period.⁴

In *Midtec Paper Corp. v. Chicago & North Western Transportation Co.*, 3 I.C.C.2d 171 (1986), the first case where the ICC applied 49 CFR 1144.2, the

agency explained that the key issue under its then-new regulations was whether the incumbent railroad "has engaged in or is likely to engage in conduct that is contrary to the rail transportation policy or is otherwise anticompetitive." *Id.* at 181. The ICC further explained that it would find anticompetitive behavior only when an incumbent carrier had "used its market power to extract unreasonable terms on through movements" or "because of its monopoly position . . . shown a disregard for the shipper's needs by rendering inadequate service." *Id.* The agency's competitive access regulations have not changed substantively since 1985 and few requests for reciprocal switching have been filed since then.

The Board proposed modified regulations as set forth in the *NPRM*.⁵ *NPRM*, EP 711 (Sub-No. 1) et al., slip op. at 13–28. Under the Board's proposed regulations, there would be no need to show anticompetitive conduct, as had been required in the ICC's *Midtec* decision. Rather, under the Board's proposed regulations, the Board would require the establishment of a switching arrangement when the switching arrangement *either* was practicable and in the public interest *or* was necessary to provide competitive rail service. *NPRM*, EP 711 (Sub-No. 1) et al., slip op. at 16.

In assessing whether a switching arrangement would be practicable and in the public interest under the proposed regulations, the Board would consider whether the benefits of a proposed arrangement would outweigh its potential detriments. In making that determination, the Board would consider all relevant factors, such as (1) whether the arrangement would further the rail transportation policies in 49 U.S.C. 10101; (2) the efficiency of the proposed route; (3) whether the arrangement would allow access to new markets; (4) the impacts, if any, of the arrangement on capital investment, quality of service, and employees; (5) the amount of traffic that would be moved under the arrangement; and (6) the impact, if any, of the arrangement on the rail transportation network. *NPRM*, EP 711 (Sub-No. 1) et al., slip op. at 18.

In assessing whether a reciprocal switching arrangement would be necessary to provide competitive rail service, the Board would consider whether intermodal and intramodal competition were effective with respect to the movements for which the

switching arrangement was sought. The Board would evaluate the effectiveness of competition using quantitative and qualitative factors that the Board has developed in the context of assessing market dominance in rate challenges, but it would not consider product competition or geographic competition. *Id.* at 27.

The Board's proposed regulations also state that reciprocal switching would not be ordered, even if one or both of the foregoing standards were met, if the switching was not feasible, would be unsafe, or would unduly hamper a carrier's ability to serve its customers. As additional limitations, the Board would require the establishment of a switching arrangement only when (1) the shipper or receiver was served by a single Class I carrier; and (2) there was or could be, within a reasonable distance of the shipper or receiver's facilities, a working interchange between the incumbent carrier and another Class I rail carrier. *Id.* at 19–21.

The *NPRM* sought comments on two alternatives regarding the compensation the Board could impose for switching service if the carriers could not agree within a reasonable time period. Under the first alternative, compensation would be based on factors such as: (1) The geography where the proposed switch would occur; (2) the distance between the shipper/receiver and the proposed interchange; (3) the cost of the service; (4) the capacity of the interchange facility; and (5) other case-specific factors. The *NPRM* asked for comment on whether the agency should also consider what have been referred to as the incumbent carrier's lost contribution or opportunity costs. Under the second alternative, compensation would be based on the cost of providing the service plus a fair and reasonable return on the capital that was used to provide the service, analogous to the rental income that applies when the Board orders a carrier to provide trackage rights to another carrier (the Board's "SSW methodology"). (*Id.* at 25–26); *see, e.g., New England Cent. R.R.—Trackage Rts. Ord.—Pan Am S. LLC*, FD 35842 (STB served Oct. 31, 2017); *St. Louis Sw. Ry.—Trackage Rts. over Mo. Pac. R.R.—Kan. City to St. Louis*, 4 I.C.C.2d 668 (1987); *St. Louis Sw. Ry.—Trackage Rts. over Mo. Pac. R.R.—Kan. City to St. Louis*, 1 I.C.C.2d 776 (1984).

Overview of Comments

The *NPRM* generated divergent responses, briefly described below, from a variety of stakeholders.

Many of the comments address the scope of the Board's authority to

³ 49 CFR 1144 also contains the Board's regulations governing through routes under 49 U.S.C. 10705.

⁴ The Board's current regulations in Part 1144 also state that "[t]he Board will not consider product competition," and, "[i]f a railroad wishes to rely in any way on geographic competition, it will have the burden of proving the existence of effective geographic competition by clear and convincing evidence." 49 CFR 1144.2(b)(1)–(2). *See also NPRM*, EP 711 (Sub-No. 1) et al., slip op. at 27.

⁵ The Board's proposal left in place the Board's existing regulations that govern through routes. *See NPRM*, EP 711 (Sub-No. 1) et al., slip op. at 26, 39–40.

promulgate revised competitive access regulations. Commenters who generally support the proposed regulations assert that the regulations are within the Board's statutory authority under 49 U.S.C. 11102(c). These commenters argue that the showing of anticompetitive conduct required in *Midtec* is not required by statute, as section 11102(c) establishes two bases for reciprocal switching: When "practicable and in the public interest" or when "necessary to provide competitive rail service." These commenters further argue that the proposed regulations (1) would not interfere with rail carriers' ability to set their own rates; and (2) would not offend any statutory right to the long haul, given that the statutory provision that supports a carrier's right to the long haul (49 U.S.C. 10705) is expressly conditioned by the Board's authority to require the establishment of switching arrangements.

In contrast, commenters who generally oppose the proposed regulations assert that the regulations would exceed the scope of the Board's statutory authority. These commenters argue that Congress authorized the Board to compel switching only upon a showing of anticompetitive behavior because railroads, as common carriers, undertake investment and operational responsibilities. These commenters further argue that, in the absence of anticompetitive behavior, the Board's order of a switching arrangement would impermissibly interfere with both the incumbent carrier's right to the long haul under section 10705 and carriers' discretion to engage in differential pricing, *i.e.*, to charge rates that vary according to the elasticity of a shipper's demand.

The same commenters assert that, even if the proposed regulations fall within the Board's statutory authority, they are misguided as a matter of policy because they would drive rates down to the point of undermining carriers' ability to raise sufficient capital, thereby threatening the ability of carriers to make the investments necessary to maintain and operate the rail network efficiently and effectively. They also argue that the proposed approach would lead to switching arrangements that are economically inefficient.

Commenters who generally support the proposal counter that the proposed regulations would substantially advance the public interest. They argue that the proposed regulations would: (1) Foster competition among rail carriers at a time when (due to mergers and acquisitions) shippers' rail transportation options are limited; (2) limit the availability of

switching orders to certain locations and certain conditions, such that the current structure of the rail industry would largely remain in place; and (3) promote competition and efficiency in the U.S. economy overall.

Many commenters urge the Board to adopt revisions to the proposed regulations. Some sought more specific standards or thresholds for when the Board would require the establishment of a switching arrangement. Some suggest expanding the availability of Board-prescribed switching, for example by making it available to shippers who are served by more than one Class I carrier, shippers who are served by carriers other than Class I carriers, or shippers who are seeking to switch to a carrier other than a Class I carrier. Several commenters urge the Board to adopt streamlined procedures for reviewing requests for switching arrangements, while others offer proposals on how to allocate the burden of proof in switching proceedings.

In response to an invitation in the *NPRM*, many commenters address what would constitute a reasonable distance between a shipper's facilities and a location where the Board could require switching. Commenters who generally support the proposed regulations suggest that what constitutes a reasonable distance should be liberally construed. Some advocate a mileage-based approach to determining a reasonable distance. Others suggest that what constitutes a reasonable distance should turn on case-by-case operational considerations, such as where a switch could be accomplished effectively. Commenters who generally oppose the proposed regulations argue, in contrast, that the Board's authority to require the establishment of switching arrangements is limited to terminal areas.

Also in response to an invitation in the *NPRM*, many commenters address how the Board should establish compensation for switching if carriers cannot reach agreement within a reasonable time. Some commenters assert that compensation should include a contribution to the fixed and common costs of the incumbent carrier's network that the carrier would have recouped from the switching shipper. Other commenters disagree, suggesting that this approach would unreasonably require a shipper to pay twice for service. Most of these commenters assert that compensation should be based on the incumbent carrier's fully allocated cost of providing that service, including a reasonable rate of return on the capital that is used to provide the service.

Public Hearing

The Board will hold a public hearing in this proceeding on March 15 and 16, 2022. Participants in the hearing may address the issues described below and any other matters relevant to this proceeding. Hearing participants are required to submit written testimony by February 14, 2022.

Comments Requested

Since the issuance of the *NPRM* and the Board's receipt of written comments and the occurrence of some of the *ex parte* meetings, there have been significant operational changes in and affecting the freight rail industry. For example, Class I carriers have changed their means of designing rail service. Commenters may have additional or modified views on the effects and/or need for the proposed regulations.

To ensure a full and updated record in this proceeding, the Board invites written comments on several broad areas of interest. First, comments may identify new developments (*i.e.*, developments that have occurred since the Board previously invited comments in this proceeding) that a commenter finds are relevant to a final decision in this matter and address any change or significant development in a commenter's views since the previous round of comments. Second, comments may address topics that were discussed in *ex parte* communications that have taken place since October 25, 2016, in this proceeding.⁶ Participants should understand that the Board has reviewed the comments filed to date, and that repeating those same arguments in the written comments is strongly discouraged.

Written comments on these areas of interest may be filed by any interested person, regardless of intent to participate at the hearing, by February 14, 2022. Those intending to participate at the hearing may include in their written testimony comments on the issues raised above and any other matters relevant to this proceeding.

⁶ A party must submit a summary of an *ex parte* meeting it participated in within two business days of the meeting, per the instructions set forth in the *NPRM*. Should a party wish to reply to a meeting summary, it must do so within the time period for written comments, set out above. To ensure adequate time for parties to consider *ex parte* meeting summaries in advance of the deadline for written comments, the Board expects that summaries of meetings held between now and January 21, 2022, will be posted to the docket within five business days of submission, but not later than February 4, 2022.

Pause of the Ex Parte Period and Modification of the Ex Parte Waiver

As discussed in the *NPRM*, the Board provided a limited waiver of the ex parte prohibitions that otherwise apply to this proceeding.⁷ Many stakeholders and interested persons have met with Board members, and summaries of those meetings are posted in the public docket. Beginning January 24, 2022, the Board will pause the scheduling of any further ex parte communications until the completion of the hearing set for March 15–16, 2022. The period for further ex parte communication will resume following the hearing and will close on April 6, 2022. Although allowing for the resumption of ex parte meetings will provide an opportunity for hearing participants and other interested persons to address any matter that may remain to be addressed following the hearing, all interested persons should endeavor to make their hearing presentations, both written and oral, complete so that the hearing will be as comprehensive as possible, repetition can be avoided, and the

record in this matter can be closed expeditiously.

The Board will also modify the procedures for such ex parte communications to allow ex parte discussions with up to two Board Members in the same meeting, with the consent of the Board Members with whom the meeting is requested. When the *NPRM* was issued, the Board was composed of three Board members, such that two members constituted a majority, which could have implications under the Government in the Sunshine Act, 5 U.S.C. 552b. Accordingly, the *NPRM* specified that if a party wished to meet with multiple Board members, separate meetings must be scheduled. *NPRM*, EP 711 (Sub-No. 1) et al., slip op. at 29. Given that two members no longer constitute a majority under the Board's current composition (and provided the composition remains at no fewer than four members), interested persons may have ex parte discussions with up to two members between now and the closing of the period for ex parte communications.

Board Releases and Transcript Availability: Decisions and notices of the Board, including this document, are available on the Board's website at www.stb.gov. The Board will issue a separate notice containing instructions for attendance at the hearing and the schedule of appearances. Once the transcript is available, it will be posted on the Board's website.

It is ordered:

1. A public hearing will be held on March 15 and 16, 2022, at 9:30 a.m., in the Hearing Room of the Board's headquarters, located at 395 E Street SW, Washington, DC 20423–0001.

2. The period for ex parte communications in this proceeding will be paused beginning January 24, 2022, and will resume from March 17, 2022 until April 6, 2022.

3. By January 27, 2022, any person wishing to speak at the hearing shall file with the Board a notice of intent to participate identifying the party, the proposed speaker, and the time requested.

4. Written testimony and written comments shall be filed by February 14, 2022.

5. Filings will be posted to the Board's website and need not be served on any hearing participants or other commenters.

6. This decision is effective on its service date.

7. This decision will be published in the **Federal Register**.

Decided: December 27, 2021.

By the Board, Board Members Fuchs, Oberman, Primus, and Schultz.

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2021–28396 Filed 12–30–21; 8:45 am]

BILLING CODE 4915–01–P

⁷ In 2018, the Board revised its regulations to permit ex parte communications in informal rulemaking proceedings pursuant to specified procedures. See *Ex Parte Commc'ns in Informal Rulemaking Proc.*, EP 739 (STB served Feb. 28, 2018); 49 CFR 1102.2(g). However, those regulations do not apply to informal rulemaking proceedings, such as this one, that were initiated prior to April 4, 2018.

Notices

Federal Register

Vol. 87, No. 1

Monday, January 3, 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

Forest Service

Notice of Proposed New Fee Sites

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of proposed new fee sites.

SUMMARY: The Beaverhead-Deerlodge National Forest is proposing to charge new fees at 36 recreation sites listed in **SUPPLEMENTARY INFORMATION** of this notice. Funds from fees would be used for operation, maintenance, and improvements of these recreation sites. An analysis of nearby developed recreation sites with similar amenities shows the proposed fees are reasonable and typical of similar sites in the area.

DATES: If approved, the new fees would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: Beaverhead—Deerlodge National Forest, 420 Barrett Street, Dillon, MT 59725.

FOR FURTHER INFORMATION CONTACT: Noelle Meier, Recreation Program Manager, 406-683-3932 or r1recfee@fs.fed.us.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new recreation fee areas are established. The fees are only proposed at this time and will be determined upon further analysis and public comment. Reasonable fees, paid by users of these sites, will help ensure that the Forest can continue maintaining and improving recreation sites like this for future generations.

As part of this proposal, the Canyon Creek, Cottonwood, Crystal Creek, Mill Creek, North Van Houten, Pintler,

Potosi, Seymour Creek, South Van Houten, and Steel Creek campgrounds are proposed at \$12 per night, with an additional \$5 extra vehicle fee per night. Bear Creek, Branham Lakes, Copper Creek, East Creek, East Fork, Flint Creek, Grand Vista, Racetrack, Spillway, Stony, and Whitehouse campgrounds are proposed at \$15 per night, with an additional \$5 extra vehicle fee per night. A \$15 for single site, a \$30 for double site, and a \$5 extra vehicle fee per night is proposed at Dinner Station Campground. A \$50 per night fee is proposed for Copper Creek Group Campsite. In addition, this proposal would implement new fees at six recreation rentals: Landon, Mill Creek Rider, and Whitetail Cabins proposed at \$45 per night; Divide Cabin proposed at \$55 per night; Wall Creek Ranger Cabin proposed at \$65 per night; and Springhill Cabin proposed at \$75 per night. A \$5 day-use fee per vehicle is proposed at Cliff Point, Delmoe Lake, Grassy Point, Philipsburg Bay, Piney, Red Bridge, and Wade Lake. The full suite of Interagency passes would be honored.

New fees would provide increased visitor opportunities, as well as increased staffing to address operations and maintenance needs and enhance customer service. Once public involvement is complete, these new fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Advanced reservations for campgrounds and cabins will be available through www.recreation.gov or by calling 1-877-444-6777. The reservation service charges an \$8.00 fee for reservations.

Dated: December 27, 2021.

Sandra Watts,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2021-28392 Filed 12-30-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Proposed New Fee Sites

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of proposed new fee sites.

SUMMARY: The Carson National Forest is proposing to charge new fees at 14 recreation sites listed in **SUPPLEMENTARY INFORMATION** of this notice. Funds from fees would be used for operation, maintenance, and improvements of these recreation sites. An analysis of nearby developed recreation sites with similar amenities shows the proposed fees are reasonable and typical of similar sites in the area.

DATES: If approved, the new fees would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: Carson National Forest, 208 Cruz Alta Road, Taos, NM 87571.

FOR FURTHER INFORMATION CONTACT: Eric Garner, Recreation Program Manager, 575-758-6310 or eric.garner@usda.gov.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new recreation fee areas are established. The fees are only proposed at this time and will be determined upon further analysis and public comment. Reasonable fees, paid by users of these sites, will help ensure that the Forest can continue maintaining and improving recreation sites like this for future generations.

As part of this proposal, the Cebolla Mesa and Lower Canjilon Campgrounds are proposed at \$10 per night with a \$5 extra vehicle fee. In addition, a \$5 extra vehicle fee at Echo Amphitheater and Middle Canjilon Lakes is proposed. The El Rito group picnic site is proposed at \$75 per visit. A \$5 day-use fee per vehicle at Shuree Ponds, Cebolla Mesa, El Nogal, and Upper Canjilon Lakes would be added to improve services and facilities. A new state-wide New Mexico annual pass is being proposed at \$40. The full suite of Interagency passes would be honored.

New fees would provide increased visitor opportunities, as well as increased staffing to address operations and maintenance needs and enhance customer service. Once public involvement is complete, these new fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Advanced reservations for campgrounds and cabins will be available through www.recreation.gov or

by calling 1-877-444-6777. The reservation service charges an \$8.00 fee for reservations.

Dated: December 27, 2021.

Sandra Watts,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2021-28390 Filed 12-30-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Proposed New Fee Sites

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of proposed new fee sites.

SUMMARY: The Stanislaus National Forest is proposing to charge new fees at nine recreation sites and proposing one recreation permit listed in **SUPPLEMENTARY INFORMATION** of this notice. Funds from fees/permit would be used for operation, maintenance, and improvements of these recreation sites. An analysis of nearby developed recreation sites with similar amenities shows the proposed fees are reasonable and typical of similar sites in the area.

DATES: If approved, the new fees/permit would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: Stanislaus National Forest, 19777 Greenley Road, Sonora, CA 95370.

FOR FURTHER INFORMATION CONTACT: Casey Jardine, Public Service Staff Officer, 209-813-6011 or casey.jardine@usda.gov.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new recreation fee areas are established. The fees are only proposed at this time and will be determined upon further analysis and public comment. Reasonable fees, paid by users of these sites, will help ensure that the Forest can continue maintaining and improving recreation sites like this for future generations.

As part of this proposal, the Hermit Valley and Black Springs off-highway vehicle campgrounds are proposed at \$20 per night. The Herring Creek and Herring Reservoir campgrounds are proposed at \$25 per night. A \$20 fee per tree for a Christmas tree permit is proposed. A \$5 day-use fee per vehicle

and a \$30 annual pass is proposed at Sourgrass, Rainbow Pool, Carlon Day, and Beardsley day use sites and Union East Boat Ramp. The full suite of Interagency passes would be honored.

New fees would provide increased visitor opportunities as well as increased staffing to address operations and maintenance needs and enhance customer service. Once public involvement is complete, these new fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Dated: December 27, 2021.

Sandra Watts,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2021-28394 Filed 12-30-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Proposed New Fee Sites

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of proposed new fee sites.

SUMMARY: The Modoc National Forest is proposing to charge new fees at 17 recreation sites listed in **SUPPLEMENTARY INFORMATION** of this notice. Funds from fees would be used for operation, maintenance, and improvements of these recreation sites. An analysis of nearby developed recreation sites with similar amenities shows the proposed fees are reasonable and typical of similar sites in the area.

DATES: If approved, the new fees would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: Modoc National Forest, 225 West 8th Street, Alturas, CA 96101.

FOR FURTHER INFORMATION CONTACT: Chris Bielecki, Forest Engineer, 530-233-8850 or christopher.s.bielecki@usda.gov.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new recreation fee areas are established. The fees are only proposed at this time and will be determined upon further analysis and public comment. Reasonable fees, paid by users of these sites, will help ensure that the Forest can continue maintaining and

improving recreation sites like this for future generations.

As part of this proposal, the Schonchin Springs campground proposes a \$10 per night fee. A \$15 per night fee and a \$5 extra vehicle fee are proposed at Stough Reservoir, Pepperdine, Pepperdine Equestrian, Cave Lake, East Creek, and Patterson campgrounds. In addition, this proposal would implement a new fee at one recreation rental: Patterson Guard Station at \$75 per night. A \$5 day-use fee per vehicle for Medicine Lake day use area is also proposed. The full suite of Interagency passes would be honored.

New fees would provide increased visitor opportunities, as well as increased staffing to address operations and maintenance needs and enhance customer service. Once public involvement is complete, these new fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Advanced reservations for campgrounds and the cabin will be available through www.recreation.gov or by calling 1-877-444-6777. The reservation service charges an \$8.00 fee for reservations.

Dated: December 27, 2021.

Sandra Watts,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2021-28391 Filed 12-30-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Proposed New Fee Sites

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of proposed new fee sites.

SUMMARY: The Cibola National Forest and National Grasslands is proposing to charge new fees at 32 recreation sites listed in **SUPPLEMENTARY INFORMATION** of this notice. Funds from fees would be used for operation, maintenance, and improvements of these recreation sites. An analysis of nearby developed recreation sites with similar amenities shows the proposed fees are reasonable and typical of similar sites in the area.

DATES: If approved, the new fees would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: Cibola National Forest and National Grasslands, 2113 Osuna Rd. NE, Albuquerque, NM 87113.

FOR FURTHER INFORMATION CONTACT:

Christa Osborn, Recreation, Engineering, Archeology, Lands and Minerals Staff, 505-346-3781 or christa.osborn@usda.gov.

SUPPLEMENTARY INFORMATION:

The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new recreation fee areas are established. The fees are only proposed at this time and will be determined upon further analysis and public comment. Reasonable fees, paid by users of these sites, will help ensure that the Forest can continue maintaining and improving recreation sites like this for future generations.

As part of this proposal, the Ojo Redondo, Black Kettle, Skipout, Spring Creek, Spring Creek Eastside Camp Area, Water Canyon, Lake Marvin, and Mills Canyon campgrounds are proposed at \$10 per night. Lake Marvin campground also proposes a \$15 fee for sites with electric hookups. The Mills Canyon Rim is proposed at \$12 per night. Group site proposals include Water Canyon campground at \$50 per night; Capilla Peak Pavilion at \$45 per day; Red Canyon Picnic at \$15 per day; and Water Canyon Picnic at \$35 per day. A \$5 day-use fee per vehicle at McGaffey Lake, Lobo Canyon, Hilso, Milk Ranch, Quartz Hill, Water Canyon, Albuquerque, Red Canyon, Fourth of July, Coyote, Piedra Lisa North, Pine Flat, Tunnel Springs, Black Kettle Recreation Complex, Skipout, Spring Creek, Lake Marvin, and Spring Creek Eastside would be added to improve services and facilities. A new state-wide New Mexico annual pass is being proposed at \$40. A new \$30 annual pass is being proposed for Black Kettle Ranger District's sites in Oklahoma and Texas. The full suite of Interagency passes would be honored.

New fees would provide increased visitor opportunities, as well as increased staffing to address operations and maintenance needs and enhance customer service. Once public involvement is complete, these new fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Advanced reservations for campgrounds and cabins will be available through www.recreation.gov or by calling 1-877-444-6777. The reservation service charges an \$8.00 fee for reservations.

Dated: December 27, 2021.

Sandra Watts,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2021-28393 Filed 12-30-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE**Office of Partnerships and Public Engagement****Notice of Request for Approval of an Information Collection**

AGENCY: USDA—Office of Partnerships and Public Engagement.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the Office of Partnerships and Public Engagement intention to request an extension with change for a currently approved information collection for the United States Department of Agriculture (USDA)/1890 National Scholars Program.

DATES: Comments on this notice must be received by January 24, 2022, to be assured of consideration.

ADDRESSES: The Office of Partnerships and Public Engagement invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

Federal eRulemaking Portal: This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to <http://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.

Mail, including CD-ROMs, etc.: Send to: Kenya Nicholas, U.S. Department of Agriculture, Office of Partnerships and Public Engagement, 1400 Independence Avenue SW, Room 524-A, Whitten Building, Washington, DC 20250-3700.

Hand- or courier-delivered submittals: Deliver to 1400 Independence Avenue SW, Room 524-A, Whitten Building, Washington, DC 20250-3700.

Instructions: All items submitted by mail or electronic mail must include the Office of Partnerships and Public Engagement. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>.

For access to background documents or comments received, go to the Office of Partnerships and Public Engagement, 1400 Independence Avenue SW, Room

524-A, Whitten Building, Washington, DC 20250-3700. Office of Partnerships and Public Engagement, Docket Room at 1400 Independence Avenue SW, Room 524-A, Whitten Building, Washington, DC 20250 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Kenya Nicholas, Office of Partnerships and Public Engagement, USDA/1890 National Scholars Program, 1400 Independence Avenue, Washington, DC 20250-3700; or call (202) 720-6350 or send a fax to: (202) 720-7704. You may also send an email to: 1890init@usda.gov.

SUPPLEMENTARY INFORMATION:

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces the intention of the Office of Partnerships and Public Engagement to request an extension for a currently approved information collection for the USDA/1890 National Scholars Program.

Title: USDA/1890 National Scholars Program.

OMB Number: 0503-0015.

Expiration Date of Approval: March 31, 2022.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The USDA/1890 National Scholars Program is a joint human capital initiative between the U.S. Department of Agriculture (USDA) and the 1890 Historically Black Land-Grant Universities. Through the 1890 National Scholars Program, USDA offers scholarships to high school and college students who are seeking a bachelor's degree in the fields of agriculture, food, science, or natural resource sciences and related disciplines at one of the established 1890 Land-Grant Universities. A completed application is required for graduating high school students, and college freshman and sophomores to be considered for the scholarship. The first section of the high school application requests the applicant to include biographical information (*i.e.*, name, address, age, etc.); educational background information (*i.e.*, grade point average, test scores, name of university(ies) interested in attending, and desired major); and extracurricular activities. The second section of the application is completed by the student's guidance counselor and requests information pertaining to the student's academic status, grade point average, and test scores. The last section of the application, which is to be completed by a teacher, provides information assessing the applicant's interests,

habits, and potential. The first section of the college application requests the applicant to include biographical information (*i.e.*, name, address, age, etc.); educational background information) *i.e.*, grade point average, name of university currently attending and declared major); activities. The second section of the application requires the submission of a transcript; essay containing 500–800 words; two letters of recommendation submitted on behalf of the applicant.

There are no sections included in the application that the letter writing officials will need to complete.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2 hours per response.

Respondents: High School Students, College Freshman and Sophomore Students, High School Teachers and Guidance Counselors, College Department Head, Dean of a College, University Vice Presidents, or a College Professor.

Estimated Number of Respondents: 3,420 (1,140 applications).

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 6,840 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Kenya Nicholas, U.S. Department of Agriculture, Office of Partnerships and Public Engagement, 1400 Independence Avenue SW, Room 524–A, Whitten Building, Washington, DC 20250–3700. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request

for OMB approval. All comments will become a matter of public record.

Lisa R. Ramirez,

Director, Office of Partnerships and Public Engagement.

[FR Doc. 2021–28389 Filed 12–30–21; 8:45 am]

BILLING CODE 3412–88–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–822]

Certain Frozen Warmwater Shrimp From Thailand: Final Results of Antidumping Duty Administrative Review; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) determines that the producer/exporter subject to this administrative review made sales of subject merchandise at less than fair value (LTFV) during the period of review (POR), February 1, 2019, through January 31, 2020.

DATES: Applicable January 3, 2022.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Luberda, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2185.

SUPPLEMENTARY INFORMATION:

Background

This review covers a single producer/exporter of the subject merchandise, Thai Union Group Public Co., Ltd./Thai Union Seafood Co., Ltd./Pakfood Public Company Limited/Asia Pacific (Thailand) Co., Ltd./Chaophraya Cold Storage Co., Ltd./Okeanos Co., Ltd./Okeanos Food Co., Ltd./Takzin Samut Co., Ltd (collectively, Thai Union).¹

¹ In the 2012–2013 administrative review, Commerce found that the following companies composed a single entity: Thai Union Frozen Products Public Co. Ltd.; Thai Union Seafood Co., Ltd.; Pakfood Public Company Limited; Asia Pacific (Thailand) Co., Ltd.; Chaophraya Cold Storage Co., Ltd.; Okeanos Co., Ltd.; Okeanos Food Co., Ltd.; and Takzin Samut Co., Ltd. See *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 (August 28, 2014). Further, on January 5, 2016, Commerce found that Thai Union Group Public Co., Ltd. is the successor-in-interest to Thai Union Frozen Products Public Co., Ltd. See *Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from Thailand*, 81 FR 222 (January 5, 2016).

On June 28, 2021, Commerce published the *Preliminary Results*.² On October 15, 2021, we postponed the final results until December 23, 2021.³ A summary of the events that occurred since Commerce published the *Preliminary Results*, as well as a full discussion of the issues raised by interested parties for these final results, may be found in the Issues and Decision Memorandum.⁴ The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order includes certain warmwater shrimp and prawns, whether frozen, wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off,⁵ deveined or not deveined, cooked or raw, or otherwise processed in frozen form. The frozen warmwater shrimp and prawn products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size. The products subject to this order are currently classifiable in HTSUS statistical reporting numbers 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18,

Therefore, we are treating these companies as a single entity for the purposes of this administrative review.

² See *Certain Frozen Warmwater Shrimp from Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020*, 86 FR 33984 (June 28, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

³ See Memorandum, “Certain Frozen Warmwater Shrimp from Thailand: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,” dated October 15, 2021.

⁴ See Memorandum, “Issues and Decision Memorandum for the Final Results of the 2019–2020 Administrative Review of the Antidumping Duty Order on Certain Frozen Warmwater Shrimp from Thailand,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁵ “Tails” in this context means the tail fan, which includes the telson and the uropods.

0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description remains dispositive.⁶

Analysis of Comments Received

All issues raised in case and rebuttal briefs by interested parties to this

administrative review are addressed in the Issues and Decision Memorandum. For a list of issues raised by parties, see the appendix to this notice.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding the *Preliminary Results*, we made certain changes to the

preliminary weighted-average margin calculations for Thai Union.⁷

Final Results of the Review

We are assigning the following weighted-average dumping margin to Thai Union for the period February 1, 2019, through January 31, 2020:

Exporter/producer	Weighted-average dumping margin (percent)
Thai Union Group Public Co., Ltd./Thai Union Seafood Co., Ltd./Pakfood Public Company Limited/Asia Pacific (Thailand) Co., Ltd./Chaophraya Cold Storage Co., Ltd./Okeanos Co., Ltd./Okeanos Food Co., Ltd./Takzin Samut Co., Ltd.	0.57

We intend to disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding, in accordance with 19 CFR 351.224(b).

Assessment Rates

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

Pursuant to 19 CFR 351.212(b)(1), where Thai Union reported the entered value of its U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.⁸

Commerce's "automatic assessment" will apply to entries of subject merchandise during the POR produced by Thai Union for which Thai Union did not know that the merchandise it sold to the intermediary (*e.g.*, a reseller,

trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.⁹

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 for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Thai Union will be 0.57 percent; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company was reviewed or investigated; (3) if the exporter is not a firm covered in this review, a previous review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently

completed segment for the producer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.34 percent, the all-others rate made effective by the *Section 129 Determination*.¹⁰ These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

⁶ For a complete description of the scope of the order, see the Issues and Decision Memorandum.

⁷ See accompanying Issues and Decision Memorandum.

⁸ See section 751(a)(2)(C) of the Act.

⁹ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁰ See *Implementation of the Findings of the WTO Panel in United States Antidumping Measure on*

Shrimp from Thailand: Notice of Determination Under Section 129 of the Uruguay Rounds Agreements Act and Partial Revocation of the Antidumping Duty Order on Frozen Warmwater Shrimp from Thailand, 74 FR 5638 (January 30, 2009) (*Section 129 Determination*).

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: December 23, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

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

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Margin Calculations
- V. Discussion of the Issues
 - Comment 1: Whether To Use Thai Union’s Reported Manufacturer Variables
 - Comment 2: Whether To Grant Thai Union a Level of Trade (LOT) Adjustment and/or Constructed Export Price (CEP) Offset
 - Comment 3: Whether To Use Thai Union’s Most Recently Submitted Data Sets
- VI. Recommendation

[FR Doc. 2021–28401 Filed 12–30–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–838]

Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From Italy: Final Results of Antidumping Duty Administrative Review; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) determines that certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from Italy was not sold in the United States at less than normal value during the period of review (POR) June 1, 2019, through May 31, 2020.

DATES: Applicable January 3, 2022.

FOR FURTHER INFORMATION CONTACT: Whitley Herndon, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6274.

SUPPLEMENTARY INFORMATION:

Background

On July 8, 2021, Commerce published the Preliminary Results.¹ Commerce

¹ See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy: Preliminary Results of the Administrative Review of the

extended the deadline for the final results by 60 days on October 20, 2021.² The deadline for the final results of this review is now January 4, 2022. For a complete description of the events that occurred since the Preliminary Results, see the Issues and Decision Memorandum.³

Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by this order are certain cold-drawn mechanical tubing of carbon and alloy steel from Italy. For a full description of the scope, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached to this notice as an appendix. 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 directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties, we made changes to the programming language to correct three errors.⁴

Final Results of the Review

Commerce determines that the following weighted-average dumping margin exists for the period June 1, 2019, through May 31, 2020:

Antidumping Duty Order; 2019–2020, 86 FR 36096 (July 8, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, “Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy: Extension of Deadline for Final Results of Antidumping Duty Administrative Review, 2019–2020,” dated October 20, 2021.

³ See Memorandum, “Issues and Decision Memorandum for the Final Results of the 2019–2020 Administrative Review of the Antidumping Duty Order on Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ *Id.* at “Changes Since Preliminary Results.”

Exporter/producer	Weighted-average dumping margin (percent)
Dalmine S.p.A	0.00

Disclosure

Commerce intends to disclose to interested parties the calculations performed in connection with the final results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rate

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Because the weighted-average dumping margin is zero for Dalmine S.p.A. (Dalmine), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.⁵

For entries of subject merchandise during the POR produced by Dalmine 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.⁶

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

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided

⁵ See *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8103, 8103 (February 14, 2012).

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

by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Dalmine will be zero; (2) for merchandise exported by producers or exporters not covered in this administrative 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 or the original less-than-fair-value (LTFV) investigation, but the producer is, 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 47.87 percent,⁷ the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are 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).

Dated: December 27, 2021.

Ryan Majerus,
Deputy Assistant Secretary for Policy and Negotiations, Performing the Non-Exclusive Functions and Duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Discussion of the Issues
 - Comment 1: Dalmine’s Reported Surface Finishing Costs
 - Comment 2: Use of the Reported Variance in the Major Input Adjustment
 - Comment 3: Incomplete Field Name

Comment 4: U.S. Indirect Selling Expenses VI. Recommendation
[FR Doc. 2021–28447 Filed 12–30–21; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

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

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for February 2022

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in February 2022 and will appear in that month’s *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

		Department contact
Antidumping Duty Proceedings		
Ammonium Sulfate from China A–570–049 (1st Review)		Thomas Martin, (202) 482–3936.
Amorphous Silica Fabric from China A–570–038 (1st Review)		Jacky Arrowsmith, (202) 482–5255.
Artist Canvas from China A–570–899 (3rd Review)		Mary Kolberg, (202) 482–1785.
Biaxial Integral Geogrid Products from China A–570–036 (1st Review)		Thomas Martin, (202) 482–3936.
Off-The-Road Tires from India A–533–869 (1st Review)		Thomas Martin, (202) 482–3936.
Countervailing Duty Proceedings		
Ammonium Sulfate from China C–570–050 (1st Review)		Thomas Martin, (202) 482–3936.
Amorphous Silica Fabric from China C–570–039 (1st Review)		Jacky Arrowsmith, (202) 482–5255.
Biaxial Integral Geogrid Products from China C–570–037 (1st Review)		Thomas Martin, (202) 482–3936.
Off-The-Road Tires from India C–533–870 (1st Review)		Jacky Arrowsmith, (202) 482–5255.
Suspended Investigations		
No Sunset Review of suspended investigations is scheduled for initiation in February 2022.		

Commerce’s procedures for the conduct of Sunset Review are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year (Sunset) Review* provides further information regarding

what is required of all parties to participate in Sunset Review.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these

proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10

⁷ See *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People’s Republic of China, the Federal Republic of Germany, India,*

Italy, The Republic of Korea, and Switzerland: Antidumping Duty Orders; and Amended Final Determinations of Sales at Less Than Fair Value for

the People’s Republic of China and Switzerland, 83 FR 26962 (June 11, 2018).

days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of

initiation no later than 30 days after the date of initiation. Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹

This notice is not required by statute but is published as a service to the international trading community.

Dated: December 14, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Opportunity To Request a Review: Not later than the last day of January 2022,² interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in January for the following periods:

	Period to review
Antidumping Duty Proceedings	
BELARUS: Carbon and Alloy Steel Wire Rod, A-822-806	1/1/21-12/31/21
BRAZIL: Prestressed Concrete Steel Wire Strand, A-351-837	1/1/21-12/31/21
CANADA: Softwood Lumber, A-122-857	1/1/21-12/31/21
GERMANY: Forged Steel Fluid End Blocks, A-428-847	7/23/20-12/31/21
INDIA: Prestressed Concrete Steel Wire Strand, A-533-828	1/1/21-12/31/21
Polyester Textured Yarn, A-533-885	1/1/21-12/31/21
ITALY: Forged Steel Fluid End Blocks, A-475-840	7/23/20-12/31/21
MEXICO: Prestressed Concrete Steel Wire Strand, A-201-831	1/1/21-12/31/21
REPUBLIC OF KOREA: Prestressed Concrete Steel Wire Strand, A-580-852	1/1/21-12/31/21
RUSSIA: Carbon and Alloy Steel Wire Rod, A-821-824	1/1/21-12/31/21
SOUTH AFRICA: Ferrovanadium, A-791-815	1/1/21-12/31/21
THAILAND: Prestressed Concrete Steel Wire Strand, A-549-820	1/1/21-12/31/21
THE PEOPLE'S REPUBLIC OF CHINA: Calcium Hypochlorite, A-570-008	1/1/21-12/31/21
Carbon and Certain Alloy Steel Wire Rod, A-570-012	1/1/21-12/31/21
Certain Crepe Paper Products, A-570-895	1/1/21-12/31/21
Certain Hardwood Plywood Products, A-570-051	1/1/21-12/31/21
Ferrovanadium, A-570-873	1/1/21-12/31/21
Folding Gift Boxes, A-570-866	1/1/21-12/31/21
Polyester Textured Yarn, A-570-097	1/1/21-12/31/21
Potassium Permanganate, A-570-001	1/1/21-12/31/21
Wooden Bedroom Furniture, A-570-890	1/1/21-12/31/21
UNITED ARAB EMIRATES: Carbon and Alloy Steel Wire Rod, A-520-808	1/1/21-12/31/21
Countervailing Duty Proceedings	
ARGENTINA: Biodiesel, C-357-821	1/1/21-12/31/21
CANADA: Softwood Lumber, C-122-858	1/1/21-12/31/21
GERMANY: Forged Steel Fluid End Blocks, C-428-848	5/26/2020-12/31/2021
INDIA: Polyester Textured Yarn, C-533-886	1/1/21-12/31/21
Forged Steel Fluid End Blocks, C-533-894	5/26/2020-12/31/2021
INDONESIA: Biodiesel, C-560-831	1/1/21-12/31/21
ITALY: Forged Steel Fluid End Blocks, C-475-841	5/26/2020-12/31/2021
THE PEOPLE'S REPUBLIC OF CHINA: Calcium Hypochlorite, C-570-009	1/1/21-12/31/21
Carbon and Certain Alloy Steel Wire Rod, C-570-013	1/1/21-12/31/21
Circular Welded Carbon Quality Steel Line Pipe, C-570-936	1/1/21-12/31/21
Certain Hardwood Plywood Products, C-570-052	1/1/21-12/31/21
Certain Oil Country Tubular Goods, C-570-944	1/1/21-12/31/21
Certain Tool Chests and Cabinets, C-570-057	1/1/21-12/31/21
Forged Steel Fluid End Blocks, C-570-116	5/26/2020-12/31/2021
Polyester Textured Yarn, C-570-098	1/1/21-12/31/21
Suspension Agreements	
RUSSIA: Certain Cut To Length Carbon Steel Plate, A-821-808	1/1/21-12/31/21

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or

countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a

producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

¹ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

² Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when Commerce is closed.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.³

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.⁴ Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.⁵ In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the

rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at <https://access.trade.gov>.⁶ Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.⁷

Commerce will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of January 2022. If Commerce does not receive, by the last day of January 2022, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period of the order, if such a gap period is applicable to the period of review.

Establishment of and Updates to the Annual Inquiry Service List

On September 20, 2021, Commerce published the final rule titled "*Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*" in the **Federal Register**.⁸ On September 27, 2021, Commerce also published the notice entitled "*Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*" in the **Federal Register**.⁹ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.¹⁰

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** before November 4, 2021, Commerce created an annual inquiry service list segment for each order and suspended investigation. Interested parties who wished to be added to the annual inquiry service list for an order submitted an entry of appearance to the annual inquiry service list segment for the order in ACCESS, and on November 4, 2021, Commerce finalized the initial annual inquiry service lists for each order and suspended investigation. Each annual inquiry service list has been saved as a public service list in ACCESS, under each case number, and under a specific segment type called "AISL-Annual Inquiry Service List."¹¹

As mentioned in the *Procedural Guidance*, beginning in January 2022, Commerce will update these annual inquiry service lists on an annual basis

⁸ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

⁹ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

¹⁰ *Id.*

¹¹ This segment has been combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A-000-000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as "AISL-January Anniversary." Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

³ See the Enforcement and Compliance website at <https://www.trade.gov/us-antidumping-and-countervailing-duties>.

⁴ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

⁵ In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

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

⁷ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 41363 (July 10, 2020).

when the *Opportunity Notice* for the anniversary month of the order or suspended investigation is published in the **Federal Register**.¹² Accordingly, Commerce will update the annual inquiry service lists for the above-listed antidumping and countervailing duty proceedings. All interested parties wishing to appear on the updated annual inquiry service list must take one of the two following actions: (1) New interested parties who did not previously submit an entry of appearance must submit a new entry of appearance at this time; (2) Interested parties who were included in the preceding annual inquiry service list must submit an amended entry of appearance to be included in the next year's annual inquiry service list. For these interested parties, Commerce will change the entry of appearance status from "Active" to "Needs Amendment" for the annual inquiry service lists corresponding to the above-listed proceedings. This will allow those interested parties to make any necessary amendments and resubmit their entries of appearance. If no amendments need to be made, the interested party should indicate in the area on the ACCESS form requesting an explanation for the amendment that it is resubmitting its entry of appearance for inclusion in the annual inquiry service list for the following year. As mentioned in the *Final Rule*,¹³ once the petitioners and foreign governments have submitted an entry of appearance for the first time, they will automatically be added to the updated annual inquiry service list each year.

[FR Doc. 2021-28406 Filed 12-30-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List

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

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (Commerce) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce finds that determinations concerning whether particular companies should be "collapsed" (*i.e.*, treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the

respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.*, investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to: (a) Identify which companies subject to review previously were collapsed; and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

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

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.¹ Section 773(e) of the Act states that "if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use

¹ See Trade Preferences Extension Act of 2015, Public Law 114-27, 129 Stat. 362 (2015).

¹² See *Procedural Guidance*, 86 FR at 53206.

¹³ See *Final Rule*, 86 FR at 52335.

another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

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

Interested parties have 30 days after the date of this notice to submit new or amended entries of appearance. Commerce will then finalize the annual inquiry service lists five business days thereafter. For ease of administration, please note that Commerce requests that law firms with more than one attorney representing interested parties in a proceeding designate a lead attorney to be included on the annual inquiry service list.

Commerce may update an annual inquiry service list at any time as needed based on interested parties’ amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, “after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.”¹⁴ Accordingly, as stated above and pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

This notice is not required by statute but is published as a service to the international trading community.

Dated: December 16, 2021.

James Maeder,
Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.
[FR Doc. 2021–28404 Filed 12–30–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews

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

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping duty and countervailing

duty (AD/CVD) order(s) and suspended investigation(s) listed below. The International Trade Commission (ITC) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s) and suspended investigation(s).

DATES: Applicable January 3, 2022.

FOR FURTHER INFORMATION CONTACT: Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the ITC, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

Commerce’s procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce’s conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following antidumping and countervailing duty order(s) and suspended investigation(s):

DOC case No.	ITC case No.	Country	Product	Commerce contact
A–570–033	731–TA–1306	China	Large Residential Washers (1st Review).	Mary Kolberg (202) 482–1785.
A–570–836	731–TA–718 ..	China	Glycine (5th Review)	Jacky Arrowsmith (202) 482–5255.
A–570–890	731–TA–1058	China	Wooden Bedroom Furniture (1st Review).	Thomas Martin (202) 482–3936.
A–580–839	731–TA–825 ..	South Korea ...	Polyester Staple Fiber (4th Review).	Mary Kolberg (202) 482–1785.
A–583–833	731–TA–826 ..	Taiwan	Polyester Staple Fiber (4th Review).	Mary Kolberg (202) 482–1785.

¹⁴ Id.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Commerce's regulations, Commerce's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on Commerce's website at the following address: <https://enforcement.trade.gov/sunset/>. All submissions in these Sunset Reviews must be filed in accordance with Commerce's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.

In accordance with section 782(b) of the Act, any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. Parties must use the certification formats provided in 19 CFR 351.303(g). Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business

proprietary information, until further notice.¹

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.²

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the ITC's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: December 14, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–28405 Filed 12–30–21; 8:45 am]

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¹ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19*, 85 FR 41363 (July 10, 2020).

² See 19 CFR 351.218(d)(1)(iii).

DEPARTMENT OF COMMERCE**International Trade Administration**

[C–351–844]

Certain Cold-Rolled Steel Flat Products of Brazil: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

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

SUMMARY: As a result of this expedited sunset review, the Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on certain cold-rolled steel flat products (CRS) from Brazil would be likely to lead to continuation or recurrence of countervailable subsidies at the levels as indicated in the “Final Results of Sunset Review” section of this notice.

DATES: Applicable January 3, 2022.

FOR FURTHER INFORMATION CONTACT: Alex Wood or Steven Seifert, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1959 or (202) 482–3350, respectively.

SUPPLEMENTARY INFORMATION:**Background**

On September 20, 2016, Commerce published in the **Federal Register** a notice of the CVD order on CRS from Brazil.¹ On June 1, 2021, Commerce published the notice of initiation of the first five-year (sunset) review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² Commerce received notices of intent to participate from Cleveland-Cliffs Inc., Nucor Corporation, Steel Dynamics Inc., and United States Steel Corporation (collectively, domestic interested parties) within the deadline specified in 19 CFR 351.218(d)(1)(i).³

¹ See *Certain Cold-Rolled Steel Flat Products from Brazil, India, and the Republic of Korea: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (the Republic of Korea) and Countervailing Duty Orders (Brazil and India)*, 81 FR 64436 (September 20, 2016) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 86 FR 29239 (June 1, 2021) (*Initiation Notice*).

³ See Cleveland-Cliffs Inc.'s Letter, “Notice of Intent to Participate in Sunset Review,” dated June 14, 2021; Nucor Corporation's Letter, “Notice of Intent to Participate in Sunset Review,” dated June 16, 2021; United States Steel Corporation's Letter, “Notice of Intent to Participate,” dated June 16, 2021; Steel Dynamic Inc.'s Letter, “Notice of Intent to Participate,” dated June 16, 2021.

The domestic interested parties claimed interested party status under section 771(9)(C) of the Act as manufacturers or producers of the domestic like product.⁴

On July 1, 2021, Commerce received an adequate substantive response to the *Initiation Notice* from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce also received a response from the Government of Brazil (GOB).⁶ However, we did not receive a substantive response from any other interested party in this proceeding. On July 22, 2021, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.⁷ As a result, Commerce conducted an expedited (120-day) sunset review of the *Order*. On September 1, 2021, officials from Commerce and the GOB met to discuss certain procedural aspects of the expedited sunset review on CRS from Brazil.⁸

Scope of the Order

The products covered by this order are certain cold-rolled (cold-reduced), flat-rolled steel products, whether or not annealed, painted, varnished, or coated with plastics or other non-metallic substances. The products subject to this order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0070, 7209.16.0091, 7209.17.0030, 7209.17.0060, 7209.17.0070, 7209.17.0091, 7209.18.1530, 7209.18.1560, 7209.18.2510, 7209.18.2520, 7209.18.2580, 7209.18.6020, 7209.18.6090, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500,

7211.23.6030, 7211.23.6060, 7211.23.6090, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7225.50.6000, 7225.50.8080, 7225.99.0090, 7226.92.5000, 7226.92.7050, and 7226.92.8050. The products subject to this order may also enter under the following HTSUS numbers: 7210.90.9000, 7212.50.0000, 7215.10.0010, 7215.10.0080, 7215.50.0016, 7215.50.0018, 7215.50.0020, 7215.50.0061, 7215.50.0063, 7215.50.0065, 7215.50.0090, 7215.90.5000, 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.7000, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.19.0000, 7226.19.1000, 7226.19.9000, 7226.99.0180, 7228.50.5015, 7228.50.5040, 7228.50.5070, 7228.60.8000, and 7229.90.1000. The HTSUS subheadings above are provided for convenience and U.S. Customs purposes only. The written description of the scope of the order is dispositive.⁹

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of subsidization in the event of revocation of the *Order* and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is provided in the Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix 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 <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines

⁹ For a complete description of the scope of the *Order*, see Memorandum, "Issues and Decision Memorandum for the Final Results of the First Sunset Review of the Countervailing Duty Order on Certain Hot-Rolled Steel Flat Products from Brazil," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Manufacturer/producer/exporter	Net countervailable subsidy (percent)
Companhia Siderurgica Nacional (CSN)	11.31
Usinas Siderurgicas de Minas Gerais S.A. (Usiminas)	11.09
All Others	11.20

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/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 sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

Dated: December 27, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, Performing the Non-Exclusive Functions and Duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
 2. Net Countervailable Subsidy Rates Likely to Prevail
 3. Nature of the Subsidies
- VII. Final Results of the Sunset Review
- VIII. Recommendation

[FR Doc. 2021-28402 Filed 12-30-21; 8:45 am]

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⁴ See *id.*

⁵ See Domestic Interested Parties' Letter, "Domestic Industry's Substantive Response to Notice of Initiation," dated July 1, 2021.

⁶ See GOB's Letter, "Initial Comments," dated August 31, 2021. The GOB initially filed its comments on June 30, 2021, but we subsequently requested that the GOB revise the bracketing of certain information in its submission and refile it. See Commerce's Letter, "Five-Year ("Sunset") Review of Cold-Rolled Steel Flat Products from Brazil: Rejection of Response to Notice of Initiation," dated August 25, 2021.

⁷ See Commerce's Letter, "Sunset Reviews Initiated on June 1, 2021," dated July 22, 2021.

⁸ See Memorandum, "Meeting with Government of Brazil," dated September 7, 2021.

DEPARTMENT OF COMMERCE**International Trade Administration****[C-580-837]****Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2019****AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.**SUMMARY:** The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to Hyundai Steel Co., Ltd. (Hyundai Steel), a producer and exporter of certain cut-to-length carbon-quality steel plate from the Republic of Korea (Korea). The period of review (POR) is January 1, 2019, through December 31, 2019.**DATES:** Applicable January 3, 2022.**FOR FURTHER INFORMATION CONTACT:** John Conniff or David Lindgren, 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) 482-1009 or (202) 482-1671.**SUPPLEMENTARY INFORMATION:****Background**

Commerce published the *Preliminary Results* of this review on June 30, 2021.¹ On October 1, 2021, Commerce extended the final results of review to December 23, 2021.² Subsequently, on October 20, 2021, Commerce issued its post-preliminary analysis.³ For a description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.⁴

Scope of the Order⁵

The product covered by this *Order* is certain cut-to-length carbon-quality steel

plate. For a complete description of the scope of this order, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in interested parties' briefs are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix 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 <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

After evaluating the comments received from interested parties and record information, we have made no changes to the net subsidy rate preliminarily calculated for Hyundai Steel in the *Preliminary Results* as updated in the post-preliminary analysis. However, as discussed in the section below, we have revised the rate for the non-selected companies as calculated in the *Preliminary Results*. For a discussion of these comments, see the Issues and Decision Memorandum.

Companies Not Selected for Individual Review

The Act and Commerce's regulations do not directly address the subsidy rate 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 Tariff Act of 1930, as amended (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,

from India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-to-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, and the Republic of Korea, 65 FR 6587 (February 10, 2000) (*Order*).

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 Because we have determined that Hyundai Steel received countervailing subsidies that are above *de minimis* and are not based entirely on facts available, we will apply Hyundai Steel's net subsidy rate to the non-selected companies Dongkuk Steel Mill Co., Ltd., BDP International and Sung Jin Steel Co., Ltd. See the Issues and Decisions Memorandum for a discussion of assigning this rate to DSM.

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.⁷ For a description of the methodology underlying all of Commerce's conclusions, see the Issues and Decision Memorandum.

Final Results of Administrative Review

We determine that, for the period January 1, 2019, through December 31, 2019, the following net countervailable subsidy rates exist:

Company	Subsidy rate (percent <i>ad valorem</i>)
Hyundai Steel Co., Ltd	0.56
Dongkuk Steel Mill Co., Ltd ..	0.56
BDP International	0.56
Sung Jin Steel Co., Ltd	0.56

Disclosure

No changes were made to the preliminary and post-preliminary calculations for Hyundai Steel; therefore, there are no calculations to release for Hyundai Steel.

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 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.

¹ See *Certain Cut-To-Length Carbon-Quality Steel Plate from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review; 2019*, 86 FR 34718 (June 30, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, "Extension of Deadline for Preliminary Results," dated October 1, 2021.

³ See Memorandum, "Countervailing Duty Administrative Review of Certain Cut-To Length Carbon-Quality Steel Plate from the Republic of Korea; 2019: Post-Preliminary Analysis Memorandum," dated October 19, 2021 (Post-Preliminary Analysis Memorandum).

⁴ See Memorandum, "Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review, 2019: Certain Cut-To-Length Carbon-Quality Steel Plate from the Republic of Korea," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁵ See *Notice of Amended Final Determination: Certain Cut-to-Length Carbon-Quality Steel Plate*

Assessment Rate

Pursuant to section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for Hyundai Steel at the applicable *ad valorem* assessment rate listed. 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 Rates

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

Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of proceeding. Timely written notification of the return/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.

Notice to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: December 23, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix**List of Topics Discussed in the Issues and Decision Memorandum**

- I. Summary
- II. List of Issues
- III. Background
- IV. Scope of the Order
- V. Period of Review
- VI. Subsidies Valuation Information
- VII. Analysis of Programs
- VIII. Discussion of Comments
 - Comment 1: Whether the Korea Emissions Trading System is Countervailable
 - Comment 2: Whether Provision of Port Usage Rights at the Port of Incheon is Countervailable
 - Comment 3: Whether Electricity is Subsidized by the Government of the Republic of Korea
 - Comment 4: Whether Commerce Should Select Dongkuk Steel Mill Co., Ltd. as a Voluntary Respondent
 - Comment 5: Selection of a Final Rate for Dongkuk Steel Mill Co., Ltd.
- IX. Recommendation

[FR Doc. 2021-28403 Filed 12-30-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2021-SCC-0146]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Magnet Schools Assistance Program—Government Performance and Results Act (GPRA) Table Form

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before February 2, 2022.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information collection request by selecting “Department of Education” under “Currently Under Review,” then check “Only Show ICR for Public Comment” checkbox. Comments may also be sent to ICDocketmgr@ed.gov.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Gillian Cohen-Boyer, (202) 401-1259.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Magnet Schools Assistance Program—Government Performance and Results Act (GPRA) Table Form.

OMB Control Number: 1855-0025.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 162.

Total Estimated Number of Annual Burden Hours: 81.

Abstract: This is a request for extension of a currently approved collection. The collection of this information is part of the government-wide effort to improve the performance and accountability of all federal programs, under the Government Performance and Results Act (GPRA) passed in 1993, the Uniform Guidance, and the Education Department General Administrative Requirements (EDGAR). Under GPRA, a process for using performance indicators to set program performance goals and to measure and

report program results was established. To implement GPRA, the Department developed GPRA measures at every program level to quantify and report program progress required by the Elementary and Secondary Education Act of 1965, as amended. Under the Uniform Guidance and EDGAR, recipients of federal awards are required to submit performance and financial expenditure information. The GPRA program level measures and budget information for the Magnet Schools Assistance Program (MSAP) are reported in the Annual Performance Report (APR). The APR is required under 2 CFR 200.328 and 34 CFR 75.118 and 75.590. The annual report provides data on the status of the funded project that corresponds to the scope and objectives established in the approved application and any amendments. To ensure that accurate and reliable data are reported to Congress on program implementation and performance outcomes, the MSAP APR collects the raw data from grantees in a consistent format to calculate these data in the aggregate.

Dated: December 28, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021-28456 Filed 12-30-21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22-31-000]

Columbia Gas Transmission, LLC.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on December 17, 2021, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208 and 157.216 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act. Columbia requests authorization to replace approximately 68 feet of 2-inch and 4-inch-diameter transmission pipelines and to abandon in place approximately 13,364 feet of existing Line L-722 transmission pipeline (L-722). Further, Columbia will abandon in place

approximately 7,693 feet of the SLW-3879, SLW-4401, and SL-3280 storage pipelines (Wellington Storage Field Lines), and to perform other related appurtenant activities, all located in Medina County, Ohio.

Columbia proposes to abandon and replace the facilities under authorities granted by its blanket certificate issued in Docket No. CP83-76-000.¹ Columbia says that the proposed replacement will have no impact on Columbia's existing customers or affect its existing storage operations and that the project is necessary to ensure compliance with the DOT regulation. The estimated cost for the Project is approximately \$2.15 million, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

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 (<https://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 TTY, (202) 502-8659.

Any questions concerning this application should be directed to David A. Alonzo, Manager Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, or by phone at 832.320.5477, or by email at David_alonzo@tcenergy.com.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,² within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other

milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on February 25, 2022. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,³ any person⁴ or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,⁵ and must be submitted by the protest deadline, which is February 25, 2022. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders

³ 18 CFR 157.205.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 157.205(e).

¹ Columbia Gas Transmission Corporation (predecessor to Columbia Gas Transmission, LLC), 22 FERC ¶ 62,029 (1983).

² 18 CFR (Code of Federal Regulations) § 157.9.

issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁶ and the regulations under the NGA⁷ by the intervention deadline for the project, which is February 25, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before February 25, 2022. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP22-31-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. 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: first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁸

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP22-31-000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: David A. Alonzo, Manager Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, or by phone at 832.320.5477, or by email at David_alonzo@tcenergy.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be 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 as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

⁸ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: December 27, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-28416 Filed 12-30-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

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

Filings Instituting Proceedings

Docket Numbers: RP22-436-000.

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

Description: § 4(d) Rate Filing: Negotiated Rate Agreements Update (Devon/Direct Energy/Conoco) to be effective 2/1/2022.

Filed Date: 12/27/21.

Accession Number: 20211227-5059.

Comment Date: 5 p.m. ET 1/10/22.

Docket Numbers: RP22-437-000.

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

Description: § 4(d) Rate Filing: Non-Conforming Agreements Filing (WTG) to be effective 2/1/2022.

Filed Date: 12/27/21.

Accession Number: 20211227-5073.

Comment Date: 5 p.m. ET 1/10/22.

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 by clicking on the links or 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/>

⁶ 18 CFR 385.214.

⁷ 18 CFR 157.10.

docs-filing/efiling/filing-req.pdf. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: December 27, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-28419 Filed 12-30-21; 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 electric corporate filings:

Docket Numbers: EC22-28-000.

Applicants: Tenaska Alabama Partners, L.P., Tenaska Gateway Partners, Ltd.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Tenaska Alabama Partners, L.P., et al.

Filed Date: 12/23/21.

Accession Number: 20211223-5266.

Comment Date: 5 p.m. ET 1/13/22.

Docket Numbers: EC22-29-000.

Applicants: Pickaway County Solar Project, LLC, Pickaway County II Solar Project, LLC, Buckeye Plains Solar Project, LLC, Buckeye Plains II Solar Project, LLC, Shell New Energies US LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Pickaway County Solar Project LLC, et al.

Filed Date: 12/23/21.

Accession Number: 20211223-5268.

Comment Date: 5 p.m. ET 1/13/22.

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

Docket Numbers: ER10-1585-021; ER10-1594-021; ER10-1597-009; ER10-1617-021; ER10-1624-010; ER10-1628-021; ER10-1632-023; ER12-60-023; ER16-733-012; ER16-1148-012.

Applicants: Tenaska Energía de Mexico, S. de R. L. de C.V., LQA, LLC, Tenaska Power Management, LLC, Tenaska Power Services Co., Texas Electric Marketing, LLC, Tenaska Gateway Partners, Ltd., New Mexico Electric Marketing, LLC, Kiowa Power Partners, LLC, California Electric Marketing, LLC, Alabama Electric Marketing, LLC.

Description: Triennial Market Power Analysis for Southwest Power Pool Inc. Region of Alabama Electric Marketing, LLC, et al.

Filed Date: 12/23/21.

Accession Number: 20211223-5264.

Comment Date: 5 p.m. ET 2/21/22.

Docket Numbers: ER10-2475-025.

Applicants: Nevada Power Company.

Description: Triennial Market Power Analysis for Southwest Region of Nevada Power Company.

Filed Date: 12/23/21.

Accession Number: 20211223-5261.

Comment Date: 5 p.m. ET 2/21/22.

Docket Numbers: ER10-2984-053; ER13-1266-036; ER15-2211-033; ER16-438-007; ER16-1258-005.

Applicants: Grande Prairie Wind, LLC, Marshall Wind Energy LLC, MidAmerican Energy Services, LLC, CalEnergy, LLC, Merrill Lynch Commodities, Inc.

Description: Triennial Market Power Analysis for Southwest Power Pool Inc. Region of Grande Prairie Wind, LLC, et al.

Filed Date: 12/23/21.

Accession Number: 20211223-5265.

Comment Date: 5 p.m. ET 2/21/22.

Docket Numbers: ER18-920-009.

Applicants: Marco DM Holdings, L.L.C.

Description: Triennial Market Power Analysis for Southwest Power Pool Inc. Region of Marco DM Holdings, L.L.C.

Filed Date: 12/23/21.

Accession Number: 20211223-5263.

Comment Date: 5 p.m. ET 2/21/22.

Docket Numbers: ER20-1662-002.

Applicants: Crystal Lake Wind Energy I, LLC.

Description: Compliance filing: Compliance Filing in Docket ER20-1662 to be effective 7/1/2020.

Filed Date: 12/27/21.

Accession Number: 20211227-5040.

Comment Date: 5 p.m. ET 1/17/22.

Docket Numbers: ER20-2471-004.

Applicants: NedPower Mount Storm, LLC.

Description: Compliance filing: NedPower Mount Storm LLC submits tariff filing per 35: Compliance Filing in Docket ER20-2471 to be effective 9/21/2020.

Filed Date: 12/27/21.

Accession Number: 20211227-5043.

Comment Date: 5 p.m. ET 1/17/22.

Docket Numbers: ER20-2543-002.

Applicants: Crystal Lake Wind Energy II, LLC.

Description: Compliance filing: Compliance Filing in Docket ER20-2543 to be effective 10/1/2020.

Filed Date: 12/27/21.

Accession Number: 20211227-5041.

Comment Date: 5 p.m. ET 1/17/22.

Docket Numbers: ER21-2919-000.

Applicants: Camp Grove Wind Farm LLC.

Description: Compliance Update of Camp Grove Wind Farm LLC.

Filed Date: 12/20/21.

Accession Number: 20211220-5276.

Comment Date: 5 p.m. ET 1/10/22.

Docket Numbers: ER22-704-000.

Applicants: Energy Center Dover, LLC and Monitoring Analytics, LLC.

Description: Energy Center Dover, LLC and Monitoring Analytics, LLC, submit for approval a Letter Agreement for use only in the PJM Base Residual Auction for the 2023/2024 Delivery Year.

Filed Date: 11/29/21.

Accession Number: 20211129-0006.

Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22-727-000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: § 205(d) Rate Filing: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii): Attachment K Extended-Term Planning to be effective 2/25/2022.

Filed Date: 12/27/21.

Accession Number: 20211227-5049.

Comment Date: 5 p.m. ET 1/17/22.

Docket Numbers: ER22-728-000.

Applicants: Pegasus Wind, LLC.

Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 2/25/2022.

Filed Date: 12/27/21.

Accession Number: 20211227-5209.

Comment Date: 5 p.m. ET 1/17/22.

Docket Numbers: ER22-729-000.

Applicants: CPV Retail Energy LP.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 2/26/2022.

Filed Date: 12/27/21.

Accession Number: 20211227-5215.

Comment Date: 5 p.m. ET 1/17/22.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF22-279-000.

Applicants: St. Joseph's Hospital.

Description: Form 556 of St. Joseph's Hospital.

Filed Date: 12/23/21.

Accession Number: 20211223-5075.

Comment Date: 5 p.m. ET 01/13/22.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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: December 27, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-28420 Filed 12-30-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21-37-000]

Commission Information Collection Activities (Ferc-520); 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-520 (Application for Authority to Hold Interlocking Directorate Positions), which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements. The Commission published a 60-day notice on August 11, 2021 and received no comments.

DATES: Comments on the collection of information are due February 2, 2022.

ADDRESSES: Send written comments on FERC-520 to OMB through www.reginfo.gov/public/do/PRAMain, Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB control number (1902-0083) in the subject line. Your comments should be sent within 30

days of publication of this notice in the **Federal Register**.

Please submit a copy of your comments (identified by Docket No. IC21-37-000) to the Commission as noted below. 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* to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *Hand (including courier) delivery* to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

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.

FERC 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 and telephone at (202) 502-8663.

SUPPLEMENTARY INFORMATION:

Title: FERC-520 (Application for Authority to Hold Interlocking Directorate Positions).

OMB Control No.: 1902-0083.

Type of Request: Three-year extension of the FERC-520 information collection

requirements with no revisions to the current requirements.

Abstract: FERC Form No. 520 is an application requesting FERC authorization for officers and directors of regulated public utilities to simultaneously hold positions of officers and directors of certain other entities. Section 305(b)(1) of the Federal Power Act (FPA)¹ prohibits the holding of specific interlocking positions unless the Commission has authorized the holding of such positions upon a determination that neither public nor private interests will be adversely affected.

FERC-520 consists of three information collection activities. A “full application,” in accordance with 18 CFR 45.8, provides detailed information about the positions for which authorization is sought, including a description of duties. Submission of a more streamlined “informational report,” in accordance with 18 CFR 45.9, is a condition for an automatic grant of authorization to hold interlocking directorates. This automatic authorization is available only to certain types of officers and directors. Finally, a “notice of change,” in accordance with 18 CFR 45.5, is required within 60 days after an officer or director resigns or withdraws from Commission-authorized interlocked positions or if the applicant is not re-elected or reappointed to the interlocked position. However, no notice of change is required if the only change is: (1) A resignation or withdrawal from fewer than all positions held between or among affiliated public utilities; (2) a reelection or reappointment to a position that was previously authorized; or (3) holding a different or additional interlocking position that would qualify for automatic authorization under 18 CFR 45.9.

The Commission published a 60-day notice on August 11, 2021 (86 FR 44013) and received no comments.

Types of Respondents: Officers and directors of public utilities seeking authorization to hold interlocking directorates.

Estimate of Annual Burden: The estimated annual hour burdens and costs are itemized in the following table:

	A. Number of respondents	B. Annual number of responses per respondent	C. Total number of responses (column A × column B)	D. Average burden & cost per re- sponse ²	E. Total annual burden hours & total annual cost (column C × column D)
Full Application	16	1	16	50 hrs.; \$4,350	800 hrs.; \$69,600.

¹ 16 U.S.C 825d(b)(1).

	A. Number of respondents	B. Annual number of responses per respondent	C. Total number of responses (column A × column B)	D. Average burden & cost per re- sponse ²	E. Total annual burden hours & total annual cost (column C × column D)
Informational Report	500	1	500	8 hrs.; \$696	4,000 hrs.; \$348,000.
Notice of Change	100	1	100	0.25 hrs.; \$21.75	25 hrs.; \$2,175.
Totals	616	.....	616	.....	4,825 hrs.; \$419,775.

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: December 27, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-28418 Filed 12-30-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22-32-000]

East Tennessee Natural Gas, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on December 17, 2021, East Tennessee Natural Gas, LLC (East Tennessee), 5400 Westheimer Court, Houston, Texas 77056-5310, filed in the above referenced docket a prior notice pursuant to sections 157.205 and 157.208 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act (NGA) and East Tennessee's blanket certificate issued in Docket No. CP82-412-000. East Tennessee requests authorization to construct three new 30-inch-diameter headers totaling approximately 700 feet, replace three meter and regulating facilities, and

² Commission staff estimates that the average industry hourly cost for this information collection is approximated by the current FERC 2021 average hourly costs for wages and benefits, *i.e.*, \$87.00/hour.

construct other ancillary auxiliary equipment at its existing Topside Junction Meter and Regulator Station (Topside Station) located in Knox County, Tennessee. Topside Station is the intersection of three of East Tennessee's pipelines and East Tennessee avers the project is needed to improve operational reliability and flexibility. The estimated cost for the project is approximately \$31 million, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

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://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 TTY, (202) 502-8659.

Any questions concerning this application should be directed to Estela Lozano, Director, Regulatory, East Tennessee Natural Gas, LLC, 5400 Westheimer Court, P.O. Box 1642, Houston, Texas 77251-1642, phone: 713-627-4522, email: Estela.Lozano@enbridge.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to

intervene, and comments is 5:00 p.m. Eastern Time on February 25, 2022. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is February 25, 2022. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is February 25, 2022. As described further in Rule 214,

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before February 25, 2022. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP22-32-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. 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; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or ⁶

⁶ Additionally, you may file your comments electronically by using the eComment feature,

(2) You can file a paper copy of your submission by mailing it to the address below.⁷ Your submission must reference the Project docket number CP22-32-000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: 5400 Westheimer Court, P.O. Box 1642, Houston, Texas 77251-1642 or Estela.Lozano@enbridge.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be 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 as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: December 27, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-28417 Filed 12-30-21; 8:45 am]

BILLING CODE 6717-01-P

which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

⁷ Hand-delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9379-01-R9]

Revision of Approved Primacy Program for the Commonwealth of the Northern Mariana Islands

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval.

SUMMARY: Notice is hereby given that the Commonwealth of the Northern Mariana Islands (CNMI) revised its approved primacy program under the federal Safe Drinking Water Act (SDWA) by adopting regulations that effectuate the federal Ground Water Rule (GWR). The Environmental Protection Agency (EPA) has determined that CNMI's revision request meets the applicable SDWA program revision requirements and the regulations adopted by CNMI are no less stringent than the corresponding federal regulations. Therefore, EPA approves this revision to CNMI's approved primacy program. However, this determination on CNMI's request for approval of a program revision shall take effect in accordance with the procedures described below in the **SUPPLEMENTARY INFORMATION** section of this notice after the opportunity to request a public hearing.

DATES: A request for a public hearing must be received or postmarked before February 2, 2022.

ADDRESSES: Documents relating to this determination that were submitted by CNMI as part of its program revision request are available for public inspection online at <http://deq.gov.mp/sec.asp?secID=5>. In addition, these documents are available between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday, at the following address: CNMI Bureau of Environmental and Coastal Quality, Gualo Rai Center—Safe Drinking Water Branch 2nd floor, Chalan Pale Arnold—Middle Road, Saipan, MP 96950. If there are issues accessing the website, please contact Travis Spaeth, at (670) 664-8500, or via email at travis.spaeth@becq.gov.mp.

FOR FURTHER INFORMATION CONTACT:

Anna Yen, EPA Region 9, Drinking Water Section, via telephone at (415) 972-3976 or via email address at yen.anna@epa.gov.

SUPPLEMENTARY INFORMATION:

Background. EPA approved CNMI's initial application for primary enforcement authority ("primacy") of drinking water systems on November 4, 1982 (47 FR 50105). Since initial primacy approval, EPA has approved

various revisions to CNMI's primacy program. For the revision covered by this action, EPA promulgated the GWR at 40 CFR subpart S on November 8, 2006 (71 FR 65574). The GWR provides protection against microbial pathogens in public water systems using ground water sources. EPA has determined that the GWR requirements were adopted into the CNMI Commonwealth Register, Section 2141 (alternatively published as Northern Mariana Islands Administrative Code, Title 65, Chapter 20) in a manner that CNMI's regulations are comparable to and no less stringent than the federal requirements. EPA has also determined that CNMI's program revision request meets all of the regulatory requirements for approval, as set forth in 40 CFR 142.12, including a side-by-side comparison of the Federal requirements demonstrating the corresponding CNMI authorities, additional materials to support special primacy requirements of 40 CFR 142.16, a review of the requirements contained in 40 CFR 142.10 necessary for CNMI to attain and retain primary enforcement responsibility, and a statement by the CNMI Attorney General certifying that CNMI's laws and regulations to carry out the program revision were duly adopted and are enforceable. The Attorney General's statement also affirms that there are no environmental audit privilege and immunity laws that would impact CNMI's ability to implement or enforce the CNMI laws and regulations pertaining to the program revision. Therefore, EPA approves this revision of CNMI's approved primacy program. The Technical Support Document, which provides EPA's analysis of CNMI's program revision request, is available by submitting a request to the following email address: R9dw-program@epa.gov. Please note "Technical Support Document" in the subject line of the email.

Public Process. Any interested person may request a public hearing on this determination. A request for a public hearing must be received or postmarked before February 2, 2022, and addressed to the Regional Administrator of EPA Region 9, via the following email address: R9dw-program@epa.gov, or by contacting the EPA Region 9 contact person listed above in this notice by telephone if you do not have access to email. Please note, "State Program Revision Determination" in the subject line of the email. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. If a timely request for a public hearing is made, then EPA Region 9 may hold a

public hearing. Any request for a public hearing shall include the following information: 1. The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; 2. A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and 3. The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If EPA Region 9 does not receive a timely request for a hearing or a request for a hearing was denied by the Regional Administrator for being frivolous or insubstantial, and the Regional Administrator does not elect to hold a hearing on their own motion, EPA's approval shall become final and effective on February 2, 2022, and no further public notice will be issued.

Authority: Section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300g-2 (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations.

Dated: December 23, 2021.

Deborah Jordan,

Acting Regional Administrator, EPA Region 9.

[FR Doc. 2021-28330 Filed 12-30-21; 8:45 am]

BILLING CODE 6560-50-P

GENERAL SERVICES ADMINISTRATION

[Notice-MA-2021-06; Docket No. 2021-0002, Sequence No. 30]

Calendar Year (CY) 2022 Privately Owned Vehicle (POV) Mileage Reimbursement Rates; CY 2022 Standard Mileage Rate for Moving Purposes

AGENCY: Office of Government-Wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice.

SUMMARY: GSA is updating the mileage reimbursement rate for privately owned automobiles (POA), airplanes, and motorcycles as required by statute. This information will be available in FTR Bulletin 22-05, which can be found on GSA's website at <https://gsa.gov/ftrbulletins>.

DATES: *Applicability date:* This notice applies to travel and relocation performed on or after January 1, 2022 through December 31, 2022.

FOR FURTHER INFORMATION CONTACT: For clarification of content, please contact Ms. Cheryl D. McClain-Barnes, Program Analyst, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202-208-4334, or by email at travelpolicy@gsa.gov. Please cite Notice of FTR Bulletin 22-05.

SUPPLEMENTARY INFORMATION: GSA is required by statute to set the mileage reimbursement rate for privately owned automobiles (POA) as the single standard mileage rate established by the Internal Revenue Service (IRS). The IRS mileage rate for medical or moving purposes is used to determine the POA rate when a Government-furnished automobile is authorized and also represents the privately owned vehicle (POV) standard mileage reimbursement rate for official relocation. Finally, GSA conducts independent reviews of the cost of travel and the operation of privately owned airplanes and motorcycles on an annual basis to determine their corresponding mileage reimbursement rates. These reviews evaluate various factors, such as the cost of fuel, depreciation of the original vehicle cost, maintenance and insurance, state and Federal taxes, and consumer price index data. FTR Bulletin 22-05 establishes and announces the new CY 2022 POV mileage reimbursement rates for official temporary duty and relocation travel. This notice is the only notification to agencies of revisions to the POV mileage rates for official travel and relocation, in addition to the changes posted on GSA's website at <https://gsa.gov/mileage>.

Krystal J. Brumfield,

Associate Administrator, Office of Government-Wide Policy.

[FR Doc. 2021-28450 Filed 12-30-21; 8:45 am]

BILLING CODE 6820-14-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed

information collection project “Online Application Order Form for Products From the Healthcare Cost and Utilization Project (HCUP).”

DATES: Comments on this notice must be received by March 4, 2022.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at doris.lefkowitz@AHRQ.hhs.gov.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT:

Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427-1477, or by email at doris.lefkowitz@AHRQ.hhs.gov.

SUPPLEMENTARY INFORMATION:

Proposed Project

Online Application Order Form for Products From the Healthcare Cost and Utilization Project (HCUP).

The Healthcare Cost and Utilization Project (HCUP, pronounced “H-Cup”) is a vital resource helping the Agency achieve its research agenda, thereby furthering its goal of improving the delivery of health care in the United States. HCUP is a family of health care databases and related software tools and products developed through a Federal-State-Industry partnership and sponsored by AHRQ. HCUP includes the largest collection of longitudinal hospital care data in the United States, with all-payer, encounter-level information beginning in 1988. The HCUP databases are annual files that contain anonymous information from hospital discharge records for inpatient care and certain components of outpatient care, such as emergency care and ambulatory surgeries. The project currently releases eight types of databases created for research use on a broad range of health issues, including cost and quality of health services, medical practice patterns, access to health care programs, and outcomes of treatments at the national, State, and local market levels. HCUP also produces

a large number of software tools to enhance the use of administrative health care data for research and public health use. Software tools use information available from a variety of sources to create new data elements, often through sophisticated algorithms, for use with the HCUP databases.

HCUP’s objectives are to:

- Create and enhance a powerful source of national, state, and all-payer health care data.
- Produce a broad set of software tools and products to facilitate the use of HCUP and other administrative data.
- Enrich a collaborative partnership with statewide data organizations (that voluntarily participate in the project) aimed at increasing the quality and use of health care data.
- Conduct and translate research to inform decision making and improve health care delivery.

This project is being conducted by AHRQ through its primary contractor and subcontractor, IBM Watson Health and Pantheon Software, pursuant to AHRQ’s statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the outcomes, cost, cost-effectiveness, and use of health care services and access to such services. 42 U.S.C. 299a(a)(3).

Method of Collection

The project currently creates eight types of restricted access public release databases and related files that are released to authorized users under the terms of the HCUP Data Use Agreement (DUA). These HCUP databases and files are used by researchers for a broad range of health issues, including cost and quality of health services, medical practice patterns, access to health care programs, and outcomes of treatments at the national, State, and local market levels.

HCUP achieves the restricted access public release and tracking of the HCUP databases through the Online Application Form for HCUP Products (<https://www.distributor.hcup-us.ahrq.gov/SpecialPages/>

[Shoppingcart.aspx](#)). To access the eight types of database, HCUP users are required to complete the Online Application Form for HCUP Products which includes three components, the application, HCUP DUA training (<https://www.hcup-us.ahrq.gov/DUA/dua/index.html>) and signing a HCUP DUA. Users are required to sign one of two DUAs: (1) Nationwide or (2) state (hereafter referred to collectively as the HCUP DUA) after they complete the HCUP DUA training.

Information collected in the HCUP Online Application Form process will be used for two purposes only:

1. *Business Transaction:* In order to deliver the HCUP databases to the applicants, contact information is necessary for shipping the data on disk (or any other media used in the future) and payment collection.

2. *Enforcement of the HCUP Data Use Agreement (DUA):* The HCUP DUA contains several restrictions on use of the data. Most of these restrictions have been put in place to safeguard the privacy of individuals and establishments represented in the data. For example, data users can only use the data for research, analysis, and aggregate statistical reporting and are prohibited from attempting to identify any persons in the data. Contact information on HCUP DUAs is retained in the event that a violation of the HCUP DUA takes place requiring legal remedy.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden associated with the applicants’ time to order any of the HCUP databases. An estimated 1,800 persons will order HCUP data annually. Each of these persons will complete Online Application Order Form for HCUP products (30 minutes). The total burden for the Online Application Order Form is estimated to be 900 hours annually.

Exhibit 2 shows the estimated annualized cost burden associated with the applicants’ time to order HCUP data. The total cost burden is estimated to be \$39,879 annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Total for the HCUP Data Purchase Ordering Form	1,800	1	30/60	900

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Total	1,800	900	\$44.31	\$39,879

* Based upon the mean of the average wages for Life Scientists, All Other (19–1099), National Compensation Survey: Occupational Employment Statistics, May 2020 National Occupational Employment and Wage Estimates United States, U.S. Department of Labor, Bureau of Labor Statistics. https://www.bls.gov/oes/current/oes_nat.htm#19-0000.

Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: December 28, 2021.

Marquita Cullom,
Associate Director.

[FR Doc. 2021–28441 Filed 12–30–21; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****Statement of Organization, Functions, and Delegations of Authority**

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA), Center for Biologics Evaluation and Research (CBER), Center for Drug Evaluation and Research (CDER), Center for Devices and Radiological Health (CDRH), and Center for Tobacco Products (CTP) have modified their organizational structures.

These new organizational structures were approved by the Deputy Secretary of Health and Human Services and effective on November 24, 2021.

FOR FURTHER INFORMATION CONTACT: Yashika Rahaman, Director, Office of Planning, Evaluation and Risk Management, Office of Finance, Budget, Acquisitions and Planning, FDA, 4041 Powder Mill Road, Beltsville, MD 20705–4304, 301–796–3843.

I. Introduction

Part D, Chapter D–B, (Food and Drug Administration), the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, 60 FR 56606, November 9, 1995, 64 FR 36361, July 6, 1999, 72 FR 50112, August 30, 2007, 74 FR 41713, August 18, 2009, 76 FR 45270, July 28, 2011, and 84 FR 22854, May 20, 2019) is revised to reflect the Food and Drug Administration's reorganizations of CBER, CDER's Office of Medical Policy (OMP), Office of Prescription Drug Promotion (OPDP), CDRH's Office of Product Evaluation and Quality, and CTP's Office of Compliance and Enforcement and Office of Science.

This reorganization will help to enhance these organization's ability to advance FDA's mission and streamline operations and support functions.

The Center for Biologics Evaluation and Research's organizational changes in the Office of the Center Director (OD), the Office of Management, and the Office of Communications, Outreach, and Development refocus functions that support CBER's product offices to better support the expected growth in those offices. The OD's functions are streamlined into those that require intensive engagement from the Center Director and have no other natural home. Several responsibilities are realigned or consolidated to leverage synergies with other functions. Harnessing the power of real-world evidence is a priority in the FDA Priority Framework, the 21st Century Cures Act, and the PDUFA commitment letter. The changes proposed to CBER's Office of Biostatistics and Epidemiology

(OBE) position the center to advance real-world evidence priorities for biologics.

The 21st Century Cures Act established the Regenerative Medicine Advanced Therapy (RMAT) designation program, in Office of Tissues and Advanced Therapies (OTAT), and called on FDA to work to advance standards development for regenerative medicine products in order to support the development, evaluation, and review of regenerative medicine products. The RMAT program has generated tremendous industry interest, and CBER has granted 129 RMAT designations since program inception in December 2016.

One of FDA's key priorities is leveraging innovation to advance public health goals by continually improving the product development process and strengthening FDA's gold standard. CBER's portfolio of products is currently seeing an unprecedented level of innovation and growth. These innovations range from the development of new pathogen inactivation technology that has the potential to drastically improve how FDA promotes blood safety, the explosion in submissions for gene therapies that have the potential to transform patients' lives, innovations in approaches to managing serious food allergies, and advances in manufacturing technology for vaccines. The changes proposed in two of CBER's product offices: OTAT and the Office of Blood Research and Review (OBRR) along with the crosscutting functions in OBE and Office of Compliance and Biologics Quality are intended to ensure CBER's regulatory structures and processes are prepared to respond to innovation and development in the industry while upholding FDA's standards for safety and effectiveness for biological products. Establishing the Office of Regulatory Operations will help CBER support continued efficiency and effectiveness in CBER's regulatory processes and provide strategic direction as the Center works to modernize its supporting information technology (IT) infrastructure.

The Center for Drug Evaluation and Research's OMP, Office of Prescription

Drug Promotion (OPDP) establishes the Division of Promotion Policy, Research, and Operations (DPPRO). This reorganization is critical to the FDA's ability to foster efficient oversight and development of national prescription drug promotion policy to enhance the dissemination and communication of high-quality drug information to healthcare professionals, patients, and consumers. The reorganization will also provide enhanced support, oversight, and direction to the OPDP's social science research program. This program is critical in helping shape the direction of OPDP's new and evolving policy initiatives through research studies designed to evaluate the impact of health communication and prescription drug promotion directed toward healthcare professionals and consumers. The reorganization will provide additional support and increased focus on the regulatory counsel functions necessary to develop sound and legally supportable policy documents and surveillance activities, particularly given First Amendment jurisprudence developments over the last few years. The reorganization will also provide enhanced operational support to all OPDP functions, including policy development and clearance, the multimillion-dollar research program, advisory comments to industry, compliance actions, and internal FDA review of approved labeling other activities.

The Center for Devices and Radiological Health's Office of Product Evaluation and Quality's (OPEQ) retitles the Office of In Vitro Diagnostics and Radiological Health (OIR) as the Office of Health Technology VII (OHT VII) and establish an Office of Health Technology VIII (OHT VIII) allowing the two offices to have greater focus on In Vitro Diagnostics (OHT VII) and Mammography and Radiological Health (OHT VIII). The OHT VII structure will mirror the former OIR with the exception of abolishing two divisions (Division of Radiological Health and Division of Mammography Quality Standards). OHT VII will be solely focused on in vitro diagnostics with responsibility for regulating laboratory and in-home diagnostic tests. In vitro diagnostic devices allow for tests to be completed using blood or tissue from the human body. The results of these tests are used to identify diseases and other conditions. The devices allow for individuals to monitor their health, and they help to treat, cure, and prevent diseases. Personnel utilizing the precision medicine approach utilize in vitro diagnostic devices in order to help

identify individuals who can improve their health by undergoing specific therapies or treatments. The Mammography Quality Standards program will move in tact with its entire appropriated and User Fee budget to the OHT VIII and will continue to serve as the national focal point for the implementation of the Mammography Quality Standards Act.

The Center for Tobacco Products' Office of Compliance and Enforcement (OCE) establishes the Division of External Programs and Resource Management (DEPRM) and establishes the Division of Product Compliance (DPC). The CTP's Office of Science (OS) establishes the Division of Research and Knowledge Integration (DRKI). These reorganizations are critical to the FDA's ability to better utilize its resources in an efficient and effective way to meet its mission of promoting and protecting the public health by ensuring industry compliance with the requirements of the law and respond to public health emergencies. The reorganizations will also result in increased support of requirements of the Family Smoking Prevention and Tobacco Control Act.

The Food and Drug Administration's, Center for Biologics Evaluation and Research, Center for Drug Evaluation and Research's Office of Medical Policy, the Center for Devices and Radiological Health's Office of Product Evaluation and Quality, and the Center for Tobacco Products' Office of Compliance and Enforcement and Office of Science has been restructured as follows:

DCB. Organization. The Center for Biologics Evaluation and Research is headed by the Center Director, Center for Biologics Evaluation and Research.

Center for Biologics Evaluation and Research (DCB)

Office of the Center Director (DCBA)
Executive Operations Staff (DCBA1)
Regulations and Policy Staff (DCBA3)
Policy Staff (DCBA7)
Science Staff (DCBA8)
Office of Management (DCBB)
Division of Program Services (DCBBB)
Program Services Branch (DCBBB1)
Safety and Services Branch (DCBBB4)
Division of Scientific Advisors and Consultants (DCBBC)
Division of Veterinary Services (DCBBD)
Division of Management Planning and Analysis (DCBBE)
Capacity Planning and Management Analysis Branch (DCBBE1)
Planning, Performance, and Formulation Branch (DCBBE2)
Division of Acquisitions and Budget Resources (DCBBF)
Acquisition Management Branch (DCBBF1)

Budget Planning and Execution Branch (DCBBF2)
Division of Human Capital (DCBBG)
Management Services Branch (DCBBG1)
Workforce Management Branch (DCBBG2)
Office of Compliance and Biologics Quality (DCBC)
Division of Case Management (DCBCA)
Blood and Tissue Compliance Branch (DCBCA1)
Advertising and Promotional Labeling Branch (DCBCA2)
Biological Drug and Device Compliance Branch (DCBCA3)
Division of Inspections and Surveillance (DCBCB)
Program Surveillance Branch (DCBCB1)
Bioresearch Monitoring Branch (DCBCB2)
Division of Manufacturing and Product Quality (DCBCC)
Product Release Branch (DCBCC1)
Manufacturing Review Branch 1 (DCBCC2)
Manufacturing Review Branch 2 (DCBCC3)
Applications Review Branch (DCBCC4)
Manufacturing Review Branch 3 (DCBCC5)
Division of Biological Standards and Quality Control (DCBCD)
Laboratory of Analytical Chemistry and Blood Related Products (DCBCD1)
Quality Assurance Branch (DCBCD2)
Laboratory of Microbiology, In-vivo Testing and Standards (DCBCD3)
Laboratory of Analytical Chemistry Branch (DCBCD4)
Laboratory of Biochemistry, Virology, and Immunochemistry Branch (DCBCD5)
Laboratory of Blood Related Products Branch (DCBCD6)
Office of Biostatistics and Pharmacovigilance (DCBD)
CBER Surveillance Program Staff (DCBD1)
ABRA Staff (DCBD2)
Division of Biostatistics (DCBDA)
Vaccines Evaluation Branch (DCBDA1)
Therapeutics Evaluation Branch 1 (DCBDA2)
Device and Non-Clinical Evaluation Branch (DCBDA3)
Therapeutics Evaluation Branch 2 (DCBDA4)
Division of Pharmacovigilance (DCBDB)
Pharmacovigilance Branch 1 (DCBDB1)
Pharmacovigilance Branch 2 (DCBDB2)
Pharmacovigilance Branch 3 (DCBDB3)
Office of Blood Research and Review (DCBE)
Administrative Staff (DCBE1)
Division of Emerging and Transfusion Transmitted Diseases (DCBEA)
Laboratory of Molecular Virology (DCBEA1)
Laboratory of Parasitic and Emerging Pathogens (DCBEA2)

Product Review Branch (DCBEA4)
 Division of Blood Components and Devices (DCBEB)
 Devices Review Branch (DCBEB2)
 Laboratory of Biochemistry and Vascular Biology (DCBEB5)
 Laboratory of Cellular Hematology and Vascular Biology Branch (DCBEB6)
 Division of Clinical and Regulatory Review (DCBEC)
 Clinical Review Branch (DCBEC1)
 Blood and Plasma Review Branch (DCBEC2)
 Regulatory Project Management Branch (DCBEC3)
 Office of Vaccine Research and Review (DCBF)
 Program Operations Staff (DCBF1)
 Division of Bacterial, Parasitic, and Allergenic Products (DCBFA)
 Laboratory of Immunobiochemistry (DCBFA1)
 Laboratory of Respiratory and Special Pathogens (DCBFA2)
 Laboratory of Bacterial Polysaccharides (DCBFA3)
 Laboratory of Mucosal Pathogens and Cellular Immunology (DCBFA4)
 Division of Viral Products (DCBFB)
 Laboratory of Pediatric and Respiratory Viral Diseases (DCBFB1)
 Laboratory of Hepatitis Viruses (DCBFB2)
 Laboratory of Retroviruses (DCBFB3)
 Laboratory of DNA Viruses (DCBFB4)
 Laboratory of Vector Borne Diseases (DCBFB5)
 Laboratory of Method Development (DCBFB6)
 Laboratory of Immunoregulation (DCBFB7)
 Division of Vaccines and Related Products Applications (DCBFC)
 CMC Review Branch 1 (DCBFC1)
 CMC Review Branch 2 (DCBFC2)
 CMC Review Branch 3 (DCBFC3)
 Clinical Review Branch 1 (DCBFC4)
 Clinical Review Branch 2 (DCBFC5)
 Review Management Support Branch (DCBFC6)
 Office of Tissues and Advanced Therapies (DCBG)
 Division of Cellular and Gene Therapies (DCBGA)
 Cellular Therapies Branch (DCBGA1)
 Gene Therapies Branch 1 (DCBGA2)
 Gene Transfer and Immunogenicity Branch (DCBGA3)
 Tumor Vaccine and Biotechnology Branch (DCBGA4)
 Cellular and Tissue Therapy Branch (DCBGA5)
 Gene Therapies Branch 2 (DCBGA6)
 Tissue Engineering Branch (DCBGA7)
 Division of Clinical Evaluation and Pharmacological/Toxicology (DCBGB)
 General Medicine Branch 1 (DCBGB1)
 Pharmacology/Toxicology Branch 1 (DCBGB2)

Oncology Branch (DCBGB3)
 General Medicine Branch 2 (DCBGB4)
 Pharmacology/Toxicology Branch 2 (DCBGB5)
 Malignant Hematology Branch (DCBGB6)
 General Medicine Branch 3 (DCBGB7)
 Benign Hematology Branch (DCBGB8)
 Division of Human Tissues (DCBGC)
 Division of Plasma Protein Therapeutics (DCBGD)
 Hemostasis Branch (DCBGD1)
 Plasma Derivatives Branch (DCBGD2)
 Division of Regulatory Project Management (DCBGE)
 Regulatory Project Management Branch 1 (DCBGE1)
 Regulatory Project Management Branch 2 (DCBGE2)
 Regulatory Project Management Branch 3 (DCBGE3)
 Regulatory Project Management Branch 4 (DCBGE4)
 Office of Communication, Outreach, and Development (DCBH)
 Division of Disclosure and Oversight Management (DCBHA)
 Congressional and Oversight Branch (DCBHA1)
 Access Litigation and Freedom of Information Branch (DCBHA2)
 Electronic Disclosure Branch (DCBHA3)
 Division of Manufacturers Assistance and Training (DCBHB)
 Career Development and Directed Training Branch (DCBHB1)
 Manufacturers Assistance & Technical Training Branch (DCBHB2)
 Division of Communication and Consumer Affairs (DCBHC)
 Communication Technology Branch (DCBHC1)
 Consumer Affairs Branch (DCBHC2)
 Office of Regulatory Operations (DCBI)
 Division of Informatics and Information Technology (DCBIA)
 Data Standards Branch (DCBIA1)
 Information Technology Branch (DCBIA2)
 Records Management Branch (DCBIA3)
 Regulatory Information Branch (DCBIA4)
 Division of Regulatory Operations and Programs (DCBIB)
 Regulatory Affairs and Business Operations Branch (DCBIB1)
 Regulatory Programs Branch (DCBIB2)
DCDH. Organization. The Center for Drug Evaluation and Research's Office of Medical Policy is headed by the Director, Office of Medical Policy and includes the following:
 Office of Medical Policy (DCDH)
 Office of Prescription Drug Promotion (DCDHA)
 Division of Advertising and Promotion Review I (DCDHAA)
 Division of Advertising and Promotion Review II (DCDHAB)

Division of Promotion Policy, Research, and Operations (DCDHAC)
 Office of Medical Policy Initiatives (DCDHB)
 Division of Medical Policy Development (DCDHBA)
 Division of Medical Policy Programs (DCDHBB)
 Division of Clinical Trial Quality (DCDHBC)

DCCF. Organization. The Center for Devices and Radiological Health's Office of Product Evaluation and Quality is headed by the Director, Office Product Evaluation and Quality and includes the follow:

Office of Product Evaluation and Quality (DCCF)
 Quality and Analytics Staff (DCCF1)
 Clinical and Scientific Policy Staff (DCCF2)
 Strategic Initiatives Staff (DCCF3)
 Regulation, Policy and Guidance Staff (DCCF4)
 Office of Regulatory Programs (DCCFA)
 Division of Regulatory Programs I (DCCFAA)
 Division of Regulatory Programs II (DCCFAB)
 Division of Regulatory Programs III (DCCFAC)
 Division of Regulatory Programs IV (DCCFAD)
 Office of Clinical Evidence and Analysis (DCCFB)
 Division of Clinical Evidence and Analysis I (DCCFBA)
 Division of Clinical Evidence and Analysis II (DCCFBB)
 Office of Health Technology I (DCCFC)
 Division of Health Technology I A (DCCFCA)
 Division of Health Technology I B (DCCFCB)
 Division of Health Technology I C (DCCFCC)
 Office of Health Technology II (DCCFD)
 Division of Health Technology II A (DCCFDA)
 Division of Health Technology II B (DCCFDB)
 Division of Health Technology II C (DCCFDC)
 Office of Health Technology III (DCCFE)
 Division of Health Technology III A (DCCFEA)
 Division of Health Technology III B (DCCFEB)
 Division of Health Technology III C (DCCFEC)
 Office of Health Technology IV (DCCFF)
 Division of Health Technology IV A (DCCFFA)
 Division of Health Technology IV B (DCCFFB)
 Office of Health Technology V (DCCFG)
 Division of Health Technology V A (DCCFGA)

Division of Health Technology V B (DCCFGB)
 Office of Health Technology VI (DCCFH)
 Division of Health Technology VI A (DCCFHA)
 Division of Health Technology VI B (DCCFHB)
 Division of Health Technology VI C (DCCFHC)
 Office of Health Technology VII (DCCFI)
 Division of Chemistry and Toxicology (DCCFIA)
 Division of Immunology and Hematology (DCCFIB)
 Division of Microbiology (DCCFIC)
 Division of Program Management and Operations (DCCFIE)
 Division of Molecular Genetics and Pathology (DCCFIG)
 Office of Health Technology VIII (DCCFJ)
 Division of Health Technology VIII A (DCCFJA)
 Division of Health Technology VIII B (DCCFJB)
 Division of Health Technology VIII C (DCCFJC)

DCFF. Organization. The Center for tobacco Product's Office of Compliance and Enforcement is headed by the Director, Office of Compliance and Enforcement and includes the following:

Division of Enforcement and Manufacturing (DCFFA)
 Division of Promotion, Advertising, and Labeling (DCFFB)
 Division of State Programs (DCFFC)
 Division of Business Operations (DCFFD)
 Division of External Programs and Resource Management (DCFFE)
 Division of Product Compliance (DCFFF)

DCFD. Organization. The Center for tobacco Product's Office of Science is headed by the Director, Office of Science and includes the following:

Division of Regulatory Project Management (DCFDA)
 Division of Regulatory Science Informatics (DCFDB)
 Division of Product Science (DCFDC)
 Division of Individual Health Science (DCFDD)
 Division of Population Health Science (DCFDE)
 Division of Non-Clinical Sciences (DCFDF)
 Division of Research and Knowledge Integration (DCFDFG)

II. Delegations of Authority

Pending further delegation, directives, or orders by the Commissioner of Food and Drugs, all delegations and redelegations of authority made to officials and employees of affected

organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this reorganization.

III. Electronic Access

This reorganization is reflected in FDA's Staff Manual Guide (SMG). Persons interested in seeing the complete Staff Manual Guide can find it on FDA's website at: <https://www.fda.gov/AboutFDA/ReportsManualsForms/StaffManualGuides/default.htm>.

Authority: 44 U.S.C. 3101.

Dated: October 22, 2021.

Andrea Palm,

Deputy Secretary of Health and Human Services.

[FR Doc. 2021-28386 Filed 12-30-21; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2021-N-1243]

Prospective Grant of an Exclusive Patent License: A Diagnostic Tool Based Upon Magnetic Resonance Spectroscopy Pre-Processing and Renormalization

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is contemplating the grant of an Exclusive Patent License to practice the invention embodied in the U.S. Patent listed in the **SUPPLEMENTARY INFORMATION** section of this notice to Voxel Systems, LLC located in Houston, Texas.

DATES: Only written comments and/or applications for a license that are received by FDA's Technology Transfer Office on or before January 18, 2022, will be considered.

ADDRESSES: Inquiries and comments relating to the contemplated Exclusive Patent License should be directed to: Ken Millburne, Food and Drug Administration Technology Transfer Office, Bldg. 1, Rm. 4213, Silver Spring, MD 20993, 240-478-1662; email: Kenneth.Millburne@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

Intellectual Property

FDA Reference No.: E-2009-011/US-04: "System for Magnetic Resonance Spectroscopy of Brain Tissue for Pattern-Based Diagnostics"

I. U.S. Non-Provisional Application 13/509,539, filed November 12, 2010 (FDA Reference No.: E-2009-011/US-04).

II. U.S. Patent granted November 4, 2014: U.S. Patent 8,880,354 B2 (FDA Reference No. E-2009-011/US-04).

The patent rights in this invention have been assigned to the Government of the United States of America.

The prospective exclusive license territory may be worldwide and in fields of use that may be limited to: (1) Any and all in vivo use, application, or developmental activity related to the software, processing algorithm, and Licensed Processes and Products; (2) all human and animal diagnostics, in pre-clinical, or clinical utilizations for any and all maladies; (3) all human research applications for expanded magnetic resonance imaging (MRI) utilization, application development, drug development tools, molecular compound characterization, algorithms, and biomarker identification and development; and (4) all animal or other research applications and translational studies for ultra high-field MRI investigations, drug development, metabolite, and biomarker identification.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing. The prospective exclusive license may be granted unless, within 15 days from the date of this published notice, FDA receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated December 27, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–28397 Filed 12–30–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0008]

Request for Nominations on Public Advisory Panels of the Medical Devices Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting that any industry organizations interested in participating in the selection of nonvoting industry representatives to serve on certain panels of the Medical Devices Advisory Committee (MDAC or Committee) in the Center for Devices and Radiological Health (CDRH) notify FDA in writing. FDA is also requesting nominations for nonvoting industry representatives to serve on certain device panels of the MDAC in the CDRH. A nominee may either be self-nominated or nominated by an organization to serve as a nonvoting industry representative. Nominations will be accepted for current and upcoming vacancies effective with this notice.

DATES: Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests must send a letter stating that interest to

the FDA by February 2, 2022 (see sections I and II of this document for further details). Concurrently, nomination materials for prospective candidates should be sent to FDA by February 2, 2022.

ADDRESSES: All statements of interest from industry organizations interested in participating in the selection process of nonvoting industry representative nomination should be sent to Margaret Ames (see **FOR FURTHER INFORMATION CONTACT**). All nominations for nonvoting industry representatives should be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: <https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm> or by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993–0002. Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's website at <https://www.fda.gov/AdvisoryCommittees/default.htm>.

FOR FURTHER INFORMATION CONTACT: Margaret Ames, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5213, Silver Spring, MD 20993, 301–796–5960, email: margaret.ames@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: The Agency is requesting nominations for nonvoting industry representatives to the panels listed in the table in this document.

I. Medical Devices Advisory Committee

The Committee reviews and evaluates data on the safety and effectiveness of

marketed and investigational devices and makes recommendations for their regulation. The panels engage in a number of activities to fulfill the functions the Federal Food, Drug, and Cosmetic Act (FD&C Act) envisions for device advisory panels. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, advises the Commissioner of Food and Drugs (the Commissioner) regarding recommended classification or reclassification of devices into one of three regulatory categories; advises on any possible risks to health associated with the use of devices; advises on formulation of product development protocols; reviews premarket approval applications for medical devices; reviews guidelines and guidance documents; recommends exemption of certain devices from the application of portions of the FD&C Act; advises on the necessity to ban a device; and responds to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, may also make appropriate recommendations to the Commissioner on issues relating to the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices. The Committee also provides recommendations to the Commissioner or designee on complexity categorization of in vitro diagnostics under the Clinical Laboratory Improvement Amendments of 1988.

Panels	Function
<i>Circulatory System Devices Panel</i>	Reviews and evaluate data concerning the safety and effectiveness of marketed and investigational devices for use in the circulatory and vascular systems and makes appropriate recommendations to the Commissioner of Food and Drugs.
<i>Obstetrics and Gynecology Devices Panel</i>	Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational devices for use in obstetrics and gynecology and makes appropriate recommendations to the Commissioner of Food and Drugs.
<i>Radiological Devices Panel</i>	Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational diagnostic or therapeutic radiological and nuclear medicine devices and makes appropriate recommendations to the Commissioner of Food and Drugs.

II. Qualifications

Persons nominated for the device panels should be full-time employees of firms that manufacture products that would come before the panel, or consulting firms that represent manufacturers, or have similar appropriate ties to industry.

III. Selection Procedure

Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests should send a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication

of this document (see **DATES**). Within the subsequent 30 days, FDA will send a letter to each organization that has expressed an interest, attaching a complete list of all such organizations; and a list of all nominees along with their current resumes. The letter will also state that it is the responsibility of the interested organizations to confer

with one another and to select a candidate, within 60 days after the receipt of the FDA letter, to serve as the nonvoting member to represent industry interests for a particular device panel. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no individual is selected within 60 days, the Commissioner will select the nonvoting member to represent industry interests.

IV. Application Procedure

Individuals may self-nominate and/or an organization may nominate one or more individuals to serve as a nonvoting industry representative. Nomination must include a current, complete résumé or curriculum vitae for each nominee including current business address and telephone number, email address if available, and a signed copy of the Acknowledgement and Consent form available at the FDA Advisory Committee Membership Nomination Portal (see **ADDRESSES**) within 30 days of publication of this document (see **DATES**). Nominations must also specify the advisory panel for which the nominee is recommended. Nominations must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the particular device panels listed in the table. (Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process).

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore encourages nominations of appropriately qualified candidates from these groups.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: December 27, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–28453 Filed 12–30–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA), Office of the Commissioner (OC), Office of the Chief Scientist (OCS) has modified their organizational structure. The new organizational structure was approved by the Deputy Secretary of Health and Human Services and effective on November 24, 2021.

FOR FURTHER INFORMATION CONTACT:

Yashika Rahaman, Director, Office of Planning, Evaluation and Risk Management, Office of Finance, Budget, Acquisitions and Planning, FDA, 4041 Powder Mill Road, Beltsville, MD 20705–4304, 301–796–3843.

I. Introduction

Part D, Chapter D–B, (Food and Drug Administration), the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, 60 FR 56606, November 9, 1995, 64 FR 36361, July 6, 1999, 72 FR 50112, August 30, 2007, 74 FR 41713, August 18, 2009, 76 FR 45270, July 28, 2011, and 84 FR 22854, May 20, 2019) is revised to reflect the Food and Drug Administration's reorganization of Office of the Chief Scientist.

The FDA Office of the Commissioner, Office of the Chief Scientist (OCS), is realigning the FDA Technology Transfer Program (FDATT), from the Office of Regulatory Science and Innovation (ORSI), OCS, to the OCS Immediate Office (OCS–IO). This realignment of the FDATT program and resources intends to further enhance the effectiveness of FDA's partnership programs by increasing the FDA-wide its efforts to (1) facilitate the implementation of authorizing legislation for federal technology transfer, (2) ensure compliance with relevant legal and regulatory requirements, and (3) establish/maintain related policies and processes. The realignment will also increase OCS's effectiveness in driving regulatory science research through external partnerships and would demonstrate FDA's commitment to strengthening its partnership and collaboration capabilities, which are key contributors

to sustaining FDA's ability to see and be at the forefront of biomedical advancements in carrying out its public health mission. Additionally, OCS is abolishing the Division of Science Innovation & Critical Path from its Office of Regulatory Science and Innovation (ORSI). ORSI's programs have evolved away from the need for this division. This proposed, formal abolishment of the division will serve as a corrective action to align ORSI's organizational structure with its current programmatic responsibilities that fulfill its functions. The Food and Drug Administration's Office of the Chief Scientist has been restructured as follows:

DCCF. ORGANIZATION. The Office of the Chief Scientist is headed by the FDA Chief Scientist, and includes the following:

- Office of the Chief Scientist (DCP)
- Advisory Committee Oversight and Management Staff (DCP1)
- FDA Technology Transfer Program Staff (DCP2)
- Office of Counter-Terrorism and Emerging Threats (DCPA)
- Office of Laboratory Safety (DCPB)
- Office of Regulatory Science and Innovation (DCPC)
- Office of Scientific Integrity (DCPD)
- Office of Scientific Professional Development (DCPE)
- National Center for Toxicological Research (DCPF)

II. Delegations of Authority

Pending further delegation, directives, or orders by the Commissioner of Food and Drugs, all delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this reorganization.

III. Electronic Access

This reorganization is reflected in FDA's Staff Manual Guide (SMG). Persons interested in seeing the complete Staff Manual Guide can find it on FDA's website at: <https://www.fda.gov/AboutFDA/ReportsManualsForms/StaffManualGuides/default.htm>.

Authority: 44 U.S.C. 3101.

Dated: October 22, 2021.

Andrea Palm,

Deputy Secretary of Health and Human Services.

[FR Doc. 2021–28385 Filed 12–30–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****Statement of Organization, Functions, and Delegations of Authority**

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA), Center for Food Safety and Applied Nutrition (CFSAN), including its Office of the Center Director (OCD), has modified their organizational structure. The new organizational structure was approved by the Deputy Secretary of Health and Human Services and effective on November 24, 2021.

FOR FURTHER INFORMATION CONTACT: Yashika Rahaman, Director, Office of Planning, Evaluation and Risk Management, Office of Finance, Budget, Acquisitions and Planning, FDA, 4041 Powder Mill Road, Beltsville, MD 20705-4304, 301-796-3843.

I. Introduction

Part D, Chapter D-B, (Food and Drug Administration), the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, 60 FR 56606, November 9, 1995, 64 FR 36361, July 6, 1999, 72 FR 50112, August 30, 2007, 74 FR 41713, August 18, 2009, 76 FR 45270, July 28, 2011, and 84 FR 22854, May 20, 2019) is revised to reflect FDA's reorganization of CFSAN to elevate its OCD's International Affairs Staff to the Office of International Engagement.

The primary purpose of this reorganization is to establish the Office of International Engagement (OIE) within CFSAN. With the establishment of OIE, the current structure of the International Affairs Staff (IAS) (currently under OCD) would dissolve and its resources and functions absorbed into OIE. OIE (currently IAS) would maintain its current roles and responsibilities as the Center's focal point for engaging in international activities.

The establishment of the proposed OIE aligns with broader organizational initiatives and priorities due to the establishment of the Office of Global Policy and Strategy (OGPS) and the Associate Commissioner for Imported Food Safety in the Office of Food Policy and Response (OFPR). OIE (currently IAS) has primary responsibility for the Center's coordination of international

engagement for all its mission areas and coordinates with OGPS and OFPR daily. The establishment of OIE will streamline and improve work processes for better effectiveness and efficiency. All OIE work activities cut across Foods program offices and agency lines and requires central coordination and support, and OIE, by having more prominence as an Office in the Center, will enhance this effort. Additionally, the efficiencies gained by the reorganization aligns with HHS Strategic Goal 5: Promote Effective and Efficient Management and Stewardship; Strategic Objective 5.1: Ensure responsible financial management and Strategic Objective 5.2: Manage human capital to achieve the HHS mission.

The Food and Drug Administration's Center for Food Safety and Applied Nutrition's Office of the Center Director and Office of International Engagement has been restructured as follows:

DCEA. ORGANIZATION. The Center for Food Safety and Applied Nutrition's, Office of the Center Director is headed by the Center Director and includes the following:

Office of the Center Director (DCEA)

DCEO. ORGANIZATION. The Center for Food Safety and Applied Nutrition's, Office International Engagement is headed by the Director, Office of International Engagement, and includes the following:

Public Health and Trade Staff (DCEO1)
Regulatory Cooperation and Partnerships Staff (DCEO2)

II. Delegations of Authority

Pending further delegation, directives, or orders by the Commissioner of Food and Drugs, all delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this reorganization.

III. Electronic Access

This reorganization is reflected in FDA's Staff Manual Guide (SMG). Persons interested in seeing the complete Staff Manual Guide can find it on FDA's website at: <https://www.fda.gov/AboutFDA/ReportsManualsForms/StaffManualGuides/default.htm>.
Authority: 44 U.S.C. 3101.

Dated: October 22, 2021.

Andrea Palm,

Deputy Secretary of Health and Human Services.

[FR Doc. 2021-28378 Filed 12-30-21; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Health Resources and Services Administration****Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; National Practitioner Data Bank: Modification of the National Practitioner Data Bank Code Lists**

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Request for public comment on the National Practitioner Data Bank's (NPDB) Basis for action code lists for licensure and certification actions.

SUMMARY: HRSA, a sub-agency of the Department of Health and Human Services, is announcing a change in the NPDB Basis for Action Code Lists for Federal Licensure, and State Licensure or Certification Actions to individuals and entities authorized to report and request information from the NPDB. These changes will contain updated codes and code use guidance applicable to organizations submitting Federal Licensure, or State Licensure or Certification Actions. The code modifications and guidance are intended to provide improved report accuracy and promote a better understanding of the use and application of the basis of action codes available for report submission. The modifications are based in part upon recommendations made through a collaborative effort with NPDB industry partners: the Federation of State Boards of Physical Therapy, the National Council of State Boards of Nursing, the Federation of State Medical Boards, the Association of State and Provincial Psychology Boards, the National Board for Certification in Occupational Therapy, the Association of Social Work Boards, and the National Association of Boards of Pharmacy. Basis for Action codes help to accurately describe the basis for licensure actions reported. Basis for Action codes have no impact on the licensure action reported or the applicability of NPDB reporting criteria. New, modified, and retired codes have no impact on historical reporting. The coding of previously submitted reports will remain unchanged.

DATES: Submit comments no later than February 2, 2022.

ADDRESSES: Written and/or electronic comments should be submitted to NPDBPolicy@hrsa.gov by February 2, 2022.

FOR FURTHER INFORMATION CONTACT: David Loewenstein, Director, Division of Practitioner Data Bank, Bureau of Health Workforce, HRSA, (301) 443-2300, NPDBPolicy@hrsa.gov.

SUPPLEMENTARY INFORMATION: The current published NPDB Code Lists are

available on the NPDB website: <https://www.npdb.hrsa.gov/hcorg/codes.jsp>.

The NPDB is authorized by the Health Care Quality Improvement Act of 1986 (the Act), Title IV of Public Law 99-660, as amended (42 U.S.C. 11101 *et seq.*). Further, two additional statutes expanded the scope of the NPDB—Section 1921 of the Social Security Act,

as amended (42 U.S.C. 1396r-2) and Section 1128E of the Social Security Act, as amended (42 U.S.C. 1320a-7e). Information collected under the Section 1128E authority was consolidated within the NPDB pursuant to Section 6403 of the Affordable Care Act, Public Law 111-148; this consolidation became effective on May 6, 2013.

PROPOSED NPDB CODE LISTS MODIFICATIONS

Table	Code	Status	Current code description	New/modified code description	Guideline or explanation of status change	Code use examples and explanations
Non-Compliance With Requirements						
48	44	U	Default on Health Education Loan or Scholarship Obligations.	.....	Fails to meet health education loan or scholarship obligations.	Explanation: Use only if your state has this requirement.
48	35	U	Drug Screening Violation.	.....	Fails a drug screening test	Examples: <ul style="list-style-type: none"> • Failure of a required drug screen or failure to comply with the requested drug screen; • Sample is adulterated, invalid or substituted; • Failure of a drug screen for employment.
48	A2	U	Failure to Comply With Continuing Education or Competency Requirements.	.....	Fails to meet the continuing education or competency requirements for renewal or reinstatement.	Examples: <ul style="list-style-type: none"> • Failure to complete state requirements; • If the licensee falsified meeting the requirements, then also use Code E3.
48	31	M	Failure to Comply With Health and Safety Requirements.	Failure to comply with health and safety requirements or state health code.	Fails to comply with federal, state, local, or institutional safety requirements or state health codes.	Examples: <ul style="list-style-type: none"> • Failure to meet required health tests or inoculations. DO NOT use for: <ul style="list-style-type: none"> • Violation of infection control, sterile technique, and isolation requirements; instead use Code 17.
48	23	U	Failure to Cooperate With Board Investigation.	.....	Interferes with an investigation or disciplinary proceeding by withholding information, deliberate misrepresentation of facts or attempts to suppress evidence.	Examples: <ul style="list-style-type: none"> • Failure to respond or to respond adequately to board investigation requests; • Failure to cooperate with the board as a witness to an investigation.
48	50	M	Failure to Maintain Adequate or Accurate Records.	Failure to Maintain or Provide Adequate or Accurate Medical Records, Financial Records or Other Required Information.	Fails to meet documentation requirements for maintaining patient care, financial or other records.	Example: <ul style="list-style-type: none"> • Failure to provide adequate documentation of treatment/care in the medical record.
48	45	R	Failure to Maintain Records or Provide Medical, Financial or Other Required Information.	.....	Redundant code, use code 50.	
48	A3	R	Failure to Meet Licensing Board Reporting Requirements.	.....	Use code A1.	

PROPOSED NPDB CODE LISTS MODIFICATIONS—Continued

Table	Code	Status	Current code description	New/modified code description	Guideline or explanation of status change	Code use examples and explanations
48	A1	M	Failure to Meet the Initial Requirements of a License.	Failure to Meet Licensure Requirements/Licensing Board Reporting Requirements.	Fails to meet board specified licensing requirements or provide requested/required information. NOTE: Do not report or include threshold criteria: the accepted minimum licensure requirements that are universally applied without decision or exception. Examples include academic degrees, criminality, certifications, or training hours or requirements.	<p>Examples:</p> <ul style="list-style-type: none"> Failure to meet board requirements other than threshold licensure requirements; Failure to provide information required by the board (e.g., criminal conviction, loss of job due to unprofessional conduct, disciplinary action in another jurisdiction, change of address etc.); Failure to report any renewal and reinstatement requirements; Failure to report another health care professional as required by mandatory reporting obligations. <p>DO NOT use for:</p> <ul style="list-style-type: none"> Failure to meet threshold criteria: the accepted minimum licensure requirements that are universally applied without decision or exception. Examples include academic degrees, criminality, certifications, or training hours or requirements; Continuing Competency requirements; instead use Code A2; Obtaining a license but failing to disclose required information on the application; instead use Code E4.
48	37	M	Failure to Pay Child Support/Delinquent Child Support.	Failure to Pay or Delinquent with Child Support.	Fails to meet child support responsibilities	Explanation: Use only if your state has this requirement.
48	39	M	License Revocation, Suspension or Other Disciplinary Action Taken by a Federal, State or Local Licensing Authority.	Disciplinary Action Taken by another Federal, State or Local Licensing Authority.	Grounds for action are based on action(s) taken by another state licensing, federal, or other authority.	<p>Examples:</p> <ul style="list-style-type: none"> A licensee is licensed in another jurisdiction and has final disciplinary action by that authority. <p>DO NOT use for:</p> <ul style="list-style-type: none"> Your own jurisdiction's disciplinary action.
48	29	U	Practicing Beyond the Scope of Practice.	.....	Provides care not permitted under the terms of a license or within the licensee's level of education, training, knowledge, skills, experience, or demonstrated competency.	<p>Examples:</p> <ul style="list-style-type: none"> Performing practice interventions, whether advanced or not, without required license, certification or training; Failure to work with adequate/required supervision. <p>DO NOT use for:</p> <ul style="list-style-type: none"> Substandard or Inadequate Care for incompetence issues; instead use Code F6; Negligence for not exercising reasonable judgement; instead use Code 13.
48	24	U	Practicing With an Expired License.	.....	Fails to renew license and continues to practice.	<p>Example:</p> <ul style="list-style-type: none"> Failure to renew license intentionally or unintentionally and continues to practice. <p>DO NOT use for:</p> <ul style="list-style-type: none"> A new graduate who fails the exam and continues to practice under a temporary license which expired on getting exam results; instead use Code A4; Someone who has had their license revoked and continues to practice; instead use Code A4.
48	25	R	Practicing Without a License.	.....	Redundant code, use code A4.	
48	A4	U	Practicing Without a Valid License.	.....	Practices without obtaining the proper authorization.	<p>Examples:</p> <ul style="list-style-type: none"> Failure to cease practice after a temporary license or permit has expired; Applicant or licensee practices after passing the exam but before licensing authority has issued license. <p>DO NOT use for:</p> <ul style="list-style-type: none"> Someone whose license has expired; instead use Code 24.

PROPOSED NPDB CODE LISTS MODIFICATIONS—Continued

Table	Code	Status	Current code description	New/modified code description	Guideline or explanation of status change	Code use examples and explanations
48	A6	U	Violation of Federal or State Statutes, Regulations or Rules.	.....	Violation of federal or state statutes, regulations or rules not associated with the practice act.	Examples: <ul style="list-style-type: none"> • Failure to meet alimony responsibilities; • Failure to report abuse or other federal or state requirement. DO NOT use for: <ul style="list-style-type: none"> • Violations of the state practice act; • Failure to meet child support; instead use Code 37.
48	36	U	Violation of Federal or State Tax Code.	.....	Fails to meet federal or state tax code responsibilities.	Example: <ul style="list-style-type: none"> • Failure to meet federal or state tax code responsibilities. Explanation: <ul style="list-style-type: none"> • Use with appropriate criminal conviction or adjudication code if applicable.
48	84	R	Violation of State Health Code.	.....	Redundant code, use code 31.	
48	A5	U	Violation of or Failure to Comply With Licensing Board Order.	.....	Fails to comply with a specific board order.	Example: <ul style="list-style-type: none"> • Failure to meet terms of a board order.

Criminal Conviction or Adjudication

49	19	U	Criminal Conviction	.....	Convicted of a felony or misdemeanor crime.	Example: <ul style="list-style-type: none"> • Convicted of a felony or misdemeanor crime. Explanation: <ul style="list-style-type: none"> • Use this code along with the appropriate code to describe the underlying violation of law; • If there is no appropriate code, describe the criminal conviction in the narrative.
49	18	U	Deferred Adjudication.	.....	Plea that avoids criminal conviction by meeting certain probationary requirements.	Explanation: <ul style="list-style-type: none"> • Deferred adjudication involves probation, treatment programs, and/or some type of community supervision; • Use this code along with the appropriate code to describe the underlying violation of law; • If there is no appropriate code, describe the violation in the narrative.
49	B1	U	Nolo Contendere Plea.	.....	Plea of no contest, same consequence as a guilty plea.	
49	I1	U	Diverted Conviction	.....	Pre-trial sentencing that avoids criminal conviction by completing a court ordered intervention program.	Explanation: <ul style="list-style-type: none"> • Pretrial sentencing includes participating in a treatment or rehabilitation program; • Use this code along with the appropriate code to describe the underlying violation of law; • If there is no appropriate code, describe the violation in the narrative.

Confidentiality, Consent or Disclosure Violations

50	C3	U	Breach of Confidentiality.	.....	Releases or obtains patient information without appropriate authorization.	Example: <ul style="list-style-type: none"> • Releasing or obtaining patient information without appropriate authorization.
50	C2	U	Failure to Comply With Patient Consultation Requirements.	.....	Fails to meet requirements for consultation with other health care providers or refer when appropriate.	Examples: <ul style="list-style-type: none"> • Failure to consult with or refer to an appropriate licensee when care is beyond the licensee's level of training, skill, expertise or license; • Failure to keep a referring source informed of the patient's progress.
50	C1	U	Failure to Obtain Informed Consent.	.....	Fails to meet informed consent requirements.	Examples: <ul style="list-style-type: none"> • Failure to explain procedures and possible complications; • Failure to obtain permission of the patient to evaluate and treat; as well as failure to obtain parental permission for a minor.

PROPOSED NPDB CODE LISTS MODIFICATIONS—Continued

Table	Code	Status	Current code description	New/modified code description	Guideline or explanation of status change	Code use examples and explanations
Misconduct or Abuse						
51	D4	U	Abusive Conduct Toward Staff.	.....	Engages in the maltreatment of a colleague or employee which can include mental, physical and/or verbal abuse.	Example: • Engaging in the maltreatment of a colleague or employee (i.e. mental, physical and/or verbal abuse). DO NOT use for: • Sexual abuse; instead use Code D1.
51	D7	M	Conduct Evidencing Ethical Unfitness.	Conduct Evidencing Ethical or Moral Unfitness.	Engages in conduct that is unethical or violates the ethical code of conduct.	Examples: • Failure to respect the beliefs and values of patient without prejudice; • Failure to protect or disregards the rights, health, safety of the patient.
51	D6	R	Conduct Evidencing Moral Unfitness.	.....	Use Code D7.	
51	71	U	Conflict of Interest ...	.....	Fails to disclose information that presents a conflict of interest.	Examples: • Failure to disclose ownership; • Failure to provide freedom of choice.
51	D5	U	Disruptive Conduct ..	.....	Engages in conduct which interferes with or disrupts normal operations in the patient care setting or workplace.	Example: • Interferes with or disrupts normal operations in the patient care setting or workplace. DO NOT use for: • Patient abuse; instead use Code 14.
51	D3	U	Exploiting a Patient for Financial Gain.	.....	Exploits a professional relationship with a patient to benefit financially beyond that which is reasonable for the provision of treatment.	Examples: • Takes advantage of the patient relationship by selling products that are not needed for treatment or could be obtained for a lower price; • Takes advantage of the patient relationship by inviting them into business opportunities. DO NOT use for: • Excessive or fraudulent billing; instead use Code 55.
51	16	U	Misappropriation of Patient Property or Other Property.	.....	Uses a patient's or coworker's property or the property of a facility without approval or permission.	Example: • Using or taking a patient's or coworker's property or the property of a facility without approval or permission. Explanation: • Also use Code 19 Criminal Conviction if there has been a criminal conviction. DO NOT use for: • Diverting medications from a patient; instead use Code H6.
51	D2	M	Non-Sexual Dual Relationship or Boundary Violation.	Non-Sexual Boundary Violation.	Engages in a non-sexual relationship, behavior or boundary violation that involves exploitation or coercion of a patient or former patient and contains harmful or potentially harmful elements.	Examples: • Excessive personal disclosure, secrecy, reversal of roles or actions that meet the needs of the licensee (borrowing money); • Non-sexual relationship with a patient's significant other.
51	14	U	Patient Abuse .....	.....	Engages in the maltreatment of a patient which can include mental, physical and/or verbal abuse.	Example: • Mental, physical and/or verbal abuse of a patient. DO NOT use for: • Sexual abuse or sexual assault; instead use Code D1.
51	D1	U	Sexual Misconduct ..	.....	Engages in behavior that exploits the practitioner-patient relationship in a sexual way, or engages in workplace sexual harassment such as unwelcome sexual advances or conduct of a sexual nature which interferes with the performance of another person's job or creates an intimidating, hostile, or offensive work environment.	Examples: • Sexual exploitation of a patient; • Workplace sexual harassment; • Sexual Assault; • Sexual Abuse.
51	D8	R	Other Unprofessional Conduct, Specify.	.....	Redundant code, covered by other categories, or use code 99.	

PROPOSED NPDB CODE LISTS MODIFICATIONS—Continued

Table	Code	Status	Current code description	New/modified code description	Guideline or explanation of status change	Code use examples and explanations
Fraud, Deception, or Misrepresentation						
52	E6	U	Failure to Disclose ..	.....	Fails to disclose information that is required by the board.	Examples: <ul style="list-style-type: none"> • Failure to disclose criminal or disciplinary history on a license application; • Failure to disclose revenues generated from selling equipment or other financial relationships, etc.
52	E3	U	Filing False Reports or Falsifying Records.	.....	Fabricates patient, medical, health, employee, or other records.	Examples: <ul style="list-style-type: none"> • Failure to provide accurate patient, medical, health, employee, or other records; • Documenting treatment that did not occur. <p>Explanation: Use this code in conjunction with A2 Failure to Comply with Continuing Education or Competency Requirements for falsifying licensee continuing education or competence records.</p> <p>DO NOT use for:</p> <ul style="list-style-type: none"> • False billing for care/treatment; instead use Code 56.
52	5	R	Fraud—Unspecified	.....	Redundant code, covered by other fraud codes.	
52	E4	U	Fraud, Deceit or Material Omission in Obtaining License or Credentials.	.....	Provides false, altered or omitting documents and information when applying for licensure.	Examples: <ul style="list-style-type: none"> • Provides false documentation in licensure application materials (transcript, letters, etc.); • Failure to disclose prior disciplinary action or criminal conviction on application; • Falsifies testing materials (cheating, trafficking, etc.).
52	55	M	Improper or Abusive Billing Practices.	Improper Billing Practices.	Knowingly or intentionally bills improperly	Examples: <ul style="list-style-type: none"> • Knowingly uses incorrect treatment or billing codes; • Charges unreasonable fees; • Intentionally overbills. <p>DO NOT use for:</p> <ul style="list-style-type: none"> • Conviction of insurance fraud; instead use Code E1.
52	E1	U	Insurance Fraud (Medicare, Medicaid or Other Insurance).	.....	Convicted of Medicare, Medicaid or other insurance fraud.	Examples: <ul style="list-style-type: none"> • Convicted of Medicare, Medicaid or other insurance fraud. <p>Explanation:</p> <ul style="list-style-type: none"> • Use in conjunction with Code 19 Criminal Conviction.
52	E5	U	Misleading, False or Deceptive Advertising or Marketing.	.....	Uses misleading, false or deceptive advertising or marketing related to services, treatment, procedures or care.	Example: <ul style="list-style-type: none"> • False or misleading advertising related to license. <p>DO NOT use for:</p> <ul style="list-style-type: none"> • Failure to correctly identify credentials; instead use Code 81.
52	81	U	Misrepresentation of Credentials.	.....	Fails to properly identify oneself with regards to education, training, knowledge, experience, or skills.	Example: <ul style="list-style-type: none"> • Failure to properly identify education, training, knowledge, experience, or skills.
52	E2	U	Providing or Ordering Unnecessary Tests or Services.	.....	Orders or provides unnecessary tests, procedures, treatment or services.	Examples: <ul style="list-style-type: none"> • Overutilization of tests/services; • Providing unnecessary treatment.
52	56	U	Submitting False Claims.	.....	Requests reimbursement for services that did not occur or does not reflect the actual treatment provided.	Example: <ul style="list-style-type: none"> • Intentionally billing for interventions/care that did not occur. <p>DO NOT use for:</p> <ul style="list-style-type: none"> • Conviction for insurance fraud; instead use Code E1; • Documenting treatments/care that did not occur or falsifying patient records; instead use Code E3.
Unsafe Practice or Substandard Care						
53	F8	U	Failure to Consult or Delay in Seeking Consultation With Supervisor/Proctor.	.....	Fails to provide or delaying proper consultation with supervisor or proctor.	Example: <ul style="list-style-type: none"> • Failure to consult with or report to a supervisor/ordering health care provider/proctor.

PROPOSED NPDB CODE LISTS MODIFICATIONS—Continued

Table	Code	Status	Current code description	New/modified code description	Guideline or explanation of status change	Code use examples and explanations
53	53	R	Failure to Provide Medically Reasonable and/or Necessary Items or Services.	.....	Redundant code, use code 13.	
53	F1	M	Immediate Threat to Health or Safety.	Immediate Threat to Public.	Presents an immediate risk to health or safety; Board uses emergency measures to remove a practitioner from practice.	Examples: • Emergency or summary suspension of a license. Explanation: • Use in combination with a code that best describes the violation.
53	17	U	Inadequate or Improper Infection Control Practices.	.....	Fails to conform to recognized standards or orders for infection control.	Example: • Failure to follow policies or procedures for infection control, sterile technique or isolation requirements. DO NOT use for: • Failure to comply with federal, state, local or institutional safety requirements or state health codes; instead use Code 31.
53	FA	U	Inappropriate Refusal to Treat.	.....	Refuses to treat a patient due to religious, moral or other reasons.	Example: • Refusal to treat a patient due to religious, moral or other reasons.
53	11	R	Incompetence .....	.....	Redundant code, use F1 or F6.	
53	12	R	Malpractice .....	.....	Redundant code, use specific reason associated with malpractice.	
53	13	U	Negligence .....	.....	Fails to exercise the skill, care and learning expected of a reasonably prudent health care provider.	Example: • Failure to exercise reasonable judgment. DO NOT use for: • Competence issue; instead use Code F6.
53	F9	U	Patient Abandonment.	.....	Terminates care without adequate notice of the professional relationship between a health care provider and a patient/client at a time when the patient needs further care.	Example: • Deserts or neglects a patient with whom there is an established provider-patient relationship without making reasonable arrangements for the continuation of care and without reasonable notice.
53	15	R	Patient Neglect .....	.....	Redundant code, use 13.	
53	F6	M	Substandard or Inadequate Care.	Substandard Care or Inadequate Skill Level.	Fails to meet clinical standards of practice, unable to practice competently or practicing with insufficient skill.	Example: • Failure to provide competent care. DO NOT use for: • Practicing beyond level of training; instead use Code 29.
53	F7	R	Substandard or Inadequate Skill Level.	.....	Redundant code, use code F6.	
53	F5	R	Unable to Practice Safely.	.....	Redundant code, use code F2, F3, or F4.	
53	F2	M	Unable to Practice Safely by Reason of Alcohol or Other Substance Abuse.	Unable to Practice Safely by Reason of Substance Use.	Unable to practice safely by reason of substance use.	Example: • Failure/inability to practice safely by reason of substance use.
53	F4	M	Unable to Practice Safely by Reason of Physical Illness or Impairment.	Unable to Practice Safely by Reason of Physical Impairment.	Unable to practice safely by reason of physical impairment.	Example: • Failure/inability to practice safely by reason of physical impairment.
53	F3	M	Unable to Practice Safely by Reason of Psychological Impairment or Mental Disorder.	Unable to Practice Safely by Reason of Psychological Impairment.	Unable to practice safely by reason of psychological impairment.	Example: • Failure/inability to practice safely by reason of psychological impairment.
53	To be determined.	N	N/A	Incorrect Site Procedure.	Procedure performed on the wrong side or site of the body, wrong surgical procedure performed.	Example: • Performing an invasive procedure on wrong side of the body; • Performing a non-invasive procedure on the wrong side of the body, i.e. taking blood pressure on the side of an arteriovenous fistula.

PROPOSED NPDB CODE LISTS MODIFICATIONS—Continued

Table	Code	Status	Current code description	New/modified code description	Guideline or explanation of status change	Code use examples and explanations
53	To be determined.	N	N/A	Foreign Body Retained Inappropriately in a Patient.	Leaves an item(s) inside a patient after a procedure that should not be there.	Example: <ul style="list-style-type: none"> Retained foreign body refers to any item or foreign object related to any operative or invasive procedure that is left inside a patient. Common items include sponges and towels; retractors, unretrieved device components or fragments, parts of trocars, guidewires, catheters, and pieces of drains; needles and other sharps.
53	To be determined.	N	N/A	Wrong Patient	Procedure or treatment performed on the wrong patient.	Example: <ul style="list-style-type: none"> Performing an invasive procedure on the wrong patient; Performing a non-invasive procedure on the wrong patient i.e. ambulating the wrong patient.
Improper Supervision or Allowing Unlicensed Practice						
54	G2	U	Allowing or Aiding Unlicensed Practice.	.....	Allows or assists someone practice without a license.	Example: <ul style="list-style-type: none"> Knowingly allows unlicensed practice.
54	G1	U	Improper or Inadequate Supervision or Delegation.	.....	Fails to supervise adequately or properly those assigned to you.	Example: <ul style="list-style-type: none"> Failing to supervise adequately or properly those assigned to you.
Improper Prescribing, Dispensing, Administering Medication/Drug Violation						
55	H6	U	Inappropriate Acquisition or Diversion of Controlled Substance.	.....	Diverts prescription medication from a patient or a healthcare facility with intent to sell, distribute or consume for personal misuse.	Example: <ul style="list-style-type: none"> Removing a prescribed medication from a patient's inventory, unused portion, waste, trash or healthcare facility inventory for self or someone other than the patient.
55	H5	U	Error in Prescribing, Dispensing or Administering Medication or Sedation.	.....	Makes an error when prescribing, dispensing, or administering medications.	Examples: <ul style="list-style-type: none"> Giving the wrong medication; Giving medication to the wrong patient; Giving the wrong dosage of medication; Improper storage of medication.
55	H1	M	Narcotics Drug Violation or Other Violation of Drug Statutes.	Drug Violation or Other Violation of Drug Statutes.	Controlled substance violation regardless of conviction.	Examples: <ul style="list-style-type: none"> Controlled substance violation regardless of conviction. Explanation: <ul style="list-style-type: none"> If there is a conviction, also use Code 19 Criminal Conviction.
55	H4	U	Inappropriate or Unauthorized Administration of Medication or Sedation.	.....	Administers medications improperly or without the appropriate prescription or medication order.	Example: <ul style="list-style-type: none"> Failure to administer medications properly or without the appropriate prescription/order.
55	H3	U	Inappropriate or Unauthorized Dispensing of Medication.	.....	Dispenses medication improperly or without the appropriate authorization.	Example: <ul style="list-style-type: none"> Failure to obtain authorization or prescription to dispense medication.
55	H2	U	Inappropriate or Unauthorized Prescribing of Medication.	.....	Improper prescribing or attempting to prescribe without authority or altering medication order.	Examples: <ul style="list-style-type: none"> Forging signature on order/prescription; Altering an order/prescription; Failure to obtain prescriber authorization or signature.
Other						
56	99	U	Other—Not Classified, Specify.	.....	Use only if no other code is applicable.	

Table Key:

- Table # and name as it appears in published NPDB Code Lists.
- Code # as it appears in published NPDB Code Lists. NOTE: Code number is subject to change with the next published version.
- Status: Unchanged (U), Modified (M), Retired (R), New (N).
- Current Code Description.
- New or Modified Code Description.
- Guideline: a new category of information to help explain the code.
- Code use examples and explanations: a new category of information to show how to apply the code.

Diana Espinosa,
Acting Administrator.

[FR Doc. 2021-28377 Filed 12-30-21; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection

Activities: Proposed Collection: Public Comment Request Rural Health Clinic COVID-19 Reporting Portal, OMB No. 0906-0056—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than March 4, 2022.

ADDRESSES: Submit your comments to paperwork@hrsa.gov or by mail to the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email paperwork@hrsa.gov or call Samantha Miller, the acting HRSA Information Collection Clearance Officer at (301) 443-9094.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information collection request title for reference.

Information Collection Request Title: Rural Health Clinic COVID-19 (RHC

COVID-19) Reporting Portal OMB No. 0906-0056—Revision.

Abstract: In October 2020, HRSA created a monthly, aggregate data report to collect information on COVID-19 testing and related expenses conducted by funded organizations participating in the RHC COVID-19 Testing (RHCCT) Program funded through the Paycheck Protection Program and Health Care Enhancement Act (Pub. L. 116-139). HRSA is expanding this data report to collect information on COVID-19 testing, COVID-19 mitigation, and related expenses conducted by funded organizations participating in the RHC COVID-19 Testing and Mitigation (RHCCTM) Program funded through the American Rescue Plan Act (Pub. L. 117-2). Funded organizations were identified by Tax Identification Number (TIN), and a TIN organization may operate one or more RHC sites which were identified by unique Centers for Medicare and Medicaid Services Certification Numbers. Respondents are TIN organizations who received funding for COVID-19 testing, COVID-19 mitigation, and related expenses. HRSA issued RHCCTM funding as one-time payments to 2,301 TIN organizations based on the number of certified RHC sites they operate, providing \$100,000 per clinic site (4,459 RHC sites total across the country). Data report information is needed to comply with federal requirements to monitor funds distributed under the Paycheck Protection Program and Health Care Enhancement Act and the American Rescue Plan Act.

Need and Proposed Use of the Information: The RHC COVID-19 Reporting Portal collects information from RHC-funded providers who use RHCCT Program funding and RHCCTM Program funding to support COVID-19 testing, expand access to testing in rural communities, and other related expenses. The RHC COVID-19 Reporting Portal also collects information from RHC-funded providers who use RHCCTM Program funding to support COVID-19 mitigation and other related expenses. These data are critical to meet HRSA requirements to monitor and report on how federal funding is

being used and to measure the effectiveness of the RHCCT Program and RHCCTM Program. Revisions include a confirmation page for TIN organization self-certification following completion of each program after the period of availability. Specifically, data will be used to assess the following:

- Whether program funds are being spent for their intended purposes;
- COVID-19 testing or testing related use(s) of RHCCTM funds;
- COVID-19 mitigation or mitigation related use(s) of RHCCTM funds;
- Where COVID-19 testing supported by these funds is occurring;
- Number of at-home (*i.e.* home collection, direct-to-consumer, over-the-counter) COVID-19 tests distributed (optional);
- Number of COVID-19 tests;
- Number of positive COVID-19 tests;
- TIN organizations self-certification of complete expenditure of RHCCT Program funds and/or full or partial return of RHCCT Program funds; and
- TIN organizations self-certification of complete expenditure of RHCCTM Program funds and/or full or partial return of RHCCTM Program funds.

Likely Respondents: Respondents are TIN organizations who own or operate one or more RHC who received funding for COVID-19 testing, COVID-19 mitigation, and related expenses.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
RHC COVID-19 Reporting Portal	2,301	19	43,719	0.33	14,427
Total	2,301	.....	43,719	.....	14,427

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021-28414 Filed 12-30-21; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer's Research, Care, and Services; Meeting

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). The Advisory Council provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. During the January 24, 2022 meeting the Advisory Council will hear about the National Plan to Address Alzheimer's Disease: 2021 Update, as well as update from federal agencies. The Advisory Council will also hear presentations about dementia risk reduction for veterans and research on the potential relationship between COVID-19 and dementia. The Advisory Council will also hear about a recent report on the current capacity of the dementia care workforce. A panel will present on dementia assessment tools for special populations, such as individuals with intellectual and developmental disabilities. Finally, the Advisory Council will hear from a panel on the inclusion of caregivers in clinical care settings, including those in rural communities.

DATES: The meeting will be held on January 24, 2022 from 12:00 p.m. to 4:30 p.m. EST.

ADDRESSES: The meeting will be virtual, streaming live at www.hhs.gov/live.

Comments: Time is allocated on the agenda to hear public comments from 4:00 p.m. to 4:30 p.m. The time for oral comments will be limited to two (2) minutes per individual. In order to provide a public comment, please

register by emailing your name to napa@hhs.gov by Thursday, January 20. On Friday, January 21, registered commenters will receive both a dial-in number and a link to join the meeting virtually; individuals will have the choice to either join virtually via the link, or to call in only by using the dial-in number. Note: There may be a 30-45 second delay in the livestream video presentation of the conference. For this reason, if you have pre-registered to submit a public comment, it is important to connect to the meeting by 3:45 p.m. to ensure that you do not miss your name and allotted time when called. If you miss your name and allotted time to speak, you may not be able to make your public comment. All participant audio lines will be muted for the duration of the meeting and only unmuted by the Host at the time of the participant's public comment. Should you have questions during the session email napa@hhs.gov and someone will respond to your message as quickly as possible.

In order to ensure accuracy, please submit a written copy of oral comments for the record by emailing napa@hhs.gov by Tuesday, January 25. These comments will be shared on the website and reflected in the meeting minutes.

In lieu of oral comments, formal written comments may be submitted for the record by Tuesday, January 25 to Helen Lamont, Ph.D., OASPE, 200 Independence Avenue SW, Room 424E, Washington, DC 20201. Comments may also be sent to napa@hhs.gov. Those submitting written comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT:

Helen Lamont, 202-260-6075, helen.lamont@hhs.gov. Note: The meeting will be available to the public live at www.hhs.gov/live.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)). Topics of the Meeting: Long-term services and supports workforce, caregiving.

Procedure and Agenda: The meeting will be webcast at www.hhs.gov/live and video recordings will be added to the National Alzheimer's Project Act website when available, after the meeting.

Authority: 42 U.S.C. 11225; Section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92-463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: December 22, 2021.

Benjamin Sommers,

Deputy Assistant Secretary for Planning and Evaluation Acting on Behalf of Rebecca Haffajee, Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 2021-28412 Filed 12-30-21; 8:45 am]

BILLING CODE 4150-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Genetic Variant-based Drug Development for Healthy Aging.

Date: March 2, 2022.

Time: 11:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301-496-9666, parsadaniana@nia.nih.gov.

Name of Committee: National Institute on Aging Special Emphasis Panel; Glial Pathology in Brain Aging.

Date: March 11, 2022.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301-496-9666, parsadaniana@nia.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 27, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-28382 Filed 12-30-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HHS-NIH-CDC-SBIR PHS 2022-1 Phase I: Data Science Tools for Infectious and Immune-Mediated Disease Research (Topic 111).

Date: February 8, 2022.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G42, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Sandip Bhattacharyya, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G42, Rockville, MD 20852, (240) 282-0189, sandip.bhattacharyya@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 27, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-28411 Filed 12-30-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel; Review Postdoctoral Research Associate Training (PRAT) Applications.

Date: February 8-9, 2022.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

Contact Person: Latarsha J. Carithers, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, (301) 594-4859, latarsha.carithers@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: December 27, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-28381 Filed 12-30-21; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Career Development for Clinicians/Health Professionals Study Section.

Date: January 18-19, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Maurizio Grimaldi, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, 301-496-9374, grimaldim2@mail.nih.gov.

Name of Committee: National Institute on Aging Initial Review Group; Career Development for Established Investigators and Conference Grants Study Section.

Date: January 31-February 1, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Greg Bissonette, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, 301-402-1622, bissonettegb@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 27, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-28383 Filed 12-30-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Allergy and Infectious Diseases; Notice of Closed 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HHS–NIH–CDC–SBIR PHS 2021–1 Phase I: Production of Adjuvants Mimics (Topic 106) (For SBIRs Phase I).

Date: January 28, 2022.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F52, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Margaret A. Morris Fears, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F52, Rockville, MD 20852, (301) 761–5444, maggie.morrisfears@nih.gov.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HHS–NIH–CDC–SBIR PHS 2021–1 Phase II: Production of Adjuvants Mimics (Topic 106) (For SBIRs Phase II).

Date: January 28, 2022.

Time: 12:30 p.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F52, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Margaret A. Morris Fears, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F52, Rockville, MD 20852, (301) 761–5444, maggie.morrisfears@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 27, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–28408 Filed 12–30–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 Allergy and Infectious Diseases Special Emphasis Panel; Innovative Models for Delivering PrEP and STI Services to Stop HIV in the United States (R61/R33 Clinical Trial Optional).

Date: February 7, 2022.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33B, Rockville, MD 20892 (Virtual Meeting).

Contact Person: John C. Pugh, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33B, Rockville, MD 20852, (301) 435–2398, pughjohn@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 27, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–28410 Filed 12–30–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 Allergy and Infectious Diseases Special Emphasis Panel; NIH/NIAID 101 Novel Platforms for Delivery and/or Expression of HIV Env Immunogens for HIV Vaccines (N01).

Date: January 26, 2022.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33B, Rockville, MD 20892 (Virtual Meeting).

Contact Person: John C. Pugh, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33B, Rockville, MD 20852, (301) 435–2398, pughjohn@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 27, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–28409 Filed 12–30–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Center for Advancing Translational Sciences; Notice of Online Forum**

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Center for Advancing Translational Sciences (NCATS) will host a public online forum to enable public discussion of the Center's proposals to reorganize its Office of Rare Diseases Research and Office of Grants Management and Scientific Review to the Division of Rare Diseases Innovation and the Division of Extramural Activities, respectively. The proposals seek to recognize the importance of rare diseases research to the Center and to align its extramural activities with those of other Institutes and Centers at the National Institutes of Health. The online forum will allow members of the public to review the reorganization proposals and submit comments.

DATES: The public online forum will become available on January 24, 2022 and will remain open for five calendar days, through January 29, 2022.

ADDRESSES: The public forum will be held online, at <https://ncats.nih.gov/about/center/proposed-reorganization> for the period of time listed above.

FOR FURTHER INFORMATION CONTACT: Christopher Maurer, Management Analyst, National Center for Advancing Translational Sciences, NIH, christopher.maurer2@nih.gov or 301-827-7280.

SUPPLEMENTARY INFORMATION: The NIH Reform Act of 2006 (42 U.S.C. Sec. 281(d)(4)) requires public notice of proposed reorganization plans. This announcement and the public forum serve as that notice.

Keith R. Lamirande,

Executive Officer, National Center for Advancing Translational Sciences.

[FR Doc. 2021-28415 Filed 12-30-21; 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: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Biochemistry and Biophysics of Membranes Study Section.

Date: February 2-3, 2022.

Time: 9:30 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: Nuria E Assa-Munt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451-1323, assamunu@csr.nih.gov.

Name of Committee: Cell Biology Integrated Review Group; Biology and Development of the Eye Study Section.

Date: February 3-4, 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: Thomas Beres, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7840, Bethesda, MD 20892, 301-435-1175, berestm@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 27, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-28380 Filed 12-30-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2020-0278]

Port Access Route Study: Northern New York Bight

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability; final report.

SUMMARY: The First Coast Guard District announces the completion of the Northern New York Bight Port Access Route Study (NNYBPARS). The study was conducted to evaluate the adequacy of existing vessel routing measures and

determine whether additional vessel routing measures are necessary for port approaches to New York and New Jersey and international and domestic transit areas in the First Coast Guard District's area of responsibility. To accomplish this goal, the First Coast Guard District has undertaken measures to determine whether existing or additional routing measures are necessary to improve navigation safety due to factors such as planned or potential offshore development, current port capabilities and planned improvements, increased vessel traffic, existing and potential anchorage areas, changing vessel traffic patterns, effects of weather, or navigational difficulty. The NNYBPARS final report is available for viewing and download from the **Federal Register** docket at <http://www.regulations.gov> or the Coast Guard Navigation Center website at <https://www.navcen.uscg.gov/?pageName=PARSReports>.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact Mr. Craig Lapiejko, Waterways Management at First Coast Guard District, telephone (617) 223-8351, email craig.d.lapiejko@uscg.mil.

I. Table of Abbreviations

DHS	Department of Homeland Security
LNM	Local Notice to Mariners
MSIB	Marine Safety Information Bulletin
MTS	Marine Transportation System
NAD 83	North American Datum of 1983
NNYB	Northern New York Bight
PARS	Port Access Route Study
PWSA	Ports and Waterways Safety Act
TSS	Traffic Separation Scheme
USCG	United States Coast Guard

II. Background and Purpose

When did the Coast Guard conduct this Port Access Route Study (PARS)?

We conducted this PARS following our announcement of the PARS in a notice published in the **Federal Register** on June 29, 2020, entitled "Port Access Route Study (PARS): Northern New York Bight," (85 FR 38907). The public was afforded a 60-day comment period, and two virtual public meetings were held via teleconference and webinar to receive public input. The Coast Guard received 25 comments in response to our **Federal Register** Notice, public meetings and other outreach efforts, which included announcement via a Marine Safety Information Bulletin (MSIB), publication in the Local Notice to Mariners (LNM), and Facebook and Twitter posts. All comments and supporting documents to this document are available in a public docket and can be viewed at <http://www.regulations.gov>.

On April 12, 2021, we published a supplemental notice of study; request for comments entitled "Port Access Route Study (PARS): Northern New York Bight" in the **Federal Register** (86 FR 18996) seeking additional information. The public was afforded a 30-day comment period. The Coast Guard received five comments to this document in response to our **Federal Register** Notice, and other outreach efforts, which included an announcement via a MSIB, publication in the LNM, and Facebook and Twitter posts. All comments and supporting documents to this document are available in a public docket and can be viewed at <http://www.regulations.gov>.

On July 15, 2021, we published a notice of availability of draft report and public meeting; request for comments, entitled "Port Access Route Study (PARS): Northern New York Bight" in the **Federal Register** (86 FR 37339) announcing the availability of the draft version of the study report. The public was initially afforded a 45-day comment

period. On September 09, 2021, the comment period was re-opened for an additional 22 days.

During the combined 67-day public comment period, the Coast Guard received 21 comments in response to our **Federal Register** Notice and other outreach, which included four public meetings (one virtual and three in person), announcements via MSIBs, publications in the LNM, and Facebook and Twitter posts. All comments and supporting documents are available in a public docket and can be viewed at <http://www.regulations.gov>.

A total of 51 comments were submitted by members of the public during the 157 days of open comment periods and 6 public meetings.

A synopsis of the comments and copies of the First Coast Guard District's public outreach can be found in the report.

What is the study area?

The New York Bight encompasses a very large area starting along the coasts of New York and New Jersey, from

Montauk Point, NY, to Cape May, NJ, and then offshore to the outer edge of the Continental Shelf. The Northern New York Bight study area is described as an area bounded by a line connecting the following geographic positions:

40 18'00.0" N 074 00'00.0" W;
38 57'00.0" N 071 16'00.0" W;
39 47'24.0" N 069 40'01.2" W;
41 07'12.0" N 071 34'33.6" W;
41 04'15.6" N 071 51'25.2" W; and
thence along the coast line back to the origin. All geographic points are based on North American Datum of 1983 (NAD 83).

This area extends approximately 150 nautical miles seaward and covers approximately 25,000 square nautical miles including the offshore area of New Jersey and New York used by private, commercial, and public vessels transiting to and from these ports. An illustration showing the study area is below with additional illustrations available in the online public docket where indicated under **ADDRESSES**.

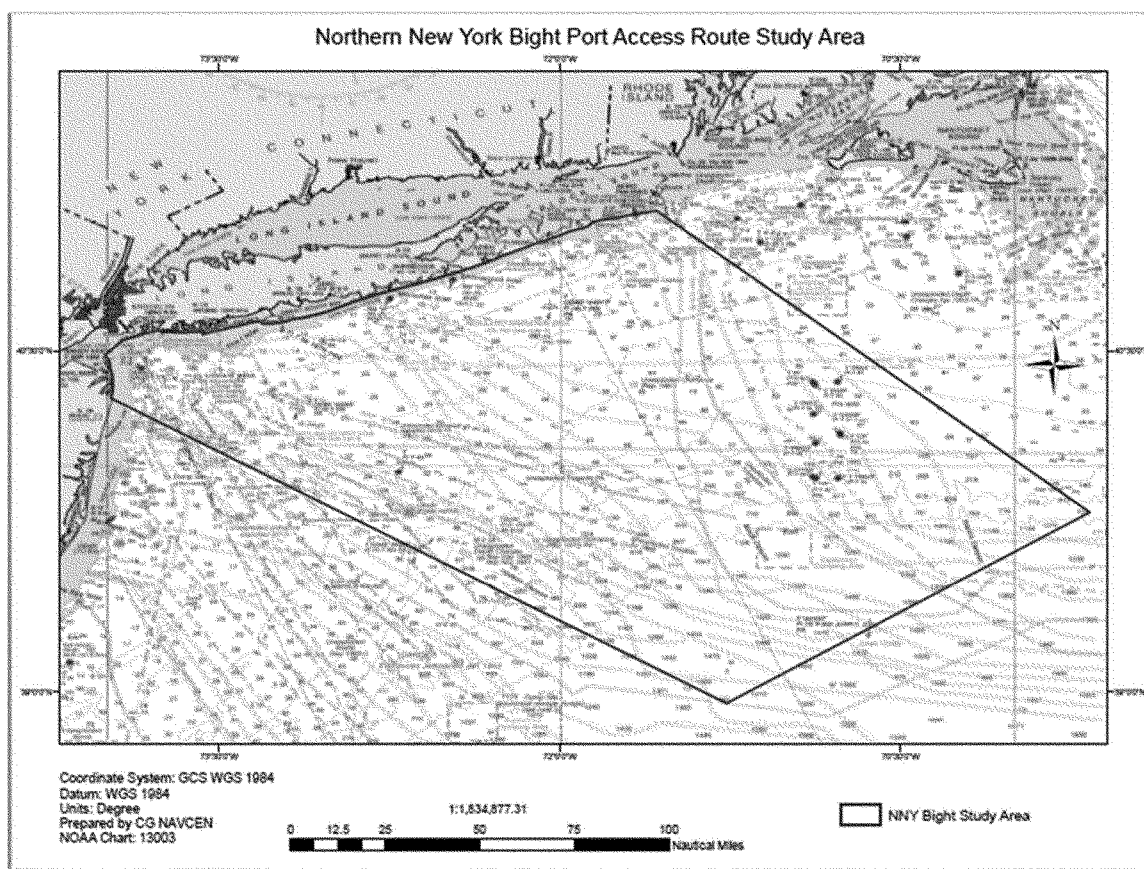


Illustration showing the NNYBPARS study area.

Why did the Coast Guard conduct this PARS?

The Coast Guard conducted the NNYBPARS to evaluate the adequacy of existing vessel routing measures and determine whether additional vessel routing measures are necessary for port approaches to New York and New Jersey and international and domestic transit areas in the First District area of responsibility. The NNYBPARS considered whether existing or additional routing measures were necessary to improve navigation safety due to factors such as planned or potential offshore development, current port capabilities and planned improvements, increased vessel traffic, existing and potential anchorage areas, changing vessel traffic patterns, effects of weather, or navigational difficulty. Vessel routing measures, which include traffic separation schemes, two-way routes, recommended tracks, deep-water routes, precautionary areas, and areas to be avoided, are implemented to reduce the risk of marine casualties.

PARS are conducted anytime the Coast Guard considers a need to recommend routing changes, within the territorial seas, for any port. The Ports and Waterways Safety Act (PWSA) requires the Coast Guard to conduct a study before establishing new or adjusting existing fairways or Traffic Separation Scheme (TSS). U.S. waterways support multiple uses, such as commercial shipping, tug and barge operations, commercial and recreational fishing, research vessels, offshore support vessels, military vessels, and aquaculture apparatus.

How did the First Coast Guard District conduct this PARS?

The PARS was conducted in alignment with guidance outlined in Coast Guard Commandant Instruction 16003.2B, Marine Planning to Operate and Maintain the Marine Transportation System (MTS) and Implement National Policy which is available in the docket or see https://media.defense.gov/2017/Mar/15/2001716995/-1/-1/0/CI_16003_2A.PDF.

What were the objectives of the study?

The objectives of the study were to;

- Determine present traffic density;
- Determine potential traffic density;
- Determine if existing vessel routing measures are adequate;
- Determine if existing vessel routing measures require modifications;
- Determine the type of modifications;
- Define and justify the needs for new vessel routing measures;

vii. Determine the type of new vessel routing measures; and

viii. Determine if the usage of the vessel routing measures must be mandatory for specific classes of vessels.

III. Viewing the Report

The NNYBPARS report is available for viewing and download from the **Federal Register** docket at <http://www.regulations.gov> or the Coast Guard Navigation Center website at <https://www.navcen.uscg.gov/?pageName=PARSReports>.

To view the NNYBPARS report in the docket, go to <http://www.regulations.gov>, and insert "USCG-2020-0278" in the "search box." Click "Search". Then scroll down to the document entitled "FINAL REPORT Northern New York Bight PARS December 27, 2021" under the document type "Supporting & Related Material."

IV. Conclusion

As required by the March 15, 2019 **Federal Register** Notice of study; request for comments (84 FR 9541), the First Coast Guard District considered whether it should revise existing regulations to improve navigation safety in NNYB due to factors such as vessel traffic density, vessel traffic patterns, weather conditions, or navigation challenges in the study area. The First Coast Guard District analyzed all available sources of data relevant to this process, including existing and potential traffic patterns, existing regulations, public submissions, and other factors. The First Coast Guard District identified five different alternatives to consider within this study.

As detailed in the final report, the First Coast Guard District recommends that multiple shipping safety fairways and one federal anchorage ground be established within the NNYBPARS study area. Shipping safety fairways may be utilized by mariners but are not mandatory for any specific class of vessel.

The First Coast Guard District actively monitors all waterways subject to its jurisdiction to help ensure navigation safety. As such, the First Coast Guard District will continue to monitor the Northern New York Bight for changing conditions and consider appropriate actions, such as recommend vessel routes or more extensive use of electronic Aids to Navigation to promote waterway and user safety.

This notice is published under the authority of 46 U.S.C. 70003, 70004 and 5 U.S.C. 552(a).

Dated: December 27, 2021.

T. G. Allan Jr.,

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

[FR Doc. 2021-28457 Filed 12-30-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

**[FWS-R2-ES-2021-N216;
FXES11130200000-223-FF02ENEH00]**

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act of 1973, as amended (ESA), prohibits certain activities that may impact endangered species unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please submit your written comments by February 2, 2022.

ADDRESSES:

Document availability: Request documents by phone or email: Beth Forbus, 505-248-6681, beth_forbus@fws.gov.

Comment submission: Submit comments by email to fw2_te_permits@fws.gov. Please specify the permit you are interested in by number (e.g., Application No. CS1234567).

FOR FURTHER INFORMATION CONTACT: Beth Forbus, Supervisor, Classification and Restoration Division, 505-248-6681. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1-800-877-8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

With some exceptions, the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of "take" includes hunting, shooting, harming, wounding, or killing, but also

such activities as pursuing, harassing, trapping, capturing, or collecting.

The ESA and our implementing regulations in the Code of Federal Regulations (CFR) at title 50, part 17, provide for issuing such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit we issue under the ESA, section 10(a)(1)(A), authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or enhance the species' propagation or survival. These activities often include such prohibited actions as

capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Documents and other information submitted with these applications are available for review by any party who submits a request as specified in **ADDRESSES**. Releasing documents is subject to Privacy Act (5 U.S.C. 552a)

and Freedom of Information Act (5 U.S.C. 552) requirements.

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. We invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies. Please refer to the application number when submitting comments.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
CS0080862	Harpo Faust, Saff Killingsworth; Tucson, Arizona.	Acuña cactus (<i>Echinomastus erectocentrus</i> var. <i>acuinensis</i>).	Arizona	Survey/monitor, collect	Harm, kill	New.
TE037155	Bio-West, Inc.; Round Rock, Texas.	Barton Springs salamander (<i>Eurycea sosorum</i>), Austin blind salamander (<i>Eurycea waterlooensis</i>), Ouachita rock pocketbook (<i>Arcidens wheeleri</i>), winged mapleleaf (<i>Quadrula fragosa</i>), Neosho mucket (<i>Lampsilis rafinesqueana</i>), Neosho madtom (<i>Noturus placidus</i>).	Arkansas, Oklahoma, Louisiana, Texas.	Survey/monitor, capture, handle, collect, release.	Harass, harm, kill.	Amend.
TE67491A	Permits West, Inc., Santa Fe, New Mexico.	Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>), yellow-billed cuckoo (<i>Coccyzus americanus</i>).	Arizona, New Mexico, Colorado, Utah.	Survey/monitor	Harass, harm	Renew, amend.
CS0082113	U.S. Geological Survey, New Mexico Cooperative Fish and Wildlife Research Unit, Las Cruces, New Mexico.	Gila chub (<i>Gila intermedia</i>), Gila topminnow (<i>Poeciliopsis occidentalis occidentalis</i>), spikedace (<i>Meda fulgida</i>), desert pupfish (<i>Cyprinodon macularius</i>).	Arizona, New Mexico	Survey, capture, handle ..	Harass, harm, kill.	New.
TE006655	Logan Simpson Design, Inc., Tempe, Arizona.	Black-footed ferret (<i>Mustela nigripes</i>), southwestern willow flycatcher (<i>Empidonax traillii extimus</i>), Yuma clapper rail (<i>Rallus longirostris yumanensis</i>), Gila topminnow (<i>Poeciliopsis occidentalis</i>), razorback sucker (<i>Xyrauchen texanus</i>).	Arizona, New Mexico, Utah.	Survey/monitor	Harass, harm	Renew, amend.
TE25781D	Atkins International Inc., Austin, Texas.	Golden-cheeked warbler (<i>Dendroica chrysoparia</i>).	Texas	Presence/absence surveys, habitat assessment.	Harass, harm	Renew, amend.
CS0082163	Edwards Aquifer Recovery Implementation Program, San Antonio, Texas.	Fountain darter (<i>Etheostoma fonticola</i>), Texas blind salamander (<i>Eurycea rathbuni</i>).	Texas	Capture, display for educational purposes.	Harass, harm, capture.	New.
TE91694B	Cramer, Steven; San Antonio, Texas.	Houston toad (<i>Bufo houstonensis</i>), Texas prairie dawn (<i>Hymenoxys texana</i>).	Texas	Presence/absence surveys.	Harass, harm	Renew, amend.
CS0081603	Bureau of Land Management, Phoenix, Arizona.	Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>), yellow-billed cuckoo (<i>Coccyzus americanus</i>), desert pupfish (<i>Cyprinodon macul</i>), Gila chub (<i>Gila intermedia</i>), Gila topminnow (<i>Poeciliopsis occidentalis occidentalis</i>), lesser long-nosed bat (<i>Leptonycteris curasoae yerbabuenae</i>), Sonoran pronghorn (<i>Antilocapra americana sonoriensis</i>).	Arizona	Survey/monitor	Harass, harm	New.
CS0081216	Lamont, Megan; Giddings, Texas	Golden-cheeked warbler (<i>Dendroica chrysoparia</i>).	Texas	Presence/absence protocol surveys.	Harass, harm	New.
CS0079419	Tucson Audubon Society, Tucson, Arizona.	Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>).	Arizona, New Mexico	Presence/absence protocol surveys and habitat assessments.	Harass, harm	New.
TE11267C	Buschow, Marissa; Sugar Land, Texas.	Golden-cheeked warbler (<i>Dendroica chrysoparia</i>), Houston toad (<i>Bufo houstonensis</i>).	Texas	Survey	Harass, harm	Amend.
TE75679D	Ramirez, Alex; San Antonio, Texas.	Houston toad (<i>Bufo houstonensis</i>).	Texas	Survey	Harass, harm	Amend.
CS0080544	Cook, Leneka; San Antonio, Texas.	Golden-cheeked Warbler (<i>Dendroica chrysoparia</i>).	Texas	Presence/absence protocol surveys and habitat assessments.	Harass, harm	New.
ESPER25781D	Atkins North America, Inc., Austin, Texas.	Golden-cheeked warbler (<i>Dendroica chrysoparia</i>).	Texas	Presence/absence protocol surveys and habitat assessments.	Harass, harm	Amend.
ESPER0018550	Mowad, Gary; Scottsdale, Arizona	Ocelot (<i>Leopardus pardalis</i>), jaguarundi (<i>Herpailurus yagouaroundi</i>).	Texas	Camera monitoring using scents/attractants.	Harass, harm	New.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
ESPER0011772	U.S. Forest Service—Coronado National Forest; Tucson, Arizona.	Beardless chinchweed (<i>Pectis imberbis</i>).	Arizona	Seed collection	Collect	Amend.
ESPER0020702	National Audubon Society—Arizona; Phoenix, Arizona.	Yellow-billed cuckoo (<i>Coccyzus americanus</i>), Yuma clapper rail (<i>Rallus longirostris yumanensis</i>).	Arizona	Survey/monitor	Harass, harm	Amend.
ESPER0007529	U.S. Forest Service—Gila National Forest; Silver City, New Mexico.	Bald eagle (<i>Haliaeetus leucocephalus</i>), Gila chub (<i>Gila intermedia</i>), loach minnow (<i>Tiaroga cobitis</i>), spikedace (<i>Meda fulgida</i>), northern Mexican gartersnake (<i>Thamnophis eques megalops</i>), narrow-headed gartersnake (<i>Thamnophis rufipunctatus</i>), southwestern willow flycatcher (<i>Empidonax traillii extimus</i>), yellow-billed cuckoo (<i>Coccyzus americanus</i>).	New Mexico	Survey/monitor, capture/handle.	Harass, harm	New.
ESPER0019716P ..	Boeing, Wiebke; Las Cruces, New Mexico.	Pecos assimineia (<i>Assimineia pecos</i>).	New Mexico	Survey/monitor, capture ..	Harass, harm	New.
ESPER0020647	National Park Service—Bandelier National Monument; Los Alamos, New Mexico.	Jemez Mountains salamander (<i>Plethodon neomexicanus</i>).	New Mexico	Survey/monitor	Harass, harm	Renew.
ESPER822908	Caesar Kleburg Wildlife Research Institute; Kingsville, Texas.	Ocelot (<i>Leopardus pardalis</i>)	Texas	Trap, presence/absence surveys.	Harass, harm	Renew.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*).

Amy L. Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2021-28443 Filed 12-30-21; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[222A2100DD/AAKC001030/
A0A501010.999900253G; OMB Control
Number 1076-NEW]

Agency Information Collection Activities; BIE-DPA Improving Secondary Transition and Post-School Outcomes

AGENCY: Bureau of Indian Education, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE), are proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before March 4, 2022.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; or by email to comments@bia.gov. Please reference Office of Management and Budget

(OMB) Control Number 1076-NEW in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Eugene Thompson by email at Eugene.thompson@bie.edu or by telephone at 202-860-5812.

Individuals who are hearing or speech impaired may call the Federal Relay Service at 1-800-877-8339 for TTY assistance. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Providing secondary transition services is required by the Individuals with Disabilities Education Act (IDEA; Pub. L. 108-446) which requires that schools develop a plan through the Individualized Education Program (IEP) to assist students in reaching post-graduation goals. BIE-funded high schools coordinate and implement high quality secondary transition programs for all students with disabilities, 16 years and above, in preparation for life after high school. The collected information will support the BIE Division of Performance and Accountability (DPA) in improving the efficacy of secondary transition programming, providing professional

development to staff at BIE-funded high schools, identifying priorities for future technical assistance, and serving as a data measure to be included within BIE's State Systemic Improvement Plan.

Title of Collection: BIE-DPA

Improving Secondary Transition and Post-School Outcomes.

OMB Control Number: 1076-NEW.

Form Number: None.

Type of Review: New.

Respondents/Affected Public:

Individuals/households, BIE-funded Schools.

Total Estimated Number of Annual Respondents: 1,100.

Total Estimated Number of Annual Responses: 1.

Estimated Completion Time per Response: 10 minutes.

Total Estimated Number of Annual Burden Hours: 184.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Steven Mullen,

*Information Collection Clearance Officer,
Office of Regulatory Affairs and Collaborative
Action—Indian Affairs.*

[FR Doc. 2021-28400 Filed 12-30-21; 8:45 am]

BILLING CODE 4337-15-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1194
(Enforcement Proceeding)]

Notice of Institution of Formal Enforcement Proceeding; Certain High-Density Fiber Optic Equipment and Components Thereof

AGENCY: U.S. International Trade
Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has instituted a formal enforcement proceeding relating to the General Exclusion Order ("GEO") and Cease and Desist Order ("CDO") issued against Panduit Corporation ("Panduit") on August 3, 2021, in the above-referenced investigation.

FOR FURTHER INFORMATION CONTACT:

Cathy Chen, Office of the General
Counsel, U.S. International Trade

Commission, 500 E Street SW, Washington, DC 20436, telephone 202-205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the original investigation on March 24, 2020, based on a complaint filed on behalf of Corning Optical Communications LLC ("Corning") of Charlotte, North Carolina. 85 FR 16653 (Mar. 24, 2020). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain high-density fiber optic equipment and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,020,320 ("the '320 patent"); 10,120,153 ("the '153 patent"); 8,712,206 ("the '206 patent"); 10,094,996; and 10,444,456 ("the '456 patent"). *Id.* The Commission's notice of investigation named numerous respondents including Panduit of Tinley, Illinois. *Id.* The notice of investigation also named the Office of Unfair Import Investigations ("OUII") as a party. *Id.* at 16654. The full investigation background is in the final termination notice. 86 FR 43564-65 (Aug. 9, 2021).

On August 3, 2021, the Commission found, *inter alia*, that Panduit violated section 337 with respect to claims 1 and 3 of the '320 patent; claims 11, 12, 14-16, 19, 21, 27, and 28 of the '456 patent; and claims 9, 16, 23, and 26 of the '153 patent. *Id.* at 43565. Specifically, the Commission found that Panduit's imported articles were used by customers to directly infringe the asserted claims of the '320, '456, and '153 patents at Panduit's inducement. *Id.* The Commission issued, *inter alia*, a GEO and a CDO against Panduit and determined that a bond as set forth in the Orders was required during the period of Presidential review. 19 U.S.C. 1337(j)(3).

On November 24, 2021, Corning filed a complaint requesting that the

Commission institute an enforcement proceeding under Commission Rule 210.75, 19 CFR 210.75, to investigate alleged violations of the GEO and CDO by Panduit.

Having examined the enforcement complaint and the supporting documents, the Commission has determined to institute a formal enforcement proceeding, pursuant to 19 CFR 210.75(a), to determine whether violations of the GEO and CDO, issued on August 3, 2021, in the original investigation have occurred and to determine what, if any, enforcement measures are appropriate. The named respondent is Panduit. OUII is also named as a party. In the Order issued concurrently herewith, the Commission has referred this enforcement proceeding to the chief administrative law judge for designation of a presiding administrative law judge to conduct any necessary proceedings, issue an Enforcement Initial Determination, and make a recommendation on appropriate enforcement measures, if any.

The Commission vote for this determination took place on December 28, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

Issued: December 28, 2021.

William Bishop,

*Supervisory Hearings and Information
Officer.*

[FR Doc. 2021-28448 Filed 12-30-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-718 (Fifth
Review)]

Glycine From China; Institution of a Five-Year Review

AGENCY: United States International
Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 ("the Act"), as amended, to determine whether revocation of the antidumping duty order on glycine from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted January 3, 2022. To be assured of consideration, the deadline for responses is February 2, 2022. Comments on the adequacy of responses may be filed with the Commission by March 17, 2022.

FOR FURTHER INFORMATION CONTACT:

Lawrence Jones (202–205–3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 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 internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On March 29, 1995, the Department of Commerce (“Commerce”) issued an antidumping duty order on imports of glycine from China (60 FR 16116). Commerce issued a continuation of the antidumping duty order on imports of glycine from China following Commerce's and the Commission's first five-year reviews, effective July 25, 2000 (65 FR 45752), second five-year reviews, effective November 15, 2005 (70 FR 69316), third five-year reviews, effective September 19, 2011 (76 FR 57951), and fourth five-year reviews, effective February 15, 2017 (82 FR 10745). The Commission is now conducting a fifth review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determination, its expedited first and second five-year review determinations, its full third five-year review determination, and its expedited fourth five-year review determination, the Commission defined the *Domestic Like Product* as all glycine, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination and its four prior five-year review determinations, the Commission defined the *Domestic Industry* as all domestic producers of glycine.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter

as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified

below. The deadline for filing such responses is February 2, 2022. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is March 17, 2022. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 21-5-508, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested

party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information to be Provided in Response to This Notice of Institution: As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2015.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2021, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2021 (report quantity data in pounds and value data in U.S.

dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2021 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2015, and

significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

Issued: December 27, 2021.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2021-28355 Filed 12-30-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1306 (Review)]

Large Residential Washers From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 ("the Act"), as amended, to determine whether revocation of the antidumping duty order on large residential washers from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted January 3, 2022. To be assured of consideration, the deadline for responses is February 2, 2022. Comments on the adequacy of responses may be filed with the Commission by March 17, 2022.

FOR FURTHER INFORMATION CONTACT: Lawrence Jones (202-205-3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 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 internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On February 6, 2017, the Department of Commerce ("Commerce") issued an antidumping duty order on imports of large residential washers from China (82 FR 9371). The Commission is conducting a review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the

Subject Merchandise. In its original determination, the Commission defined a single *Domestic Like Product* consisting of finished large residential washers within Commerce's scope, parts of large residential washers within Commerce's scope, and front load residential washers with a controlled induction motor and belt as encompassed by the second of the three exclusions in Commerce's scope definition referencing "automatic clothes washing machines."

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined a single *Domestic Industry* as all domestic producers of the *Domestic Like Product*.

(5) The *Order Date* is the date that the antidumping duty order under review became effective. In this review, the *Order Date* is February 6, 2017.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and

Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008).

Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is February 2, 2022. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in

Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is March 17, 2022. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–509, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a

complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information to be Provided in Response to This Notice of Institution: As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date*.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide

Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2021, except as noted (report quantity data in units and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2021 (report quantity data in units and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2021 (report quantity data in units and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* since the *Order Date*, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include

technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

Issued: December 27, 2021.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2021-28356 Filed 12-30-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1279 (Review)]

Scheduling of Expedited Five-Year Review; Hydrofluorocarbon Blends From China

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 ("the Act") to determine whether revocation of the antidumping duty order on hydrofluorocarbon blends from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: October 4, 2021.

FOR FURTHER INFORMATION CONTACT:

Lawrence Jones (202-205-3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain

information on this matter by contacting the Commission's TDD terminal on 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 internet server (<https://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On October 4, 2021, the Commission determined that the domestic interested party group response to its notice of institution (86 FR 35131, July 1, 2021) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.¹ Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Staff report.—A staff report containing information concerning the subject matter of the review has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for this review by January 3, 2022. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,² and any party

other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before January 11, 2022 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by January 11, 2022. However, should the Department of Commerce ("Commerce") extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: December 17, 2021.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2021-28449 Filed 12-30-21; 8:45 am]

BILLING CODE 7020-02-P

Coalition, a trade or business association a majority of whose members are integrated U.S. producers of hydrofluorocarbon blends, and its individual members (Arkema Inc., The Chemours Company FC LLC, and Honeywell International Inc.), to be adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

¹ A record of the Commissioners' votes is available from the Office of the Secretary and at the Commission's website.

² The Commission has found the joint response to its notice of institution filed by American HFC

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-825-826 (Fourth Review)]

Polyester Staple Fiber From Korea and Taiwan; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (“the Act”), as amended, to determine whether revocation of the antidumping duty orders on polyester staple fiber from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted January 3, 2022. To be assured of consideration, the deadline for responses is February 2, 2022. Comments on the adequacy of responses may be filed with the Commission by March 18, 2022.

FOR FURTHER INFORMATION CONTACT: Lawrence Jones (202–205–3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 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 internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On May 25, 2000, the Department of Commerce (“Commerce”) issued antidumping duty orders on imports of certain polyester staple fiber from Korea and Taiwan (65 FR 33807). Commerce issued a continuation of the antidumping duty orders on imports of certain polyester staple fiber from Korea and Taiwan following Commerce’s and the Commission’s first five-year reviews, effective April 3, 2006 (71 FR 16558), second five-year reviews, effective September 30, 2011 (76 FR 60802), and third five-year reviews, effective February 10, 2017 (82 FR 10330). The

Commission is now conducting its fourth reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission’s Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission’s determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Korea and Taiwan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determinations, the Commission found that there were two *Domestic Like Products* corresponding to (1) low-melt fiber and (2) conventional polyester staple fiber (all subject polyester staple fiber except for low-melt fiber). However, the Commission made negative determinations with respect to the low-melt fiber industry. One Commissioner defined a single *Domestic Like Product*, coextensive with Commerce’s scope, in the original determinations. In its full first five-year review determinations and its expedited second and third five-year review determinations, the Commission defined a single *Domestic Like Product* as all certain polyester staple fiber (*i.e.*, all certain conventional polyester staple fiber), coextensive with Commerce’s scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined two *Domestic Industries*: (1) All domestic producers of low-melt fiber and (2) all domestic producers of conventional polyester

staple fiber. However, the Commission made negative determinations with respect to the low-melt fiber industry in the original investigations. One Commissioner defined a single *Domestic Industry* in the original determinations. In its full first five-year review determinations and its expedited second and third five-year review determinations, the Commission defined a single *Domestic Industry* as all domestic producers of certain polyester staple fiber (*i.e.*, certain conventional polyester staple fiber), coextensive with Commerce’s scope.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission’s rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission’s designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on

this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is February 2, 2022. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is March 18, 2022. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the

Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–510, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject*

Merchandise in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2015.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2021, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2021 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports

and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2021 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2015, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production

facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

Issued: December 27, 2021.

William Bishop,
Supervisory Hearings and Information
Officer.

[FR Doc. 2021-28353 Filed 12-30-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1058 (Third Review)]

Wooden Bedroom Furniture From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 ("the Act"), as amended, to determine whether revocation of the antidumping duty order on wooden bedroom furniture from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted January 3, 2022. To be assured of consideration, the deadline for responses is February 2, 2022. Comments on the adequacy of responses may be filed with the Commission by March 18, 2022.

FOR FURTHER INFORMATION CONTACT:

Lawrence Jones (202–205–3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 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 internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On January 4, 2005, the Department of Commerce (“Commerce”) issued an antidumping duty order on imports of wooden bedroom furniture from China (70 FR 329). Commerce issued a continuation of the antidumping duty order on imports of wooden bedroom furniture from China following Commerce's and the Commission's first five-year review, effective December 30, 2010 (75 FR 82373), and second five-year review, effective February 24, 2017 (82 FR 11533). The Commission is now conducting a third review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) *The Subject Country* in this review is China.

(3) *The Domestic Like Product* is the domestically produced product or products which are like, or in the

absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determination and its full first and second five-year review determinations, the Commission found one *Domestic Like Product* consisting of all wooden bedroom furniture, including both joinery and non-joinery forms, coextensive with Commerce's scope.

(4) *The Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined the *Domestic Industry* as all domestic producers of wooden bedroom furniture. In its full first five-year review determination, the Commission defined the *Domestic Industry* as all producers of the *Domestic Like Product*, except those for which appropriate circumstances were found to exist to exclude them from the *Domestic Industry* under the related parties provision. Certain Commissioners defined the *Domestic Industry* differently in the full first five-year review, finding that the appropriate circumstances did not exist to exclude certain related parties from the *Domestic Industry*. In its full second five-year review determination, the Commission found that appropriate circumstances did not exist to exclude any related parties from the domestic industry, and it defined a single *Domestic Industry* as all producers of the *Domestic Like Product*.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they

participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5

U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is February 2, 2022. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is March 18, 2022. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–511, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of

the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information To Be Provided in Response to This Notice of Institution: As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section

771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2015.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2021, except as noted (report quantity data in pieces and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently

completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2021 (report quantity data in pieces and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2021 (report quantity data in pieces and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to

attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2015, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

Issued: December 27, 2021.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2021-28354 Filed 12-30-21; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Employment and Training Administration

Revised Schedule of Remuneration for the Unemployment Compensation for Ex-Servicemembers

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: Each year, the Department of Defense issues a Schedule of Remuneration used by states for UCX purposes. States must use the schedule to determine Federal military wages for UCX "first claims" only when the Federal Claims Control Center (FCCC) responds to a request for information indicating that there is no Copy 5 of the Certificate of Release or Discharge from Active Duty (DD Form 214) for an individual under the social security number provided. A response from the FCCC that indicates "no DD214 on file" will prompt the state to start the affidavit process and to use the attached schedule to calculate the Federal military wages for an unemployment insurance or UCX monetary determination. The schedule applies to UCX "first claims" filed beginning with the first day of the first week that begins on or after January 1, 2022, pursuant to the UCX program regulations (see 20 CFR 614.12(c)). States must continue to use the 2021 schedule (or other appropriate schedule) for UCX "first claims" filed before the effective date of the revised schedule.

Angela Hanks,

Acting Assistant Secretary for Employment and Training, Labor.

Attachment I

2022 FEDERAL SCHEDULE OF REMUNERATION

[20 CFR 614.12(d)]

Pay grade	Monthly rate	Weekly (7/30th)	Daily (1/30th)
1. Commissioned Officers:			
O-10	21,549.66	5,028.26	718.32
O-9	21,549.66	5,028.26	718.32
O-8	20,929.62	4,883.58	697.65
O-7	18,784.77	4,383.11	626.16
O-6	16,428.94	3,833.42	547.63

2022 FEDERAL SCHEDULE OF REMUNERATION—Continued
[20 CFR 614.12(d)]

Pay grade	Monthly rate	Weekly (7/30th)	Daily (1/30th)
O-5	13,825.27	3,225.90	460.84
O-4	11,838.39	2,762.29	394.61
O-3	9,351.81	2,182.09	311.73
O-2	7,537.10	1,758.66	251.24
O-1	5,852.20	1,365.51	195.07
2. Commissioned Officers With Over 4 Years Active Duty as an Enlisted Member or Warrant Officer:			
O-3 E	10,816.93	2,523.95	360.56
O-2 E	8,952.48	2,088.91	298.42
O-1 E	7,707.70	1,798.46	256.92
3. Warrant Officer:			
W-5	12,565.40	2,931.93	418.85
W-4	11,427.19	2,666.34	380.91
W-3	9,857.88	2,300.17	328.60
W-2	8,409.47	1,962.21	280.32
W-1	7,226.11	1,686.09	240.87
4. Enlisted Personnel:			
E-9	10,789.46	2,517.54	359.65
E-8	8,912.81	2,079.66	297.09
E-7	7,921.88	1,848.44	264.06
E-6	6,960.10	1,624.02	232.00
E-5	5,907.51	1,378.42	196.92
E-4	4,892.95	1,141.69	163.10
E-3	4,425.84	1,032.70	147.53
E-2	4,214.80	983.45	140.49
E-1	3,801.37	886.99	126.71

The Federal Schedule includes columns reflecting derived weekly and daily rates. This revised Federal Schedule of Remuneration is effective for UCX "first claims" filed beginning with the first day of the first week which begins on or after January 1, 2022, pursuant to 20 CFR 614.12(c).

[FR Doc. 2021-28384 Filed 12-30-21; 8:45 am]

BILLING CODE 4510-FW-P

NUCLEAR REGULATORY COMMISSION

[NRC-2021-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of January 3, 10, 17, 24, 31, February 7, 2022.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of January 3, 2022

There are no meetings scheduled for the week of January 3, 2022.

Week of January 10, 2022—Tentative

There are no meetings scheduled for the week of January 10, 2022.

Week of January 17, 2022—Tentative

There are no meetings scheduled for the week of January 17, 2022.

Week of January 24, 2022—Tentative

Thursday, January 27, 2022

9:00 a.m. Strategic Programmatic Overview of the Decommissioning

and Low-Level Waste and Nuclear Materials Users Business Lines (Public Meeting) (Contact: Celimar Valentin-Rodriguez: 301-415-7124)

Additional Information: The public is invited to attend the Commission's meeting live by webcast at the Web address—<https://video.nrc.gov/>. For those who would like to attend in person, note that all visitors are required to complete the NRC Self-Health Assessment and Certification of Vaccination forms. Visitors who certify that they are not fully vaccinated or decline to complete the certification must have proof of a negative Food and Drug Administration-approved polymerase chain reaction (PCR) or Antigen (including rapid tests) COVID-19 test specimen collection from no later than the previous 3 days prior to entry to an NRC facility. The forms and additional information can be found here <https://www.nrc.gov/about-nrc/covid-19/guidance-for-visitors-to-nrc-facilities.pdf>.

Week of January 31, 2022—Tentative

There are no meetings scheduled for the week of January 31, 2022.

Week of February 7, 2022—Tentative

February 8, 2022

10:00 a.m. Meeting with the Organization of Agreement States

and the Conference of Radiation Control Program Directors (Public Meeting) (Contact: Celimar Valentin-Rodriguez: 301-415-7124)

Additional Information: The public is invited to attend the Commission's meeting live by webcast at the Web address—<https://video.nrc.gov/>. For those who would like to attend in person, note that all visitors are required to complete the NRC Self-Health Assessment and Certification of Vaccination forms. Visitors who certify that they are not fully vaccinated or decline to complete the certification must have proof of a negative Food and Drug Administration-approved polymerase chain reaction (PCR) or Antigen (including rapid tests) COVID-19 test specimen collection from no later than the previous 3 days prior to entry to an NRC facility. The forms and additional information can be found here <https://www.nrc.gov/about-nrc/covid-19/guidance-for-visitors-to-nrc-facilities.pdf>.

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Wesley Held at 301-287-3591 or via email at Wesley.Held@nrc.gov. The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet

at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301-287-0745, by videophone at 240-428-3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301-415-1969, or by email at Tyesha.Bush@nrc.gov or Betty.Thweatt@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: December 29, 2021.

For the Nuclear Regulatory Commission.

Sergio E. Gonzalez,

Information Management Specialist, Office of the Secretary.

[FR Doc. 2021-28485 Filed 12-29-21; 4:15 pm]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-335, OMB Control No. 3235-0381]

Submission for OMB Review; Comment Request; Extension: Form 40-F

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form 40-F (17 CFR 249.240f) is used by certain Canadian issuers to register a class of securities pursuant to Section 12(b) or (g) of the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78l) or as an annual report pursuant to Section 13(a) or 15(d) of the Exchange

Act (15 U.S.C. 78m(a) or 78o(d)). The information required in the Form 40-F is used by investors in making investment decisions with respect to the securities of such Canadian companies. We estimate that Form 40-F takes approximately 431.42 hours per response and is filed by approximately 132 respondents. We estimate that 25% of the 431.42 hours per response (107.855 hours) is prepared by the issuer for a total reporting burden of 14,237 (107.855 hours per response × 132 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-28438 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-562, OMB Control No. 3235-0624]

Submission for OMB Review; Comment Request; Extension: Regulation R, Rule 701

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Regulation R, Rule 701 (17 CFR 247.701)

under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Regulation R, Rule 701 requires a broker or dealer (as part of a written agreement between the bank and the broker or dealer) to notify the bank if the broker or dealer makes certain determinations regarding the financial status of the customer, a bank employee's statutory disqualification status, and compliance with suitability or sophistication standards.

The Commission estimates there are 3,560 registered brokers or dealers that would, on average, notify 1,000 banks approximately two times annually about a determination regarding a customer's high net worth or institutional status or suitability or sophistication standing as well as a bank employee's statutory disqualification status. Based on these estimates, the Commission anticipates that Regulation R, Rule 701 would result in brokers or dealers making approximately 2,000 notifications to banks per year. The Commission further estimates (based on the level of difficulty and complexity of the applicable activities) that a broker or dealer would spend approximately 15 minutes per notice to a bank. Therefore, the estimated total annual third party disclosure burden for the requirements in Regulation R, Rule 701 is 500¹ hours for brokers or dealers.

The retention period for the recordkeeping requirement under Rule 17Ad-2(c), (d), and (h) is not less than two years following the date the notice is submitted. The recordkeeping requirement under this rule is mandatory to assist the Commission in monitoring transfer agents who fail to meet the minimum performance standards set by the Commission rule. This rule does not involve the collection of confidential information. Please note that a transfer agent is not required to file under the rule unless it does not meet the minimum performance standards for turnaround, processing or forwarding items received for transfer during a month.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the

¹ 1,000 banks × 2 notices = 2,000 notices; (2,000 notices × 15 minutes) = 30,000 minutes/60 minutes = 500 hours.

search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-28430 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-71, OMB Control No. 3235-0058]

Submission for OMB Review; Comment Request; Extension: Form 12b-25

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

The purpose of Form 12b-25 (17 CFR 240.12b-25) is to provide notice to the Commission and the marketplace that a registrant will be unable to timely file a required periodic or transition report pursuant to the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) or the Investment Company Act of 1940 (15 U.S.C. 80a *et seq.*). If all the filing conditions of the form are satisfied, the registrant is granted an automatic filing extension. The information required is filed on occasion and is mandatory. All information is available to the public for review. Approximately 3,432 registrants file Form 12b-25 and it takes approximately 2.5 hours per response for a total of 8,580 burden hours (2.5 hours per response × 3,432 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website:

www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-28437 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-641, OMB Control No. 3235-0685]

Proposed Collection; Comment Request; Extension: Rules 3a68-2 and 3a68-4(c)

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("SEC") is soliciting comments on the existing collection of information provided for Rules 3a68-2 and 3a68-4(c). The SEC plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 3a68-2 creates a process for interested persons to request a joint interpretation by the SEC and the Commodity Futures Trading Commission ("CFTC") (together with the SEC, the "Commissions") regarding whether a particular instrument (or class of instruments) is a swap, a security-based swap, or both (*i.e.*, a mixed swap). Under Rule 3a68-2, a person provides to the Commissions a copy of all material information regarding the terms of, and a statement of the economic characteristics and purpose of, each relevant agreement, contract, or transaction (or class thereof), along with that person's determination as to whether each such agreement, contract, or transaction (or class thereof) should be characterized as a swap, security-based swap, or both

(*i.e.*, a mixed swap). The Commissions also may request the submitting person to provide additional information.

The SEC expects 25 requests pursuant to Rule 3a68-2 per year. The SEC estimates the total paperwork burden associated with preparing and submitting each request would be 20 hours to retrieve, review, and submit the information associated with the submission. This 20 hour burden is divided between the SEC and the CFTC, with 10 hours per response regarding reporting to the SEC and 10 hours of response regarding third party disclosure to the CFTC.¹ The SEC estimates this would result in an aggregate annual burden of 500 hours (25 requests × 20 hours/request).

The SEC estimates that the total costs resulting from a submission under Rule 3a68-2 would be approximately \$12,000 for outside attorneys to retrieve, review, and submit the information associated with the submission. The SEC estimates this would result in aggregate costs each year of \$300,000 (25 requests × 30 hours/request × \$400).

Rule 3a68-4(c) establishes a process for persons to request that the Commissions issue a joint order permitting such persons (and any other person or persons that subsequently lists, trades, or clears that class of mixed swap) to comply, as to parallel provisions only, with specified parallel provisions of either the Commodity Exchange Act ("CEA") or the Securities Exchange Act of 1934 ("Exchange Act"), and related rules and regulations (collectively "specified parallel provisions"), instead of being required to comply with parallel provisions of both the CEA and the Exchange Act.

The SEC expects ten requests pursuant to Rule 3a68-4(c) per year. The SEC estimates that nine of these requests will have also been made in a request for a joint interpretation pursuant to Rule 3a68-2, and one will not have been. The SEC estimates the total burden for the one request for which the joint interpretation pursuant to 3a68-2 was not requested would be 30 hours, and the total burden associated with the other nine requests would be 20 hours per request because some of the information required to be submitted pursuant to Rule 3a68-4(c) would have already been submitted pursuant to Rule 3a68-2. The burden in both cases is evenly divided between the SEC and the CFTC.

The SEC estimates that the total costs resulting from a submission under Rule 3a68-4(c) would be approximately

¹ The burdens imposed by the CFTC are included in this collection of information.

\$20,000 for the services of outside attorneys to retrieve, review, and submit the information associated with the submission of the one request for which a request for a joint interpretation pursuant to Rule 3a68–2 was not previously made (1 request × 50 hours/request × \$400). For the nine requests for which a request for a joint interpretation pursuant to Rule 3a68–2 was previously made, the SEC estimates the total costs associated with preparing and submitting a party’s request pursuant to Rule 3a68–4(c) would be \$6,000 less per request because, as discussed above, some of the information required to be submitted pursuant to Rule 3a68–4(c) already would have been submitted pursuant to Rule 3a68–2. The SEC estimates this would result in an aggregate cost each year of \$126,000 for the services of outside attorneys (9 requests × 35 hours/request × \$400).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information shall have practical utility; (b) the accuracy of the SEC’s estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

under the PRA unless it displays a currently valid OMB control number. Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.
J. Matthew DeLesDernier,
Assistant Secretary.
[FR Doc. 2021–28427 Filed 12–30–21; 8:45 am]
BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0447, SEC File No. 270–392]

Submission for OMB Review; Comment Request; Extension: Rule 17f–6

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the “Commission”) has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 17f–6 (17 CFR 270.17f–6) under the Investment Company Act of 1940 (15 U.S.C. 80a) permits registered investment companies (“funds”) to maintain assets (i.e., margin) with futures commission merchants (“FCMs”) in connection with

commodity transactions effected on both domestic and foreign exchanges. Before the rule was adopted, funds generally were required to maintain such assets in special accounts with a custodian bank.

The rule requires a written contract that contains certain provisions designed to ensure important safeguards and other benefits relating to the custody of fund assets by FCMs. To protect fund assets, the contract must require that FCMs comply with the segregation or secured amount requirements of the Commodity Exchange Act (“CEA”) and the rules under that statute. The contract also must contain a requirement that FCMs obtain an acknowledgment from any clearing organization that the fund’s assets are held on behalf of the FCM’s customers according to CEA provisions.

Because rule 17f–6 does not impose any ongoing obligations on funds or FCMs, Commission staff estimates there are no costs related to *existing* contracts between funds and FCMs. This estimate does not include the time required by an FCM to comply with the rule’s contract requirements because, to the extent that complying with the contract provisions could be considered “collections of information,” the burden hours for compliance are already included in other PRA submissions.¹ Commission staff estimates that approximately 1,302 series of 155 funds which report that futures commission merchants and commodity clearing organizations provide custodial services to the fund.²

Commission staff, however, estimates that any burden of the rule would be borne by funds and FCMs entering into *new* contracts pursuant to the rule as set forth in Table 1 below:

TABLE 1—BURDEN OF INFORMATION COLLECTION FOR COMPLYING WITH RULE 17f–6

	Estimated responses	Estimated hours burden	Estimated cost burdens
New contracts with FCMs Annually.			
	130 series	130 series × 0.1 hours = 13 hours	13 hours × \$425 (attorney) ⁴ = \$5,525.
	15 funds ¹	15 funds × 1 hour = 15 hours	15 hours × \$425 (attorney) ⁴ = \$6,375.
		13 hours + 15 hours = 28 hours ³	\$5,525 + \$6,375 = \$11,900.
Totals	130 series and 15 funds annually ² .	28 hours annually	\$11,900 annually.

¹ These estimates are based on the assumption that 10% of series and funds that currently effect commodities transactions enter into new FCM contracts each year. This assumption encompasses series and fund that enter into FCM contracts for the first time, as well as fund complexes and fund that change the FCM with whom they maintain margin accounts for commodities transactions.

² Commission staff estimates that approximately 155 funds, representing 1,302 separate fund series, currently effect commodities transactions and could deposit margin with FCMs in connection with those transactions pursuant to rule 17f–6. Staff further estimates that of this number, 15 funds and 130 series enter into new contracts with FCMs each year.

³ The rule requires a contract with the FCM to contain two provisions requiring the FCM to comply with existing requirements under the CEA and rules adopted thereunder. Thus, to the extent these provisions could be considered collections of

information, the hours required for compliance would be included in the collection of information burden hours submitted by the CFTC for its rules.

⁴ This estimate is based on the number of funds that reported on Form N–CEN from July 31, 2020–July 31, 2021, in response to sub-items C.12.6. and D.14.6. Money market funds are excluded from this estimate because they are not eligible securities.

³Based on conversations with fund representatives, Commission staff understands that funds typically enter into contracts with FCMs on behalf of series that engage in commodities transactions. Series covered by the contract are typically listed in an attachment, which may be amended to encompass new series. Commission staff estimates that the burden for a fund to enter into a contract with an FCM that contains the contract requirements of rule 17f-6 is one hour, and further estimates that the burden to add a series to an existing contract between a fund and an FCM is 6 minutes.

⁴The \$425 per hour figure for an attorney is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013*, updated for 2021 modified by Commission staff to account for an 1,800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

These estimates are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

The collections of information requirements of the rule are necessary to obtain the benefit of relying on the rule. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: Lindsay.M.Abate@omb.eop.gov; and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov. 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.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-28423 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0169, SEC File No. 270-172]

**Submission for OMB Review;
Comment Request; Extension: Form N-5**

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services,

100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below.

Form N-5 (17 CFR 239.24 and 274.5) is the form used by small business investment companies ("SBICs") to register their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) ("Securities Act") and the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) ("Investment Company Act"). Form N-5 is the registration statement form adopted by the Commission for use by an SBIC that has been licensed as such under the Small Business Investment Act of 1958 or which has received the preliminary approval of the Small Business Administration ("SBA") and has been notified by the SBA that the company may submit a license application Form N-5 is an integrated registration form and may be used as the registration statement under both the Securities Act and the Investment Company Act. The purpose of Form N-5 is to meet the filing and disclosure requirements of both the Securities Act and Investment Company Act, and to provide investors with information sufficient to evaluate an investment in an SBIC. The information that is required to be filed with the Commission permits verification of compliance with securities law requirements and assures the public availability and dissemination of the information.

The Commission did not receive any filings on Form N-5 in the last three years (and in the three years before that, received only one Form N-5 filing). Nevertheless, for purposes of this PRA, we conservatively estimate that at least one Form N-5 will be filed in the next three years, which translates to about 0.333 filings on Form N-5 per year. The currently approved internal burden of Form N-5 is 352 hours per response. We continue to believe this estimate for Form N-5's internal hour burden is appropriate. Therefore, the number of currently approved aggregate burden

hours, when calculated using the current estimate for number of filings, is about 117 internal hours per year.

The currently approved external cost burden of Form N-5 is \$10,100 per filing. The requested external cost burden for filing one Form N-5 would be \$12,524 per year. This estimated burden is based on the estimated wage rate of \$496/hour, for 25.25 hours, for outside legal services to complete the form and provide the required hyperlinks.

Estimates of average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of Form N-5 is mandatory. Responses to the collection of information will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following website, www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: Lindsay.M.Abate@omb.eop.gov; and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov. 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.

Dated: December 28, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–28426 Filed 12–30–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93868; File No. SR–NASDAQ–2021–102]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Withdraw Its Trading Insights Product From Sale

December 27, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on December 16, 2021, The Nasdaq Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to withdraw its Trading Insights product from sale.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to withdraw the Trading Insights product from sale. Trading Insights is an optional market data service designed to help members analyze their own order activity. Nasdaq has determined, however, that the product is no longer needed, and, for certain components of the product, members are able to gather similar insights into their own order activity using existing messaging received on their order acknowledgments. Because Trading Insights is no longer needed in the industry, Nasdaq has decided to redirect the resources used to offer Trading Insights toward new tools and services, and withdraw the product from sale.

Trading Insights

Trading Insights is an optional market data service designed to help members analyze their own order activity. It is comprised of three components: (a) Missed Opportunity—Liquidity; (b) Missed Opportunity—Latency; and (c) Peer Benchmarking.³

The Missed Opportunity—Liquidity component identifies when an order from a market participant could have been increased in size, resulting in the execution of additional shares, and is designed to provide information to a market participant interested in gaining insight into pockets of liquidity.⁴

³ See Securities Exchange Act Release No. 78886 (September 20, 2016), 81 FR 66113 (September 26, 2016) (SR–Nasdaq–2016–101); see also Securities Exchange Release No. 79035 (October 4, 2016), 81 FR 70207 (October 11, 2016) (SR–Nasdaq–2016–124) (setting fees for Trading Insights); Securities Exchange Act Release No. 80856 (June 5, 2017), 82 FR 26820 (June 9, 2017) (SR–Nasdaq–2017–051) (modifying fees to allow members to sponsor their customers to receive Trading Insights and extending a free trial offer). The initial proposal had included a Liquidity Dynamics Analysis component, which was to help market participants identify pockets of accessible liquidity, but the Exchange later announced that this component would be delayed and was never made available to subscribers. See Securities Exchange Release No. 79119 (October 19, 2016), 81 FR 73157 (October 24, 2016) (SR–Nasdaq–2016–138).

⁴ The data elements for this component, in summary, are: (i) Issue (Nasdaq symbol for the issue); (ii) Buy/Sell Indicator (side of the market at which the market participants are quoting); (iii) Price (the price (inclusive of decimal point) at which Nasdaq Market Center market participants had order interest for the given security at the given time); (iv) Order Reference Number (the unique reference number assigned to the new order at the time of receipt); (v) Order Entry Time Stamp (the time order was received in the system); (vi) Share Quantity (total number of shares submitted on original order); and (vii) Missed Opportunity Quantity (total number of shares missed).

The Missed Opportunity—Latency component identifies the amount of time by which an otherwise marketable order missed execution, and is designed to provide information to market participants interested in optimizing their models and trading patterns.⁵

The Peer Benchmarking component ranks the quality of a market participant’s trading performance against its peers, allowing each participant to view its relative trading performance by port.⁶ It is designed to help participants better understand trends over time, their relative performance relative to their competitors in general, and whether behavioral changes translate into expected results.

All of the data offered by Trading Insights is specific to the market participant’s port, and no participant would be able to receive another market participant’s data.

All data is provided on a T+1 basis.

Proposed Withdrawal

Nasdaq regularly reviews its product catalog to ensure that the tools and services it offers fit the needs of its customers. As explained above, Trading Insights is an optional market data service designed to help members analyze their own order activity. Nasdaq

⁵ The data elements for this component, in summary, are: (i) Issue (Nasdaq symbol for the issue); (ii) Buy/Sell Indicator (side of the market at which the market participants are quoting); (iii) Price (the price (inclusive of decimal point) at which Nasdaq Market Center market participants had order interest for the given security at the given time); (iv) Order Reference Number (the unique reference number assigned to the new order at the time of receipt); (v) Order Size; (vi) Matching Engine times for incoming orders; (vii) Missed Opportunity times; and (viii) Reasons for not getting fills. The Missed Opportunity—Latency component would not provide specific information about resting orders on the Exchange order book.

⁶ A port is a means by which a member firm connects to Nasdaq’s systems. Each port would be categorized into a peer grouping that would be based upon a given set of metrics that would share similar trading behavior characteristics, and there would be at least ten peers within a security. The data elements for this component, in summary, include: (i) Total Dollar Volume; (ii) Total Share Volume, Share Volume of Liquidity Provision and Accessible for Tape A, Tape B and Tape C; (iii) Number of Trades, including Hidden Orders and Number of Hidden Trades; (iv) Mean/Median Trade Size; (v) Mean/Median Size of Hidden Orders; (vi) Number of Buy/Sell Orders Received; (vii) Number of Aggressive Orders, Mean Size of Aggressive Buy/Sell Orders; (viii) Number of Passive Orders, Mean Size of Displayed Passive Order, Hidden Passive for Buy and Sell Orders; (ix) Number of Orders at Best Bid/Ask Level; (x) Mean Cost to Execute for Buy and Sell for 1,000, 5,000, 10,000 Shares; (xi) Number of Modified/Cancelled Buy/Sell Orders; (xii) Mean Buy/Sell Price Range; (xiii) Total Number of Buy/Sell Price; (xiv) Number, Mean—Resting Buy/Sell Price Points; (xv) Missed Opportunities—Liquidity, Latency; (xvi) Mean Share Volume Against Hidden, Mean Quote Rotation Time.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

has found, however, that members are able to use messaging received on their order acknowledgments, coupled with internal software, to obtain the same insights into trading activity that certain components of Trading Insights was designed to convey.⁷ Because the product is no longer needed in the industry, Nasdaq has decided to withdraw it and its associated fees from the market.

The withdrawal of Trading Insights will not materially impact either Nasdaq's members or the market as a whole. Currently, less than ten customers purchase Trading Insights. Nasdaq has discussed the proposed withdrawal with each, and none indicated that withdrawal would materially impact their operations. Nasdaq also publicly announced its intent to withdraw Trading Insights in a Data News publication issued on October 1, 2021,⁸ and received no feedback indicating that withdrawal would be problematic.

Withdrawal of Trading Insights will not have a different impact on different types of market participants. Members that currently purchase the product have not indicated that they would be materially disadvantaged by its withdrawal, and members that do not currently purchase the product would remain unaffected.

In light of the small number of customers currently using the product, the ability of members to analyze their own order activity using in-house software, and the lack of any negative feedback after discussing the proposed withdrawal with Trading Insights customers and announcing it publicly, Nasdaq proposes to withdraw Trading Insights from sale as of December 31, 2021.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁰ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect

investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

Withdrawing a product that is no longer needed in the industry is the quintessence of competition. The Proposal promotes competition because Nasdaq, like all of its competitors, has limited resources with which to attract customers, and, to remain competitive, Nasdaq must use its resources effectively. Withdrawal will allow Nasdaq to redirect its internal resources into developing other products that more effectively meet customer demand.

The Proposal will not permit unfair discrimination between customers, issuers, brokers, or dealers. Members that currently purchase the product have not indicated that they would be materially disadvantaged by its withdrawal, and members that do not currently purchase the product will remain unaffected. The Proposal therefore does not permit unfair discrimination.

For all of these reasons, the proposed withdrawal of Trading Insights promotes just and equitable principles of trade, removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest, and does not permit unfair discrimination.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

The withdrawal of Trading Insights will have no impact on intermarket competition (the competition among SROs). As explained above, the Proposal would allow Nasdaq to redirect its internal resources into developing other products that more effectively meet customer demand. Other platforms may use the opportunity of this withdrawal to introduce their own versions of Trading Insights, although, as is evident from Nasdaq's experience, such a product may not elicit high customer demand.

Intramarket Competition

The Proposal will not cause any unnecessary or inappropriate burden on intramarket competition (competition among exchange customers). As explained in our discussion of unfair discrimination above, members that currently purchase the product have not

indicated that they would be materially disadvantaged by its withdrawal, and members that do not currently purchase the product will remain unaffected. The Proposal therefore will not cause any unnecessary or inappropriate burden on intramarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹¹ and Rule 19b-4(f)(6) thereunder.¹²

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act¹³ normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)¹⁴ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that it can withdraw Trading Insights on December 31, 2021. According to the Exchange, it has publicly announced its intent to withdraw Trading Insights in October 2021 and received no feedback indicating that withdrawal would be problematic, and it has discussed the withdrawal with each of the customers currently purchasing the product and no customer indicated that withdrawal would materially impact their operations. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has met this requirement.

¹³ 17 CFR 240.19b-4(f)(6).

¹⁴ 17 CFR 240.19b-4(f)(6)(iii).

⁷ Nasdaq had noted previously that some market participants may be able to derive some of the data provided by Nasdaq Trading Insights based on executions and internal algorithms created by customers. See Securities Exchange Act Release No. 78886 (September 20, 2016), 81 FR 66113 (September 26, 2016) (SR-Nasdaq-2016-101).

⁸ See Nasdaq Data News No. 2021-8 (October 1, 2021), available at <http://www.nasdaqtrader.com/TraderNews.aspx?id=dn2021-8>.

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

proposed rule change operative upon filing.¹⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2021-102 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-NASDAQ-2021-102. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official

business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASDAQ-2021-102 and should be submitted on or before January 24, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Vanessa A. Countryman,
Secretary.

[FR Doc. 2021-28395 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-017, OMB Control No. 3235-0017]

Proposed Collection; Comment Request; Extension: Rules 6a-1 and 6a-2, Form 1

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 6a-1 (17 CFR 240.6a-1), Rule 6a-2 (17 CFR 240.6a-2), and Form 1 (17 CFR 249.1) under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

The Exchange Act sets forth a regulatory scheme for national securities exchanges. Rule 6a-1 under the Exchange Act generally requires an applicant for initial registration as a national securities exchange to file an application with the Commission on Form 1. An exchange that seeks an exemption from registration based on limited trading volume also must apply for such exemption on Form 1. Rule 6a-2 under the Exchange Act requires

registered and exempt exchanges: (1) To amend the Form 1 if there are any material changes to the information provided in the initial Form 1; and (2) to submit periodic updates of certain information provided in the initial Form 1, whether such information has changed or not. The information required pursuant to Rules 6a-1 and 6a-2 is necessary to enable the Commission to maintain accurate files regarding the exchange and to exercise its statutory oversight functions. Without the information submitted pursuant to Rule 6a-1 on Form 1, the Commission would not be able to determine whether the respondent has met the criteria for registration (or an exemption from registration) set forth in Section 6 of the Exchange Act. The amendments and periodic updates of information submitted pursuant to Rule 6a-2 are necessary to assist the Commission in determining whether a national securities exchange or exempt exchange is continuing to operate in compliance with the Exchange Act.

Initial filings on Form 1 by prospective exchanges are made on a one-time basis. The Commission estimates that it will receive approximately one initial Form 1 filing per year and that each respondent would incur an average burden of 880 hours to file an initial Form 1 at an average internal compliance cost per response of approximately \$340,886. Therefore, the Commission estimates that the annual burden for all respondents to file the initial Form 1 would be 880 hours (one response/respondent × one respondent × 880 hours/response) and an internal compliance cost of \$340,886 (one response/respondent × one respondent × \$340,886/response).

There currently are 24 entities registered as national securities exchanges. The Commission estimates that each registered or exempt exchange files eleven amendments or periodic updates to Form 1 per year, incurring an average burden of 25 hours per amendment to comply with Rule 6a-2. The Commission estimates that the average internal compliance cost for a national securities exchange per response would be approximately \$8,480. The Commission estimates that the annual burden for all respondents to file amendments and periodic updates to the Form 1 pursuant to Rule 6a-2 would be 6,600 hours (24 respondents × 25 hours/response × 11 responses/respondent per year) and an internal compliance cost of \$2,238,720 (24 respondents × \$8,480/response × 11 responses/respondent per year).

¹⁵ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁶ 17 CFR 200.30-3(a)(12).

The total estimated annual time burden associated with Rules 6a-1 and 6a-2 is thus approximately 7,480 hours (880 + 6,600).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-28432 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-199, OMB Control No. 3235-0199]

**Submission for OMB Review;
Comment Request; Extension: Rule 17a-5(c)**

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 17a-5(c), (17 CFR 240.17a-5(c)),

under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a-5(c) generally requires broker-dealers who carry customer accounts to provide statements of the broker-dealer's financial condition to their customers. Paragraph (c)(5) of Rule 17a-5 provides a conditional exemption from this requirement. A broker-dealer that elects to take advantage of the exemption must publish its statements on its website in a prescribed manner, and must maintain a toll-free number that customers can call to request a copy of the statements.

The purpose of the Rule is to ensure that customers of broker-dealers are provided with information concerning the financial condition of the firm that may be holding the customers' cash and securities. The Commission, when adopting the Rule in 1972, stated that the goal was to "directly" send a customer essential information so that the customer could "judge whether his broker or dealer is financially sound." The Commission adopted the Rule in response to the failure of several broker-dealers holding customer funds and securities in the period between 1968 and 1971.

The Commission estimates that approximately 163 broker-dealer respondents carrying approximately 186 million public customer accounts incur a burden of approximately 228,024 hours per year to comply with the Rule.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-28429 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-377, OMB Control No. 3235-0425]

**Submission for OMB Review;
Comment Request; Extension: Form TH**

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form TH (17 CFR 239.65, 17 CFR 249.447, 269.10 and 17 CFR 274.404) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*), the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*) and the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) is used by registrants to notify the Commission that an electronic filer is relying on the temporary hardship exemption for the filing of a document in paper form that would otherwise be required to be filed electronically as required by Rule 201(a) of Regulation S-T. (17 CFR. 232.201(a)). Form TH is a public document and is filed on occasion. Form TH must be filed every time an electronic filer experiences unanticipated technical difficulties preventing the timely preparation and submission of a required electronic filing. Approximately 5 registrants file Form TH and it takes an estimated 0.33 hours per response for a total annual burden of 2 hours (0.33 hours per response × 5 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) www.reginfo.gov/public/do/

PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-28440 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0361, SEC File No. 270-318]

Submission for OMB Review; Comment Request; Extension: Form ADV-E

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Form ADV-E (17 CFR 279.8) is the cover sheet for certificates of accounting filed pursuant to rule 206(4)-2 under the Investment Advisers Act of 1940 (17 CFR 275.206(4)-2). The rule further requires that the public accountant file with the Commission a Form ADV-E and accompanying statement within four business days of the resignation, dismissal, removal or other termination of its engagement.

The Commission has estimated that compliance with the requirement to complete Form ADV-E imposes a total burden of approximately 0.05 hours (3 minutes) per respondent. Based on current information from advisers registered with the Commission, the Commission staff estimates that 1,743 filings will be submitted with respect to surprise examinations and 33 filings will be submitted with respect to termination of accountants. Based on these estimates, the total estimated annual burden would be 88.80 hours ((1,743 filings × .05 hours) + (33 filings × .05 hours)).

The information provided on Form ADV-E is mandatory. Responses will not be kept confidential. An agency may not conduct or sponsor a collection of information unless it displays a

currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-28435 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-101, OMB Control No. 3235-0082]

Submission for OMB Review; Comment Request; Extension: Form 11-K

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form 11-K (17 CFR 249.311) is the annual report designed for use by employee stock purchase, savings and similar plans to comply with the reporting requirements under Section 15(d) of the Securities and Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78o(d)). Section 15(d) establishes a periodic reporting obligation for every issuer of securities registered under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a *et seq.*). Form 11-K provides employees of an issuer with financial information so that they can

assess the performance of the stock plan or investment vehicle. The information collected must be filed with the Commission and is publicly available. Form 11-K takes approximately 30 hours per response and is filed by 1,302 respondents for total of 39,060 burden hours (30 hours per response × 1,302 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-28436 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-149, OMB Control No. 3235-0130]

Proposed Collection; Comment Request; Extension: Rule 17Ad-2(c), (d), and (h)

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 17Ad-2(c), (d), and (h), (17 CFR 240.17Ad-2(c), (d), and (h)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 17Ad-2(e),(d), and (h) enumerates the requirements with which transfer agents must comply to inform the Commission or the appropriate regulator of a transfer agent's failure to meet the minimum performance standards set by the Commission rule by filing a notice.

The Commission receives approximately 3 notices a year pursuant to Rule 17Ad-2(c), (d), and (h). The estimated annual time burden of these filings on respondents is minimal in view of: (a) The readily available nature of most of the information required to be included in the notice (since that information must be compiled and retained pursuant to other Commission rules); and (b) the summary fashion in which such information must be presented in the notice (most notices are one page or less in length). In light of the above, and based on the experience of the staff regarding the notices, the Commission staff estimates that, on average, most notices require approximately one-half hour to prepare. Thus, the Commission staff estimates that the industry-wide total time burden is approximately 1.5 hours per year.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-28433 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-475, OMB Control No. 3235-0536]

Submission for OMB Review; Comment Request; Extension: Regulation FD

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Regulation FD (17 CFR 243.100 *et seq.*)—Other Disclosure Materials requires public disclosure of material information from issuers of publicly traded securities so that investors have current information upon which to base investment decisions. The purpose of the regulation is to require that: (1) When an issuer intentionally discloses material information, to do so through public disclosure, not selective disclosure; and (2) to make prompt public disclosure of material information that was unintentionally selectively disclosed. Regulation FD was adopted due to a concern that the practice of selective disclosure leads to a loss of investor confidence in the integrity of our capital markets. All information is provided to the public for review. The information required is filed on occasion and is mandatory. We estimate that approximately 13,000 issuers make Regulation FD disclosures approximately five times a year for a total of 58,000 submissions annually, not including an estimated 7,000 issuers who file Form 8-K to comply with Regulation FD. We estimate that it takes approximately 5 hours per response (58,000 responses x 5 hours) for a total burden of 290,000 hours annually. In addition, we estimate that 25% of the 5 hours (1.25 hours) is prepared by the filer for an annual reporting burden of 72,500 hours (1.25 hours per response x 58,000 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website:

www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-28422 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-421, OMB Control No. 3235-0481]

Submission for OMB Review; Comment Request; Extension: Rule 15c2-8

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the existing collection of information provided for in the following rule: Rule 15c2-8 (17 CFR 240.15c2-8), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 15c2-8 requires broker-dealers to deliver preliminary and/or final prospectuses to certain people under certain circumstances. In connection with securities offerings generally, including initial public offerings ("IPOs"), the rule requires broker-dealers to take reasonable steps to distribute copies of the preliminary or final prospectus to anyone who makes a written request, as well as any broker-dealer who is expected to solicit purchases of the security and who makes a request. In connection with IPOs, the rule requires a broker-dealer to send a copy of the preliminary prospectus to any person who is expected to receive a confirmation of sale (generally, this means any person

who is expected to actually purchase the security in the offering) at least 48 hours prior to the sending of such confirmation. This requirement is sometimes referred to as the “48 hour rule.”

Additionally, managing underwriters are required to take reasonable steps to ensure that all broker-dealers participating in the distribution of or trading in the security have sufficient copies of the preliminary or final prospectus, as requested by them, to enable such broker-dealer to satisfy their respective prospectus delivery obligations pursuant to Rule 15c2–8, as well as Section 5 of the Securities Act of 1933.

Rule 15c2–8 implicitly requires that broker-dealers collect information, as such collection facilitates compliance with the rule. There is no requirement to submit collected information to the Commission. In order to comply with the rule, broker-dealers participating in a securities offering must keep accurate records of persons who have indicated interest in an IPO or requested a prospectus, so that they know to whom they must send a prospectus.

The Commission estimates that the time broker-dealers will spend complying with the collection of information required by the rule is 24,200 hours for equity IPOs and 29,320 hours for other offerings. The Commission estimates that the total annualized cost burden (copying and postage costs) is \$48,400,000 for IPOs and \$1,172,800 for other offerings.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–28428 Filed 12–30–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. S7–23–15, OMB Control No. 3235–0763]

Submission for OMB Review; Comment Request; Extension: Rule 304 of Regulation ATS and Form ATS

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (“PRA”) (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) has submitted to the Office of Management and Budget (“OMB”) a request for approval of extension of the previously approved collection of information provided for in Rule 304 of Regulation ATS (17 CFR 242.304) and Form ATS–N under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (“Exchange Act”).

Regulation ATS provides a regulatory structure for alternative trading systems. Rule 304 of Regulation ATS provides conditions for NMS Stock ATSs seeking to rely on the exemption from the definition of “exchange” provided by Rule 3a1–1(a) of the Exchange Act, including to file a Form ATS–N, and for that Form ATS–N to become effective. Form ATS–N requires NMS Stock ATSs to provide information about their manner of operations, the broker-dealer operator, and the ATS-related activities of the broker-dealer operator and its affiliates to comply with the conditions provided under Rule 304. Form ATS–N promotes more efficient and effective market operations by providing more transparency to market participants about the operations of NMS Stock ATSs and the potential conflicts of interest of the controlling broker-dealer operator and its affiliates, and helps brokers meet their best execution obligations to their customers. Operational transparency rules, including Form ATS–N, are designed to increase competition among trading centers in regard to order routing and execution quality.

The Commission staff estimates that entities subject to the requirements of Rule 304 and Form ATS–N will spend

a total of approximately 2,042 hours a year to comply with the Rule.

Regulation ATS requires ATSs to preserve any records, for at least three years, made in the process of complying with the systems capacity, integrity and security requirements.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–28434 Filed 12–30–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–289, OMB Control No. 3235–0327]

Submission for OMB Review Comment Request; Extension: Form SE

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form SE (17 CFR 239.64) is used by registrants to file paper copies of exhibits, reports or other documents that would be difficult or impossible to submit electronically, as provided in Rule 311 of Regulation S–T (17 CFR 232.311). The information contained in Form SE is used by the Commission to identify paper copies of exhibits. Form

SE is a public document and is filed on occasion. Form SE is filed by individuals, companies or other entities that are required to file documents electronically. Approximately 19 registrants file Form SE and it takes an estimated 0.10 hours per response for a total annual burden of 2 hours (0.10 hours per response \times 19 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021–28439 Filed 12–30–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–028, OMB Control No. 3235–0032]

Submission for OMB Review; Comment Request; Extension: Rule 17f–1(b)

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 17f–1(b) (17 CFR 240.17f–1(b)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Under Rule 17f–1(b) under the Exchange Act, approximately 10,000 entities in the securities industry are

registered in the Lost and Stolen Securities Program ("Program"). Registration fulfills a statutory requirement that entities report and inquire about missing, lost, counterfeit, or stolen securities. Registration also allows entities in the securities industry to gain access to a confidential database that stores information for the Program.

The Commission staff estimates that 10 new entities will register in the Program each year. The staff estimates that the average number of hours necessary to comply with Rule 17f–1(b) is one-half hour. Accordingly, the staff estimates that the total annual burden for all participants is 5 hours (10 \times one-half hour). The Commission staff estimates that compliance staff work at subject entities results in an internal cost of compliance, at an estimated hourly wage of \$283, of \$141.50 per year per entity (.5 hours \times \$283 per hour = \$141.50 per year). Therefore, the aggregate annual internal cost of compliance is approximately \$1,415 (\$141.50 \times 10 = \$1,415).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021–28431 Filed 12–30–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–642, OMB Control No. 3235–0696]

Submission for OMB Review; Comment Request; Extension: Rules 15Fb1–1 Through 15Fb6–2 and Forms SBSE, SBSE–A, SBSE–BD, SBSE–C and SBSE–W

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below. The Code of Federal Regulation citations associated with this collection of information are 17 CFR 240.15Fb1–1 through 240.15Fb6–2, and 17 CFR 249.1600, 249.1600a, 249.1600b, 249.1600c and 249.1601.

The Commission adopted Rules 15Fb1–1 through 15Fb6–2 and Forms SBSE, SBSE–A, SBSE–BD, SBSE–C and SBSE–W on August 5, 2015 to create a process to register SBS Entities. Forms SBSE, SBSE–A, and SBSE–BD and SBSE–C were designed to elicit certain information from applicants. The Commission uses the information disclosed by applicants through the SBS Entity registration rules and forms to: (1) Determine whether an applicant meets the standards for registration set forth in the provisions of the Exchange Act; and (2) develop an information resource regarding SBS Entities where members of the public may obtain relevant, up-to-date information about SBS Entities, and where the Commission may obtain information for examination and enforcement purposes. Without the information provided through these SBS Entity registration rules and forms, the Commission could not effectively determine whether the applicant meets the standards for registration or implement policy objectives of the Exchange Act.

The information collected pursuant to Rule 15Fb3–2 and Form SBSE–W allows the Commission to determine whether it is appropriate to allow an SBS Entity to withdraw from registration and to facilitate that withdrawal. Without this information, the Commission would be unable to effectively determine whether it was appropriate to allow an SBS

Entity to withdraw. In addition, it would be more difficult for the Commission to properly regulate SBS Entities if it were unable to quickly identify those that have withdrawn from the security-based swap business.

In 2017 there were approximately 55 entities that may need to register as SBS Entities. That number has not changed. The Commission estimates that these Entities likely would incur a total burden of 9,825 hours per year to comply with Rules 15Fb1–1 through 15Fb6–2 and Forms SBSE, SBSE–A, SBSE–BD, SBSE–C and SBSE–W.

In addition, Rules 15Fb1–1 through 15Fb6–2 and Forms SBSE, SBSE–A, SBSE–BD, SBSE–C and SBSE–W may impose certain costs on non-resident persons that apply to be registered with the Commission as SBS Entities, including an initial and ongoing costs associated with obtaining an opinion of counsel indicating that it can, as a matter of law, provide the Commission with access to its books and records and submit to Commission examinations, and an ongoing cost associated with establishing and maintaining a relationship with a U.S. agent for service of process.

The staff estimates, based on internet research,¹ that it would cost each nonresident SBS Entity approximately \$191 annually to appoint and maintain a relationship with a U.S. agent for service of process. Consequently, the total cost for all nonresident SBS Entities to appoint and maintain relationships with U.S. agents for service of process is approximately \$4,202 per year.

Non-resident SBS Entities also would incur outside legal costs associated with obtaining an opinion of counsel. The staff estimates that each of the estimated 22 non-resident persons that likely will apply to register as SBS Entities with the Commission would incur, on average, approximately \$25,000 in outside legal costs to obtain the opinion of counsel necessary to register, and that the total annualized cost for all nonresident SBS Entities to obtain this opinion of counsel would be approximately \$183,333. Nonresident SBS Entities would also need to obtain a revised opinion of counsel after any

changes in the legal or regulatory framework that would impact the SBS Entity's ability to provide, or manner in which it provides, the Commission with prompt access to its books and records or that impacts the Commission's ability to inspect and examine the SBS Entity. We do not believe this would occur frequently, and therefore estimate that one non-resident entity may need to recertify annually. Thus, the total ongoing cost associated with obtaining a revised opinion of counsel regarding the new regulatory regime would be approximately \$25,000 annually. Consequently, the total annualized cost burden associated with Rules 15Fb1–1 through 15Fb6–2 and Forms SBSE, SBSE–A, SBSE–BD, SBSE–C and SBSE–W would be approximately \$212,205 per year.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: >www.reginfo.gov<. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) >MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov< and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021–28425 Filed 12–30–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0495, SEC File No. 270–438]

Submission for OMB Review; Comment Request; Extension: Rule 154

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, under the Paperwork Reduction Act of 1995 (44

U.S.C. 3501–3520), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

The federal securities laws generally prohibit an issuer, underwriter, or dealer from delivering a security for sale unless a prospectus meeting certain requirements accompanies or precedes the security. Rule 154 (17 CFR 230.154) under the Securities Act of 1933 (15 U.S.C. 77a) (the "Securities Act") permits, under certain circumstances, delivery of a single prospectus to investors who purchase securities from the same issuer and share the same address ("householding") to satisfy the applicable prospectus delivery requirements.¹ The purpose of rule 154 is to reduce the amount of duplicative prospectuses delivered to investors sharing the same address.

Under rule 154, a prospectus is considered delivered to all investors at a shared address, for purposes of the federal securities laws, if the person relying on the rule delivers the prospectus to the shared address, addresses the prospectus to the investors as a group or to each of the investors individually, and the investors consent to the delivery of a single prospectus. The rule applies to prospectuses and prospectus supplements. Currently, the rule permits householding of all prospectuses by an issuer, underwriter, or dealer relying on the rule if, in addition to the other conditions set forth in the rule, the issuer, underwriter, or dealer has obtained from each investor written or implied consent to householding.² The rule requires issuers, underwriters, or dealers that wish to household prospectuses with implied consent to send a notice to each investor stating that the investors in the household will receive one prospectus in the future unless the investors provide contrary instructions. In

¹ The Securities Act requires the delivery of prospectuses to investors who buy securities from an issuer or from underwriters or dealers who participate in a registered distribution of securities. See Securities Act sections 2(a)(10), 4(1), 4(3), 5(b) (15 U.S.C. 77b(a)(10), 77d(1), 77d(3), 77e(b)); see also rule 174 under the Securities Act (17 CFR 230.174) (regarding the prospectus delivery obligation of dealers); rule 15c2–8 under the Securities Exchange Act of 1934 (17 CFR 240.15c2–8) (prospectus delivery obligations of brokers and dealers).

² Rule 154 permits the householding of prospectuses that are delivered electronically to investors only if delivery is made to a shared electronic address and the investors give written consent to householding. Implied consent is not permitted in such a situation. See rule d 154(b)(4).

¹ See, e.g., <https://www.incorp.com/registered-agent-services/> (as of October 15, 2021, \$129 per year), <https://www.wolterskluwer.com/en/solutions/ct-corporation/registered-agent-services-solutions> (as of October 15, 2021, \$305 per year), and <https://www.aicorp.com/services/registered-agent> (as of October 15, 2021, \$149 per year). The staff sought websites that provided pricing information and a comprehensive description of their registered agent services. We calculated our estimate by averaging the costs provided on these three websites—(\$129 + \$305 + \$149) ÷ 3 = \$191.

addition, at least once a year, issuers, underwriters, or dealers, relying on rule 154 for the householding of prospectuses relating to open-end management investment companies that are registered under the Investment Company Act of 1940 (“mutual funds”) and each series thereof must explain to investors who have provided written or implied consent how they can revoke their consent.³ Preparing and sending the notice and the annual explanation of the right to revoke are collections of information.

The rule allows issuers, underwriters, or dealers to household prospectuses if certain conditions are met. Among the conditions with which a person relying on the rule must comply are providing notice to each investor that only one prospectus will be sent to the household and, in the case of issuers that are mutual funds and any series thereof, providing to each investor who consents to householding an annual explanation of the right to revoke consent to the delivery of a single prospectus to multiple investors sharing an address. The purpose of the notice and annual explanation requirements of the rule is to ensure that investors who wish to receive individual copies of prospectuses are able to do so.

Although rule 154 is not limited to mutual funds, the Commission believes that it is used mainly by mutual funds and by broker-dealers that deliver mutual fund prospectuses. The Commission is unable to estimate the number of issuers other than mutual funds that rely on the rule.

The Commission estimates that, as of June 30, 2021, there are approximately 13,182 mutual fund series registered on Form N-1A, approximately 1,279 of which are directly sold and therefore deliver their own prospectuses. Of these, the Commission estimates that approximately half (640 mutual fund series): (i) Do not send the implied consent notice requirement because they obtain affirmative written consent to household prospectuses in the fund's account opening documentation; or (ii) do not take advantage of the householding provision because of electronic delivery options which lessen the economic and operational benefits of rule 154 when compared with the costs of compliance. Therefore, the Commission estimates that each of the 640 directly sold mutual fund series will spend an average of 20 hours per year complying with the notice requirement of the rule, for a total of 12,800 burden hours. In addition, of the approximately 1,279 mutual fund series

that are directly sold, the Commission estimates that approximately 75% (or 960) will each spend 1 hour complying with the annual explanation of the right to revoke requirement of the rule, for a total of 960 hours.

The Commission estimates that as of December 31, 2020, there were approximately 462 broker-dealers that have customer accounts with mutual funds, and therefore may be required to deliver mutual fund prospectuses. The Commission estimates that each affected broker-dealer will spend, on average, 20 hours complying with the notice requirement of the rule, for a total of 9,240 hours. In addition, each broker-dealer will also spend one hour complying with the annual explanation of the right to revoke requirement, for a total of 462 hours. Therefore, the total number of respondents for rule 154 is 1,422 (960⁴ mutual fund series plus 462 broker-dealers), and the estimated total hour burden is approximately 23,462 hours (13,760 hours for mutual fund series, plus 9,702 hours for broker-dealers).

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule. Responses to the collections of information will not be kept confidential. The rule does not require these records be retained for any specific period of time. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: Lindsay.M.Abate@omb.eop.gov; and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov. Written comments

⁴ The Commission estimates that 640 mutual funds prepare both the implied consent notice and the annual explanation of the right to revoke consent + 320 mutual funds that prepare only the annual explanation of the right to revoke.

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.

Dated: December 28, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-28424 Filed 12-30-21; 8:45 am]

BILLING CODE 8011-01-P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA-2021-0054]

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-2021-0054].

(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-2021-0054].

I.

The information collection below is pending at SSA. SSA will submit it to

³ See Rule 154(c).

OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than March 4, 2022. Individuals can obtain copies of the collection instrument by writing to the above email address.

Farm Self-Employment Questionnaire—20 CFR 404.1082(c) & 404.1095—0960-0061. SSA collects the information on Form SSA-7156 on a voluntary and as-needed basis to determine the existence of an agriculture trade or business which may

affect the monthly benefit, or insured status, of the applicant. SSA requires the existence of a trade or business before determining if an individual or partnership has net earnings from self-employment. When an applicant indicates self-employment as a farmer, SSA uses the SSA-7165 to obtain the information we need to determine the existence of an agricultural trade or business, and subsequent covered earnings for Social Security entitlement purposes. As part of the application process, we conduct a personal

interview, either face-to-face or via telephone, and document the interview using Form SSA-7165. We also allow applicants to complete a fillable version of the form available on our website, which they can complete, print, and sign. The respondents are applicants for Social Security benefits whose entitlement depends on whether the worker received covered earnings from self-employment as a farmer.

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-7156	1,000	1	10	167	*\$14.49	** 21	***\$7,491

*We based this figure on average Farmworkers and Laborers, Crop, Nursery, and Greenhouse salaries as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes452092.htm>).

**We based this figure on averaging both the average FY 2021 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.*

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 February 2, 2022. Individuals can obtain copies of these OMB clearance packages by writing to OR.Reports.Clearance@ssa.gov.

1. Application for a Social Security Number Card, the Social Security Number Application Process (SSNAP), and internet SSN Replacement Card (iSSNRC) Application—20 CFR 422.103—422.110—0960-0066. SSA collects information on the SS-5 (used in the United States) and SS-5-FS (used outside the United States) to issue original or replacement Social Security cards. SSA also enters the application data into the SSNAP application when issuing a card via telephone or in

person. In addition, hospitals collect the same information on SSA's behalf for newborn children through the Enumeration-at-Birth process. In this process, parents of newborns provide hospital birth registration clerks with information required to register these newborns. Hospitals send this information to State Bureaus of Vital Statistics (BVS), and they send the information to SSA's National Computer Center. SSA then uploads the data to the SSA mainframe along with all other enumeration data, and we assign the newborn a Social Security number (SSN) and issue a Social Security card. Respondents can also use these modalities to request a change in their SSN records. In addition, the iSSNRC internet application collects information similar to the paper SS-5 for no-change replacement SSN cards for adult U.S. citizens. The iSSNRC modality allows certain applicants for SSN replacement cards to complete the internet application and submit the required

evidence online rather than completing a paper Form SS-5. Finally, oSSNAP collects information similar to that which we collect on the paper SS-5 for no change situations, with the exception of name change, new or replacement SSN cards for U.S. Citizens (adult and minor children), and replacement cards only for non-U.S. citizens. oSSNAP allows these applicants for new or replacement SSN cards to start the application process on-line, receive a list of evidentiary documents, and then submit the application data to SSA for further processing by SSA employees. Applicants need to visit a local SSA office to complete the application process. The respondents for this information collection are applicants for original and replacement Social Security cards, or individuals who wish to change information in their SSN records, who use any of the modalities described above.

Type of Request: Revision of an OMB-approved information collection.

Application scenario	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)***
EAB Modality							
Hospital staff who relay the State birth certificate information to the BVS and SSA through the EAB process	3,587,284	1	5	298,857	*\$23.74	**0	***\$7,094,865

Application scenario	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) ***
ISSNRC Modality							
Adult U.S. Citizens requesting a replacement card with no changes through the ISSNRC	3,141,061	1	5	261,755	* 25.72	** 0	*** 6,732,341
Adult U.S. Citizens requesting a replacement card with a name change through ISSNRC	44,818	1	5	3,735	25.72	** 0	*** 96,060
oSSNAP Modality							
Adult U.S. Citizens providing information to receive a replacement card through the oSSNAP+	866,575	1	5	72,215	* 25.72	** 24	*** 10,772,683
Adult U.S. Citizens providing information to receive an original card through the oSSNAP+	31,521	1	5	2,627	25.72	* 24	*** 391,848
Adult Non-U.S. Citizens providing information to receive an original card through the oSSNAP+	114,429	1	5	9,536	25.72	** 24	*** 1,422,505
Adult Non-U.S. Citizens providing information to receive a replacement card through the oSSNAP+	63,925	1	5	5,327	25.72	** 24	794,673
SSNAP/SS-5 Modality							
Respondents who do not have to provide parents' SSNs	2,791,499	1	9	418,725	* 25.72	** 24	*** 39,488,545
Respondents whom we ask to provide parents' SSNs (when applying for original SSN cards for children under age 12)	102,258	1	9	15,339	* 25.72	** 24	*** 1,446,542
Applicants age 12 or older who need to answer additional questions so SSA can determine whether we previously assigned an SSN	335,587	1	10	55,931	* 25.72	** 24	*** 4,891,069
Applicants asking for a replacement SSN card beyond the allowable limits (i.e., who must provide additional documentation to accompany the application)	2,428	1	60	2428	* 25.72	** 24	*** 87,427
Enumeration Quality Review							
Authorization to SSA to obtain personal information cover letter	500	1	15	125	* 25.72	** 24	*** 8,359
Authorization to SSA to obtain personal information follow-up cover letter	500	1	15	125	* 25.72	** 24	*** 8,359
Grand Total							
Totals	11,081,385	.....	.....	1,146,724	.....	.....	*** 73,235,275

* The number of respondents for this modality is an estimate based on google analytics data for the SS-5 form downloads from SSA.Gov.

** We based this figure on average Hospital Records Clerks (<https://www.bls.gov/oes/current/oes292098.htm>), and average U.S. worker's hourly wages (https://www.bls.gov/oes/current/oes_nat.htm#00-0000) as reported by the U.S. Bureau of Labor Statistics.

*** We based this figure on the average FY 2021 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 of Household Expenses and Contributions—20 CFR 416.1130–416.1148—0960–0456.* SSA bases eligibility for Supplemental Security Income (SSI) on the needs of the recipient. In part, we assess need through determining the amount of income a recipient receives. This income includes in-kind support and maintenance in the form of food and shelter home owners provide. SSA uses Form SSA–8011–F3, Statement of Household Expenses and Contributions, to determine whether the claimant or recipient receives in-kind support and maintenance. This is necessary to

determine: (1) The claimant's or recipient's eligibility for SSI, and (2) the SSI payment amount. SSA only uses this form in cases where SSA needs the householder's (head of household) corroboration of in-kind support and maintenance. The SSA–8011–F3 provides information, which could affect SSI eligibility and payment amount. An SSA claims specialist collects the information on Form SSA–8011–F3 through telephone contact with the respondents, or through face-to-face interviews. The claims specialist records the information in our electronic SSI Claims System. When we

use this procedure, we do not use a paper Form SSA–8011–F3, and we do not require a wet signature, rather we request verbal attestation. However, for those few instances when we use a paper form, we ensure the appropriate person, *i.e.*, the householder, signs the form, and then the claims specialist documents the information in the SSI Claims System; faxes the form into the appropriate electronic folder; and shreds the form. Respondents are householders of homes in which an SSI applicant or recipient resides.

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-8011-F3 (Paper)	21,000	1	15	5,250	* \$27.07	** 21	*** \$341,082
Interview (MCS)	398,759	1	15	99,690	* 27.07	** 21	*** 6,476,660
Totals	419,759			104,940			*** 6,817,742

* 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#00-0000).

** We based this figure on averaging both the average FY 2021 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 claimants 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. Integrated Registration Services (IRES) System—20 CFR 401.45—0960-0626. The IRES System verifies the identity of individuals, businesses, organizations, entities, and government agencies seeking to use SSA's secured internet and telephone applications. Individuals need this verification to electronically request and exchange

business data with SSA. Requestors provide SSA with the information needed to establish their identities. Once SSA verifies identity, the IRES system issues the requestor a user identification number and a password to conduct business with SSA. Respondents are employers; employees; third party submitters of wage data

business entities providing taxpayer identification information; appointed representatives; representative payees; and data exchange partners conducting business in support of SSA programs.

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 for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
IRES Internet Registrations	266,210	1	5	22,184	* \$33.66	** 0	*** \$746,413
IRES Internet Requestors	14,472,710	1	2	482,424	* 33.66	** 0	*** 16,238,392
IRES CS (CSA) Registrations	15,247	1	11	2,795	* 33.66	** 19	*** 256,590
Totals	14,754,167			507,403			*** 17,241,695

* 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#00-00000); hourly wages for Information and Record Keeping Analysts hourly salary, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes434199.htm>); and average hourly wages for paralegals/legal assistants and lawyers as posted by the U.S. Bureau of Labor Statistics (https://www.bls.gov/oes/current/oes_nat.htm).

** We based this figure on the average FY 2021 wait time for teleservice centers, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on claimants 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. Site Review Questionnaire for Volume and Fee-for-Service Payees and Beneficiary Interview Form—20 CFR 404.2035, 404.2065, 416.665, 416.701, and 416.708—0960-0633. SSA asks organizational representative payees to complete Form SSA-637, the Site Review Questionnaire for Volume and Fee-for-Service Payees, to provide

information on how they carry out their responsibilities, including how they manage beneficiary funds. SSA then obtains information from the beneficiaries these organizations represent via Form SSA-639, Beneficiary Interview Form, to corroborate the payees' statements. Due to the sensitivity of the information, the

forms are always completed based on the answers respondents give during the interviews. The respondents are individuals; State and local governments; non-profit and for-profit organizations serving as representative payees; and the beneficiaries they serve.

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-639—Individuals	22,000	1	10	3,667	* \$19.01	** \$69,710
SSA-637—Individuals	500	1	120	1,000	* 19.01	** 19,010
SSA-637—Organizations	4,500	1	120	9,000	* 19.03	** 171,270
Totals	27,000			13,667		** 259,990

* We based the figure for individuals by averaging both the average DI payments based on SSA's current FY 2021 data (<https://www.ssa.gov/legislation/2021FactSheet.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 the figure for organizations by averaging both the average State and local governments (<https://www.bls.gov/oes/current/oes211093.htm>), and the average non-profit and for-profit organizations serving as representative payees (<https://www.bls.gov/oes/current/oes390000.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. *Request for Reinstatement (Title II)—20 CFR 404.1592b–404.1592f—0960–0742.* SSA allows certain beneficiaries to request expedited reinstatement (EXR) of benefits under Title II of the Social Security Act when their medical condition no longer

permits them to perform substantial gainful activity. SSA uses Form SSA–371 to obtain: (1) A signed statement from individuals requesting an EXR of their Title II disability benefits; and (2) proof the requestors meet the EXR requirements. SSA maintains the form in the disability folder of the applicant

to demonstrate the requestors' awareness of the EXR requirements, and their choice to request EXR. Respondents are applicants for EXR of Title II disability benefits.

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 for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA–371	10,000	1	2	333	* \$10.73	** 19	*** \$38,325

* We based this figure on the average DI payments based on SSA's current FY 2021 data (<https://www.ssa.gov/legislation/2021FactSheet.pdf>).

** We based this figure on the average FY 2021 wait time for teleservice centers, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on claimants 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. *Important Information About Your Appeal, Waiver Rights, and Repayment Options—20 CFR 404.502–404.521—0960–0779.* When SSA accidentally overpays beneficiaries, the agency informs them of the following rights: (1) The right to reconsideration of the overpayment determination; (2) the right to request a waiver of recovery and

the automatic scheduling of a personal conference if SSA cannot approve a request for waiver; and (3) the availability of a different rate of withholding when SSA proposes the full withholding rate. SSA uses Form SSA–3105, Important Information About Your Appeal, Waiver Rights, and Repayment Options, to explain these

rights to overpaid individuals and allow them to notify SSA of their decision(s) regarding these rights. The respondents are individuals who are overpaid Social Security payments.

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–3105 (Paper Form)	500,000	1	15	125,000	* \$10.95	** 21	*** \$3,285,000
Debt Management System	166,666	1	15	41,667	* 10.95	** 21	*** 1,095,000
Totals	666,666	.....	.....	166,667	.....	.....	*** \$4,380,000

* We based this figure on the average DI payments based on SSA's current FY 2021 data (<https://www.ssa.gov/legislation/2021FactSheet.pdf>).

** We based this figure on averaging both the average FY 2021 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.*

7. *Promoting Opportunity Demonstration—0960–0809.* Section 823 of the Bipartisan Budget Act of 2015 required SSA to carry out the Promoting Opportunity Demonstration (POD) to test a new benefit offset formula for SSDI beneficiaries. Therefore, SSA is undertaking POD, a demonstration to evaluate the affect the new policy will have on Social Security Disability Insurance (SSDI) beneficiaries and their families in several critical areas. We previously obtained OMB approval for this demonstration and are close to completing the project. In this information collection request, we are seeking to renew the approval for both the POD Monthly Earnings and Impairment-related work Expenses (IRWE) Reporting Form, and the POD

End of Year reporting (EOYR) Documentation. The POD implementation team collects earnings and IRWE data from POD treatment group subjects whose monthly earnings exceed the POD threshold. The POD implementation team submits the data it collects from treatment group subjects to SSA. SSA uses the data to apply the POD offset to treatment group subjects' SSDI benefits. Respondents have two options for reporting their earnings and IRWE documentation contained in the POD Monthly Form and the POD EOYR Form: Paper (mail or fax) or an online reporting portal. Respondents are encouraged to submit their earnings and IRWE documentation monthly but can submit it the following year in advance of SSA's end of year reconciliation

process. While the collection of the earnings and IRWE data from respondents on the POD Monthly Form and the POD EOYR Forms is voluntary, failure to submit data could result in the inaccurate calculation of SSDI benefits.

Note: We have completed the survey portion of this demonstration project and expect to finish collecting the data by the end of the third quarter of fiscal year 2022.

Respondents are SSDI beneficiaries, who provided written consent before agreeing to participate in the study and whom we randomly assigned to one of the two study treatment groups.

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) **
POD Monthly Earnings and Impairment-related work Expenses (IRWE) Reporting Form—Paper Version (faxed in)	1,000	6	6,000	40	4,000	* \$27.07	** \$108,280
POD Monthly Earnings and Impairment-related work Expenses (IRWE) Reporting Form—Internet Version	1,000	6	6,000	5	500	* 27.07	** 13,535
POD End of Year reporting (EOYR) Documentation	2,000	1	2,000	8	267	* 27.07	** 7,228
Totals	4,000	.....	14,000	.....	4,767	.....	** 129,043

* We based this figure on the average U.S. worker's hourly wages (https://www.bls.gov/oes/current/oes_nat.htm#00-0000), as reported by the U.S. Bureau of Labor Statistics.

** 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: December 27, 2021.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2021-28387 Filed 12-30-21; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Compatibility Program for Fort Worth Alliance Airport, Tarrant County, Texas

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of acceptance of a noise exposure map.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure map submitted by City of Fort Worth for Fort Worth Alliance Airport is in compliance with applicable statutory and regulatory requirements.

DATES: The effective date of the FAA's determination on the noise exposure map is December 23, 2021.

FOR FURTHER INFORMATION CONTACT:

Dean McMath, 10101 Hillwood Parkway, Fort Worth, Texas 76177, 817-222-5617.

SUPPLEMENTARY INFORMATION: The FAA determined the noise exposure map submitted by City of Fort Worth for Fort Worth Alliance Airport, is in compliance with applicable statutory and regulatory requirements, effective December 23, 2021. Under Title 49 United States Code (U.S.C.) section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as "the Act"), an airport operator may submit to the FAA, noise exposure maps depicting non-compatible uses as of the date such map is submitted, a

description of estimated aircraft operations during a forecast period that is at least five years in the future and how those operations will affect the map. A noise exposure map must be prepared in accordance with Title 14 Code of Federal Regulations (CFR) part 150, the regulations promulgated pursuant to section 47502 of the Act, and developed in consultation with public agencies and planning authorities in the area surrounding the airport, state and Federal agencies, interested and affected parties in the local community, and aeronautical users of the airport. In addition, an airport operator that submitted a noise exposure map, which the FAA determined is compliant with statutory and regulatory requirements, may submit a noise compatibility program for FAA approval that sets forth measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA completed its review of the noise exposure map and supporting documentation submitted by City of Fort Worth and determined the noise exposure map and accompanying documentation are in compliance with applicable requirements. The documentation that constitutes the Noise Exposure Map includes: Table 3.4 Existing Aircraft Operations; Table 3.8 Existing and Forecast Annual Operations; Table 4.5 Day/Night Operations by Aircraft Category; Table 4.6 Runway Utilization by Aircraft Category; Figure 3.2 Airport Layout Plan; Figure 4.1 North Flow Flight Tracks; Figure 4.2 South Flow Flight Tracks. This determination is effective on December 23, 2021. FAA's determination on an airport's noise exposure map is limited to a finding

that the noise exposure map was developed in accordance with the Act and procedures contained in 14 CFR part 150, Appendix A. FAA's acceptance of an NEM does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties within noise exposure contours depicted on a noise exposure map, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under 14 CFR part 150 or through FAA review and acceptance of a noise exposure map. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted a noise exposure map or with those public and planning agencies with which consultation is required under section 47503 of the Act. The FAA relied on the certification by the airport operator, under of 14 CFR 150.21 that the required consultations and opportunity for public review has been accomplished during the development of the noise exposure maps. Copies of the noise exposure map and supporting documentation and the FAA's evaluation of the noise exposure maps

are available for examination at the following locations: Federal Aviation Administration Federal Aviation Administration ASW-600, 10101 Hillwood Parkway, Fort Worth, Texas 76177 and City of Fort Worth Aviation Department, 201 American Concourse #330, Fort Worth, Texas 76106. Questions may be directed to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Issued in Fort Worth, Texas on December 23, 2021.

D. Cameron Bryan,

Deputy Director, Airports Division.

[FR Doc. 2021-28451 Filed 12-30-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In accordance with section 999(a)(3) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which require or may require participation in, or cooperation with, an international boycott (within the

meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

Iraq
Kuwait
Lebanon
Libya
Qatar
Saudi Arabia
Syria
Yemen

Kevin Nichols,

International Tax Counsel (Tax Policy).

[FR Doc. 2021-28399 Filed 12-30-21; 8:45 am]

BILLING CODE 4810-AK-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0682]

Agency Information Collection Activity: Advertising, Sales, Enrollment Materials, and Candidate Handbooks; Withdrawn

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice; withdrawal.

SUMMARY: On December 16, 2021, the Veterans Benefits Administration (VA), published a notice in the **Federal Register** announcing an opportunity for public comment on the proposed collection "Advertising, Sales, Enrollment Materials, and Candidate Handbooks" OMB #2900-0682. This notice was published in error; therefore, this document corrects that error by withdrawing this FR notice, document number 2021-27255.

DATES: As of December 27, 2021, the FR notice published at 86 FR 27255 on Thursday, December 17, 2021, is withdrawn.

FOR FURTHER INFORMATION CONTACT:

Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266-4688 or email maribel.aponte@va.gov.

SUPPLEMENTARY INFORMATION: FR Doc. 2021-27255, published on December 17, 2021 (86 FR 27255), is withdrawn by this notice.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021-28407 Filed 12-30-21; 8:45 am]

BILLING CODE 8320-01-P



FEDERAL REGISTER

Vol. 87

Monday,

No. 1

January 3, 2022

Part II

The President

Proclamation 10329—Revoking Proclamation 10315

Federal Register

Vol. 87, No. 1

Monday, January 3, 2022

Presidential Documents

Title 3—

Proclamation 10329 of December 28, 2021

The President

Revoking Proclamation 10315

By the President of the United States of America

A Proclamation

On November 26, 2021, the World Health Organization (WHO) Technical Advisory Group on SARS-CoV-2 Virus Evolution announced that the B.1.1.529 (Omicron) variant of SARS-CoV-2, the virus that causes coronavirus disease 2019 (COVID-19), constitutes a variant of concern. The WHO further reported that the number of cases of this variant appeared to be increasing in almost all provinces in the Republic of South Africa. On the same day that the WHO classified the Omicron variant as a variant of concern, and based on the recommendation of the Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services, I issued Proclamation 10315 of November 26, 2021 (Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019). That proclamation generally suspended and restricted the entry into the United States of noncitizens of the United States (“noncitizens”) who were physically present within the Republic of Botswana, the Kingdom of Eswatini, the Kingdom of Lesotho, the Republic of Malawi, the Republic of Mozambique, the Republic of Namibia, the Republic of South Africa, and the Republic of Zimbabwe during the 14-day period preceding their entry or attempted entry into the United States. I took that action to slow the spread of the Omicron variant into the United States and to enable the United States to implement appropriate mitigation measures while new information emerged about the variant.

Having learned more about the Omicron variant in the past several weeks, the CDC now recommends lifting the travel restrictions imposed in Proclamation 10315. Since I issued that proclamation, our Nation’s health officials, in collaboration with the South African scientists who originally reported the variant, have made substantial progress in understanding the Omicron variant. Importantly, scientific experts have determined that people who are vaccinated against COVID-19 are protected against severe disease and hospitalization from the Omicron variant. Moreover, the Omicron variant has now spread to more than 100 countries, and it is prevalent in the United States. At the same time, my Administration has made international travel to the United States from all countries safer in the time since I issued Proclamation 10315. In particular, the CDC has shortened the timeline for required pre-departure COVID-19 testing for fully vaccinated travelers from no more than 3 days prior to travel to no more than 1 day. As a result, international air travelers to the United States from all countries, regardless of citizenship or vaccination status, must take a COVID-19 test within 1 day of departure and show a negative test result before they board a flight to the United States. That requirement has strengthened the already stringent international travel protocols that my Administration has imposed, including requirements for noncitizens to be fully vaccinated, subject to limited exceptions, and for travelers to wear face masks on commercial conveyances and at United States transportation hubs.

In light of these changed circumstances, and based on the recommendation of the CDC, I have determined that it is in the interests of the United

States to revoke Proclamation 10315. The travel restrictions imposed by that proclamation are no longer necessary to protect the public health.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), hereby find that, except as provided in Proclamation 10294 of October 25, 2021 (Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic), or any other applicable proclamation, the unrestricted entry into the United States of persons described in section 1 of Proclamation 10315 is no longer detrimental to the interests of the United States. I therefore hereby proclaim the following:

Section 1. Revocation. Proclamation 10315 is revoked.

Sec. 2. Review of Agency Actions. The Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall review any regulations, orders, guidance documents, policies, and any other similar agency actions developed pursuant to Proclamation 10315 and, as appropriate, shall consider revising or revoking these agency actions consistent with the policy set forth in this proclamation.

Sec. 3. Effective Date. This proclamation is effective at 12:01 a.m. eastern standard time on December 31, 2021.

Sec. 4. General Provisions. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

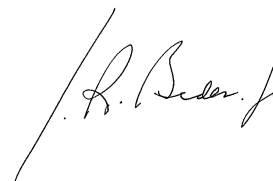
(i) the authority granted by law to an executive department or agency, or the head thereof; or

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

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

(c) This proclamation 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.

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



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Federal Register

Vol. 87, No. 1

Monday, January 3, 2022

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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these

dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

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Energy, Minerals and Natural Resources
Oil Conservation Division
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CONDITIONS

Action 315288

CONDITIONS

Operator: NEW MEXICO ENERGY MINERALS & NATURAL RESOURCE 1220 S St Francis Dr Santa Fe , NM 87504	OGRID: 264235
	Action Number: 315288
	Action Type: [IM-SD] Admin Order Support Doc (ENG) (IM-AAO)

CONDITIONS

Created By	Condition	Condition Date
pgoetze	None	2/16/2024