

TABLE 2—CHANGES TO MODIFIED LOA SHUTDOWN ZONES WITH ATTENUATION AND WITH NO ATTENUATION FOR ALL AUTHORIZED SPECIES—Continued

Modification action	Method	Pile size/type	Strikes/pile	Number piles installed or removed/ day	Cetaceans—shutdown zones (m)			Pinnipeds— shutdown zones (m)	# Days
					LF	MF	HF		
With Attenuation									
Eliminated	Impact Installation	30-in Pipe, Steel, con- crete filled.	20 strikes	6	135	10	50	25	85
Included	40-inch Pipe, Steel	200 strikes	3	450	20	100	25	5
Included	52- to 60-inch Pipe, Steel.	200 strikes	3	330	20	100	25	71

While the new Level A harassment zones associated with impact driving under the modified LOA (Table 2) are larger in some instances than the injury zones that were established under the original LOA, there are significantly fewer days of in-water installation planned for the modification (91 days) compared to the original LOA (151 days). Therefore, take of marine mammals by Level A harassment would be expected to be reduced. Additionally, HRCP plans to eliminate installation of 50 30-inch steel pipe, concrete-filled piles that were planned to be installed using down-the-hole (DTH) methods. As shown above, these piles have the largest Level A harassment zones of any of the piles that would have been driven under the original LOA. Elimination of these DTH installations in the original LOA also supports a conclusion that, overall, expected Level A harassment events will be reduced under the modified LOA.

Of note, marine mammal monitoring during in-water construction up to January 2022 has recorded two potential takes by Level A harassment since the start of LOA construction in July 2021. HRCP was authorized 3,359 Level A harassment takes split between the 5 years of the LOA and five authorized species. The modifications to the mitigation and monitoring requirements, which include establishing new shutdown and harassment zones for 40-inch steel piles and 52- to 60-inch pipe piles, create a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring, pursuant to the adaptive management provisions set forth in the preamble in the final rule (see “Mitigation” and “Monitoring and Reporting” sections of the final rule (86 FR 17458; April 2, 2021), for a detailed description of the mitigation and monitoring measures and the goals of the measures).

In summary, the modifications would result in a decrease in the total number of active hours of installation/removal

by 855 hours and a decrease in the total number of days of in-water installation/removal by 60 days at South Island. The number of sheet piles required would decrease from 448 to 100, while the number of steel pipe piles would decrease from 901 to 271. Given these modifications and the associated decreases in hours and days of installation/removal and number of piles, as well as the reduced impacts and resulting take, all of which fall within the scope of the rule, we have determined that the modified shutdown zones have a reasonable likelihood of more effectively reducing potential adverse impacts to marine mammals and would provide the means of effecting the least practicable adverse impact on the affected species or stocks and their habitat.

The described modification of the LOA does not alter the original scope of activity analyzed or the impact analysis in a manner that materially affects the basis for the original findings under the final rule, both annually and over the 5 year period of effectiveness. Accordingly, we have determined that the take authorized in this LOA will have a negligible impact on the affected species or stocks and, separately, that the take will be of small numbers.

Authorization

NMFS has issued a modified LOA to HRCP authorizing the take of marine mammals for the reasons described above, for the potential harassment of small numbers of marine mammals incidental to construction activities associated with the Hampton Roads Bridge Tunnel Expansion Project provided the mitigation, monitoring and reporting requirements of the rulemaking are incorporated.

Dated: July 22, 2022.

Shannon Bettridge,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

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COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (“PRA”), this notice announces that the Information Collection Request (“ICR”) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (“OIRA”), of the Office of Management and Budget (“OMB”), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before August 26, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice’s publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the website’s search function. Comments can be entered electronically by clicking on the “comment” button next to the information collection on the “OIRA Information Collections Under Review” page, or the “View ICR—Agency Submission” page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the “Commission” or “CFTC”) by clicking on the “Submit Comment” box next to the descriptive entry for OMB Control No. 3038–0078, at <https://>

[comments.cftc.gov/FederalRegister/PublicInfo.aspx](https://www.cftc.gov/FederalRegister/PublicInfo.aspx).

Or by either of the following methods:

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- **Hand Delivery/Courier:** Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.¹ The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT:

Andrew Chapin, Associate Chief Counsel, Market Participants Division, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418-5465; email: achapin@cftc.gov.

SUPPLEMENTARY INFORMATION:

Title: Conflicts of Interest Policies and Procedures by Futures Commission Merchants and Introducing Brokers (OMB Control No. 3038-0078).

Abstract: On April 3, 2012, the Commission adopted Commission regulation 1.71 (Conflicts of interest policies and procedures by futures commission merchants and introducing brokers)² pursuant to sections 4d(c)³ of the Commodity Exchange Act ("CEA").⁴ Commission regulation 1.71 generally requires that, among other things, futures commission merchants

("FCM")⁵ and introducing brokers ("IB")⁶ develop conflicts of interest procedures and disclosures, adopt and implement written policies and procedures reasonably designed to ensure compliance with their conflicts of interest and disclosure obligations, and maintain specified records related to those requirements.⁷ The Commission believes that the information collection obligations imposed by Commission regulation 1.71 are essential to (i) ensuring that FCMs and IBs develop and maintain the conflicts of interest systems, procedures and disclosures required by the CEA, and Commission regulations, and (ii) the effective evaluation of these registrants' actual compliance with the CEA and Commission regulations.

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.⁸ On May 25, 2022, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 87 FR 31862 ("60-Day Notice"). The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The Commission is revising its estimate of the burden for this collection to reflect the current number of respondents and estimated burden hours. The respondent burden for this collection is estimated to be as follows:

Number of Registrants: 1,065.

Estimated Average Burden Hours per Registrant: 44.5.

Estimated Aggregate Burden Hours: 47,392.

Frequency of Recordkeeping: Annually or on occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: July 22, 2022.

Robert Sidman,

Deputy Secretary of the Commission.

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⁵ For the definition of FCM, see section 1a(28) of the CEA and Commission regulation 1.3. 7 U.S.C. 1a(49) and 17 CFR 1.3.

⁶ For the definitions of IB, see section 1a(31) of the CEA and Commission regulation 1.3. 7 U.S.C. 1a(33) and 17 CFR 1.3.

⁷ See 17 CFR 1.71.

⁸ 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.6(b)(3)(vi).

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In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the "Commission" or "CFTC") by clicking on the "Submit Comment" box next to the descriptive entry for OMB Control No. 3038-0012, at <https://comments.cftc.gov/FederalRegister/PublicInfo.aspx>.

Or by either of the following methods:

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581;

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¹ 17 CFR 145.9.

² 17 CFR 1.71.

³ 7 U.S.C. 6d(c).

⁴ 77 FR 20198.