

reflects potato production in the United States.

\* \* \* \* \*

■ 4. Amend § 1207.510 by revising paragraph (b)(3) to read as follows:

**§ 1207.510 Levy of assessments.**

\* \* \* \* \*

(b) \* \* \*

(3) The Harmonized Tariff Schedule (HTS) categories and assessment rates on imported tablestock potatoes and frozen or processed potatoes for ultimate consumption by humans and on imported seed potatoes are listed in the following table. In the event that any

HTS number subject to assessment is changed and such change is merely a replacement of a previous number and has no impact on the description of the potatoes, assessments will continue to be collected based on the new numbers.

Tablestock potatoes, frozen or processed potatoes, and seed potatoes	Assessment	
	Cents/cwt	Cents/kg
0701.10.0020	3.0	0.066
0701.10.0040	3.0	0.066
0701.90.1000	3.0	0.066
0701.90.5015	3.0	0.066
0701.90.5025	3.0	0.066
0701.90.5035	3.0	0.066
0701.90.5045	3.0	0.066
0701.90.5055	3.0	0.066
0701.90.5065	3.0	0.066
0710.10.0000	6.0	0.132
2004.10.4000	6.0	0.132
2004.10.8020	6.0	0.132
2004.10.8040	6.0	0.132
2005.20.0070	4.716	0.104
0712.90.3000	21.429	0.472
1105.10.0000	21.429	0.472
1105.20.0000	21.429	0.472
2005.20.0040	21.429	0.472
2005.20.0020	12.240	0.27
1108.13.0010	27.0	0.595

\* \* \* \* \*

■ 5. Amend § 1207.513 by revising paragraph (c)(1) to read as follows:

**§ 1207.513 Payment of assessments.**

\* \* \* \* \*

(c) \* \* \* (1) Except as provided in paragraphs (b) and (d) of this section, each designated handler or importer shall remit assessments directly to the Board by check or electronic payment. Checks are to be made payable to the National Potato Promotion Board or the Board's official doing business as name. Payment is due not later than 10 days after the end of the month such assessment is due together with a report (preferably on Board forms) thereon.

\* \* \* \* \*

**Erin Morris,**  
Associate Administrator, Agricultural Marketing Service.  
[FR Doc. 2022-08042 Filed 4-14-22; 8:45 am]  
BILLING CODE 3410-02-P

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**10 CFR Part 1707**

[Docket No. DNFSB-2022-0001]

**Testimony by DNFSB Employees and Production of Official Records in Legal Proceedings**

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Direct final rule.

**SUMMARY:** The Touhy regulations of the Defense Nuclear Facilities Board (DNFSB or the Board) set forth procedures for responding to requests for information, documents, or testimony for use in legal proceedings. This direct final rule revises the regulations by clarifying that Touhy regulations only apply when the United States or the Board is not a party to the underlying legal proceedings.

**DATES:** This final rule is effective July 14, 2022 unless significant adverse comments are received by May 16, 2022. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**.

**ADDRESSES:** You may submit comments at any time prior to the comment deadline by the following methods:

*Email:* Send an email to *comment@dnfsb.gov*. Please include “Touhy Regulations Comments” in the subject line of your email.

*Mail:* Send hard copy comments to the Defense Nuclear Facilities Safety Board, Attn: Office of the General Counsel, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004-2901.

**FOR FURTHER INFORMATION CONTACT:** Patricia A. Hargrave, Associate General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004-2901, (202) 694-7000.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Under 5 U.S.C. 301, the “Housekeeping Statute,” and in response to a demand for official information that arises out of a legal proceeding, many agencies have regulations governing the production of official information and employee testimony relating to official information. Known as *Touhy* regulations, after *United States ex rel. v. Touhy v. Ragen*, 340 U.S. 462 (1951), these regulations usually prohibit unauthorized disclosures of official information by employees. These regulations also establish procedures for agencies responding to subpoenas seeking official information or employee

testimony relating to official information.

The Board's *Touhy* regulations are located at 10 CFR part 1707, subpart B (§§ 1707.201 through 1707.210). Those regulations were established in 2001 and have not been amended previously. The Board is amending its *Touhy* regulations at this time to clarify the legal proceedings to which the regulations apply.

#### *Section 1707.102—Applicability*

This direct final rule revises the introductory text to remove language suggesting that *Touhy* regulations apply when the Board is a party to the legal proceeding. This amendment clarifies that the regulations apply when the United States or the Board is not a party to the legal proceeding and will make the rule consistent with case law.

## II. Regulatory Analysis

### *Regulatory Flexibility Act*

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, agencies must consider the impact of their rulemakings on “small entities” (small businesses, small organizations, and local governments) when publishing regulations subject to the notice and comment requirements of the Administrative Procedure Act. As noted below in section III. Rulemaking Procedure, the Board has determined that notice and the opportunity to comment are unnecessary because this rulemaking constitutes a limited, routine change to clarify the type of litigation these regulations apply to. Therefore, no analysis is required by the Regulatory Flexibility Act.

### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, as amended, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based

companies to compete with foreign-based companies in domestic and export markets.

### *Paperwork Reduction Act*

This rule contains no new reporting or recordkeeping requirements under the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 *et seq.* This update to the Board's *Touhy* regulations does not require or request information from members of the public. Therefore, this rulemaking is not covered by the restrictions of the PRA.

### *Executive Order 12988 and Executive Order 13132—Federalism*

According to Executive Orders 12988 and 13132, agencies must state in clear language the preemptive effect, if any, of new regulations. The amendments to the agency's *Touhy* regulations affect only how the Board responds to requests for information in legal proceedings, and therefore, have no effect on preemption of State, tribal, or local government laws or otherwise have federalism implications.

### *Congressional Review Act*

This action is not a “rule” as defined in the Congressional Review Act (5 U.S.C. 804(3)), which excludes any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

### *Finding of No Significant Environmental Impact*

The direct final rule amends the Board's regulations for responding to requests for information in legal proceedings. The procedural change to the *Touhy* implementing regulations will not result in significant impacts affecting the quality of the human environment, unavoidable adverse environmental effects, rejection of reasonable alternatives to the proposed action, or irreversible or irretrievable commitments of environmental resources. The agency has not consulted with any other agencies in making this determination.

## III. Rulemaking Procedure

The Board is publishing this rule without a prior proposal because it is a limited, clarifying change, and the Board does not anticipate any significant adverse public comments. This amendment will become effective on July 14, 2022. However, if the Board receives a significant adverse comment by May 16, 2022, then the Board will publish a document in the **Federal Register** withdrawing this rule and publishing the changes as a notice of

proposed rulemaking. The Board will respond to the significant adverse comment(s) in that notice of proposed rulemaking and take an additional 30 days of comments before publishing any final rule. If no significant adverse comment is received, the Board will publish a document that confirms the effective date of this direct final rule.

A significant adverse comment is a comment in which the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the Board staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the Board.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition; or

(3) The comment causes the Board to make a change (other than editorial) to the rule.

### **List of Subjects in 10 CFR part 1707**

Administrative practice and procedure, Conflict of interests, Courts, Government employees, Records, Subpoenas, Testimony.

For the reasons described in the preamble, the Board amends 10 CFR part 1707 as follows:

### **PART 1707—TESTIMONY BY DNFSB EMPLOYEES AND PRODUCTION OF OFFICIAL RECORDS IN LEGAL PROCEEDINGS**

■ 1. The authority citation for part 1707 continues to read as follows:

**Authority:** 42 U.S.C. 2286b(c); 44 U.S.C. 3101–3107, 3301–3303a, 3308–3314.

#### **Subpart A—General Provisions**

■ 2. Amend § 1707.102 by revising the introductory text to read as follows:

#### **§ 1707.102 Applicability.**

This part applies to demands and requests to employees for factual,

opinion, or expert testimony relating to official information, or for production of official records or information, in legal proceedings in which the United States or the DNFSB is not a named party. However, it does not apply to:

\* \* \* \* \*

Dated: April 12, 2022.

**Joyce Connery,**  
Chairperson.

[FR Doc. 2022-08133 Filed 4-14-22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2022-0389; Project Identifier MCAI-2022-00291-T; Amendment 39-22003; AD 2022-07-15]

RIN 2120-AA64

#### Airworthiness Directives; Airbus SAS Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A318, A319, A320, and A321 series airplanes. This AD was prompted by the detection of several channel failures on a newly developed braking and steering control unit (BSCU). This AD requires replacing affected BSCUs and revising the operator's existing FAA-approved minimum equipment list (MEL), as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD also limits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective May 2, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 2, 2022.

The FAA must receive comments on this AD by May 31, 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:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For EASA material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. For Airbus SAS material IBR in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); internet <https://www.airbus.com>. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0389.

#### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0389; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3225; email [Dan.Rodina@faa.gov](mailto:Dan.Rodina@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2022-0389; Project Identifier MCAI-2022-00291-T" at the beginning of your comments. The most helpful comments reference a

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

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <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 Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3225; email [Dan.Rodina@faa.gov](mailto:Dan.Rodina@faa.gov). Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

#### Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022-0032, dated March 3, 2022 (EASA AD 2022-0032) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A318-111, -112, -121, and -122 airplanes; Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, -153N, and -171N airplanes; Model A320-211, -212, -214, -215, -216, -231, -232, -233, -251N, -252N, -253N, -271N, -272N, and -273N airplanes; and Model A321-111, -112, -131, -211, -212, -213, -231, -232, -251N, -251NX, -252N, -252NX, -253N, -253NX, -271N, -271NX, -272N, and -272NX airplanes. Model