

List of Subjects in 49 CFR Part 214

Occupational safety and health,
Railroad safety.

The Rule

For the reasons discussed in the preamble, FRA amends part 214 of chapter II, subtitle B of title 49, Code of Federal Regulations, as follows:

PART 214—RAILROAD WORKPLACE SAFETY

■ 1. The authority citation for part 214 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 21301–21302, 21304, 28 U.S.C. 2461, note; and 49 CFR 1.89.

■ 2. Amend § 214.322 by adding paragraph (i) to read as follows:

§ 214.322 Exclusive track occupancy, electronic display.

* * * * *

(i) For purposes of complying with paragraph (h) of this section, electronic display systems may use multi-factor authentication for digital authentication of the subject.

■ 3. Amend § 214.505 by revising the introductory text of paragraph (a) and adding paragraph (i) to read as follows:

§ 214.505 Required environmental control and protection systems for new on-track roadway maintenance machines with enclosed cabs.

(a) With the exception of machines subject to paragraph (i) of this section, the following new on-track roadway maintenance machines shall be equipped with operative heating systems, operative air conditioning systems, and operative positive pressurized ventilation systems:

* * * * *

(i) Paragraph (a) of this section is not applicable to machines that are incapable of performing work functions other than by remote operation and are equipped with no operating controls (*i.e.*, remotely operated roadway maintenance machines) if the following conditions are met.

(1) If a remotely operated roadway maintenance machine is operated from the cab of a separate machine, that separate machine must comply with paragraph (a) of this section.

(2) If a remotely operated roadway maintenance machine is operated outside of the main cab of the separate machine in a manner that will expose the operator to air contaminants, as outlined in 29 CFR 1910.1000, the employee shall be protected in compliance with 29 CFR 1910.134.

(3) No person is permitted on the remotely operated roadway

maintenance machine while the equipment is operating.

(4) Each remotely operated roadway maintenance machine must be clearly identified by stenciling, marking, or other written notice in a conspicuous location on the machine indicating the potential hazards of the machine being operated from a distance or that the machine may move automatically.

Issued in Washington, DC.

Amitabha Bose,

Administrator.

[FR Doc. 2022–05625 Filed 3–16–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS–R3–ES–2022–0006;
FXES11130300000–223–FF03E00000]

1018–BE37

Endangered and Threatened Wildlife and Plants; Technical Corrections for Four Midwest Mussel Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Direct final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the revised taxonomy of four species of mussels under the Endangered Species Act of 1973, as amended (Act). We are revising the List of Endangered and Threatened Wildlife and related regulations under the Act to reflect the scientifically accepted taxonomy and nomenclature of these species.

DATES: This rule is effective June 15, 2022 without further action, unless significant adverse comment is received by April 18, 2022. If significant adverse comment is received, we will publish a timely withdrawal of the rule for the appropriate species in the **Federal Register**.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS–R3–ES–2022–0006, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.”

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments

Processing, Attn: FWS–R3–ES–2022–0006, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

See Public Comments under **SUPPLEMENTARY INFORMATION**, below, for more information about submitting comments.

FOR FURTHER INFORMATION CONTACT:

Laura Ragan, Midwest Regional Recovery Coordinator, U.S. Fish and Wildlife Service, Midwest Regional Office, 5600 American Boulevard West, Suite 990, Bloomington, MN 55437; telephone 612–713–5157; email Laura_Ragan@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:**Purpose of Direct Final Rule and Final Action**

The purpose of this direct final rule is to notify the public that we are revising: (1) The List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations (CFR) at § 17.11(h) (50 CFR 17.11(h)) to reflect the scientifically accepted taxonomy and nomenclature of four freshwater mussel species listed under section 4 of the Act (16 U.S.C. 1531 *et seq.*). These changes reflect the most recently accepted common and scientific names in accordance with 50 CFR 17.11(b) and (c). We are also updating the nomenclature for one of the species at 50 CFR 17.85.

We are publishing this rule without a prior proposal because this is a noncontroversial action that is in the best interest of the public and should be undertaken in as timely a manner as possible. This rule will be effective, as published in this document, on the effective date specified in **DATES**, unless we receive significant adverse comments by the comment due date specified in **DATES**. Significant adverse comments are comments that provide strong justification as to why our rule should not be adopted or why it should be changed.

If we receive significant adverse comments regarding the taxonomic changes for any of these species, we will publish a document in the **Federal Register** withdrawing this rule for the appropriate species before the effective date, and, if appropriate, we will

publish a proposed rule to initiate promulgation of those changes to 50 CFR 17.11(h).

Public Comments

You may submit your comments and materials regarding this direct final rule by one of the methods listed in **ADDRESSES**. Please include sufficient information with your comment that allows us to verify any scientific or commercial information you include.

We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us. Before including your address, phone number, email address, or other personal 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.

Comments and materials we receive, as well as supporting documentation we used in preparing this direct final rule, will be available for public inspection on the internet at <https://www.regulations.gov> or by appointment, during normal business hours at the U.S. Fish and Wildlife Service location listed above in **FOR FURTHER INFORMATION CONTACT**. Please note that comments posted to <https://www.regulations.gov> are not immediately viewable. When you submit a comment, the system receives it immediately. However, the comment will not be publicly viewable until we post it, which might not occur until several days after submission. Information regarding this rule is available in alternative formats upon request (see **FOR FURTHER INFORMATION CONTACT**).

Background

Sections 17.11(c) and 17.12(b) of title 50 of the CFR direct us to use the most recently accepted scientific name of any species that we have determined to be an endangered or threatened species. Using the best available scientific information, this direct final rule documents taxonomic changes of the scientific names to four entries under “Clams” on the current List of Endangered and Threatened Wildlife (“List”; 50 CFR 17.11(h)). This rule also makes slight modifications to two common names, and those changes have the result of changing the placement of these species on the List. The basis for these taxonomic changes is supported by published studies in peer-reviewed journals. Accordingly, we revise the common and scientific names of these species under section 4 of the Act (16 U.S.C. 1531 *et seq.*) as follows:

| Species name as currently listed | | Corrected name for addition to the list | |
|---------------------------------------|---|---|--------------------------------|
| Common name | Scientific name | Common name | Scientific name |
| Pearl mussel, Curtis | <i>Epioblasma florentina curtisii</i> | Pearl mussel, Curtis | <i>Epioblasma curtisii</i> . |
| Purple cat's paw (pearl mussel) | <i>Epioblasma obliquata obliquata</i> ... | Pearl mussel, purple cat's paw | <i>Epioblasma obliquata</i> . |
| Cat's paw, white (pearl mussel) | <i>Epioblasma obliquata perobliqua</i> | Pearl mussel, white cat's paw | <i>Epioblasma perobliqua</i> . |
| Riffleshell, northern | <i>Epioblasma torulosa rangiana</i> | Riffleshell, northern | <i>Epioblasma rangiana</i> . |

Taxonomic Classification

Epioblasma Curtisii

The scientific name change of *Epioblasma curtisii* (Curtis pearl mussel) from *Epioblasma florentina curtisii* is supported by phylogenetic analyses, its distinctive shell morphology, and distinct geographical range. These findings support the elevation of *curtisii* from subspecies to species (Williams et al. 2017, p. 48). To the extent practicable, the Service relies on the Integrated Taxonomic Information System (ITIS) to determine a species' scientific name. ITIS incorporates the naming principles established by the International Code of Zoological Nomenclature, produced by the International Commission on Zoological Nomenclature, an organization that provides and regulates a uniform system of zoological nomenclature. While ITIS is a reliable database source of taxonomic information, in this instance ITIS is incomplete. The junior synonym, *Epioblasma florentina curtisii*, is considered to be invalid in ITIS. Upon review of ITIS's underlying data, we consider the information that displays the scientific name for Curtis pearl mussel to be incomplete as no

valid name is provided for the species. The Service finds that the Curtis pearl mussel should be recognized as *Epioblasma curtisii* and is a valid listable entity. This species will continue to be listed as endangered, and no other aspect of the entry for this species in 50 CFR 17.11(h) will change as a result of this rule.

Epioblasma Obliquata

The scientific name change of *Epioblasma obliquata* (purple cat's paw pearl mussel) from *Epioblasma obliquata obliquata* is supported by phylogenetic analyses, its distinctive shell morphology, and distinct geographical range. These findings support the elevation of *obliquata* from subspecies to species (Williams et al. 2017, p. 48). In ITIS, *Epioblasma obliquata* is the accepted scientific name of purple cat's paw pearl mussel. ITIS includes an additional common name for *Epioblasma obliquata*, cat's paw, which is recognized by species experts as an alternate common name. This species will continue to be listed as endangered, and no other aspect of the entry for this species in 50 CFR 17.11(h) will change as a result of this rule.

In addition to the listing of purple cat's paw pearl mussel in § 17.11(h), this species is also included in a rule that sets forth provisions for a nonessential experimental population of 17 mollusks in the Tennessee River at § 17.85. Therefore, we are also revising 50 CFR 17.85(a) to change the species' name in those regulations.

Epioblasma Perobliqua

The scientific name change of *Epioblasma perobliqua* (white cat's paw pearl mussel) from *Epioblasma obliquata perobliqua* is supported by phylogenetic analyses, its distinctive shell morphology, and distinct geographical range. These findings support the elevation of *perobliqua* from subspecies to species (Williams et al. 2017, p. 48). While the Service often relies on ITIS as a reliable database source of taxonomic information, in this instance ITIS is incomplete. The junior synonym, *Epioblasma obliquata perobliqua*, is considered to be invalid in ITIS. Upon review of ITIS's underlying data, we consider the information that displays the scientific name for white cat's paw pearl mussel to be incomplete as no valid name is provided for the species. ITIS includes an additional common name for white

cat's paw pearlymussel, white catspaw, which is recognized by species experts as an alternate common name. The Service finds that the white cat's paw pearlymussel should be recognized as *Epioblasma perobliqua* and is a valid listable entity. This species will continue to be listed as endangered, and no other aspect of the entry for this species in 50 CFR 17.11(h) will change as a result of this rule.

Epioblasma Rangiana

The scientific name change of *Epioblasma rangiana* (northern riffleshell) from *Epioblasma torulosa rangiana* is supported by phylogenetic analyses and the lack of intergradation between *E. t. torulosa* and *E. t. rangiana*. These findings support the elevation of *rangiana* from subspecies to species (Cummings and Berlocher 1990, p. 92; Williams et al. 2017, p. 48). *Epioblasma rangiana* is the accepted scientific name of northern riffleshell in ITIS. This species will continue to be listed as endangered, and no other aspect of the

entry for this species in 50 CFR 17.11(h) will change as a result of this rule.

References Cited

A complete list of the referenced materials is available at <https://www.regulations.gov> at Docket No. FWS-R3-ES-2022-0006 or upon request from the U.S. Fish and Wildlife Service (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

For the reasons given in the preamble, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16. U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11, in paragraph (h), the List of Endangered and Threatened Wildlife, under Clams, by:

■ a. Removing both entries for “Purple cat's paw (pearlymussel)” and the entry for “Catspaw, white (pearlymussel)”;

■ b. Revising the entry for “Pearlymussel, Curtis”;

■ c. Adding in alphabetic order two entries for “Pearlymussel, purple cat's paw” and an entry for “Pearlymussel, white cat's paw”; and

■ d. Revising the entry for “Riffleshell, northern”.

The revisions and additions read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

| Common name | Scientific name | Where listed | Status | Listing citations and applicable rules |
|----------------------------------|------------------------------------|---|--------|---|
| * * * | * * * | * * * | | * * * |
| CLAMS | | | | |
| * * * | * * * | * * * | | * * * |
| Pearlymussel, Curtis | <i>Epioblasma curtisii</i> | Wherever found | E | 41 FR 24062, 6/14/1976. |
| * * * | * * * | * * * | | * * * |
| Pearlymussel, purple cat's paw | <i>Epioblasma obliquata</i> | Wherever found, except where listed as an experimental population. | E | 55 FR 28209, 7/10/1990. |
| Pearlymussel, purple cat's paw | <i>Epioblasma obliquata</i> | U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)). | XN | 66 FR 32250, 6/14/2001; 50 CFR 17.85(a). ^{10j} |
| * * * | * * * | * * * | | * * * |
| Pearlymussel, white cat's paw .. | <i>Epioblasma perobliqua</i> | Wherever found | E | 41 FR 24062, 6/14/1976. |
| * * * | * * * | * * * | | * * * |
| Riffleshell, northern | <i>Epioblasma rangiana</i> | Wherever found | E | 58 FR 5638, 1/22/1993. |
| * * * | * * * | * * * | | * * * |

■ 3. In § 17.85, in paragraph (a) introductory text, amend the table by removing the entry for “catspaw (purple

cat's paw pearlymussel)” and adding in its place an entry for “purple cat's paw pearlymussel” to read as follows:

§ 17.85 Special rules—invertebrates.

(a) * * *

| Common name | Scientific name |
|-------------------------------------|-------------------------------|
| * * * | * * * |
| purple cat's paw pearlymussel | <i>Epioblasma obliquata</i> . |
| * * * | * * * |

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Martha Williams,
Director, U.S. Fish and Wildlife Service.
[FR Doc. 2022–05526 Filed 3–16–22; 8:45 am]
BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 220311–0070; RTID 0648–XX075]

Fisheries of the Northeastern United States; Northeast Skate Complex; 2022 and 2023 Specifications

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

ACTION: Final rule.

SUMMARY: NMFS issues final Northeast skate specifications for the 2022 fishing year, and projects specifications for fishing year 2023, as recommended by the New England Fishery Management Council. This action is necessary to establish annual allowable harvest levels for the skate fishery that prevent overfishing while enabling optimum yield, using the best scientific information available.

DATES: Effective on May 1, 2022.

ADDRESSES: The New England Fishery Management Council prepared a Supplemental Information Report (SIR) for these specifications that describes the action and any changes from the original environmental assessment (EA) and analyses for this 2022–2023 specifications action. Copies of the SIR, original EA, and other supporting documents for this action, are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. These documents are also accessible via the internet at <https://www.nefmc.org/management-plans/skates>.

FOR FURTHER INFORMATION CONTACT: Cynthia Ferrio, Fishery Policy Analyst, (978) 281–9180.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council manages a complex of seven skate species (barndoor, clearnose, little, rosette, smooth, thorny, and winter skate) in the New England and Mid-Atlantic regions under the Northeast Skate Complex Fishery Management Plan (FMP). Skates are harvested and managed in two different fishery sectors, one for food (the wing fishery) and one for bait used in other fisheries (the bait fishery). The

FMP requires the review and specification of an acceptable biological catch (ABC), annual catch limit (ACL), annual catch target (ACT), fishery-level total allowable landings (TAL) limit, separate TALs for the wing and bait fisheries, and other management measures, as needed, for up to two fishing years at a time. This action implements skate specifications for the 2022 fishing year, and projects specifications for 2023, as recommended by the Council.

The proposed rule for this action published in the **Federal Register** on January 18, 2022 (87 FR 2587), and comments were accepted through February 17, 2022. NMFS did not receive any comments from the public during this period. Additional background information regarding the development of these specifications was provided in the proposed rule and is not repeated here.

Specifications

This action implements the Council’s recommended 2022 and projected 2023 skate catch specifications (Table 1), as outlined in the proposed rule. These specifications increase the ABC by 14 percent and annual quotas for both the wing and bait fisheries by 18 percent in fishing year 2022. Specifications for fishing year 2023 are projected to be unchanged from 2022.

TABLE 1—SUMMARY OF FINAL 2022 AND PROJECTED 2023 SKATE FISHERY SPECIFICATIONS

| | Metric tons | Million lb |
|---|-------------|------------|
| ABC = ACL | 37,236 | 82.091 |
| ACT | 33,513 | 73.883 |
| Overall Fishery TAL | 21,142 | 46.610 |
| Wing TAL (66.5% of Overall TAL) | 14,059 | 30.995 |
| Wing Season 1 TAL (57% of Wing TAL) | 8,014 | 17.668 |
| Wing Season 2 TAL | 6,045 | 13.327 |
| Bait TAL (33.5% of Overall TAL) | 7,082 | 15.613 |
| Bait Season 1 TAL (30.8% of Bait TAL) | 2,181 | 4.808 |
| Bait Season 2 TAL (37.1% of Bait TAL) | 2,627 | 5.792 |
| Bait Season 3 TAL | 2,274 | 5.013 |

All other fishery management measures, such as trip limits, remain unchanged under this action. The Council will review the projected specifications for fishing year 2023 in light of any new information to determine if any changes need to be made prior to their implementation. NMFS will publish a notice prior to the 2023 fishing year to confirm these limits as projected or propose any necessary changes.

Comments and Responses

The public comment period for the proposed rule ended on February 17,

2022. NMFS received no comments from the public during this period.

Changes From the Proposed Rule

There are no changes from the proposed rule.

Classification

The NMFS Administrator, Greater Atlantic Region, has determined that these specifications are necessary for the conservation and management of the Northeast skate fishery, and that it is consistent with the Northeast Skate Complex FMP, other provisions of the

Magnuson-Stevens Act, and other applicable laws.

This final rule is exempt from review under Executive Order 12866 because the action contains no implementing regulations.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here.