of the social cost of greenhouse gases ("GHG"). In responding to that comment, in the 2022 VRF NOPR, DOE noted generally DOE's practice to that point had been to use the social cost of greenhouse gases from the most recent update of the United States **Government's Interagency Working** Group ("IWG") on Social Cost of Greenhouse Gases, which recommends global values be used for regulatory analysis, when DOE analyzes efficiency levels (*i.e.*, referencing its then-current practice). DOE continued its response by stating: "Because DOE is not conducting an economic analysis of levels more stringent than the ASHRAE Standard 90.1 levels in this notice, there is no corresponding consideration of emission reductions or the associated monetary benefits. As DOE is required by EPCA to adopt the levels set forth in ASHRAE Standard 90.1, DOE did not conduct an economic analysis or corresponding emissions analysis for the levels in ASHRAE Standard 90.1– 2019." 87 FR 11335, 11348.

The purpose of DOE's discussion of the IWG was simply to explain in the context of responding to Policy Integrity's comment how, at the time of the signing of the 2022 VFR NOPR (namely, on February 9, 2022), DOE routinely analyzed emissions reductions in those circumstances where DOE was analyzing efficiency levels more stringent than those contained in ASHRAE Standard 90.1. But, as noted, DOE's 2022 VRF NOPR simply made clear DOE's position that because the Department is proposing to adopt the standard levels in ASHRAE Standard 90.1, no emissions analysis or related monetization of emissions was being performed for this proposed rulemaking. Consequently, Policy Integrity's comment recommending how to appropriately monetize GHG emissions had no direct application or other effect in this proposed rulemaking.

The previous excerpt from the 2022 VRF NOPR was an accurate statement at the time the document was signed. After that document was signed and transmitted to the Federal Register, but before publication in the Federal Register, however, the U.S. District Court for the Western District of Louisiana in Louisiana v. Biden, No. 21-cv-1074-JDC-KK (Feb. 11, 2022) issued a preliminary injunction enjoining Federal agencies from utilizing the social cost of greenhouse gases values developed by the IWG for monetization of emissions impacts. Since that preliminary injunction was issued, out of an abundance of caution, DOE has ceased using greenhouse gas emissions monetization across its

rulemakings. To avoid confusion, DOE concludes that clarification of the 2022 VRF NOPR comment response may therefore be necessary.

As stated in the 2022 VRF NOPR, DOE has not conducted any monetization of emission reduction in this rulemaking. Should circumstances arise in this or other rulemaking records where DOE would need to analyze standards more stringent than the levels in ASHRAE Standard 90.1, DOE acknowledges that any such analysis necessarily would comply with the prohibitions of the injunction issued in *Louisiana* v. *Biden* as long as that injunction remains in effect.

Accordingly, DOE clarifies its comment response in the 2022 VRF NOPR by noting that DOE is adhering to the prohibitions in the preliminary injunction issued on February 11, 2022, in *Louisiana* v. *Biden*, and reiterates that DOE did not monetize the benefits of reducing greenhouse gas emissions as part of the 2022 VRF NOPR. This clarification does not affect any of the proposed energy conservation standards, related analyses, and tentative conclusions contained in the 2022 VRF NOPR.

II. Need for Clarification

As published, a response to a comment in the 2022 VRF NOPR may result in ambiguity or confusion as to DOE's compliance with the preliminary injunction issued on February 11, 2022, in Louisiana v. Biden. Because this document simply clarifies the response to a public comment without making any substantive changes to the proposed energy conservation standards or related analyses, DOE finds that there is good cause under 5 U.S.C. 553(b)(B) to not issue prior notice to solicit public comment on the changes contained in this document. Issuing a separate document to solicit public comment would be unnecessary and contrary to the public interest.

III. Procedural Issues and Regulatory Review

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the 2022 VRF NOPR remain unchanged for this proposed rule technical clarification. These determinations are set forth in the 2022 VRF NOPR. 87 FR 11335, 11349–11352.

Signing Authority

This document of the Department of Energy was signed on March 9, 2022, by Kelly J. Speakes-Backman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 9, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy. [FR Doc. 2022–05292 Filed 3–11–22; 8:45 am] BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2022-0153; Project Identifier MCAI-2021-01051-A]

RIN 2120-AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT. **ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2016-26-08, which applies to all Pilatus Aircraft Ltd. Model PC-12, PC-12/45, PC-12/47, and PC-12/47E airplanes. AD 2016–26–08 requires incorporating revisions into the airworthiness limitations section (ALS) of the maintenance program and inspecting the main landing gear (MLG) attachment bolts for cracks and corrosion. Since the FAA issued AD 2016-26-08, the European Union Aviation Safety Agency (EASA) superseded its mandatory continuing airworthiness information (MCAI) to add a new life limit for certain MLG actuator bottom attachment bolts and then superseded it again to add new life limits for the rudder bellcrank. This proposed AD would require incorporating new revisions to the ALS of the existing airplane maintenance manual (AMM) or Instructions for Continued Airworthiness (ICA) to establish a 5-year life limit for certain MLG actuator bottom attachment bolts and new life

limits for the rudder bellcrank. 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 April 28, 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 Pilatus Aircraft Ltd., CH–6371, Stans, Switzerland; phone: +41848247365; email: *techsupport.ch@ pilatus-aircraft.com*; website: *https:// www.pilatus-aircraft.com/*. 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.

Examining the AD Docket

You may examine the AD docket at https://www.regulations.gov by searching for and locating Docket No. FAA–2022–0153; 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:

Doug Rudolph, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4059; email: *doug.rudolph@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 **ADDRESSES**. Include "Docket No. FAA–2022–0153; Project Identifier MCAI–2021–01051–A" 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 the 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 proposed AD.

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 Doug Rudolph, 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.

Background

The FAA issued AD 2016–26–08, Amendment 39–18766 (82 FR 10859, February 16, 2017) (AD 2016–26–08) for all Pilatus Aircraft Ltd. Model PC–12, PC–12/45, PC–12/47, and PC–12/47E airplanes. AD 2016–26–08 was prompted by MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2016–0083, dated April 28, 2016, to require new maintenance tasks for the MLG attachment bolts and replacement of each MLG attachment bolt before exceeding its life limit.

AD 2016–26–08 requires incorporating revisions into the ALS of the existing FAA-approved maintenance program and inspecting the MLG attachment bolts for cracks and corrosion. The FAA issued AD 2016– 26–08 to ensure the continued operational safety of the affected airplanes.

Actions Since AD 2016–26–08 Was Issued

Since the FAA issued AD 2016–26– 08, Pilatus received reports of failure of MLG actuator bottom attachment bolts, part number (P/N) 532.10.12.218, identified with "VLG" on the bolt head. These parts are from a specific vendor and are subject to hydrogen embrittlement. Accordingly, EASA superseded EASA AD 2016–0083, dated April 28, 2016, and issued EASA AD 2021–0005, dated January 7, 2021, to require a new 5 year life limit for the MLG actuator bottom attachment bolt identified with "VLG.".

Pilatus subsequently added new life limits for the rudder bellcrank. As a result, EASA superseded its AD again and issued EASA AD 2021–0214, dated September 17, 2021 (the MCAI). The MCAI states:

The airworthiness limitations and certification maintenance instructions for Pilatus PC-12 aeroplanes, which are approved by EASA, are currently defined and published in Pilatus PC-12 AMM Chapter 04-00-00. These instructions have been identified as mandatory for continued airworthiness.

Failure to accomplish these instructions could result in an unsafe condition.

Previously, EASA issued [EASA] AD 2021– 0005, requiring the actions described in the Pilatus PC–12 AMM Chapter 04–00–00, Document Number 02049 Issue 01 Revision 40, Document Number 02300 Issue 01 Revision 24 and Document Number 02436 Issue 01 Revision 02.

Since that [EASA] AD was issued, Pilatus published the applicable ALS, as defined in this [EASA] AD, which contains new and/or more restrictive tasks and limitations, as specified in the Component Limitations section, to introduce a new life limit for the rudder bellcrank. Due to the introduction of this life limit, the repetitive eddy current inspections are no longer required and deleted from the Supplemental Structural Inspection section.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2021–0005, which is superseded, and requires accomplishment of the actions as specified in the applicable ALS.

You may examine the MCAI at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0153.

Related Service Information Under 1 CFR Part 51

The FAA reviewed the following revisions, which contain the new life limit for certain MLG actuator bottom attachment bolts and new life limits for the rudder bellcrank. • Pilatus PC-12, PC-12/45 and PC-12/47 Structural, Component and Miscellaneous Limitations-AMM Document No. 02049, Airworthiness Limitations, 12-A-04-00-00A-000A-A, Revision 41, dated July 5, 2021:

• Pilatus PC-12/47E Structural, Component and Miscellaneous Limitations-AMM Document No. 2300, Airworthiness Limitations, 12-B-04-00-00-00A-000A-A, Issue 01, Revision 25, dated July 8, 2021; and

• Pilatus PC-12/47E Structural, Component and Miscellaneous Limitations-AMM Document No. 02436, Airworthiness Limitations, 12-C-04-00-00-00A-000A-A, Issue 01, Revision 03, dated July 8, 2021.

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**.

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.

Proposed AD Requirements in This NPRM

This proposed AD would not retain any of the actions of AD 2016–26–08. Instead, this proposed AD would require incorporating new revisions into the ALS of the existing AMM or the FAA-approved ICA. This AD would allow the owner/operator (pilot) to incorporate these revisions. Revising an AMM is not considered a maintenance action and may be done by a pilot holding at least a private pilot certificate. This proposed action would need to be recorded in the airplane's maintenance records to show compliance with this proposed AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,030 airplanes of U.S. registry. The FAA also estimates that it would take 1 work-hour per airplane to incorporate the revised ALS into the AMM or ICA. The average labor rate is \$85 per work-hour. Based on these figures, the FAA estimates the cost on U.S. operators to be \$87,550 or \$85 per airplane.

In addition, the FAA estimates that replacing a MLG actuator bottom attachment bolt, if necessary, would take 1 work-hour and would require parts costing \$2,140 for a cost of \$2,225 per airplane.

Replacing the rudder bellcrank, if necessary, would take 3 work-hours and would require parts costing \$550 for a cost of \$805 per airplane.

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 that the 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.

§39.13 [Amended]

2. The FAA amends § 39.13 by:
a. Removing Airworthiness Directive 2016–26–08, Amendment 39–18766 (82 FR 10859, February 16, 2017), and
b. Adding the following new airworthiness directive:

Pilatus Aircraft Ltd.: Docket No. FAA–2022– 0153; Project Identifier MCAI–2021– 01051–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 28, 2022.

(b) Affected ADs

This AD replaces AD 2016–26–08, Amendment 39–18766 (82 FR 10859, February 16, 2017).

(c) Applicability

This AD applies to Pilatus Aircraft Ltd. Model PC-12, PC-12/45, PC-12/47, and PC-12/47E airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2722, Rudder Actuator; 3210, Main Landing Gear; and 3211, Main Landing Gear Attach Section.

(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 unsafe condition in the MCAI is failure of main landing gear (MLG) actuator bottom attachment bolts and failure to accomplish a new life limit for the rudder bellcrank. The FAA is issuing this AD to prevent MLG collapse during all phases of airplane operations, including take-off and landing and also to prevent rudder bellcrank failure, which could lead to loss of airplane control.

(f) Actions and Compliance

(1) Before further flight, unless already done, revise the Airworthiness Limitations section of the existing airplane maintenance manual or Instructions for Continued Airworthiness for your airplane by incorporating the following documents.

(i) For Model PC-12, PC-12/45, and PC-12/47 airplanes: Pilatus PC-12, PC-12/45 and PC-12/47 Structural, Component and Miscellaneous Limitations-AMM Document No. 02049, Airworthiness Limitations, 12-A-04-00-00-00A-000A-A, Revision 41, dated July 5, 2021.

(ii) For Model PC–12/47E airplanes with serial numbers 545, 1001 through 1719, and

1721 through 1999: Pilatus PC–12/47E Structural, Component and Miscellaneous Limitations-AMM Document No. 2300, Airworthiness Limitations, 12–B–04–00–00– 00A–000A–A, Issue 01, Revision 25, dated July 8, 2021.

(iii) For Model PC-12/47E airplanes with serial numbers 1720 and 2001 and larger: Pilatus PC-12/47E Structural, Component and Miscellaneous Limitations-AMM Document No. 02436, Airworthiness Limitations, 12-C-04-00-00A-000A-A, Issue 01, Revision 03, dated July 8, 2021.

(2) The actions required by paragraph (f)(1) 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, 121.380, or 135.439.

(3) After revising the airworthiness limitations required by paragraph (f)(1) of this AD, no alternative life limits or inspection intervals may be used unless they are approved as provided in paragraph (g) of this AD.

(g) 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 (h)(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.

(h) Related Information

(1) For more information about this AD, contact Doug Rudolph, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4059; email: doug.rudolph@faa.gov.

(2) Refer to MCAI European Union Aviation Safety Agency (EASA) AD 2021– 0214, dated September 17, 2021, for related information. You may examine the EASA AD in the AD docket at *https:// www.regulations.gov* by searching for and locating Docket No. FAA–2022–0153.

(3) For service information identified in this AD, contact Pilatus Aircraft Ltd., CH– 6371, Stans, Switzerland; phone: +41848247365; email: techsupport.ch@ pilatus-aircraft.com/. 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. Issued on March 7, 2022. Derek Morgan, Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service. [FR Doc. 2022–05223 Filed 3–11–22; 8:45 am] BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-0173; Airspace Docket No. 19-AAL-59]

RIN 2120-AA66

Proposed Amendment of United States Area Navigation (RNAV) Route T–223; Cape Newenham, AK

AGENCY: Federal Aviation Administration (FAA), DOT. **ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend United States Area Navigation (RNAV) route T–223 in the vicinity of Cape Newenham, AK in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Comments must be received on or before April 28, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2022– 0173; Airspace Docket No. 19–AAL–59 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*.

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_ *traffic/publications/*. For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC, 20591; telephone: (202) 267-8783. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: fr.inspection@nara.gov or go to https://www.archives.gov/federalregister/cfr/ibr-locations.html.

FOR FURTHER INFORMATION CONTACT: Christopher McMullin, Rules and

Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV in Alaska and improve the efficient flow of air traffic within the National Airspace System (NAS) by lessening the dependency on ground based navigation.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA– 2022–0173; Airspace Docket No. 19– AAL–59) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at https://www.regulations.gov.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA–2022–0173; Airspace Docket No. 19–AAL–59." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may