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Title 3—

The President

Proclamation 10517 of January 31, 2023

American Heart Month, 2023

By the President of the United States of America

A Proclamation

During American Heart Month, we recommit to supporting the more than 120 million Americans living with a cardiovascular condition; advancing groundbreaking and lifesaving research; and expanding access to affordable health care, prescription drugs, and healthy lifestyles.

Heart disease has long been the leading cause of death in the United States, claiming nearly 700,000 lives a year. Nearly half of all American adults have at least one major risk factor for cardiovascular disease. From heart attacks and strokes to high blood pressure, the threat of cardiovascular disease touches almost every family in our Nation. But while heart conditions can be costly and deadly, they are also often preventable with access to affordable health care, advancements in technology, and lifestyle changes.

There is so much we can do to keep advancing our fight against heart disease. Last March, I was proud to launch a major biomedical innovation initiative, the Advanced Research Projects Agency for Health, to drive breakthroughs in preventing, detecting, and treating life-threatening conditions like Alzheimer's, diabetes, and cancers—progress that can lead to critical advancements on a range of cardiovascular diseases as well. Meanwhile, to help more families afford existing treatments, the Inflation Reduction Act will cap out-of-pocket prescription drug costs for seniors on Medicare at $2,000 a year, no matter the medication—including those that work to prevent blood clots, lower blood pressure or cholesterol, manage diabetes, and otherwise promote heart health. That landmark law will also bring down the cost of health coverage under the Affordable Care Act and allow more Americans to gain coverage. This will help more people access free preventative services like blood pressure and obesity screenings and afford quality, comprehensive care if diagnosed.

My Administration is working to help more people lead heart-healthy lifestyles as well. At last fall's White House Conference on Hunger, Nutrition, and Health—the first in over 50 years—we released a national strategy to reduce diet-related diseases. This includes providing healthy, free meals to millions more school kids; boosting Medicaid and Medicare coverage for services like nutrition and obesity counseling; expanding incentives for fruits and vegetables in the Supplemental Nutrition Assistance Program; and increasing access to parks and exercise, especially in underserved communities. To further reduce smoking, a major cause of heart disease, the Food and Drug Administration has also proposed a rule to ban menthol-flavored cigarettes and flavored cigars, which are popular among first-time smokers.

As treatments and access to care improve, we can each help to raise awareness of the importance of a healthy heart. Exercising regularly, eating well, managing weight, and avoiding smoking or vaping are proven to reduce the risk of cardiovascular disease. And we can save lives by each learning the warning signs of a heart attack or stroke and consulting a doctor if we have risk factors or symptoms.

We encourage all Americans to help bring attention to heart health by wearing red on National Wear Red Day, held on Friday, February 3rd.

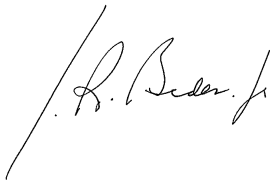
This month and always, we honor the memories of those we have lost to heart disease, and we celebrate the courage of the countless loved ones who are living strong, full lives despite having heart conditions. I am committed to doing all I can to improve their futures.

To learn more about heart health, please talk to your health care provider or visit CDC.gov/heartdisease.

In acknowledgement of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved December 30, 1963, as amended (36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as ''American Heart Month.''

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim February 2023 as American Heart Month, and I invite all Americans to participate in National Wear Red Day on February 3, 2023. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease and extending the promise of a long and healthy life across this country.

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



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Presidential Documents

Proclamation 10518 of January 31, 2023

National Black History Month, 2023

By the President of the United States of America

A Proclamation

During National Black History Month, we celebrate the legacy of Black Americans whose power to lead, to overcome, and to expand the meaning and practice of American democracy has helped our Nation become a more fair and just society. This country was established upon the profound but simple idea that all people are created equal and should be treated equally throughout their lives.

It is an idea America has never fully lived up to, but it is an idea we have never fully walked away from either. The struggles and challenges of the Black American story to make a way out of no way have been the crucible where our resolve to fulfill this vision has most often been tested. Black Americans' struggles for freedom, equal treatment, and the right to vote; for equal opportunities in education, housing, and the workplace; for economic opportunity, equal justice, and political representation; and so much more have reformed our democracy far beyond its founding. Black Americans have made a way not only for themselves but also have helped build a highway for millions of women, immigrants, other historically marginalized communities, and all Americans to more fully experience the benefits of our society.

From the start, the Biden-Harris Administration has been committed to using the power of the Federal Government to address the long-standing disparities that have hampered the progress of Black communities. On day one of my Presidency, I issued an Executive Order to advance equity and racial justice in every policy we pursue. I began by appointing the most diverse Cabinet in American history. I have continued to nominate a historic number of Black judges to the Federal bench—including Justice Ketanji Brown Jackson, the first Black woman to serve on the Supreme Court.

During the height of the COVID–19 crisis, my Administration provided relief to hardworking families, which cut the rate of poverty in Black American communities by nearly a third and cut the rate of poverty among Black children by more than half. My health care policies have dramatically increased health care access and reduced costs for Black American families and capped insulin bills for seniors at $35 per month per prescription.

We are also working to address centuries of neglected infrastructure in Black American communities. My Administration is leading the replacement of lead pipes embedded in cities across America so that every child can safely turn on the faucet and drink clean water. We are expanding public transit and providing high-speed internet to every neighborhood in the country so parents can get to work and children can do their homework in the comfort of their own homes.

We are using every avenue to confront racial discrimination in housing and in mortgage lending and to help build generational wealth in Black communities. We are working to ensure that any housing agency that receives Federal funds will reach beyond the simple promise not to discriminate and will instead take meaningful, affirmative steps to overcome historic patterns of segregation, giving every person a fair chance to live where they choose. We are addressing the negative impacts of redlining and other

forms of financial discrimination. And we are working to end a discriminatory system of appraisals that assigns lesser values to Black-owned family homes than to similar homes owned by white families.

Additionally, we have invested nearly $6 billion in Historically Black Colleges and Universities. We have also taken historic action to ease the burden of crippling student debt—action which benefits so many Black students and families. I am proud to have permanently authorized the Minority Business Development Agency and to have given it expanded authority to help grow Black-owned businesses. I have set a goal to increase the share of Federal contracting dollars going to small disadvantaged businesses by 50 percent by 2025, which will bring up to an additional $100 billion in capital to these businesses.

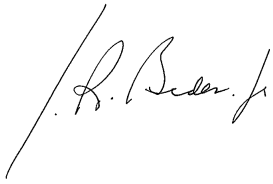
In May 2022, I signed an Executive Order promoting effective, accountable, and transparent community policing—delivering the most significant police reform in decades. Among other important measures that increase transparency and accountability, it raises policing standards by banning choke holds, restricting no knock warrants, and requiring body-worn cameras on patrols and during searches and arrests. It creates a new national law enforcement database to track records of misconduct, and it aims to safely reduce incarceration, support rehabilitation and reentry, and address racial disparities in our criminal justice system. Additionally, I signed three new hate crime bills, including the Emmett Till Antilynching Act which finally made lynching a Federal crime.

Equal access to the ballot box is the beating heart of our democracy. Without it, nothing is possible; with it, anything is. I restored the Civil Rights Division of the Department of Justice, appointing top attorneys to oversee enforcement of civil rights laws, and the Department has doubled the voting rights enforcement staff. Every agency of my Administration has been ordered to expand access to voter registration and election information. These are all important steps, but I will continue to push the Congress to repair the damage to voting rights in this country by passing the John Lewis Voting Rights Advancement and Freedom to Vote Acts, to ensure every American has a voice in the democratic process.

This year, on what would have been Dr. King's 94th birthday, I was honored to be the first sitting President to deliver a sermon at Sunday service at his cherished Ebenezer Baptist Church in Atlanta. The life of Dr. King demonstrates that democracy is an enduring covenant that must be persistently renewed; nothing about it is guaranteed. During National Black History Month, we honor and continue the work of Black Americans who have created a more fair and inclusive democracy, helping our Nation move closer to the realization of its full promise for everyone.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2023 as National Black History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with relevant programs, ceremonies, and activities.

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



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Presidential Documents

Proclamation 10519 of January 31, 2023

National Teen Dating Violence Awareness and Prevention Month, 2023

By the President of the United States of America

A Proclamation

Across America, young people are impacted by abusive relationships, suffering in silence as they are threatened with or subjected to physical violence, sexual violence, psychological aggression, or stalking from a current or former intimate partner. During National Teen Dating Violence Awareness and Prevention Month, we bring this scourge out of the shadows, recommit to promoting healthy relationships, and join together with a clear message to survivors: You are not alone. Support is close by, and justice is within reach.

Each year, around 12 percent of American high schoolers experience physical or sexual violence at the hands of an intimate partner. Young women, transgender teens, and gender nonconforming youth are disproportionately affected. Dating violence can also occur on social media, online, and through other electronic communication in the form of cyberstalking, non-consensual distribution of intimate images, and other technology-facilitated harms. This trauma not only affects survivors' health, safety, and aspirations as teenagers—it can also follow them into adulthood and increase the risk of violence in future relationships.

When we teach teens about healthy, nonviolent relationships, we support their development and create safer, healthier communities for everyone. That is why my Administration is advancing efforts by the Centers for Disease Control and Prevention to provide training for educators, families, and community members to teach young people how to form healthy relationships and leave abusive ones. These tools can be found at VetoViolence.CDC.gov. My Task Force to Address Online Harassment and Abuse is also committed to addressing ways that technology can be used to cause harm, including as a form of dating violence among young people. Additionally, in 2022 I worked with the Congress to reauthorize and strengthen the Violence Against Women Act, including enhancing grant programs and increasing funding for non-profit organizations, Tribes, and local governments that are working to reduce and address teen dating violence.

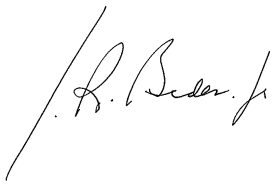
By recognizing the signs of dating and domestic violence, setting positive examples of healthy relationships that lift up instead of tear down, and making clear that abuses of power are never acceptable, we can build a culture where respect is the norm, dignity is the rule, and safety is the expectation—both online and offline. We can measure up to the standards of equality, opportunity, and justice that define our Nation at its best.

If you or someone you know is involved in an abusive relationship of any kind, immediate and confidential support is available through the National Domestic Violence Hotline's project focused on supporting young people by visiting loveisrespect.org, calling 1–866–331–9474 (TTY: 1–800–787–3224), or texting ''LOVEIS'' to 22522.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2023 as

National Teen Dating Violence Awareness and Prevention Month. I call upon everyone to educate themselves and others about teen dating violence so that together we can stop it.

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



[FR Doc. 2023–02432
Filed 2–2–23; 8:45 am]
Billing code 3395–F3–P

Rules and Regulations

Federal Register

Vol. 88, No. 23

Friday, February 3, 2023

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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 52

[NRC–2017–0029]

RIN 3150–AJ98

NuScale Small Modular Reactor Design Certification

Correction

In rule document 2023–00729, appearing on page 3187 through 3310 in the issue of Thursday, January 19, 2023, make the following correction:

On page 3303, in the table titled, ''Documents Related To NuScale Design Certification Rule'', the fourth row is corrected to read as follows:

Annotated Comment Submissions on Proposed Rule: NuScale Small Modular Reactor Design Certification (NRC–2017–0029; RIN 3150–AJ98), June 2022.	*ML22045A213

[FR Doc. C1–2023–00729 Filed 2–2–23; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1302; Project Identifier MCAI–2022–00062–E; Amendment 39–22301; AD 2023–01–07]

RIN 2120–AA64

Airworthiness Directives; GE Aviation Czech s.r.o. (Type Certificate Previously Held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) Turboprop Engines

Editorial Note: Rule document 2023–00490 originally published on pages 2501–2503 in the issue of Friday, January 13, 2023. In that publication, on page 2502, the effective date in section (a) appeared incorrectly. The rule is republished here corrected and in its entirety.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all GE Aviation Czech s.r.o. (GEAC) H75–100, H75–200, H80, H80–100, H80–200, H85–100, and H85–200 model turboprop engines. This AD is prompted by the manufacturer revising the airworthiness limitations section (ALS) of the existing engine maintenance manual (EMM) to introduce updated coefficients for the calculation of the cyclic life and safe life for the main shaft. This AD requires revising the ALS of the existing EMM and the operator's existing approved maintenance or inspection program, as applicable, to incorporate the updated coefficients and recalculate the cycles accumulated on critical parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 21, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2022–1302; 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 mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Barbara Caufield, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7146; email: *barbara.caufield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all GEAC H75–100, H75–200, H80, H80–100, H80–200, H85–100, and H85–200 model turboprop engines. The NPRM published in the **Federal Register** on October 24, 2022 (87 FR 64175). The NPRM was prompted by AD 2022–0008, dated January 19, 2022, issued by the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union (referred to after this as the MCAI). The MCAI states that the airworthiness limitations for H series engine models, which are approved by EASA, are currently defined and published in the ALS of the GEAC EMM. These instructions have been identified as mandatory for continued airworthiness. Failure to accomplish these instructions could result in an unsafe condition. The MCAI explains that recently GEAC published a revision to the ALS, introducing updated coefficients for the calculation of the cyclic life and safe life for the main shaft.

In the NPRM, the FAA proposed to require revising the ALS of the existing EMM and the operator's existing approved maintenance or inspection program, as applicable, to incorporate the updated coefficients and recalculate the cycles accumulated on critical parts. An owner/operator (pilot) holding at least a private pilot certificate may revise the ALS of the existing EMM, and the owner/operator must enter compliance with the applicable paragraphs of the AD into the aircraft records in showing compliance with this AD in accordance with 14 CFR 43.9(a) 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. This is an exception to the FAA's standard maintenance regulations. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2022–1302.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These products have been approved by the aviation authority of another country and are 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 referenced above. The FAA reviewed the relevant

data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Related Service Information

The FAA reviewed the ALS of the GEAC EMM, Part No: 0983402, Rev. 22, dated December 18, 2020. This service information provides updated coefficients for the calculation of the cyclic life and safe life for the main shaft.

Costs of Compliance

The FAA estimates that this AD affects 33 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise the ALS of the EMM and the operator's existing approved maintenance or inspection program.	1 work-hour × $85 per hour = $85	$0	$85	$2,805

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,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will 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 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:

2023–01–07 GE Aviation Czech s.r.o (Type Certificate previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.): Amendment 39–22301; Docket No. FAA–2022–1302; Project Identifier MCAI–2022–00062–E.

(a) Effective Date

This airworthiness directive (AD) is effective February 21, 2023

(b) Affected ADs

None.

(c) Applicability

This AD applies to GE Aviation Czech s.r.o. (Type Certificate previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) H75–100, H75–200, H80, H80–100, H80–200, H85–100, and H85–200 model turboprop engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

(e) Unsafe Condition

This AD was prompted by the manufacturer revising the airworthiness limitations section (ALS) of the existing engine maintenance manual (EMM) to introduce updated coefficients for the calculation of the cyclic life and safe life for the main shaft. The FAA is issuing this AD to prevent failure of the engine. The unsafe condition, if not addressed, could result in uncontained release of a critical part, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within 90 days of the effective date of this AD, revise the ALS of the existing EMM and the existing approved maintenance or inspection program, as applicable, to incorporate the information in Table 1 to paragraph (g)(1) of this AD and recalculate the cycles accumulated on critical parts.

TABLE 1 TO PARAGRAPH (g)(1)—EQUIVALENT CYCLIC LIFE (N) AND SAFE LIFE OF CRITICAL PARTS

Description	Drawing No.	Abbreviated flight cycle coefficient		Flight mission coefficient	Equivalent cyclic life limit
		A_V	A_P	L	N
Main Shaft	M601–1017.75	0.47	.....	1.05	16,000

(2) After performing the action required by paragraph (g)(1) of this AD, except as provided in paragraph (h) of this AD, no alternative life limits may be approved.

(3) The action required by paragraph (g)(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 § § 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by § 91.417, 121.380, or 135.439.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in § 39.19. In accordance with § 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 (i)(2) of this AD and email to: *ANE-AD-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) Additional Information

(1) Refer to European Union Aviation Safety Agency (EASA) AD 2022–0008, dated January 19, 2022, for related information. This EASA AD may be found in the AD docket at *regulations.gov* under Docket No. FAA–2022–1302.

(2) For more information about this AD, contact Barbara Caufield, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7146; email: *barbara.caufield@faa.gov.*

(j) Material Incorporated by Reference

None.

Issued on January 6, 2023.

Christina Underwood,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. R1–2023–00490 Filed 2–2–23; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 230130–0031]

RIN 0648–AV85

National Marine Sanctuary Regulations; Delay of Effective Date

AGENCY: Office of National Marine Sanctuaries (ONMS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Final rule; delay of effective date.

SUMMARY: On January 6, 2023, NOAA published a final rule that appeared in the **Federal Register** and that amended the ONMS regulations. The final rule was published with a 30-day delayed effective date (February 6, 2023). This action delays the effective date of the final rule by 60 days, until April 7, 2023.

DATES: As of February 3, 2023, the effective date for the final rule published January 6, 2023, at 88 FR 953, is delayed to April 7, 2023.

FOR FURTHER INFORMATION CONTACT: Vicki Wedell, NOAA Office of National Marine Sanctuaries, (240) 533–0650, *Vicki.Wedell@noaa.gov.*

SUPPLEMENTARY INFORMATION: NOAA published a final rule January 6, 2023 (88 FR 953), which updated and streamlined ONMS regulations. NOAA is preparing technical corrections to the final rule. NOAA is delaying the effective date of February 6, 2023, for the final rule by 60 days, to April 7, 2023. The delay in the effective date is necessary to provide time for ONMS to publish the technical corrections in advance of the final rule taking effect.

National Marine Sanctuaries Act

The National Marine Sanctuaries Act (NMSA) authorizes the Secretary of Commerce (Secretary) to designate, manage, and protect, as a national marine sanctuary (NMS), any area of the marine environment that is of special national significance due to its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities (16 U.S.C. 1431 *et seq.*). NMSA provides the legal basis and serves as the authority under which NOAA issues this action.

Nicole R. LeBoeuf,

Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2023–02268 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 1010

Financial Crimes Enforcement Network; Inflation Adjustment of Civil Monetary Penalties

Correction

In rule document 2023–00943, appearing on pages 3311 through 3313 in the issue of Thursday, January 19, 2023:

■ On page 3312, the far right heading in the table named ''TABLE 1 OF § 1010.821—PENALTY ADJUSTMENT TABLE'', is corrected to read the following:

§ 1010.821 Penalty adjustment and table [Corrected]

Maximum penalty amounts or range of minimum and maximum penalty amounts for penalties assessed on or after 1/19/2023

[FR Doc. C1–2023–00943 Filed 2–2–23; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0053]

RIN 1625–AA11

Removal of Regulated Navigation Areas Within District 5

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is updating District 5 regulations to remove two regulated navigation areas in Captain of the Port Zone (COTP) North Carolina within District 5 that are no longer needed. These areas were created to address the impacts of extreme shoaling in the Oregon Inlet, but subsequent Army Corps of Engineers dredging activities have alleviated the issue. The Coast Guard is removing these regulated navigation areas (RNAs) from the CFR to prevent confusion and to make the regulations easy to use.

DATES: This final rule is effective immediately upon publication.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2023–0053 in the search box and click ''Search.'' Next, in the Document Type

column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Petty Officer Ken Farah, Waterways Management Division, U.S. Coast Guard; telephone 910–772–2221, email *ncmarineevents@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port North Carolina
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
RNA Regulated Navigation Area
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

This rule removes regulated navigation areas for regulations where the need no longer reflects current conditions in the waterways. If a change in circumstance indicates that additional safety measures are necessary, the Coast Guard might choose to promulgate new regulations to reflect that change. The changes to 33 CFR part 165 are authorized under the general authority of 46 U.S.C. 70034, which grants the Secretary of the Department of Homeland Security broad authority to issue, amend, or repeal regulations necessary to implement 46 U.S.C. chapter 700, Ports and Waterways Safety Program.

The Secretary has delegated rulemaking authority under 46 U.S.C. 70034 to the Commandant via Department of Homeland Security Delegation No. 00170.1. The Coast Guard is issuing this rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking with respect to this rule because it is unnecessary to do so. All of the changes in this final rule involve only minor amendments to existing regulations that will not result in a substantive effect on the public. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this final rule effective upon publication in the **Federal Register**.

III. Discussion of the Rule

This rule removes RNAs 33 CFR 165.520, Regulated Navigation Area; Herbert C. Bonner Bridge, Oregon Inlet, NC, and 33 CFR 165.T05–0466 Regulated navigation area; Oregon Inlet Channel, Marc Basnight Bridge, Dare County, NC.

Regulated Navigation Area; Herbert C. Bonner Bridge, Oregon Inlet, NC

This RNA was created on November 3, 2015 to prevent vessel strikes to the bridge when vessels were forced to use alternative spans, or atypical routes, to transit through the bridge, 80 FR 67638. Vessels were forced to use these alternative spans due to the presence of shoals. In the time since this RNA was established, a new channel has been dredged to support navigation through Oregon Inlet. This new channel created more room for navigation and the use of alternative spans is no longer necessary. Therefore, the Coast Guard is removing this RNA.

Regulated Navigation Area; Oregon Inlet Channel, Marc Basnight Bridge, Dare County, NC

This RNA was created on 8 July 2022 in order to protect the public from the safety hazard associated with the extreme shoaling in this area and shifting of the main navigational channel. As with the above RNA, the Army Corps of Engineers has since completed its dredging work and the navigational channel has been restored. As a result, the Coast Guard is removing this RNA.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on these statutes or Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

An additional Executive order was recently published to promote the goals of Executive Order 13563: Executive Order 13610 (Identifying and Reducing Regulatory Burdens). Executive Order 13610 aims to modernize the regulatory systems and to reduce unjustified regulatory burdens and costs on the public.

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. A regulatory analysis (RA) follows.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offer to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

As required by 44 U.S.C. 3507(d), we will submit a copy of this rule to OMB for its review of the collection of information.

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on 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. We have analyzed this rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See* the Supreme Court's decision in *United States* v. *Locke* and *Intertanko* v. *Locke,* 529 U.S. 89, 120 S.Ct. 1135 (2000). This rule disestablished a prior RNA on a navigable waterway of the United States of America. Therefore, because the States may not regulate within these categories, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

F. Unfunded Mandates

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Although this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards and Incorporation by Reference

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. This rule is categorically excluded under paragraph L60(b) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev 1. Paragraph L60(b) pertains to Regulations for Regulated Navigation Areas and security or safety zones: specifically, the disestablishment or reduction in the size of these areas or zones.

This rule removes two RNAs from the CFR as they are no longer applicable to the current conditions of the waterway.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

§ 165.520 [Removed]

■ 2. Remove § 165.520.

§ 165.T05–0466 [Removed]

■ 3. Remove § 165.T05–0466.

Dated: January 26, 2023.

Shannon Gilreath,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2023–02160 Filed 2–2–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2023–0068]

RIN 1625–AA00

Safety Zone; Pipeline Installation; Anclote River, Tampa Bay, Tarpon Springs, FL

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within the Anclote River, Tampa Bay, Tarpon Springs, FL, within 200 yards from the Dredge DIAMOND 6 and Tug LADY LAFON, effectively closing the waterway to all traffic. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by dredge work and installation of the pipeline. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port St. Petersburg.

DATES: This rule is effective from 6 a.m. on February 6, 2023, through 7 p.m. on February 10, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2023–0068 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Marine Science Technician First Class Regina L. Cuevas, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email *Regina.L.Cuevas@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be impracticable. The Coast Guard lacks sufficient time to provide for a comment period and then consider those comments before issuing the rule since this rule is needed by February 6, 2023. It would be contrary to the public interest since immediate action is necessary to protect the safety of the public, and vessels transiting the waters of the Anclote River and Tampa Bay.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule for the same reasons stated in the preceding paragraph.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port St Petersburg (COTP) has determined that potential hazards associated with dredging and pipeline installation starting February 6, 2023, will be a safety concern for anyone within 200 yards of the Dredge DIAMOND 6 and Tug LADY LAFON. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the dredge pipe is installed.

IV. Discussion of the Rule

This rule establishes a safety zone from 6 a.m. on February 6, 2023, until 7 p.m. on February 10, 2023. The safety zone will cover all navigable waters of Anclote River, within 200 yards of the Dredge DIAMOND 6 and Tug LADY LAFON, which will be in the approximate position 28°9′21.51″ N, 82°45′58.68″ W. While the zone will be in place for two days, it will only be enforced for approximately five hours, during the pipe installation. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the dredge pipe installation is occurring. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location and scope of the safety zone. The zone is limited in size, location, and duration as it will cover all navigable waters of the Anclote River and Tampa Bay within 200 yards of the Dredge DIAMOND 6 and Tug LADY LAFON while they are installing a dredge pipe. The zone is limited in scope as vessel traffic may seek permission from the COTP to enter the zone. It is limited in duration in that it will only be enforced for approximately five hours while the pipe is being installed. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the safety zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in

understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting approximately 5 hours during a dredge pipe installation in the Anclote River. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T07–0068 to read as follows:

§ 165.T07–0068 Safety Zone; Pipeline Testing; Anclote River, Tampa Bay, Gibsonton, FL.

(a) *Location.* The following regulated area is a safety zone: All navigable waters of Anclote River, within 200 yards of the Dredge DIAMOND 6 and Tug LADY LAFON in the approximate position 28°09′23″ N, 082°45′58″ W.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port St. Petersburg in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port St. Petersburg or a designated representative.

(2) Designated representatives may control vessel traffic throughout the enforcement area as determined by the prevailing conditions.

(3) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the Captain of the Port St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel 16. If authorization is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

(d) *Effective and enforcement period.* This section is effective from February 6, 2023, through February 10, 2023. It will only be enforced during the installation of a dredge pipe, and that enforcement period will be announced by via VHF radio on channel 16.

Dated: January 27, 2023.

Michael P. Kahle,

Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.

[FR Doc. 2023–02343 Filed 2–2–23; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. FR–230130–0030]

RIN 0648–BM05

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations

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

ACTION: Temporary rule; emergency final rule.

SUMMARY: NMFS is extending a temporary emergency rule to prohibit trap/pot fishery buoy lines between federal and state waters within the Massachusetts Restricted Area (MRA) from February through April 2023 to reduce the incidental mortality and serious injury of North Atlantic right whales (*Eubalaena glacialis*) in commercial lobster and Jonah crab trap/pot fisheries. This emergency rule extension is necessary to reduce the risk of right whale mortality and serious injury caused by buoy lines in an area with a high co-occurrence of whales and buoy lines.

DATES: Effective February 1, 2023 through April 30, 2023.

ADDRESSES: Copies of the documents associated with this emergency rule are available at *https://www.fisheries.noaa.gov/alwtrp* or by emailing Marisa Trego at *marisa.trego@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Marisa Trego, 978–282–8484, *marisa.trego@noaa.gov,* Colleen Coogan, 978 281–9181, *colleen.coogan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

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Background

The North Atlantic right whale (*Eubalaena glacialis,* hereafter referred to as right whale) population has been in decline since 2010, with the most recent published estimate of right whale population size in 2019 at 368 whales (95 percent confidence interval: 356–378) with a strong male bias (Pace *et al.* 2017, Pace 2021). Data from 2020 and 2021 suggest the decline has continued and that fewer than 350 individuals remain (Pettis *et al.* 2022). The steep population decline is a result of high levels of human-caused mortality caused by entanglement in fishing gear and vessel strikes in both the U.S. and Canada. An Unusual Mortality Event was declared for the population in 2017, as a result of high rates of vessel strikes and entanglement in fishing gear. As of January 11, 2023, the Event includes 35 detected mortalities (17 in 2017, 3 in 2018, 10 in 2019, 2 in 2020, 2 in 2021, 0 in 2022, and, tentatively, 1 in 2023). In addition, 21 serious injuries were documented (2 in 2017, 5 in 2018, 1 in 2019, 4 in 2020, 5 in 2021, 4 in 2022, and, tentatively, 1 in 2023). Lastly, 37 morbidity (or sublethal injury or illness) cases were documented (12 in 2017, 10 in 2018, 7 in 2019, 5 in 2020, 1 in 2021, and 2 in 2022); see: *https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2022-north-atlantic-right-whale-unusual-mortality-event*). Population models estimate that 64 percent of all mortalities are not observed and not accounted for in the right whale observed incident data (Pace 2021, Pace *et al.* 2021).

The North Atlantic right whale is listed as an endangered species under the Endangered Species Act (ESA), and considered a strategic stock under the Marine Mammal Protection Act (MMPA). NMFS is required by the MMPA to reduce mortality and serious injury incidental to commercial fishing to below a stock's potential biological removal (PBR) level. This is defined as the maximum number of animals that can be removed annually, while allowing a marine mammal stock to reach or maintain its optimal sustainable population level. PBR for the North Atlantic right whale population is 0.7 whales per year in the most recently published stock assessment report (Hayes *et al.* 2022). Between 2010 and 2021, there has not been one year where observed mortality and serious injury of right whales fell below a PBR of 0.7. With the total estimated mortality well above this number, additional measures are urgently needed to reduce the impact of U.S. Atlantic fisheries on right whales.

The Atlantic Large Whale Take Reduction Plan (''Plan'' or ALWTRP) was originally developed pursuant to section 118 of the MMPA (16 U.S.C. 1387) to reduce mortality and serious injury of three stocks of large whales (fin, humpback, and North Atlantic right) incidental to certain Category I and II fisheries. Under the MMPA, a strategic stock of marine mammals is defined as a stock: (1) For which the level of direct human-caused mortality exceeds the PBR level; (2) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the ESA within the foreseeable future; or (3) which is listed as a threatened or endangered species under the ESA or is designated as depleted under the MMPA (16 U.S.C. 1362(19)). When incidental mortality or serious injury of marine mammals from commercial fishing exceeds a stock's PBR level, the MMPA directs NMFS to convene a take reduction team of stakeholders that includes the following: Representatives of Federal agencies; each coastal state that has fisheries interacting with the species or stock; appropriate Regional Fishery Management Councils; interstate fisheries commissions; academic and scientific organizations; environmental groups; all commercial and recreational fisheries groups using gear types that incidentally take the species or stock; and, if relevant, Alaska Native organizations or Indian tribal organizations.[1]

The Atlantic Large Whale Take Reduction Team (ALWTRT) was established in 1996 and has 60 members, including approximately 22 trap/pot and gillnet fishermen or fishery representatives. The background for the take reduction planning process and initial development of the Plan is provided in the preambles to the proposed (62 FR 16519, April 7, 1997), interim final (62 FR 39157, July 22, 1997), and final (64 FR 7529, February 16, 1999) rules implementing the initial plan. The ALWTRT met and recommended modifications to the ALWTRP, implemented by NMFS through rulemaking, several times since 1997 in an ongoing effort to meet the MMPA take reduction goals.

Mortalities and serious injuries of right whales confirmed in U.S. fishing gear or first seen in U.S. waters with an entanglement continue at levels exceeding the right whale's PBR. NMFS informed the ALWTRT in late 2017 that it was necessary to reconvene to develop recommendations to reduce the impacts of U.S. commercial fisheries on large whales, with a focus on reducing risk to the declining North Atlantic right whale population. During an ALWTRT meeting in April 2019, the ALWTRT recommended a framework of measures to modify lobster and Jonah crab trap/pot trawls within the Northeast Region

[1] There are no Alaska Native or Indian tribal organizations participating in fisheries managed under the Atlantic Large Whale Take Reduction Team.

Trap/Pot Management Area (Northeast Region). The recommended measures intended to reduce risk of mortality and serious injury to right whales incidentally entangled in buoy lines in those fisheries by at least 60 percent. At that time, this was the best estimate of the minimum amount of risk necessary to get annual mortality and serious injury rates below PBR based on observed entanglements. NMFS published a Final Environmental Impact Statement (FEIS) on July 2, 2021 (86 FR 35288), with a 30-day comment period. The Record of Decision was signed on August 30, 2021, and the final rule was published on September 17, 2021 (86 FR 51970). The new rule was estimated to meet the minimum 60-percent reduction in risk recommended by the ALWTRT in 2019. Further detail on right whale population estimates, the stock's decline, changes in distribution and reproductive rates, as well as entanglement-related mortalities and serious injuries that have been documented in recent years can be found in Chapters 2 and 4 of the FEIS (NMFS 2021b) and the preamble to the 2021 final rule (86 FR 51970; September 17, 2021).

The 2021 final rule (86 FR 51970, September 17, 2021) left a critical gap in protection of right whales within the MRA, as suggested by sighting data that indicate a high risk of overlap between right whales and buoy lines. The 2021 expansion of the geographic extent of the MRA, to include Massachusetts state waters north to the New Hampshire border (Figure 1) mirrored the Massachusetts 2021 modification of the state water closure (322 CMR 12.04(2)). The implementation of the MRA Expansion, allowed approximately 200 mi^2 (518 km^2) of federal waters to remain open to trap/pot fishing between state and federal closures. This created the ''MRA Wedge'' (Figure 1). Center for Coastal Studies (CCS) survey data from 2021 and 2022 indicate that trap/pot gear was concentrated in the MRA Wedge during the closure period (Figure 2). Additionally, CCS and the Northeast Fisheries Science Center (NEFSC) observed right whales within this wedge alongside the presence of aggregated fishing gear during aerial surveys in April 2021, and March and April of 2022. In early 2022, NMFS received letters and emails from Massachusetts Division of Marine Fisheries (MA DMF), Stellwagen Bank National Marine Sanctuary, and non-governmental organizations expressing concerns about this gap in restricted waters and the heightened risk of entanglement for right whales. After reviewing available information and due to the high risk of entanglement in this relatively small area, NMFS issued an emergency rule prohibiting trap/pot fishery buoy lines between federal and state waters within the MRA for the month of April in 2022 (87 FR 11590; March 2, 2022).

On December 12, 2022, MA DMF requested that NMFS extend the MRA Wedge closure into 2023 and 2024, or until new long-term measures are implemented. On January 4, 2023, following the signing of the Consolidated Appropriations Act, MA DMF reiterated their concerns about the MRA Wedge and indicated full support for an annual closure of the area from February through May, or as long as the adjacent areas (*i.e.,* Federal or state waters) remain closed. Further, on January 10, 2023, MA DMF notified the fishing community of our intent to implement an emergency closure of the MRA Wedge imminently. The critical gap in protection for right whales persists seasonally for the period of February through April of this year; thus, this rule is an extension of the 2022 emergency rule.

Justification for Emergency Action

At the time of the 2022 emergency action, NMFS had already begun the rulemaking process for a second round of modifications to the ALWTRP, because new population information indicated a need for further risk reduction to reduce mortality and serious injury of right whales below PBR in U.S. commercial fisheries. Concurrently, NMFS faced litigation on the 2021 Batched Fisheries Biological Opinion issued under the ESA and the 2021 amendment to the ALWTRP issued under the MMPA (86 FR 51970; September 17, 2021). On July 8, 2022, the District Court for the District of Columbia held that the 2021 final ALWTRP rule violated the MMPA for failing to include measures expected to reduce mortality and serious injury to below the PBR level within six months of implementation. (*Center for Biological Diversity, et al.,* v. *Raimondo, et al.,* (Civ. No. 18–112 (D.D.C.)). As a result, on September 9, 2022, NMFS announced it was scoping in advance of additional rulemaking (87 FR 55405) to meet its MMPA mandate as described by the Court's decision. Then, on November 17, 2022, the Court ordered NMFS to promulgate a new MMPA compliant ALWTRP rule by December 9, 2024. (*Center for Biological Diversity, et al.,* v. *Raimondo, et al.,* (Civ. No. 18–112 (D.D.C.)).

When the 2022 emergency rule was published, NMFS anticipated that the upcoming modifications to the ALWTRP would address the risk associated with the lack of seasonal restrictions in the MRA Wedge. However, in light of the Court's decisions, an ALWTRP rule addressing the MRA Wedge area was not feasible by February 2023, given that the Court instructed NMFS to promulgate the ALWTRP amendment with measures necessary to meet the PBR level within 6 months of implementation and the ALWTRT had not completed deliberations on recommended measures until December 2, 2022. Accordingly, the risk associated with a lack of seasonal restrictions in the MRA Wedge could not be feasibly addressed by an ALWTRP amendment in time to mitigate an immediate and significant adverse impact to right whales in the MRA Wedge, while the MRA is closed in 2023.

On December 29, 2022, President Biden signed H.R. 2617, the Consolidated Appropriations Act, 2023 (''Consolidated Appropriations Act'') into law. The Consolidated Appropriations Act establishes that from December 29, 2022, through December 31, 2028, NMFS' September 17, 2021, rule amending the ALWTRP, *Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations,* 86 FR 51970 (September 17, 2021), ''shall be deemed sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance'' with the MMPA and the ESA. H.R. 2617–1631–H.R. 2617–1632 (Division JJ–North Atlantic Right Whales, Title I–North Atlantic Right Whales and Regulations, § 101(a)). The Consolidated Appropriations Act disrupts the Court's 2024 deadline and requires that NMFS promulgate new regulations for the American lobster and Jonah crab fisheries, consistent with the MMPA and ESA, to take effect by December 31, 2028. Id.

This emergency rule, however, is permitted pursuant to an exception at § 101(b), stating that § 101(a) does not apply to ''an existing emergency rule, or any action taken to extend or make final an emergency rule that is in place on the date of enactment of this Act, affecting lobster and Jonah crab.'' This explicit exception in the Consolidated Appropriations Act can only refer to the 2022 MRA Wedge Rule, because that is the only emergency rulemaking implemented under the MMPA, ESA, or other relevant statutes, affecting lobster and Jonah crab, to occur in the past decade. The exception at § 101(b) is a specific reference to the 2022 emergency

rule closing the MRA Wedge. If the exception did not cover an extension or finalization of the MRA Wedge Rule, the provision would have no purpose. Moreover, the emergency rulemaking provisions of MMPA Section 118(g) allow for extensions of existing emergency rules when conditions warrant, and the statutory language does not require an extension to follow immediately upon the expiration of the original emergency action. Thus, the continued existence of the emergency, as opposed to the operability of the emergency rule, is what matters for an extension of an emergency rule. Here, the 2022 30-day emergency rule was not in effect longer than 270 days (the statute's temporal limit), but the same conditions exist this year to warrant an extension. Section § 101(b) explains that NMFS may take any action, including this action, to extend the MRA Wedge closure. NMFS is extending the 2022 emergency rule into 2023 and also extending the duration of closure to February through April to match the broader closure of Federal waters in the MRA that left a spatial gap in protection between State and Federal waters and thereby addressing the emergency Congress intended that NMFS address during the 2023 fishing season. Therefore, this extension of the 2022 emergency rule into 2023 is justified, in part, as a consequence of changing circumstances following the 2022 emergency rule which put in place ''emergency measures in an area of anticipated acute risk of entanglement to the population while long-term measures are being developed'' (87 FR 11591–92).

This extension of the 2022 emergency rule into 2023 is also justified based on the scientific evidence regarding right whale and gear locations. North Atlantic right whales are known to aggregate in Cape Cod Bay in winter and spring to forage on copepods (*Calanus spp.*). As this food source declines, right whale distribution accordingly shifts and increases the presence of right whales in the MRA Wedge as they leave the Bay. Federal waters reopen to trap/pot fishing in May, increasing the area available to fishermen and reducing the likelihood of high gear density from fishermen ''storing'' their gear in the MRA Wedge. Aerial surveys from 2021 and 2022 capturing gear sightings on specific days when surrounding waters of the MRA are closed to buoy lines, demonstrate the high risk of entanglement that right whales face while in or traversing the waters of the MRA Wedge (Figure 2). Additionally, sightings of right whales throughout the spring in the MRA Wedge and surrounding waters continue to demonstrate that whales are in the MRA Wedge or likely traveling through this gap in the MRA closure to feed in waters in and around Massachusetts Bay (Figure 3). Without restrictions in place in the MRA Wedge, gear may increase in this area as fishermen pushed out of surrounding waters move gear into this small open area and continue to actively fish. Gear may also increase if fishermen start bringing gear into the MRA Wedge anticipating the May 1 opening of Federal waters. The staging of gear in anticipation of Federal waters opening may be especially likely in April when whale sightings are still high. Given the high likelihood that endangered right whales are present throughout this area and in adjoining waters during February through April, the MRA Wedge poses a particularly high risk of mortality or serious injury from entanglement in fishing gear. Accordingly, it is critical that this buoy line closure address the gap between State and Federal waters within the MRA Wedge during the MRA closure in Federal waters in 2023 to prevent the likelihood of an immediate and significant adverse impact on right whales in the MRA Wedge.

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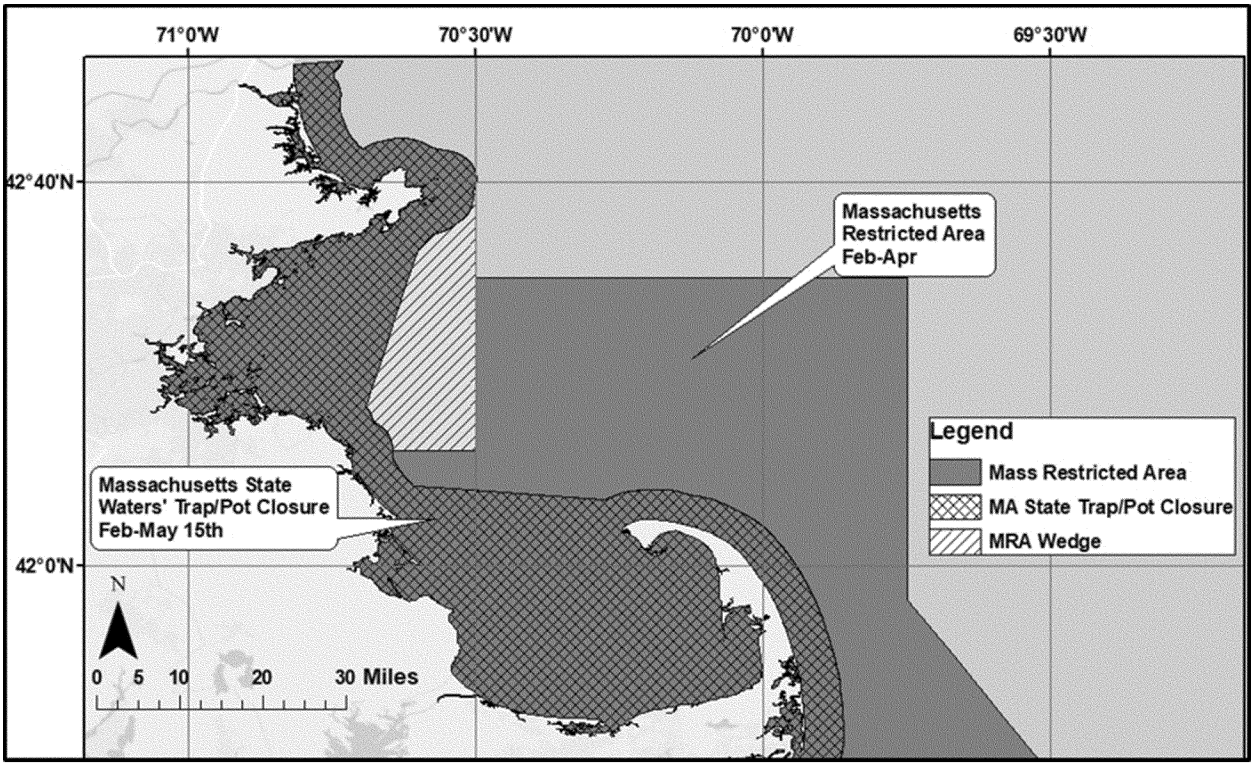

Figure 1. The Massachusetts Restricted Area and MRA Wedge*

*Massachusetts Restricted Area (MRA; dark gray), Massachusetts state waters (dark gray hatched), and MRA Wedge (pale gray hatched) are represented. MRA waters are closed to commercial trap gear from February-April. Massachusetts state regulations prohibit trap/pot fishing in any waters under the jurisdiction of the Commonwealth from February 1 through May 15, but can be extended past May 15 in the continued presence of North Atlantic Right whales or rescinded after April 30 in their absence.

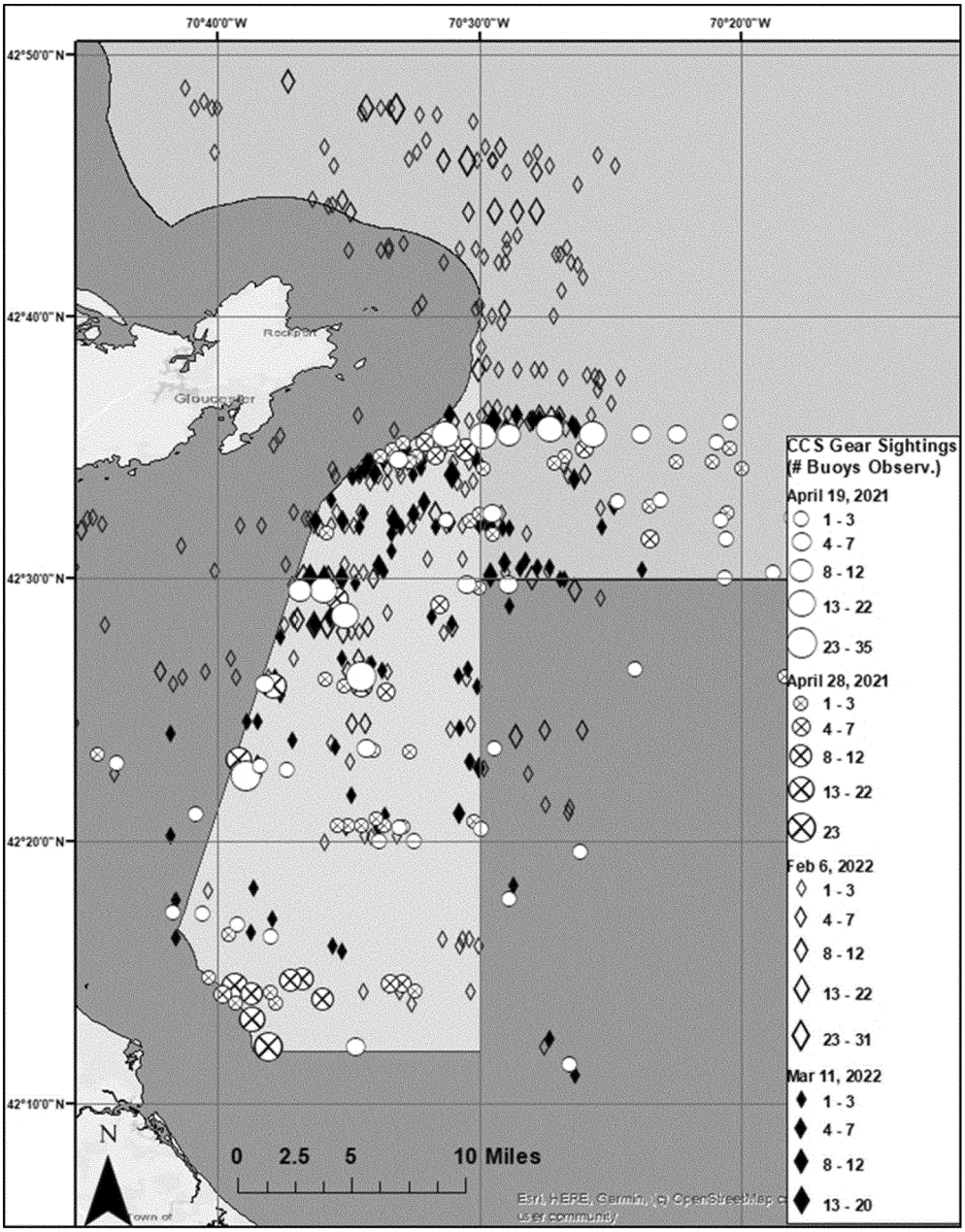

Figure 2. Gear sightings in the Massachusetts Restricted Area "Wedge"*

* The Massachusetts Restricted Area "Wedge" closed by this rule is represented in pale gray. Fishing gear observed by the Center for Coastal Studies (CCS) on April 19, 2021 (white circles), April 28, 2021 (encircled "x"), February 6, 2022 (open diamonds), and March 11, 2022 (black diamonds), were selected as representative snapshots of fishing gear present in survey areas. Surveys concentrate on Cape Cod Bay; surveyors rarely fly north of mid Cape Ann, offshore Rockport, MA. These maps are used for qualitative not quantitative comparison, and differ from Decision Support Tool data.

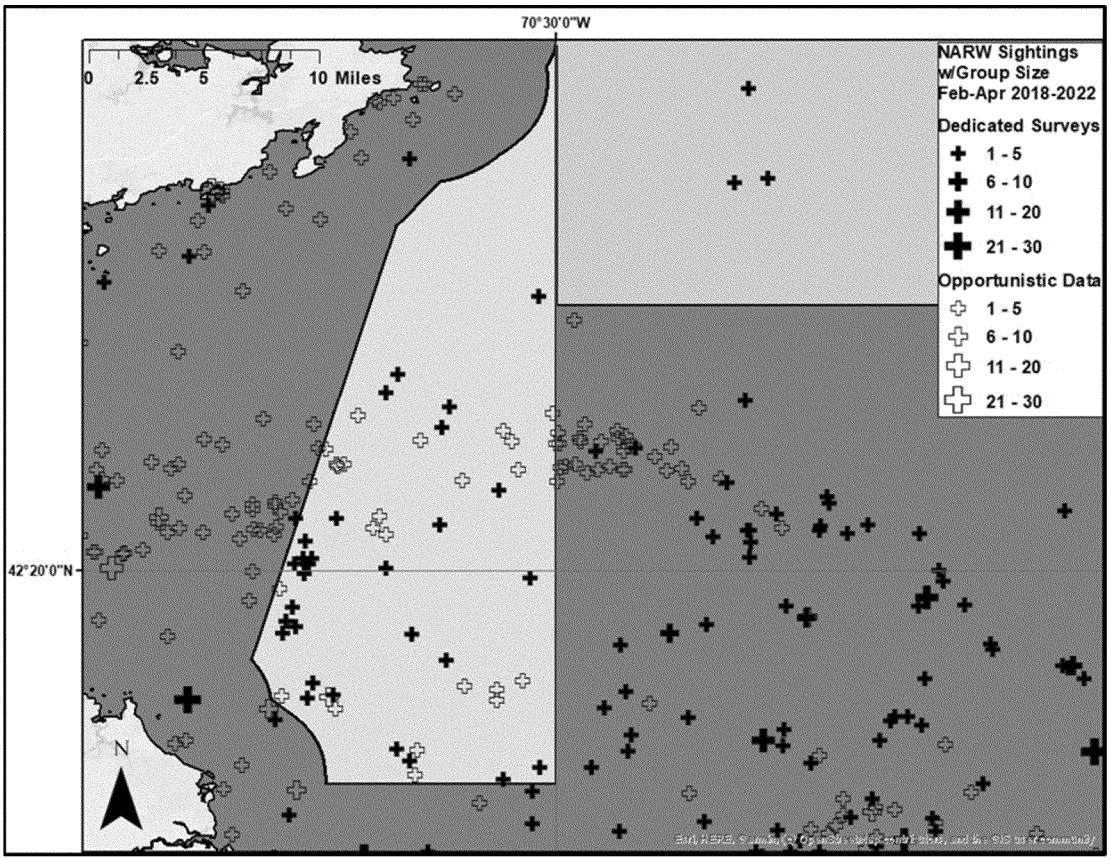

Figure 3. North Atlantic Right Whale sightings spanning February-April 2018-2022*

* North Atlantic Right Whale sightings spanning February-April 2018-2022 in the closed area (pale gray) are represented below. The black crosses are sightings observed during dedicated Northeast Fisheries Science center (NEFSC) and Center for Coastal Studies (CCS) aerial surveys and dedicated NEFSC, CCS, and Stellwagen Bay National Marine Sanctuary shipboard surveys. The open crosses represent sightings opportunistically observed from various platforms.

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Emergency Measures

This emergency rule implements a fishery closure in the waters nearly circumscribed by federal and state waters of the MRA, where the use of persistent trap/pot buoy lines is prohibited seasonally (Figure 1). This closure period aligns with the existing MRA closure season for Federal waters, as of February 1 and continues through April 30 (322 CMR 12.04(2)). Risk reduction and change in right whale co-occurrence were calculated for this emergency measure using the Decision Support Tool (DST) version 4.1.0, which is an updated version of the model that was used in the 2021 FEIS (NMFS 2021b). The area restricted by this emergency rule includes approximately 200 mi^2 (518 km^2), representing about 1.9 to 2.4 percent reduction of the total trap/pot entanglement risk in the Northeast. This amounts to a 13.2 to 16.6 percent reduction of the total risk of trap/pot fisheries in LMA 1 adjacent to Massachusetts where the threat of entanglement is particularly high for right whales.

The DST used to estimate risk reduction of the emergency closure relies on whale distribution data from 2010 through September 2020 and line estimates from recent years before the new boundaries of the MRA and the new Massachusetts State Water closure were implemented (2015–2018 for lobster, 2010–2020 for other federal trap/pot fisheries, and 2012–2019 for other trap/pot fisheries in state waters). These data likely underestimate the risk reduction according to 2018–2022 right whale sightings (Figure 3). The 2021 restrictions may have also pushed more gear into this area. Furthermore, the right whale habitat density model produced by Duke University and used within the DST estimates that up to 5 whales total are likely to be present in this locality throughout the time frame, but sighting data collected during February–April 2018–2022 indicate that in 2022 there may be more right whales in the area than the model predicts (Figure 3). Given the empirical evidence collected in 2018–2022, it is likely that the risk reduction estimated in this small area may have even greater value to the right whale population than the DST estimates.

The economic impact of a February–April closure to the lobster and Jonah crab trap/pot fishery is estimated to be small relative to the total value of the fishery. It is estimated to impact between 26–31 vessels in a given month and the total costs including gear transportation costs and lost revenue range from $338,804–$608,346. For this analysis, we evaluated two scenarios for the economic impacts on lobster vessels. We assume half of the vessels would

relocate their traps, and the other half would stop fishing. For vessels that stop fishing, the cost differences include lost revenue, gear relocation costs, and saved operating costs from not fishing. The lower and higher end of cost estimates come from the range of lost revenue of the relocated vessels, and a range of gear relocation costs for all vessels. The number of vessels impacted was calculated from the average number of vessels fishing within the MRA Wedge in a given month from 2017 to 2021 according to Vessel Trip Report (VTR) data, and was adjusted based on the average percentage of Lobster Management Area 1 lobster-only vessels required to provide VTR data in Massachusetts (41 percent). Landing values were similarly averaged for the time period using landing pounds from VTR data and lobster prices in Massachusetts from dealer reports.

Classification

The NMFS Assistant Administrator has determined that this emergency rule is consistent with the ALWTRP, with the emergency rulemaking authority under MMPA section 118(g), and with other applicable laws including the Consolidated Appropriations Act, 2023. H.R. 2617–1631–H.R. 2617–1632 (Division JJ—North Atlantic Right Whales, Title I—North Atlantic Right Whales and Regulations).

The Office of Management and Budget has waived review of this emergency rule under Executive Order 12866. NMFS has prepared a regulatory impact review.

This emergency final rule is exempt from the procedures of the Regulatory Flexibility Act because the rule will not include prior notice or an opportunity for public comment.

This emergency final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

This emergency rule falls within the scope of the analysis conducted in the informal ESA consultation, *Endangered Species Act section 7 consultation on the implementation of the Atlantic Large Whale Take Reduction Plan (May 25, 2021),* a separate consultation is not required for this action. The emergency rule modifies a separate action independent from the *2021 Endangered Species Act Section 7 Consultation on the: (a) Authorization of the American Lobster, Atlantic Bluefish, Atlantic Deep-Sea Red Crab, Mackerel/Squid/Butterfish, Monkfish, Northeast Multispecies, Northeast Skate Complex, Spiny Dogfish, Summer Flounder/Scup/Black Sea Bass, and Jonah Crab Fisheries and (b) Implementation of the New England Fishery Management Council's Omnibus Essential Fish Habitat Amendment 2* (''2021 BiOp''). The emergency rule was not developed during the fisheries consultation process that culminated in the 2021 BiOp and it satisfies its ESA and MMPA requirements through consultation that was entirely distinct from the 2021 BiOp. The emergency rule is not associated with the 2021 BiOp, and was not analyzed under the 2021 BiOp, nor does the 2021 BiOp provide ESA or MMPA coverage for the emergency rule.

Pursuant to 5 U.S.C. 553(b)(3)(B) and (d)(3) the Assistant Administrator for Fisheries finds good cause to waive notice and public comment, and the 30 day delay in rule effectiveness. Right whale distribution data identify risk in unrestricted waters encapsulated on three sides by the expanded MRA while seasonal restrictions are in place from February through April in surrounding waters, as noted in the *Justification for Emergency Action* section above. While publication of this rule will implement this closure immediately, the fishing community was notified on January 10, 2023, of the anticipated closure of the MRA Wedge by the Massachusetts Division of Marine Fisheries, which fully supports this closure. This notification provides time for fishermen to comply with the emergency restrictions by removing or relocating their gear from the MRA Wedge before the seasonal closure is effective.

In summary, this emergency action is necessary to prevent entanglements of right whales in an area of elevated risk in Massachusetts Bay in February through April of 2023, while seasonal restrictions are in place in nearby Federal waters. Providing prior notice through proposed rulemaking and public comment period in the normal rulemaking process, or providing a delay in effective date, would delay implementation of time sensitive emergency measures necessary to prevent incidental mortality and serious injury of right whales that would likely have an immediate and significant adverse impact on the species. Providing notice and comment or a delay in effective date would prevent NMFS from meeting its obligations to protect right whales from entanglements in the MRA Wedge, in contravention of the MMPA and ESA, because such a delay would inhibit NMFS' ability to stave off an imminent risk to right whales. Similarly, providing notice and comment or a delay in effective date would harm the public by preventing NMFS' from immediately addressing this emergency. The emergency will not be adequately addressed if the action is delayed. For the reasons outlined above, NMFS finds it impracticable and contrary to the public interest to provide prior notice and public comment on these emergency measures. For the same reasons, NMFS finds good cause to waive the delay in the effective date of this rule.

References

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NMFS. 2021b. Final Environmental Impact Statement, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis for Amending the Atlantic Large Whale Take Reduction Plan: Risk Reduction Rule. NOAA, National Marine Fisheries Service, Greater Atlantic Regional Fisheries Office.

NMFS. 2022. Environmental Assessment, Finding of No Significance, and Regulatory Impact Review for the 2022 Emergency Final Rule to Reduce Right Whale Interactions with Lobster and Jonah Crab Trap/Pot Gear. NOAA, National Marine Fisheries Service, Greater Atlantic Regional Fisheries Office.

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Pace, R.M. 2021. Revisions and Further Evaluations of the Right Whale Abundance Model: Improvements for Hypothesis Testing. NOAA Technical Memorandum NMFS–NE–269. Northeast Fisheries Science Center, Woods Hole, MA.

Pace, R.M., R. Williams, S.D. Kraus, A.R. Knowlton, and H.M. Pettis. 2021. Cryptic mortality of North Atlantic right whales. Conservation Science and Practice 2021:e346.

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List of Subjects in 50 CFR Part 229

Administrative practice and procedure, Confidential business information, Endangered Species, Fisheries, Marine mammals, Reporting and recordkeeping requirements.

Dated: January 30, 2023.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 229 is amended as follows:

PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972

■ 1. The authority citation for 50 CFR part 229 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.;* § 229.32(f) also issued under 16 U.S.C. 1531 *et seq.*

■ 2. Amend § 229.32 by adding paragraph (c)(3)(iv) to read as follows:

§ 229.32 Atlantic large whale take reduction plan regulations.

* * * * *

(c) * * *

(3) * * *

(iv) *Massachusetts Restricted Area Emergency Extension.* During the period from February 1, 2023 through April 30, 2023, the Massachusetts Restricted Area defined in paragraph (c)(3)(i) of this section is extended from the Massachusetts state waters boundary at MRAW1 to MRAW2 (also MRA3 in Table 11 to paragraph (c)(3)(i)), then it is bounded by a rhumb line connecting points MRAW2 to MRAW3 (MRA4), and then bounded by a rhumb line connecting points MRAW3 through MRAW4 (MRA5) back to MRAW1, in the order detailed in Table 11a to paragraph (c)(3)(iv); From February 1, 2023 through April 30, 2023, it is prohibited to fish with, set, or possess trap/pot gear in the area in this paragraph (c)(3)(iv) of this section unless it is fished without buoy lines or with buoy lines that are stored on the bottom until remotely released for hauling, or buoy lines that are stowed in accordance with § 229.2. Authorizations for fishing without buoy lines must be obtained if such fishing would not be in accordance with surface marking requirements of §§ 697.21 and 648.84 of this title or other applicable fishery management regulations. The minimum number of trap/trawl gear configuration requirements specified in paragraph (c)(2)(iv) of this section remain in effect unless an exemption to those requirements is authorized.

TABLE 11a TO (c)(3)(iv)

Point	Lat	Long
MRAW1	42°39.77′	70°30′
MRAW2 (MRA3) ...	42°12′	70°38.69′
MRAW3 (MRA4) ...	42°12′	70°30′
MRAW4 (MRA5) ...	42°30′	70°30′
MRAW1	42°39.77′	70°30′

* * * * *

[FR Doc. 2023–02185 Filed 2–1–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 220216–0049; RTID 0648–XC670]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2023 total allowable catch (TAC) of Pacific cod by vessels using pot gear in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 1, 2023, through 1200 hrs, A.l.t., June 10, 2023.

FOR FURTHER INFORMATION CONTACT: Abby Jahn, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2023 Pacific cod TAC apportioned to vessels using pot gear in the Western Regulatory Area of the GOA is 998 metric tons (mt) as established by the final 2022 and 2023 harvest specifications for groundfish in the GOA (87 FR 11599, March 2, 2022) and inseason adjustment (87 FR 80088, December 29, 2022).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2023 Pacific cod TAC apportioned to vessels using pot gear in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 993 mt and is setting aside the remaining 5 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Western Regulatory Area of the GOA.

While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), 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 would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the closure of Pacific cod by vessels using pot gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 30, 2023.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: January 31, 2023.

Jennifer M. Wallace,

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

[FR Doc. 2023–02330 Filed 1–31–23; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 88, No. 23
Friday, February 3, 2023

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–2023–0156; Project Identifier MCAI–2022–01511–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2022–19–05, which applies to all Airbus SAS Model A330–841 and –941 airplanes. AD 2022–19–05 requires maintenance actions, including a high pressure valve (HPV) seal integrity test, repetitive replacement of the HPV clips, revision of the existing airplane flight manual (AFM), and implementation of updates to the FAA-approved operator's minimum equipment list (MEL). Since the FAA issued AD 2022–19–05, additional instructions and maintenance procedures have been developed to address failures of the HPV. This proposed AD continues to require certain actions in AD 2022–19–05 and would provide additional criteria for the installation of HPV and HPV clips, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporated by reference (IBR). 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 March 20, 2023.

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 *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.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–0156; 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 mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For the EASA AD identified in this NPRM, you may contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*.
- You may view this service information 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.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3229; email *Vladimir.Ulyanov@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–2023–0156; Project Identifier MCAI–2022–01511–T'' 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 *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 Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3229; email *Vladimir.Ulyanov@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

On August 18, 2022, the FAA issued Emergency AD 2022–18–51 for all Airbus SAS Model A330–841 and –941 airplanes. Emergency AD 2022–18–51 corresponded to EASA Emergency AD 2022–0170–E, dated August 17, 2022 (EASA Emergency AD 2022–0170–E). EASA is the Technical Agent for the Member States of the European Union. Emergency AD 2022–18–51 required revising the existing AFM to incorporate additional limitations prohibiting takeoff for certain airplane configurations; specified airplane dispatch restrictions using certain provisions of the A330 MMEL or amending the existing FAA-approved operator's MEL; and required obtaining and accomplishing instructions

following certain maintenance messages. The FAA issued Emergency AD 2022–18–51 to address a leaking HPV, which may expose the pressure regulating valve (PRV), which is installed downstream from the HPV, to high pressure, possibly damaging the PRV itself and preventing its closure. The unsafe condition, if not addressed, could result in high pressure and temperatures in the duct downstream from the PRV, with possible duct burst, damage to several systems, and consequent loss of control of the airplane.

Since the FAA issued Emergency AD 2022–18–51, EASA superseded its Emergency AD 2022–0170–E and issued EASA AD 2022–0181, dated August 29, 2022 (EASA AD 2022–0181), to correct an unsafe condition for all Airbus SAS A330–841 and –941 airplanes. The FAA issued AD 2022–19–05, Amendment 39–22174 (87 FR 54870, September 8, 2022) (AD 2022–19–05), for all Airbus SAS Model A330–841 and –941 airplanes. AD 2022–19–05 was prompted by EASA AD 2022–0181, which was intended to address leaking bleed system HPVs, likely due to HPV clip failure and sealing ring damage.

AD 2022–19–05 requires revising the existing AFM to incorporate additional limitations prohibiting takeoff for certain airplane configurations; specifies airplane dispatch restrictions using certain provisions of the A330 MMEL (master minimum equipment list) or amending the existing FAA-approved operator's MEL; requires obtaining and accomplishing instructions following certain maintenance messages; revising the Limitations section of the AFM; updating the A330 MMEL with new provisions and procedures; a seal integrity test of each HPV; and a detailed inspection of the wing bellows. The FAA issued AD 2022–19–05 to address the identified unsafe condition.

Actions Since AD 2022–19–05 Was Issued

Since the FAA issued AD 2022–19–05, EASA superseded EASA AD 2022–0181, and issued EASA AD 2022–0227, dated November 24, 2022 (EASA AD 2022–0227), to correct an unsafe condition for all Airbus SAS Model A330–841 and –941 airplanes. EASA AD 2022–0227 states that Airbus has since published improved instructions and maintenance procedures to address failures of the HPV and incorporate comments received.

FAA AD 2022–19–05 explained that the requirements were ''interim action,'' and further rulemaking was being considered. The FAA has now determined that further rulemaking is indeed necessary, and this proposed AD follows from that determination.

The FAA is issuing this AD to address a leaking HPV, which may expose the PRV, which is installed downstream from the HPV, to high pressure, possibly damaging the PRV itself and preventing its closure. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0156.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2022–19–05, this proposed AD would retain certain requirements of AD 2022–19–05. Those requirements are referenced in EASA AD 2022–0227, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0227 specifies procedures for the following actions:

- Revision of the Limitations section of the existing AFM and removal of the previously required limitations.
- Implementation of the instructions of the MMEL update on the basis of which the operator's MEL must be amended with new provisions and procedures for the following items: Air Conditioning Pack, Engine Bleed Air Supply System, Engine Bleed IP (Intermediate Pressure) Check Valve, and Engine Bleed HP Valve and cancel the dispatch restrictions.
- A seal integrity test of each HPV, and corrective actions (including replacement of the HPV, and a detailed inspection of the wing bellow on engine 1(2) and replacement of any damaged or deformed wing bellow).

EASA AD 2022–0227 also describes the following maintenance instructions, among other actions, to be accomplished following certain faults or failures:

- HPV troubleshooting procedure and additional maintenance actions after any Class 1 maintenance message associated to an HPV fault, and corrective actions (including replacement of the HPV or wing bellow).
- HPV seal integrity test and the additional maintenance actions after any Class 1 or Class 2 maintenance message associated to a PRV fault, and corrective actions (including replacement of the HPV and PRV, and a detailed inspection of the wing bellow on engine 1(2) and replacement of any damaged or deformed wing bellow).
- A visual (borescope) inspection of the engine bleed air system (EBAS) to detect signs of foreign object debris (FOD), including metallic debris in the butterfly valve and dents or damage of the flaps of the intermediate pressure check valve (IPCV), and dents and missing segments in the PRV, the header of the high pressure/intermediate pressure (HP/IP) duct, the y-duct, and the pylon ducts after any failure of an HPV clip and/or any of the HPV butterfly sealing rings, and corrective actions (including removing FOD and replacing the IPCV or PRV).
- A seal integrity test of each HPV after any take-off or go-around accomplished with ''packs OFF'' or ''APU bleed ON'' or ''engine bleed OFF,'' and corrective actions (including replacement of the HPV, and a detailed inspection of the wing bellow on engine 1(2) and replacement of any damaged or deformed wing bellow).
- Additional actions to be performed for any Class 1 maintenance message associated with an HPV fault.
- Initial and repetitive replacement of each HPV clip with a new HPV clip.

EASA AD 2022–0227 also specifies that HPV clips may be installed provided they are new and serviceable, and replaced before exceeding 4,000 hours time-in-service.

This material 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 the State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would retain certain requirements of AD 2022–19–05. This proposed AD would require accomplishing the actions specified in EASA AD 2022–0227 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under ''Differences Between this Proposed AD and the MCAI.''

Difference Between This Proposed AD and the MCAI

Although EASA AD 2022–0227 requires reporting any detected failures,

this proposed AD would not require any reports. Collecting this additional information will not add to the determination of the unsafe condition or corrective actions.

Compliance With AFM and MEL Revisions

EASA AD 2022–0227 requires operators to ''inform all flight crews'' of revisions to the existing AFM and MEL, and thereafter to ''operate the aeroplane accordingly.'' However, this AD does not specifically require those actions, as those actions are already required by FAA regulations.

FAA regulations require operators to furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot's training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the AFM including all updates. 14 CFR 91.9 requires that any person operating a civil aircraft must comply with the operating limitations specified in the AFM.

FAA regulations (14 CFR 121.628(a)(2)) require operators to provide pilots with access to all of the information contained in the operator's MEL. Furthermore, 14 CFR 121.628(a)(5) requires airplanes to be operated under all applicable conditions and limitations contained in the operator's MEL.

Therefore, including a requirement in this proposed AD to operate the airplane according to the revised AFM and MEL would be redundant and unnecessary.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0227 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0227 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0227 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2022–0227. Service information required by EASA AD 2022–0227 for compliance will be available at *regulations.gov* under Docket No. FAA–2023–0156 after the FAA final rule is published.

Interim Action

The FAA considers that this proposed AD would be an interim action. The FAA anticipates that further AD action will follow.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 19 airplanes of U.S. registry. The new requirements of this AD add no additional economic burden. The current costs for this AD are repeated for the convenience of affected operators, as follows:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
AFM revision	1 work-hour × $85 per hour = $85	$0	$85	$1,615
MEL update	1 work-hour × 85 per hour = 85	0	85	1,615
HPV Seal Integrity Test	1 work-hour × 85 per hour = 85	0	85	1,615
HPV clip replacement (both engines)	11 work-hours × 85 per hour = 935	28	963	18,297

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Action	Labor cost	Parts cost	Cost per product
HPV replacement (each)	4 work-hours × $85 per hour = $340	$6,459	$6,799
Wing bellow replacement (each wing)	6 work-hours × 85 per hour = 510	663	1,173
PRV replacement (both engines)	9 work-hours × 85 per hour = 765	107,620	108,385

The FAA has received no definitive data on which to base the cost estimates for the maintenance actions or additional actions specified in this proposed AD.

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.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2022–19–05, Amendment 39–22174 (87 FR 54870, dated September 8, 2022); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2023–0156; Project Identifier MCAI–2022–01511–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 20, 2023.

(b) Affected ADs

This AD replaces AD 2022–19–05, Amendment 39–22174 (87 FR 54870, September 8, 2022) (AD 2022–19–05).

(c) Applicability

This AD applies to all Airbus SAS Model A330–841 and –941 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code: 36, Pneumatic; 75, Air.

(e) Unsafe Condition

This AD was prompted by reports of leaking bleed system high pressure valves (HPVs), likely due to HPV clip failure and sealing ring damage, and by the development of additional instructions and maintenance procedures to address HPV failures. The FAA is issuing this AD to address a leaking HPV, which may expose the pressure regulating valve (PRV), which is installed downstream from the HPV, to high pressure, possibly damaging the PRV itself and preventing its closure. The unsafe condition, if not addressed, could result in high pressure and temperatures in the duct downstream from the PRV, with possible duct burst, damage to several systems, and consequent loss of control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0227, dated November 24, 2022 (EASA AD 2022–0227).

(h) Exceptions to EASA AD 2022–0227

(1) Where EASA AD 2022–0227 refers to ''05 September 2022 [the effective date of EASA AD 2022–0181],'' this AD requires using September 15, 2022 (the effective date of AD 2022–19–05).

(2) Where EASA AD 2022–0227 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraphs (1) and (4) of EASA AD 2022–0227 specify to inform all flightcrews of airplane flight manual (AFM) revisions and dispatch limitations, and thereafter to operate the airplane accordingly, this AD does not require those actions, as those actions are already required by existing FAA regulations (see 14 CFR 91.9, 91.505, and 121.137).

(4) This AD does not adopt the reporting requirements of paragraph (17) of EASA AD 2022–0227.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2022–0227.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* 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 responsible Flight Standards Office, as appropriate. If sending information directly to the International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(ii) AMOCs approved previously for AD 2022–19–05 are approved as AMOCs for the corresponding provisions of EASA AD 2022–0227 that are required by paragraph (g) of this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph(s) (i)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3229; email *Vladimir.Ulyanov@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) 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 this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0227, dated November 24, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0227, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

(4) You may view this service information 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.

(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: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on January 27, 2023.

Christina Underwood,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2023–02105 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 1000

[234A2100DD/AAKC001030/A0A501010.999900]

Self-Governance PROGRESS Act Negotiated Rulemaking Committee; Notice of Meeting

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Self-Governance PROGRESS Act Negotiated Rulemaking Committee (Committee) will hold the sixth and seventh public meetings to negotiate and advise the Secretary of the Interior (Secretary) on a proposed rule to implement the Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019 (PROGRESS Act).

DATES: The meeting are open to the public; and accessible virtually and in-person. Please see **SUPPLEMENTARY INFORMATION** below for details on how to participate. Please see **ADDRESSES** for how to submit comments.

- *Sixth public meeting:* The meeting will be held Thursday, March 2, 2023, from 9 a.m. to 5 p.m. eastern standard time. Interested persons are invited to submit comments on or before April 3, 2023.
- *Seventh public meeting:* The meeting will be held Thursday, March 30, 2023, from 9 a.m. to 5 p.m. eastern standard time. Interested persons are invited to submit comments on or before May 1, 2023.

ADDRESSES: Send your comments to the Designated Federal Officer, Vickie Hanvey, by any of the following methods:

- *Preferred method:* Email to *comments@bia.gov* with ''PROGRESS Act'' in subject line.
- Mail, hand-carry or use an overnight courier service to the Designated Federal Officer, Ms. Vickie Hanvey, Office of Self-Governance, Office of the Assistant Secretary—Indian Affairs, 1849 C Street NW, Mail Stop 3624, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Vickie Hanvey, Designated Federal Officer, *comments@bia.gov,* (918) 931–0745. Individuals in the United States who are deaf, blind, 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: The meetings will be held virtually using the links provided below and in-person at the at the Department of the Interior, 7th floor South Penthouse Room, located between the 7200 and 7300 corridors, 1849 C Street NW, Washington, DC 20240.

These meetings are being held under the authority of the PROGRESS Act (Pub. L. 116–180), the Negotiated Rulemaking Act (5 U.S.C. 561 *et seq.*), and the Federal Advisory Committee Act (5 U.S.C. 10). The Committee is to negotiate and reach consensus on recommendations for a proposed rule that will replace the existing regulations at 25 CFR part 1000. The Committee will be charged with developing proposed regulations for the Secretary's implementation of the PROGRESS Act's provisions regarding the Department of the Interior's (DOI) Self-Governance Program.

The PROGRESS Act amends subchapter I of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 5301 *et seq.,* which addresses Indian Self-Determination, and subchapter IV of the ISDEAA, which addresses DOI's Tribal Self-Governance Program. The PROGRESS Act also authorizes the Secretary to adapt negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes. The **Federal Register** (87 FR 30256) notice published on May 18, 2022, discussed the issues to be negotiated and the members of the Committee.

Meeting Agendas

These meetings are open to the public. Detailed information about the Committee, including meeting agendas can be accessed at *https://www.bia.gov/service/progress-act.* Topics for these meetings will include Committee priority setting, possible subcommittees and assignments, subcommittee reports, negotiated rulemaking process, schedule and agenda setting for future meetings, Committee caucus, and public comment.

Sixth Public Meeting

The Committee meeting will begin at 9 a.m. Eastern Standard Time on Thursday, March 2, 2023. Members of the public may attend in-person, at the 7th floor South Penthouse room, or virtually at *https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2Fl%2Fmeetup-join%2F19%253ameeting_YmFhYjgyN2MtZmJlZS00NDAwLWIzY2EtYzI1NDhlZDMAwLWIzY2EtYzI1NDhlZDM2YjA5%2540thread.v2%2F0%3Fcontext%3D%257B%2522Tid%2522%253A%25220693b5ba-4b18-4d7b-9341-f32f400a5494%2522%252C%2522Oid%2522%253A%252213321130-a12b-4290-8bcf-30387057bd7b%2522%252C%2522IsBroadcastMeeting%2522%253Atrue%252C%2522role%2522%253A%2522a%2522%257D%26btype%3Da%26role%3Da&data=05%7C01%7CVickie.Hanvey%40bia.gov%7Cdc922855ffe24cc9335f08daedaf3afa%7C0693b5ba4b184d7b9341f32f400a5494%7C0%7C0%7C638083634101840906%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=jcd1NZqTZZun%2FAIJfW9Dn11z8c1PD9V7rZks7QG8WbA%3D&reserved=0* for access.

Seventh Public Meeting

The Committee meeting will begin at 9 a.m. Eastern Standard Time on Thursday, March 30, 2023. Members of the public may attend in-person, at the 7th floor South Penthouse room, or virtually at *https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2Fl%2Fmeetup-join%2F19%253ameeting_YzY1N2Y5NjYtNTVkNi00MGU1LTk3ZjEtYTg1NjI1NjYyZWU5%2540thread.v2%2F0%3Fcontext%3D%257B%2522Tid%2522%253A%25220693b5ba-4b18-4d7b-9341-f32f400a5494%2522%252C%2522Oid%2522%253A%252213321130-a12b-4290-8bcf-30387057bd7b%2522%252C%2522IsBroadcastMeeting%2522%253Atrue%252C%2522role%2522%253A%2522a%2522%257D%26btype%3Da%26role%3Da&data=05%7C01%7CVickie.Hanvey%40bia.gov%7Cdc922855ffe24cc9335f08daedaf3afa%7C0693b5ba4b184d7b9341f32f400a5494%7C0%7C0%7C638083634101840906%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=*

4tvPDqyxiQromM9k%2B%2Bqlq AUbTKv6s6OSufsShaSSK0U%3D &reserved=0 for access.

Meeting Accessibility/Special Accommodations

Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the meeting to give DOI sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Comments

Depending on the number of people who want to comment and the time available, the amount of time for individual oral comments may be limited. Requests to address the Committee during the meeting will be accommodated in the order the requests are received. Individuals who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written comments to the Designated Federal Officer up to 30 days following the meeting. Written comments may be sent to Vickie Hanvey listed in the **ADDRESSES** section above.

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 in your comment to withhold your personal identifying information from public review, it cannot be guaranteed.

(Authority: 5 U.S.C. 10)

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2023–02205 Filed 2–2–23; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 310

[Docket ID: DoD–2022–OS–0142]

RIN 0790–AL62

Privacy Act of 1974; Implementation

AGENCY: Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (OATSD(PCLT)), Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: The OATSD(PCLT) is giving notice of a proposed rulemaking for an existing component-wide system of records pursuant to the Privacy Act of 1974 titled CIG–16, ''Inspector General Administrative Investigation Records,'' which was modified and reissued on May 31, 2022. In this rulemaking, the Department proposes to amend the existing rule for CIG–16 in order to exempt portions of this system of records from certain provisions of the Privacy Act because of national security and law enforcement requirements; to avoid interference during the conduct of criminal, civil, or administrative actions or investigations; and to protect the identity of confidential sources incident to Federal employment, military service, contract, and security clearance determinations.

DATES: Send comments on or before April 4, 2023.

ADDRESSES: You may submit comments, identified by docket number, Regulation Identifier Number (RIN) and title, by any of the following methods.

* *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *https://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Rahwa Keleta, *OSD.DPCLTD@mail.mil;* (703) 571–0070.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, the Office of Inspector General (OIG) modified and reissued a system of records titled, ''Defense Case Activity Tracking System (D–CATS),'' CIG–16, on May 31, 2022 (87 FR 32391). The system of records was retitled, ''Inspector General Administrative Investigation Records (IGAIR).'' IGAIR is critical to the DoD OIG's management and oversight of DoD programs and activities and is used for managing cases, storing information, responding to requests for information, and fulfilling mandatory reporting requirements. This system contains records of DoD OIG mission activities such as: the identification, referral, and investigation of DoD Hotline complaints; administrative investigations of both military and civilian senior officials accused of misconduct; oversight and investigation of whistleblower reprisal cases against Service members, DoD contractor employees, and DoD civilian employees (appropriated and non-appropriated fund); and improper command referrals of Service member mental health evaluations.

The system consists of both electronic and paper records and will be used by the OIG to maintain records about individuals who are subject and/or associated with a matter involved in DoD OIG's oversight of investigations referenced above.

II. Privacy Act Exemption

The Privacy Act allows Federal agencies to exempt eligible records in a system of records from certain provisions of the Act, including those that provide individuals with a right to request access to and amendment of their own records. If an agency intends to exempt a particular system of records, it must first go through the rulemaking process pursuant to 5 U.S.C. 553(b)(1)–(3), (c), and (e). This proposed rule explains why an exemption is being claimed for this system of records and invites public comment, which DoD will consider before the issuance of a final rule implementing the exemption.

The DoD OIG previously published a final rule exempting CIG–16 from certain provisions of the Privacy Act under 5 U.S.C. 552a(k)(2) and (5) on June 10, 1992 (57 FR 24547). The OATSD(PCLT) now proposes to modify 32 CFR part 310 to update the existing Privacy Act exemption rule for CIG–16 to change the system name and to exempt portions of this system of records from certain provisions of the Privacy Act because information in this system of records may also fall within the scope of the following Privacy Act exemptions: 5 U.S.C. 552a(j)(2) and (k)(1). As referenced in the CIG–16 system of records notice published on May 31, 2022 (87 FR 32391), this rulemaking seeks public comment on (1) the previously claimed exemption under 5 U.S.C. 552a(j)(2) for which a rulemaking was not completed and (2) on the addition of an exemption under

5 U.S.C. 552a(k)(1). Additionally, this rulemaking seeks public comment on extending the exemptions claimed under 5 U.S.C. 552a(k)(2) and (5) to additional requirements of the Privacy Act, specifically, 5 U.S.C. 552a(e)(4)(I), which requires a description of the categories of sources of records in the system of records notice.

The DoD OIG proposes this exemption because some records may contain classified national security information, and as a result, notice, access, amendment, and disclosure (to include accounting for those records) to an individual, and certain recordkeeping requirements may cause damage to national security. The Privacy Act, pursuant to 5 U.S.C. 552a(k)(1), authorizes agencies to claim an exemption for systems of records that contain information properly classified pursuant to Executive order. The DoD OIG is proposing to claim an exemption from several provisions of the Privacy Act, including various access, amendment, disclosure of accounting, and certain recordkeeping and notice requirements pursuant to 5 U.S.C. 552a(k)(1), to prevent disclosure of any information properly classified pursuant to Executive order, as implemented by DoD Instruction 5200.01 and DoD Manual 5200.01, Volumes 1 and 3.

The DoD OIG also proposes to exempt this system of records because these records support the conduct of criminal law enforcement activities, and certain requirements of the Privacy Act may interfere with the effective execution of these activities, and undermine good order and discipline. The Privacy Act, pursuant to 5 U.S.C. 552a(j)(2), authorizes agencies with a principal law enforcement function pertaining to the enforcement of criminal laws (including activities of prosecutors, courts, etc.) to claim an exemption for systems of records that contain information identifying criminal offenders and alleged offenders, information compiled for the purpose of criminal investigation, or reports compiled for the purpose of criminal law enforcement proceedings. Additionally, pursuant to 5 U.S.C. 552a(k)(2), agencies may exempt a system of records from certain provisions of the Privacy Act if it contains investigatory material compiled for law enforcement purposes, other than materials within the scope of 5 U.S.C. 552a(j)(2). The DoD OIG is proposing to claim exemptions from several provisions of the Privacy Act, including various access, amendment, disclosure of accounting, and certain recordkeeping and notice requirements, pursuant to 5 U.S.C. 552a(j)(2) and 552a(k)(2), to prevent the harms articulated in this rule from occurring.

Records in this system of records are only exempt from the Privacy Act to the extent the purposes underlying the exemption pertain to the record. A notice of a modified system of records for CIG–16 was published in the **Federal Register** on May 31, 2022 (87 FR 32391).

Regulatory Analysis

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. It has been determined that this rule is not a significant regulatory action under these executive orders.

Congressional Review Act (5 U.S.C. 804(2))

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. DoD will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule may take effect no earlier than 60 calendar days after Congress receives the rule report or the rule is published in the **Federal Register**, whichever is later. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

Section 202(a) of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532(a)) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates may result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, in any one year of $100 million in 1995 dollars, updated annually for inflation. This rule will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601 et seq.)

The ATSD(PCLT) has certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule is concerned only with the administration of Privacy Act systems of records within the DoD. Therefore, the Regulatory Flexibility Act, as amended, does not require DoD to prepare a regulatory flexibility analysis.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. 3501 et seq.)

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) was enacted to minimize the paperwork burden for individuals; small businesses; educational and nonprofit institutions; Federal contractors; State, local, and tribal governments; and other persons resulting from the collection of information by or for the Federal Government. The Act requires agencies obtain approval from the Office of Management and Budget before using identical questions to collect information from ten or more persons. This rule does not impose reporting or recordkeeping requirements on the public.

Executive Order 13132, ''Federalism''

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has federalism implications. This rule will not have a substantial effect on State and local governments.

Executive Order 13175, ''Consultation and Coordination With Indian Tribal Governments''

Executive Order 13175 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct compliance costs on one or more Indian tribes, preempts tribal law, or affects the distribution of power and responsibilities between the Federal government and Indian tribes. This rule will not have a substantial effect on Indian tribal governments.

List of Subjects in 32 CFR Part 310

Privacy.

Accordingly, 32 CFR part 310 is proposed to be amended as follows:

PART 310—PROTECTION OF PRIVACY AND ACCESS TO AND AMENDEMENT OF INDIVIDUAL RECORDS UNDER THE PRIVACY ACT OF 1974

■ 1. The authority citation for 32 CFR part 310 continues to read as follows:

Authority: 5 U.S.C. 552a.

■ 2. Section 310.28 is amended by revising paragraph (c)(4) to read as follows:

§ 310.28 Office of the Inspector General (OIG) exemptions.

* * * * *

(c) * * *

(4) *System identifier and name.* CIG–16, Inspector General Administrative Investigation Records (IGAIR).

(i) *Exemptions.* This system of records is exempt from 5 U.S.C. 552a(c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1); (e)(2); (e)(3); (e)(4)(G), (H), and (I); (e)(5); (e)(8); (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). This system of records is exempt from 5 U.S.C. 552a(c)(3); (d)(1), (2), (3), and (4); (e)(1); (e)(4)(G) and (H); and (f) of the Privacy Act to the extent the records are subject to exemption pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5). This system of records is also exempt from 5 U.S.C. 552a(e)(4)(I) to the extent the records are subject to exemption pursuant to 5 U.S.C. 552a(k)(1).

(ii) *Authority.* 5 U.S.C. 552a(j)(2), (k)(1), (k)(2) and (k)(5).

(iii) *Exemption from the particular subsections.* Exemption from the particular subsections is justified for the following reasons:

(A) *Subsections (c)(3), (d)(1), and (d)(2)*—(*1*) *Exemption (j)(2).* Records in this system of records may contain investigatory material compiled for criminal law enforcement purposes to include information identifying criminal offenders and alleged offenders, information compiled for the purpose of criminal investigation, or reports compiled during criminal law enforcement proceedings. Application of exemption (j)(2) may be necessary because access to, amendment of, or release of the accounting of disclosures of such records could inform the record subject of an investigation of the existence, nature, or scope of an actual or potential law enforcement or disciplinary investigation, and thereby seriously impede law enforcement or prosecutorial efforts by permitting the record subject and other persons to whom he might disclose the records to avoid criminal penalties or disciplinary measures; reveal confidential sources who might not have otherwise come forward to assist in an investigation and thereby hinder DoD's ability to obtain information from future confidential sources and result in an unwarranted invasion of the privacy of others.

(*2*) *Exemption (k)(1).* Records in this system of records may contain information that is properly classified pursuant to executive order. Application of exemption (k)(1) may be necessary because access to and amendment of the records, or release of the accounting of disclosures for such records, could reveal classified information. Disclosure of classified records to an individual may cause damage to national security.

(*3*) *Exemption (k)(2).* Records in this system of records may contain investigatory material compiled for law enforcement purposes other than material within the scope of 5 U.S.C. 552a(j)(2). Application of exemption (k)(2) may be necessary because access to, amendment of, or release of the accounting of disclosures of such records could: inform the record subject of an investigation of the existence, nature, or scope of an actual or potential law enforcement or disciplinary investigation, and thereby seriously impede law enforcement or prosecutorial efforts by permitting the record subject and other persons to whom he might disclose the records or the accounting of records to avoid criminal penalties, civil remedies, or disciplinary measures; interfere with a civil or administrative action or investigation which may impede those actions or investigations; reveal confidential sources who might not have otherwise come forward to assist in an investigation and thereby hinder DoD's ability to obtain information from future confidential sources; and result in an unwarranted invasion of the privacy of others.

(*4*) *Exemption (k)(5).* Records in this system of records may contain information concerning investigatory material compiled solely for determining suitability, eligibility, and qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information. In some cases, such records may contain information pertaining to the identity of a source who furnished information to the Government under an express promise that the source's identity would be held in confidence (or prior to the effective date of the Privacy Act, under an implied promise). Application of exemption (k)(5) may be necessary because access to, amendment of, or release of the accounting of disclosures of such records could identify these confidential sources who might not have otherwise come forward to assist the Government; hinder the Government's ability to obtain information from future confidential sources; and result in an unwarranted invasion of the privacy of others. Amendment of such records could also impose a highly impracticable administrative burden by requiring investigations to be continuously reinvestigated.

(B) *Subsection (c)(4), (d)(3) and (4).* These subsections are inapplicable to the extent that an exemption is being claimed from subsections (d)(1) and (2). Accordingly, exemption from subsection (c)(4) is claimed pursuant to (j)(2) and exemptions from subsections (d)(3) and (d)(4) are claimed pursuant to (j)(2), (k)(1), (k)(2), and (k)(5).

(C) *Subsection (e)(1).* In the collection of information for investigatory and law enforcement purposes it is not always possible to conclusively determine the relevance and necessity of particular information in the early stages of the investigation or adjudication. In some instances, it will be only after the collected information is evaluated in light of other information that its relevance and necessity for effective investigation and adjudication can be assessed. Collection of such information permits more informed decision-making by the Department when making required disciplinary and prosecutorial determinations. Additionally, records within this system may be properly classified pursuant to executive order. Accordingly, application of exemptions (j)(2), (k)(1), (k)(2), and (k)(5) may be necessary.

(D) *Subsection (e)(2).* To collect information from the subject individual could serve notice that he or she is the subject of a criminal investigation and thereby present a serious impediment to such investigations. Collection of information only from the individual accused of criminal activity or misconduct could also subvert discovery of relevant evidence and subvert the course of justice. Accordingly, application of exemption (j)(2) may be necessary.

(E) *Subsection (e)(3).* To inform individuals as required by this subsection could reveal the existence of a criminal investigation and compromise investigative efforts. Accordingly, application of exemption (j)(2) may be necessary.

(F) *Subsection (e)(4)(G) and (H).* These subsections are inapplicable to the extent exemption is claimed from subsections (d)(1) and (2).

(G) *Subsection (e)(4)(I).* To the extent that this provision is construed to require more detailed disclosure than the broad, generic information currently

published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect the privacy and physical safety of witnesses and informants. Accordingly, application of exemptions (j)(2) and (k)(1) may be necessary.

(H) *Subsection (e)(5).* It is often impossible to determine in advance if investigatory records contained in this system are accurate, relevant, timely and complete, but, in the interests of effective law enforcement, it is necessary to retain this information to maintain an accurate record of the investigatory activity to preserve the integrity of the investigation and satisfy various Constitutional and evidentiary requirements, such as mandatory disclosure of potentially exculpatory information in the investigative file to a defendant. It is also necessary to retain this information to aid in establishing patterns of activity and provide investigative leads. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined through judicial processes. Accordingly, application of exemption (j)(2) may be necessary.

(I) *Subsection (e)(8).* To serve notice could give persons sufficient warning to evade investigative efforts. Accordingly, application of exemption (j)(2) may be necessary.

(J) *Subsection (f).* The agency's rules are inapplicable to those portions of the system that are exempt. Accordingly, application of exemptions (j)(2), (k)(1), (k)(2) and (k)(5) may be necessary.

(K) *Subsection (g).* This subsection is inapplicable to the extent that the system is exempt from other specific subsections of the Privacy Act. Accordingly, an exemption from subsection (g) is claimed pursuant to (j)(2).

(iv) *Exempt records from other systems.* In the course of carrying out the overall purpose for this system, exempt records from other systems of records may in turn become part of the records maintained in this system. To the extent that copies of exempt records from those other systems of records are maintained in this system, the DoD claims the same exemptions for the records from those other systems that are entered into this system, as claimed for the prior system(s) of which they are a part, provided the reason for the exemption remains valid and necessary.

* * * * *

Dated: January 30, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023–02191 Filed 2–2–23; 8:45 am]

BILLING CODE 5001–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2016–0674; FRL–10596–01–R6]

Air Approval Plan; Oklahoma; Excess Emission and Malfunction Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA, the Act), the Environmental Protection Agency (EPA) is proposing to approve a revision to the Oklahoma State Implementation Plan (SIP) submitted by the State of Oklahoma through the Secretary of Energy & Environment on November 7, 2016. The revision was submitted in response to a finding of substantial inadequacy and SIP call published by EPA on June 12, 2015, which included certain provisions in the Oklahoma SIP related to excess emissions during startup, shutdown, and malfunction (SSM) events. The submittal requests the removal of the provisions identified in the 2015 SIP call from the Oklahoma SIP. EPA is proposing to determine that the removal of these substantially inadequate provisions from the SIP will correct the deficiencies in the Oklahoma SIP identified in the June 12, 2015 SIP call.

DATES: Comments must be received on or before March 6, 2023.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2016–0674 at *https://www.regulations.gov* or via email to *Shar.alan@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact Mr. Alan Shar, (214) 665–6691, *Shar.alan@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6 Office, 1201 Elm Street, Suite 500, Dallas, Texas 75270. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar, Regional Haze and SO_2 Section, EPA Region 6 Office, 1201 Elm Street, Suite 500, Dallas, Texas 75270, (214) 665–6691, *Shar.Alan@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID–19. We encourage the public to submit comments via *https://www.regulations.gov,* as there will be a delay in processing mail and no courier or hand deliveries will be accepted. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

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I. Background

A. EPA's 2015 SIP Action

On February 22, 2013, EPA issued a **Federal Register** proposed rulemaking action outlining EPA's policy at the time with respect to SIP provisions related to periods of SSM. EPA analyzed specific SSM SIP provisions and explained how

each one either did or did not comply with the CAA with regard to excess emission events.[1] For each SIP provision that EPA determined to be inconsistent with the CAA, EPA proposed to find that the existing SIP provision was substantially inadequate to meet CAA requirements and thus proposed to issue a SIP call under CAA section 110(k)(5). On September 17, 2014, EPA issued a document supplementing and revising what the Agency had previously proposed on February 22, 2013, in light of a D.C. Circuit decision that determined the CAA precludes authority of EPA to create affirmative defense provisions applicable to private civil suits. EPA outlined its updated policy that affirmative defense SIP provisions are not consistent with CAA requirements. EPA proposed in the supplemental proposal document to apply its revised interpretation of the CAA to specific affirmative defense SIP provisions and proposed SIP calls for those provisions where appropriate (79 FR 55920, September 17, 2014).

On June 12, 2015, pursuant to CAA section 110(k)(5), EPA finalized ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,'' (80 FR 33839, June 12, 2015), hereafter referred to as the ''2015 SSM SIP Action.'' The 2015 SSM SIP Action clarified, restated, and updated EPA's interpretation that SSM exemption and affirmative defense SIP provisions are inconsistent with CAA requirements. The 2015 SSM SIP Action found that certain SIP provisions in 36 states, including Oklahoma, were substantially inadequate to meet CAA requirements and issued a SIP call to those states to submit SIP revisions to address the inadequacies. EPA established an 18-month deadline by which the affected states had to submit such SIP revisions. States were required to submit corrective revisions to their SIPs in response to the SIP calls by November 22, 2016. The detailed rationale for issuing the SIP call to Oklahoma can be found in the 2015 SSM SIP Action and preceding proposed actions.

EPA issued a Memorandum in October 2020 (2020 Memorandum), which stated that certain provisions governing SSM periods in SIPs could be viewed as consistent with CAA requirements.[2] Importantly, the 2020 Memorandum stated that it ''did not alter in any way the determinations made in the 2015 SSM SIP Action that identified specific state SIP provisions that were substantially inadequate to meet the requirements of the Act.'' Accordingly, the 2020 Memorandum had no direct impact on the SIP call issued to Oklahoma in 2015. The 2020 Memorandum did, however, indicate EPA's intent at the time to review SIP calls that were issued in the 2015 SSM SIP Action to determine whether EPA should maintain, modify, or withdraw particular SIP calls through future agency actions.

On September 30, 2021, EPA's Deputy Administrator withdrew the 2020 Memorandum and announced EPA's return to the policy articulated in the 2015 SSM SIP Action (2021 Memorandum).[3] As articulated in the 2021 Memorandum, SIP provisions that contain exemptions or affirmative defense provisions are not consistent with CAA requirements and, therefore, generally are not approvable if contained in a SIP submission. This policy approach is intended to ensure that all populations, including overburdened communities, impacted by air pollution receive the full health and environmental protections provided by the CAA.[4] The 2021 Memorandum also retracted the prior statement from the 2020 Memorandum of EPA's plans to review and potentially modify or withdraw particular SIP calls. That statement no longer reflects EPA's intent. EPA intends to implement the principles laid out in the 2015 SSM SIP Action as the agency takes action on SIP submissions, including this SIP submittal provided by Oklahoma in response to the 2015 SIP call.

B. Oklahoma's Subchapter 9 (OAC 252:100–9) Excess Emission and Malfunction Reporting Requirements

Oklahoma Administrative Code (OAC), Title 252, Chapter 100, Subchapter 9 (OAC 252:100–9) Excess Emission and Malfunction Reporting Requirements (hereafter, Subchapter 9) was approved into the Oklahoma SIP on November 3, 1999 (64 FR 59629), and became federally effective on January 3, 2000.

As a part of EPA's 2015 SSM SIP Action, EPA made a finding that certain provisions in the Oklahoma SIP are substantially inadequate to meet CAA requirements because they provide for discretionary exemptions from otherwise applicable SIP emission limitations, and thus issued a SIP call with respect to these provisions. The SIP-called provisions were OAC 252:100–9–3(a) and OAC 252:100–9–3(b) of Subchapter 9.[5]

II. Analysis of SIP Submission

In response to EPA's 2015 SSM SIP Action, Oklahoma submitted a SIP revision on November 7, 2016, requesting the removal of the SIP-called provisions, OAC 252:100–9–3(a) and OAC 252:100–9–3(b) of Subchapter 9. Although not part of the finding in the 2015 SIP call, in addition to OAC 252:100–9–3(a) and (b), Oklahoma decided to remove the remaining sections of EPA-approved Subchapter 9: OAC 252:100–9–1, OAC 252:100–9–2, OAC 252:100–9–4, OAC 252:100–9–5, and OAC 252:100–9–6 from its SIP.[6] EPA believes that removal of Subchapter 9 from the Oklahoma SIP will eliminate the impermissible discretionary exemptions from applicable emissions limits, but will not otherwise affect the adequacy of the remaining portions of the Oklahoma SIP. EPA concurs with this State action and is proposing to approve removing these provisions (OAC 252:100–9–1, OAC 252:100–9–2, OAC 252:100–9–4, OAC 252:100–9–5, and OAC 252:100–9–6) in addition to the substantially inadequate SIP-called provisions (OAC 252:100–9–3(a) and OAC 252:100–9–3(b)) from the Oklahoma SIP.

Oklahoma's submittal also includes an analysis to demonstrate compliance with Section 110(l) of the Act.[7] Removal of Subchapter 9 in its entirety from the Oklahoma SIP is not expected to lead to any emissions increase and, therefore, will not affect the State's ability to attain or maintain state or federal standards or reasonable further progress. This

[1] State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction, (78 FR 12460) Feb. 22, 2013.

[2] October 9, 2020, memorandum ''Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans,'' from Andrew R. Wheeler, Administrator.

[3] September 30, 2021, memorandum ''Withdrawal of the October 9, 2020, Memorandum Addressing Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy,'' from Janet McCabe, Deputy Administrator.

[4] Section J, June 12, 2015 (80 FR 33985).

[5] Section G. Affected States in EPA Region VI, June 12, 2015 (80 FR 33968).

[6] Specifically, the remaining sections of EPA-approved Subchapter 9 Excess Emission and Malfunction Reporting Requirements are OAC 252:100–9–1 (concerning Purpose), OAC 252:100–9–2 (concerning Definitions), OAC 252:100–9–4 (concerning Maintenance Procedures), OAC 252:100–9–5 (concerning Malfunctions and Releases), and OAC 252:100–9–6 (concerning Excesses Resulting from Engineering Limitations).

[7] Pages 3–4 of the November 7, 2016 SIP submittal.

approach is consistent with the analogy presented in EPA's *Example 1* at 80 FR 33975 of the 2015 SSM SIP Action. Consequently, EPA is proposing to approve the removal of Subchapter 9 from the Oklahoma SIP.

We also note that Oklahoma has replaced the EPA-approved version of Subchapter 9 with a new State rule; however, Oklahoma has not submitted the new rule as a SIP revision, and it is not the subject of this rulemaking action. Applicable only under State law, the new Subchapter 9 rule establishes emission reporting requirements and criteria for seeking mitigation of penalties for excess emission violations sought in State enforcement actions. These provisions do not apply to actions brought by EPA or citizens to enforce excess emission violations.[8]

III. Impacts on Areas of Indian Country

Following the U.S. Supreme Court decision in *McGirt* v. *Oklahoma,* 140 S. Ct. 2452 (2020), the Governor of the State of Oklahoma requested approval under Section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users, Public Law 109–59, 119 Stat. 1144, 1937 (August 10, 2005) (''SAFETEA''), to administer in certain areas of Indian country (as defined at 18 U.S.C. 1151) the State's environmental regulatory programs that were previously approved by the EPA for areas outside of Indian country. The State's request excluded certain areas of Indian country further described below. In addition, the State only sought approval to the extent that such approval is necessary for the State to administer a program in light of *Oklahoma Dept. of Environmental Quality* v. *EPA,* 740 F.3d 185 (D.C. Cir. 2014).[9]

On October 1, 2020, the EPA approved Oklahoma's SAFETEA request to administer all the State's EPA-approved environmental regulatory programs, including the Oklahoma SIP, in the requested areas of Indian country. As requested by Oklahoma, the EPA's approval under SAFETEA does not include Indian country lands, including rights-of-way running through the same, that: (1) Qualify as Indian allotments, the Indian titles to which have not been extinguished, under 18 U.S.C. 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe (collectively ''excluded Indian country lands'').

The EPA's approval under SAFETEA expressly provided that to the extent EPA's prior approvals of Oklahoma's environmental programs excluded Indian country, any such exclusions are superseded for the geographic areas of Indian country covered by the EPA's approval of Oklahoma's SAFETEA request.[10] The approval also provided that future revisions or amendments to Oklahoma's approved environmental regulatory programs would extend to the covered areas of Indian country (without any further need for additional requests under SAFETEA).[11]

As explained above, the EPA is proposing to approve a revision to the Oklahoma SIP submitted by the State of Oklahoma on November 7, 2016. More specifically, we are proposing to approve the removal of OAC 252:100–9–1, OAC 252:100–9–2, OAC 252:100–9–3(a) and (b), OAC 252:100–9–4, OAC 252:100–9–5, and OAC 252:100–9–6 of Subchapter 9 Excess Emission and Malfunction Reporting Requirements of the Oklahoma SIP. Consistent with the D.C. Circuit's decision in *ODEQ* v. *EPA* and with EPA's October 1, 2020 SAFETEA approval, if this approval is finalized as proposed, these SIP revisions will apply to all Indian country within the State of Oklahoma, other than the excluded Indian country lands. Because—per the State's request under SAFETEA—EPA's October 1, 2020 approval does not displace any SIP authority previously exercised by the State under the CAA as interpreted in *ODEQ* v. *EPA,* the SIP will also apply to any Indian allotments or dependent Indian communities located outside of an Indian reservation over which there has been no demonstration of tribal authority.

IV. Proposed Action

EPA is proposing to approve a revision to the Oklahoma SIP submitted by the State of Oklahoma on November 7, 2016, in response to EPA's SSM SIP Action, concerning excess emissions during periods of SSM. Specifically, we are proposing to approve the removal of OAC 252:100–9–1, OAC 252:100–9–2, OAC 252:100–9–3(a) and (b), OAC 252:100–9–4, OAC 252:100–9–5, and OAC 252:100–9–6 of Subchapter 9 Excess Emission and Malfunction Reporting Requirements of the Oklahoma SIP. We are proposing to approve these revisions in accordance with section 110 of the Act. EPA is further proposing to determine that such SIP revision corrects the inadequacies in the Oklahoma SIP as identified in the 2015 SSM SIP Action. EPA is not reopening the 2015 SSM SIP Action and is only taking comment on whether this proposed SIP revision is consistent with CAA requirements and whether it addresses the substantial inadequacy in the provisions of the Oklahoma SIP identified in the 2015 SSM SIP Action.

V. Environmental Justice Considerations

For informational purposes only, EPA is providing additional information regarding this proposed action and potentially impacted populations. EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.''[12]

[8] OAC 252:100–9–8(e) (concerning Mitigation Determination).

[9] In *ODEQ* v. *EPA,* the D.C. Circuit held that under the CAA, a state has the authority to implement a SIP in non-reservation areas of Indian country in the state, where there has been no demonstration of tribal jurisdiction. Under the D.C. Circuit's decision, the CAA does not provide authority to states to implement SIPs in Indian reservations. ODEQ did not, however, substantively address the separate authority in Indian country provided specifically to Oklahoma under SAFETEA. That separate authority was not invoked until the State submitted its request under SAFETEA, and was not approved until EPA's decision, described in this section, on October 1, 2020.

[10] EPA's prior approvals relating to Oklahoma's SIP frequently noted that the SIP was not approved to apply in areas of Indian country (consistent with the D.C. Circuit's decision in *ODEQ* v. *EPA*) located in the state. See, *e.g.,* 85 FR 20178, 20180 (April 10, 2020). Such prior expressed limitations are superseded by the EPA's approval of Oklahoma's SAFETEA request.

[11] On December 22, 2021, the EPA proposed to withdraw and reconsider the October 1, 2020, SAFETEA approval. See *https://www.epa.gov/ok/proposed-withdrawal-and-reconsideration-and-supporting-information.* The EPA expects to have further discussions with tribal governments and the State of Oklahoma as part of this reconsideration. The EPA also notes that the October 1, 2020, approval is the subject of a pending challenge in federal court. *Pawnee Nation of Oklahoma* v. *Regan,* No. 20–9635 (10th Cir.). The EPA may make further changes to any approval of Oklahoma's program to reflect the outcome of the proposed withdrawal and reconsideration of the October 1, 2020, SAFETEA approval.

[12] *https://www.epa.gov/environmentaljustice/learn-about-environmental-justice.*

EPA reviewed demographic data for Oklahoma, which provides an assessment of individual demographic groups of the populations living within the State.[13] EPA then compared this data to the national average for each of the demographic groups. The results of the demographic analysis indicate that, for populations within Oklahoma, the percent people who reported their race as a category other than White alone (not Hispanic or Latino) is higher than national average (63.8 percent versus 59.3 percent). The percent of population that is American Indian/Alaska Native alone is significantly higher than the national average (9.7 percent versus 1.3 percent). The percent of people living below the poverty level in Oklahoma is higher than the national average (14.3 percent versus 11.4 percent). The percent of people over 25 with a high school diploma in Oklahoma is similar to the national average (88.6 percent versus 88.5 percent), while the percent with a Bachelor's degree or higher is lower than the national average (26.1 percent versus 32.9 percent).

Communities in close proximity to and/or downwind of industrial sources may be subject to disproportionate environmental impacts of excess emissions. Short- and/or long-term exposure to air pollution has been associated with a wide range of human health effects including increased respiratory symptoms, hospitalization for heart or lung diseases, and even premature death. Excess emissions during startups, shutdowns, and malfunctions exceed applicable emission limitations and can be considerably higher than emissions under normal steady-state operations. As to all population groups within the State of Oklahoma, as explained below, we believe that this proposed action will be beneficial and may reduce impacts. As discussed earlier in this notice, this rulemaking, if finalized as proposed, would result in the removal of the provisions in the Oklahoma SIP applicable to all areas in the State that provide sources emitting pollutants in excess of otherwise allowable amounts with the opportunity to seek executive director discretion for violations involving excess emissions during startup, shutdown, and malfunctions. Federal removal of such impermissible executive director discretion provisions from the SIP is necessary to preserve the enforcement structure of the CAA, to preserve the jurisdiction of courts to adjudicate questions of liability and remedies in judicial enforcement actions and to preserve the potential for enforcement by the EPA and other parties under the citizen suit provision as an effective deterrent to violations. If finalized as proposed, this action is intended to ensure that overburdened communities and affected populations across the State and downwind areas receive the full human health and environmental protection provided by the CAA. There is nothing in the record which indicates that this proposed action, if finalized, would have disproportionately high or adverse human health or environmental effects on communities with environmental justice concerns.

[13] *https://www.census.gov/quickfacts/fact/table/OK,US/INC110220.*

VI. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to remove the Oklahoma regulations described in the Proposed Action section above. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and in hard copy at the EPA Region 6 office.

VII. Statutory and Executive Order Reviews

Under the Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Act. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

This proposed approval of a revision to the Oklahoma SIP removing provisions providing discretionary exemptions from excess emission violations as discussed more fully elsewhere in this document will apply, if finalized as proposed, to certain areas of Indian country as discussed in the preamble, and therefore has tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of tribal governments. This action will also not preempt tribal law as no Oklahoma tribe implements a regulatory program under the CAA, and thus does not have applicable or related tribal laws. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (May 4, 2011), the EPA has offered consultation to tribal governments that may be affected by this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Particulate matter, Sulfur dioxide, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: January 30, 2023.

Earthea Nance,

Regional Administrator, Region 6.

[FR Doc. 2023–02289 Filed 2–2–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2023–0058; FRL–10634–01–R5]

Air Plan Approval; Michigan; Clean Data Determination for the Detroit Area for the 2015 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine under the Clean Air Act (CAA) that the Detroit, Michigan nonattainment area (hereafter also referred to, respectively, as the ''Detroit area'' or ''area'') has attained the 2015 ozone National Ambient Air Quality Standards (NAAQS or standard). This determination is based upon complete, quality-assured, and certified ambient air monitoring data for the 2020–2022 design period showing that the area achieved attainment of the 2015 ozone NAAQS. EPA also proposes to take final agency action on an exceptional events request submitted by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) on January 26, 2023, and concurred on by EPA on January 30, 2023. As a result of these determinations, EPA is proposing to suspend the requirements for the area to submit attainment demonstrations and associated Reasonably Available Control Measures (RACM), Reasonable Further Progress (RFP) plans, contingency measures for failure to attain or make reasonable progress, and other planning State Implementation Plans (SIPs) related to attainment of the 2015 ozone NAAQS, for as long as the area continues to attain the 2015 ozone NAAQS. This action does not constitute a redesignation of the area to attainment of the 2015 ozone NAAQS, and the area remains designated nonattainment until such time as EPA determines that the area meets the CAA requirements for redesignation to attainment and takes action to redesignate the area.

DATES: Comments must be received on or before March 6, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2023–0058 at *http://www.regulations.gov,* or via email to *arra.sarah@epa.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Eric Svingen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4489, *svingen.eric@epa.gov*. The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background

EPA has determined that ground-level ozone is detrimental to human health. On October 1, 2015, EPA promulgated a revised 8-hour ozone NAAQS of 0.070 parts per million (ppm). See 80 FR 65292 (October 26, 2015). Under EPA's regulations at 40 CFR part 50, the 2015 ozone NAAQS is attained in an area when the 3-year average of the annual fourth highest daily maximum 8-hour average concentration is equal to or less than 0.070 ppm, when truncated after the thousandth decimal place, at all of the ozone monitoring sites in the area. See 40 CFR 50.19 and appendix U to 40 CFR part 50.

Upon promulgation of a new or revised NAAQS, section 107(d)(1)(B) of the CAA requires EPA to designate as nonattainment any areas that are violating the NAAQS, based on the most recent three years of quality-assured ozone monitoring data. On August 3, 2018, EPA designated the Detroit area, consisting of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties, as a Marginal nonattainment area for the 2015 ozone NAAQS (83 FR 25776). On January 26, 2023, the Regional Administrator of EPA Region 5 signed a final rulemaking determining, based on 2018–2020 monitoring data, that the Detroit area had failed to attain by its Marginal attainment date of August 3, 2021, and reclassifying the area to Moderate.[1]

II. Exceptional Events Demonstration

Congress has recognized that it may not be appropriate for EPA to use certain monitoring data collected by the ambient air quality monitoring network and maintained in EPA's Air Quality System (AQS) database in certain regulatory determinations. Thus, in 2005, Congress provided the statutory authority for the exclusion of data influenced by ''exceptional events'' meeting specific criteria by adding section 319(b) to the CAA.[2]

To implement this 2005 CAA amendment, on March 22, 2007, EPA promulgated the 2007 Exceptional Events Rule (72 FR 13560). The 2007 Exceptional Events Rule created a regulatory process codified at 40 CFR parts 50 and 51 (§§ 50.1, 50.14, and 51.930). These regulatory sections, which superseded EPA's previous guidance on handling data influenced by events, contain definitions, procedural requirements, requirements for air agency demonstrations, criteria for EPA's approval of the exclusion of

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[1] EPA previously proposed to approve a January 3, 2022, request by EGLE to redesignate the Detroit area to attainment of the 2015 ozone NAAQS based on 2019–2021 monitoring data showing attainment of the 2015 ozone NAAQS (87 FR 14210). EPA's proposed approval was published on March 14, 2022, and the comment period closed on April 27, 2022. In this proposed action, EPA is not taking further action to finalize the proposed redesignation. EPA will respond to comments received during the comment period for the proposed redesignation should EPA take final action on EGLE's January 3, 2022, request.

[2] Under CAA section 319(b), an exceptional event means an event that (i) affects air quality; (ii) is not reasonably controllable or preventable; (iii) is an event caused by human activity that is unlikely to recur at a particular location or a natural event; and (iv) is determined by EPA under the process established in regulations promulgated by EPA in accordance with section 319(b)(2) to be an exceptional event. For the purposes of section 319(b), an exceptional event does not include (i) stagnation of air masses or meteorological inversions; (ii) a meteorological event involving high temperatures or lack of precipitation; or (iii) air pollution relating to source noncompliance.

event-affected air quality data from the data set used for regulatory decisions, and requirements for air agencies to take appropriate and reasonable actions to protect public health from exceedances or violations of the NAAQS. On October 3, 2016, EPA promulgated a comprehensive revision to the 2007 Exceptional Events Rule (81 FR 68216). The 2016 Exceptional Events Rule revision included the requirement that, if a state demonstrates that emissions from a wildfire smoke event caused a specific air pollution concentration in excess of the NAAQS at a particular air quality monitoring location and otherwise satisfies the requirements of 40 CFR 50.14, EPA must exclude that data from use in determinations of exceedances and violations.[3]

The CAA provides for the exclusion of air quality monitoring data from design value calculations when there are NAAQS exceedances caused by events, such as wildfires, that meet the criteria for an exceptional event identified in EPA's Exceptional Events Rule at 40 CFR 50.1, 50.14, and 51.930. For the purposes of this proposed action, on January 26, 2023, EGLE submitted an exceptional events demonstration to show that ozone concentrations recorded at the Wayne County monitor at East 7 Mile with Site ID 26–163–0019 on June 24 and 25, 2022, were influenced by wildfires. EPA concurred on this request on January 30, 2023.

EPA found that Michigan's demonstration met the Exceptional Events Rule criteria and determined that these wildfire events had regulatory significance for purposes of calculating the area's most recent design value to demonstrate the area is attaining the standard in order to make a clean data determination for the 2015 ozone NAAQS. As such, EPA proposes to take final regulatory action on the concurred dates, as detailed in the docket, as exceptional events to be removed from the data set used for regulatory purposes. For this proposed action, EPA will rely on the calculated values that exclude the event-influenced data for the purpose of demonstrating attainment of the 2015 ozone NAAQS. Further details on Michigan's analyses and EPA's concurrence can be found in the docket for this regulatory action.

While EPA has concurred with Michigan's request to exclude event-influenced air quality monitoring data from regulatory decisions, these regulatory actions require EPA to provide an opportunity for public comment on the claimed exceptional events and all supporting data prior to EPA taking final agency action. This proposed action provides the public with an opportunity to comment on the claimed exceptional events, all supporting documents and EPA's concurrence with Michigan's request.

III. Clean Data Determination

Following enactment of the CAA Amendments of 1990, EPA discussed its interpretation of the requirements for implementing the NAAQS in the General Preamble for the Implementation of title I of the CAA Amendments of 1990 (General Preamble), 57 FR 13498, 13564 (April 16, 1992). On November 29, 1995, EPA set forth what has become known as its ''Clean Data Policy'' for the 1-hour ozone NAAQS (70 FR 71612). Under the Clean Data Policy, for a nonattainment area that can demonstrate attainment of the standard before implementing CAA nonattainment measures, EPA interprets the requirements of the CAA that are specifically designed to help an area achieve attainment, such as the requirements for such area to submit attainment demonstrations and associated RACM, RFP plans, contingency measures for failure to attain or make reasonable progress, and other planning SIPs related to attainment of the ozone NAAQS, to be suspended for as long as air quality continues to meet the standard. Such a determination of attainment under the Clean Data Policy is known informally as a clean data determination. On December 6, 2018, in the final rule updating implementing regulations for the 2015 ozone NAAQS, EPA codified this policy at 40 CFR 51.1318 (83 FR 62998).

An area is attaining the 2015 ozone NAAQS if it meets the 2015 ozone NAAQS based on three complete, consecutive calendar years of quality-assured air quality data for all monitoring sites in the area. To attain the 2015 ozone NAAQS, the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations (ozone design values) at each monitor must not exceed 0.070 ppm. The air quality data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in AQS. Ambient air quality monitoring data for the 3-year period must also meet data completeness requirements. An ozone design value is valid if daily maximum 8-hour average concentrations are available for at least 90% of the days within the ozone monitoring seasons,[4] on average, for the 3-year period, with a minimum data completeness of 75% during the ozone monitoring season of any year during the 3-year period. See section 4 of appendix U to 40 CFR part 50.

EPA has reviewed the available ozone monitoring data from EGLE's monitoring sites in the Detroit area for the 2020–2022 period. These data have been quality assured, are recorded in the AQS, and were certified in advance of EPA's publication of this proposal. These data demonstrate that the Detroit area is attaining the 2015 ozone NAAQS. The annual fourth-highest 8-hour ozone concentrations and the 3-year average of these concentrations (monitoring site ozone design values) for all monitoring sites are summarized in Table 1.

TABLE 1—ANNUAL FOURTH-HIGHEST DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS AND 3-YEAR AVERAGE OF THE FOURTH-HIGHEST DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS FOR THE DETROIT AREA

County	Monitor	2020 4th high (ppm)	2021 4th high (ppm)	2022 4th high (ppm)	2020–2022 average (ppm)
Macomb	26–099–0009	0.074	0.068	0.066	0.069
	26–099–1003	0.070	0.067	0.068	0.068
Oakland	26–125–0001	0.074	0.068	0.065	0.069
St. Clair	26–147–0005	0.069	0.072	0.066	0.069
Washtenaw	26–161–0008	0.072	0.066	0.067	0.068
	26–161–9991	0.067	0.063	0.066	0.065
Wayne	26–163–0001	0.070	0.069	0.071	0.070

[3] 40 CFR 50.14(b)(4).

[4] The ozone season is defined by state in 40 CFR part 58, appendix D. The ozone season for Michigan is March–October. *See* 80 FR 65292, 65466–67 (October 26, 2015).

TABLE 1—ANNUAL FOURTH-HIGHEST DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS AND 3-YEAR AVERAGE OF THE FOURTH-HIGHEST DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS FOR THE DETROIT AREA—Continued

County	Monitor	2020 4th high (ppm)	2021 4th high (ppm)	2022 4th high (ppm)	2020–2022 average (ppm)
	26–163–0019	0.073	0.069	0.067	0.069

The Detroit area's 3-year ozone design value for 2020–2022 is 0.070 ppm,[5] which meets the 2015 ozone NAAQS. Therefore, in this action, EPA proposes to find that the Detroit area is attaining the 2015 ozone NAAQS.

EPA will not take final action to determine that the Detroit area is attaining the NAAQS if the design value of a monitoring site in the area violates the NAAQS prior to final approval of the clean data determination.

Should this action be finalized, the requirements for EGLE to submit attainment demonstrations and associated RACM, RFP plans, contingency measures for failure to attain or make reasonable progress, and other planning SIPs related to attainment of the 2015 ozone NAAQS for the proposed Detroit area, would be suspended for as long as the area continues to attain the 2015 ozone NAAQS. 40 CFR 51.1318. This action does not constitute a redesignation of the area to attainment of the 2015 ozone NAAQS under section 107(d)(3)(E) of the CAA, nor does it constitute approval of a maintenance plan for the area as required under section 175A of the CAA, nor does it find that the area has met all other requirements for redesignation. The Detroit area will remain designated nonattainment for the 2015 ozone NAAQS until such time as EPA determines that the area meets CAA requirements for redesignation to attainment and takes a separate action to redesignate the area.

IV. What action is EPA taking?

EPA is proposing to approve a determination under the CAA that the Detroit area has attained the 2015 ozone NAAQS. This determination is based upon complete, quality-assured, and certified ambient air monitoring data for the 2020–2022 design period showing that the area achieved attainment of the 2015 ozone NAAQS. EPA is also proposing to take final agency action on an exceptional events request submitted by EGLE on January 26, 2023, and concurred on by EPA on January 30, 2023. As a result of these determinations, EPA is proposing to suspend the requirements for the area to submit attainment demonstrations and associated RACM, RFP plans, contingency measures for failure to attain or make reasonable progress, and other planning SIPs related to attainment of the 2015 ozone NAAQS, for as long as the area continues to attain the 2015 ozone NAAQS.

V. Statutory and Executive Order Reviews

This action proposes to make a clean data determination for the Detroit area for the 2015 ozone NAAQS based on air quality data which would result in the suspension of certain Federal requirements and does not impose any additional requirements. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 30, 2023.

Debra Shore,

Regional Administrator, Region 5.

[FR Doc. 2023–02284 Filed 2–2–23; 8:45 am]

BILLING CODE 6560–50–P

[5] The monitor ozone design value for the monitor with the highest 3-year averaged concentration.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2021–0214; FRL–9407–01–R6]

Air Plan Approval; Oklahoma; Revisions to Air Pollution Control Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the State Implementation Plan (SIP) for Oklahoma submitted by the State of Oklahoma on February 9, 2021. The submitted revisions address Open Burning, Control of Emission of Volatile Organic Compounds (VOC), and Specialty Coatings VOC Content Limits.

DATES: Written comments must be received on or before March 6, 2023.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R6–OAR–2021–0214, at *https://www.regulations.gov* or via email to *shahin.emad@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact Mr. Emad Shahin, 214–665–6717, *shahin.emad@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: For information on the revisions addressing emissions of VOC, please contact Mr. Emad Shahin, EPA Region 6 Office, Infrastructure and Ozone Section, 214–665–6717, *shahin.emad@epa.gov.* For information on the revisions addressing open burning, please contact Ms. Carrie Paige, Region 6 Office, Infrastructure and Ozone Section, 214–665–6521, *paige.carrie@epa.gov.* Out of an abundance of caution for members of the public and staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID–19. The EPA encourages the public to submit comments via *https://www.regulations.gov.* Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' means the EPA.

I. Background

Section 110 of the Act requires states to develop air pollution regulations and control strategies to ensure that air quality meets the EPA's National Ambient Air Quality Standards (NAAQS). These ambient standards are established under CAA section 109 and currently address six criteria pollutants: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter (PM), and sulfur dioxide. A state's air regulations are contained in its SIP, which is basically a clean air plan. Each state is responsible for developing SIPs to demonstrate how the NAAQS will be achieved, maintained, and enforced. The SIP must be submitted to EPA for approval and any changes a state makes to the approved SIP also must be submitted to the EPA for approval.

The Secretary of Energy and Environment for the State of Oklahoma (''the State'') submitted revisions of the Oklahoma SIP to the EPA on February 9, 2021, which was supplemented on April 30, 2021.[1] The revisions address Subchapters 1, 2, 13, 37, and 39, and Appendices N and Q in the Oklahoma Administrative Code (OAC) Title 252, Chapter 100. In this action, we are proposing to approve the revisions to OAC Title 252 Chapter 100 Subchapters 13 (Open Burning), 37 (Control of Emission of Volatile Organic Compounds (VOCs), 39 (Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas), and Appendix N (Specialty Coatings VOC Content Limits). We approved the revisions to Subchapters 1, 2, and Appendix Q in a separate rulemaking action.[2]

The criteria used to evaluate these SIP revisions are found primarily in section 110 of the Act. Section 110(l) requires that a SIP revision submitted to the EPA be adopted after reasonable notice and public hearing and precludes the EPA from approving a SIP revision if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act.

The submitted revisions were promulgated in compliance with the Oklahoma Administrative Procedures Act and published in the *Oklahoma Register,* the official state publication for rulemaking actions. These revisions are posted in the docket for this action.

[1] The cover letters for these submittals were dated February 2, 2021, and April 29, 2021, and are in the docket for this rulemaking action.

[2] See 87 FR 50263 (August 16, 2022).

II. The EPA's Evaluation

A. Subchapter 13 (Open Burning)

Subchapter 13 (denoted OAC 252:100–13) imposes requirements for controlling open burning of refuse, and other combustible materials. A detailed description of the submitted revisions and our evaluation is provided in the Technical Support Document (TSD), posted in the docket for this action. A summary of the submitted revisions follows.

1. Revisions to OAC 252:100–13–2 (Definitions) add ''Clean wood waste'' to the entry for ''Wood waste''. The revisions also replace the terms ''Ozone Watch'' and ''Particulate Matter Watch'' with ''Ozone Alert'' and ''Particulate Matter Alert'' to be consistent with terms used by cities in Oklahoma.

2. Revisions to OAC 252:100–13–5 (Open burning prohibited) add a reference to new section 252:100–13–8.1 (Transported material) and moves one sentence addressing transported material to new section 252:100–13–8.1.

3. Revisions to OAC 252:100–13–7 (Allowed open burning) add requirements to remove materials containing asbestos, asphalt, and lead in structures used for fire training. The revisions also require that fires set for land clearing operations use an air curtain incinerator (ACI) in areas that are or have been designated as nonattainment or in a metropolitan statistical area (MSA) with a population greater than 900,000 people. The revisions also add ''Certain medical marijuana plant refuse'' that are consistent with the Oklahoma Statutes at Section 428 (Title 63). These revisions strengthen the current SIP rules and are consistent with Federal regulations at 40 CFR 60 for ACI, and at 40 CFR 61.145, which addresses the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos-containing materials.

4. Revisions to 252:100–13–8 (Use of air curtain incinerators) strengthen the current SIP by requiring the use of an ACI in areas that are or have been designated as nonattainment, or in a MSA with a population greater than 900,000 people; and limiting the materials that can be accepted for burning in such ACIs.

5. Revisions to 252:100–13–8.1 (Transported material)—this entire section is new to the SIP and strengthens the SIP by identifying what, where, and how materials are allowed to be transported for open burning.

6. Revisions to 252:100–13–9 (General conditions and requirements allowed for open burning) replace ''An Ozone or PM Watch'' with ''An Ozone or PM

Alert'' and strengthen the SIP by requiring ''at least 500 feet from any occupied structure. . . .'' for open burning of waste generated from commercial operations.

The submitted revisions to 252:100–13 add clarity, consistency, and stringency to the open burning rules. The revisions do not relax the current SIP rules and are consistent with Federal regulations at 40 CFR 60 and 40 CFR 61. Therefore, and consistent with CAA section 110(l), we do not expect these revisions to interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act. We are proposing to approve these revisions.

B. Subchapters 37 and 39

In an earlier submitted SIP revision, the State revised the name of Subchapter 37 from ''Control of Emission of Organic Materials'' to ''Control of Emission of Volatile Organic Compounds (VOC)'' and revised the name of Subchapter 39 from ''Emission of Organic Materials in Nonattainment Areas'' to ''Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas.'' However, we inadvertently left these changes out of the amendatory table in our direct final action at 73 FR 79400 (December 29, 2008). These name changes will be made in the amendatory table in the final action.

In this action, we are also proposing to approve revisions to OAC 252:100, Subchapters 37 and 39 (OAC 252:100–37 and 252:100–39) and Appendix N. The submitted revisions are available in the docket for this action. The State's February 9, 2021, submittal is amending the following sections:

1. 252:100–37–27 to add a new section 27, Control of emission of VOCs from aerospace industries coatings operations, for new and existing aerospace vehicle and component coating operations at aerospace manufacturing, rework and/or repair facilities statewide.

2. 252:100–39–47 to update the language of section 47 to include changes to the 40 CFR part 63, subpart GG, Aerospace NESHAP, clarify regulatory language and make minor clerical corrections.

3. 252:100–39 is amended by revoking section 49, Manufacturing of reinforced plastic products.

4. 252:100–39, a new Appendix N, Specialty Coatings VOC Content Limits, is added to the SIP to provide restrictions on the VOC content of coatings used in the aerospace industry. Appendix N list of coatings and VOC content matches Table 1 of the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR 63 Subpart GG and specifies its intended use for compliance with sections 252:100–37–27 and 252:100–39–47.

More complete information on the proposed changes, including minor typographical and citation changes is available in the TSD prepared in conjunction with this rulemaking action. Below is a summary of the revision-by-revision discussion:

OAC 252:100–37–27 is amended to add a new section controlling emissions of VOCs from aerospace industries coatings operations statewide. The section applies to new and existing aerospace vehicle and component coating operations at aerospace manufacturing, rework and/or repair facilities. Examining the new section indicates that the submitted revision not only would reference certain limits specified in the aerospace NESHAP, 40 CFR 63 Subpart GG, but will also strengthen the SIP by requiring control of VOC emissions from aerospace industry throughout the State of Oklahoma. Therefore, we are proposing to approve the submitted revisions to Subchapter 37, Section 27.

OAC 252:100–39–47 is amended to update the language of section 47 to incorporate changes to the 40 CFR part 63, Subpart GG, Aerospace NESHAP, clarify regulatory language and make minor clerical corrections. Examination of the revisions indicates that the submitted revision to Subchapter 39–47 is proper and provides additional clarity. Thus, we find that the requirements of section 110(l) of the Act are satisfied. Therefore, we are proposing to approve the submitted revision to Subchapter 39, Section 47.

OAC 252:100–39 is amended by revoking section 49, manufacturing of fiberglass reinforced plastic products. Section 49 was implemented in 1989 to provide VOC reductions in Tulsa County, and since EPA finalized the NESHAP for new and existing reinforced plastic composites production facilities, codified at 40 CFR 63 Subpart WWWW (Subpart WWWW) in 2003, the duality of applying section 49 and Subpart WWWW to the same source is no longer practical. The provisions of Subpart WWWW are incorporated by reference into the state's rules under OAC 252:100–2–3. Subpart WWWW provides equal or greater VOC reductions to section 49 and is applicable to sites statewide.

OAC 252:100–39, A new Appendix N, Specialty Coatings VOC Content Limits, lists the VOC content limits allowed for use in the State at affected facilities. These limits are needed to provide for effective compliance with sections OAC 252:100–37–27 and OAC 252:100–39–47. We find that the new Appendix N restricts VOC content by matching the VOC limits specified in Table 1-Specialty Coatings-HAP and VOC Content Limits, as set forth in the aerospace NESHAP 40 CFR part 63, subpart GG. Because the addition of Appendix N adds new requirements, we would not expect an increase in emissions and therefore no interference with any applicable requirement concerning attainment and reasonable further progress (as defined in the CAA section 171), or any other applicable requirement of the CAA.

III. Impact on Areas of Indian Country

Following the U.S. Supreme Court decision in *McGirt* v. *Oklahoma,* 140 S. Ct. 2452 (2020), the Governor of the State of Oklahoma requested approval under Section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users, Public Law 109–59, 109 Stat. 1144, 1937 (August 10, 2005) (''SAFETEA''), to administer in certain areas of Indian country (as defined at 18 U.S.C. 1151) the State's environmental regulatory programs that were previously approved by the EPA for areas outside of Indian country. The State's request excluded certain areas of Indian country further described below. In addition, the State only sought approval to the extent that such approval is necessary for the State to administer a program in light of *Oklahoma Dept. of Environmental Quality* v. *EPA,* 740 F.3d 185 (D.C. Cir. 2014).[3]

On October 1, 2020, the EPA approved Oklahoma's SAFETEA request to administer all the State's EPA-approved environmental regulatory programs, including the Oklahoma SIP, in the requested areas of Indian country. As requested by Oklahoma, the EPA's approval under SAFETEA does not include Indian country lands, including rights-of-way running through the same, that: (1) qualify as Indian allotments, the Indian titles to which have not been

[3] In *ODEQ* v. *EPA,* the D.C. Circuit held that under the CAA, a state has the authority to implement a SIP in non-reservation areas of Indian country in the state, where there has been no demonstration of tribal jurisdiction. Under the D.C. Circuit's decision, the CAA does not provide authority to states to implement SIPs in Indian reservations. *ODEQ* did not, however, substantively address the separate authority in Indian country provided specifically to Oklahoma under SAFETEA. That separate authority was not invoked until the State submitted its request under SAFETEA, and was not approved until EPA's decision, described in this section, on October 1, 2020.

extinguished, under 18 U.S.C. 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe (collectively ''excluded Indian country lands'').

EPA's approval under SAFETEA expressly provided that to the extent EPA's prior approvals of Oklahoma's environmental programs excluded Indian country, any such exclusions are superseded for the geographic areas of Indian country covered by the EPA's approval of Oklahoma's SAFETEA request.[4] The approval also provided that future revisions or amendments to Oklahoma's approved environmental regulatory programs would extend to the covered areas of Indian country (without any further need for additional requests under SAFETEA).

As explained earlier in this action, the EPA is proposing to approve revisions to the Oklahoma SIP that will apply state-wide and therefore have tribal implications as specified in Executive Order (E.O.) 13175. Consistent with the D.C. Circuit's decision in *ODEQ* v. *EPA* and with EPA's October 1, 2020, SAFETEA approval, if this approval is finalized as proposed, these SIP revisions will apply to all Indian country within Oklahoma, other than the excluded Indian country lands, as described earlier. Because—per the State's request under SAFETEA—EPA's October 1, 2020, approval does not displace any SIP authority previously exercised by the State under the CAA as interpreted in *ODEQ* v. *EPA,* the SIP will also apply to any Indian allotments or dependent Indian communities located outside of an Indian reservation over which there has been no demonstration of tribal authority.[5]

IV. Environmental Justice Considerations

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.''[6] The EPA is providing additional analysis of environmental justice associated with this action for the purpose of providing information to the public.[7] The EPA found, based on the EJScreen analyses, that this proposed action will not have disproportionately high or adverse human health or environmental effects on communities with EJ concerns. The revisions strengthen the SIP by reducing air quality impacts from specific operations statewide and thus, benefit the public. For example, as described earlier in this action, the removal of specific materials from structures used for fire training and the use of the ACI are controls that improve air quality. The submitted revisions do not relax provisions in the approved SIP and are consistent with Federal rules, including, but not limited to 40 CFR 60, 40 CFR 61, and 40 CFR 63.

V. Proposed Action

We are proposing to approve revisions to the Oklahoma SIP, submitted to us on February 9, 2021. Specifically, we are proposing to approve revisions to OAC 252:100, Subchapters 13, 37, and 39, and Appendix N. We are proposing to approve these revisions in accordance with section 110 of the Act.

VI. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to the Oklahoma SIP regulations, as described in Section II of this proposed action. We have made, and will continue to make, these documents generally available electronically through *www.regulations.gov* (please contact the persons identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

[4] EPA's prior approvals relating to Oklahoma's SIP frequently noted that the SIP was not approved to apply in areas of Indian country (consistent with the D.C. Circuit's decision in *ODEQ* v. *EPA*) located in the state. *See, e.g.,* 85 FR 20178, 20180 (April 10, 2020). Such prior expressed limitations are superseded by the EPA's approval of Oklahoma's SAFETEA request.

[5] In accordance with Executive Order 13990, EPA is currently reviewing our October 1, 2020, SAFETEA approval and is engaging in further consultation with tribal governments and discussions with the state of Oklahoma as part of this review. EPA also notes that the October 1, 2020, approval is the subject of a pending challenge in federal court. (*Pawnee* v. *Regan,* No. 20–9635 (10th Cir.)). Pending completion of EPA's review, EPA is proceeding with this proposed action in accordance with the October 1, 2020, approval. EPA's final action on the approved revisions to the Oklahoma SIP that include revisions to OAC Title 252 Chapter 100 Subchapters 13, 37, and 39 and Appendix N will address the scope of the state's program with respect to Indian country, and may make any appropriate adjustments, based on the status of our review at that time. If EPA's final action on Oklahoma's SIP is taken before our review of the SAFETEA approval is complete, EPA may make further changes to the approval of Oklahoma's program to reflect the outcome of the SAFETEA review.

[6] *See https://www.epa.gov/environmentaljustice/learn-about-environmental-justice.*

[7] Our analysis is provided in the docket for this rulemaking action.

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

This proposal to approve revisions to the Oklahoma SIP will apply, if finalized as proposed, to certain areas of Indian country throughout Oklahoma as discussed in the preamble, and therefore has tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of tribal governments. This action will also not preempt tribal law as no Oklahoma tribe implements a regulatory program under the CAA, and thus does not have applicable or related tribal laws. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (May 4, 2011), the EPA has offered consultation to tribal governments that may be affected by this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: January 30, 2023.

Earthea Nance,

Regional Administrator, Region 6.

[FR Doc. 2023–02293 Filed 2–2–23; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 230130–0032]

RIN 0648–BL89

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Resources of the Gulf of Mexico; Temporary Measures To Reduce Overfishing of Gag

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

ACTION: Proposed temporary rule; request for comments.

SUMMARY: This proposed temporary rule would implement interim measures to reduce overfishing of gag in Federal waters of the Gulf of Mexico (Gulf). This temporary rule would reduce the 2023 commercial and recreational sector harvest levels for gag and would change the 2023 recreational fishing season for gag in Federal waters of the Gulf. This proposed temporary rule would be effective for 180 days, but NMFS may extend the interim measures for a maximum of an additional 186 days. The purpose of this proposed temporary rule is to reduce overfishing of gag while the long-term management measures are developed.

DATES: Written comments must be received by February 21, 2023.

ADDRESSES: You may submit comments on the proposed temporary rule identified by ''NOAA–NMFS–2022–0136'' by either of the following methods:

- *Electronic submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov* and enter ''NOAA–NMFS–2022–0136'' in the Search box. Click the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit all written comments to Dan Luers, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information, *e.g.,* name and address, confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments—enter ''N/A'' in required fields if you wish to remain anonymous.

Electronic copies of the environmental assessment (EA) supporting these proposed interim measures may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/interim-action-reduce-overfishing-gag-gulf-mexico.* The EA includes a regulatory impact review and a Regulatory Flexibility Act (RFA) analysis.

FOR FURTHER INFORMATION CONTACT: Dan Luers, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *daniel.luers@noaa.gov.*

SUPPLEMENTARY INFORMATION: The reef fish fishery in the Gulf is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) and includes gag and 30 other managed reef fish species. The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented by NMFS through regulations at 50 CFR part 622 under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The Magnuson-Stevens Act requires that NMFS and regional fishery management councils prevent overfishing and achieve, on a continuing basis, the optimum yield from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the Nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems.

All weights described in this proposed temporary rule are in gutted weight.

Gulf gag is harvested by the commercial and recreational sectors, with 39 percent of the total annual catch limit (ACL) allocated to the commercial sector and 61 percent allocated to the recreational sector. Commercial harvest of gag is managed under the individual fishing quota program for groupers and tilefishes (GT–IFQ program). NMFS constrains commercial landings of gag to the commercial quota, which is the harvest level reduced from the commercial ACL. Recreational harvest of gag is currently allowed from June 1

each year until NMFS projects that recreational landings reach the recreational ACL. If the recreational landings exceed its ACL, recreational harvest is constrained the following year to the recreational annual catch target (ACT).

The current stock ACL for gag is 3.12 million lb (1.415 million kg). The current gag commercial ACL and commercial quota are 1.217 million lb (0.552 million kg) and 939,000 lb (426,000 kg), respectively. The current recreational ACL and recreational ACT for gag are, 1.903 million lb (0.863 million kg) and 1.708 million lb (0.775 million kg), respectively. The current harvest levels are based on the results of the 2016 Southeast Data, Assessment, and Review (SEDAR) stock assessment process (SEDAR 33 Update), which indicated that gag was not subject to overfishing and was not overfished. The SEDAR 33 Update included recreational catch and effort data generated by the Marine Recreational Information Program (MRIP) using the Coastal Household Telephone Survey (CHTS).

The gag stock was assessed again in 2021 in SEDAR 72, and was determined to be overfished and undergoing overfishing. Several data inputs used in the SEDAR 33 Update were modified in SEDAR 72. Most notably was the change in recreational catch and effort data from MRIP–CHTS to the MRIP-Fishing Effort Survey (FES). MRIP began transitioning from the CHTS to the FES in 2015 and the FES replaced the CHTS in 2018. MRIP–FES generally estimates higher recreational effort, and thus higher recreational landings, than MRIP–CHTS.

SEDAR 72 also accounted for observations of red tide mortality, since gag is vulnerable to red tide events and was negatively affected by these disturbances in 2005, 2014, 2018, and projected for 2021 directly within the stock assessment model. Lastly, modeling changes were made in SEDAR 72 to better quantify commercial discards by taking into account the potential misidentification between black grouper and gag, which are similar looking species, and to improve size estimates of gag retained by commercial and for-hire fishermen, and private anglers.

In November 2021, the Council's Scientific and Statistical Committee (SSC) reviewed SEDAR 72 and found it to be the best scientific information available for informing fisheries management. On January 26, 2022, NMFS notified the Council that gag was overfished and undergoing overfishing, and that measures to rebuild the stock and end overfishing must be implemented within 2 years, *i.e.,* by January 26, 2024. In response, the Council began work on Amendment 56 to the FMP. However, because the management measures in Amendment 56 will not be effective until the 2024 fishing year, the Council requested that NMFS implement interim measures to reduce overfishing of gag during the 2023 fishing year. Specifically, the Council requested that NMFS implement reduced catch levels for gag using the current sector allocation, and that NMFS move the start of the gag recreational fishing season.

The reduced catch limits requested by the Council are based on a rebuilding time that is equal to twice the time necessary to rebuild the stock if fishing mortality was reduced to zero, which is one of the rebuilding times considered in Amendment 56. The catch limits would be a stock ACL of 661,901 lb (300,233 kg), commercial ACL and quota of 258,000 lb (117,027 kg) and 199,000 lb (90,265 kg), respectively, and recreational ACL and ACT of 403,759 lb (183,142 kg) and 362,374 lb (164,370 kg), respectively. The proposed recreational catch limits are not directly comparable to the current recreational catch limits because of the change from MRIP–CHTS to MRIP–FES to estimate recreational landings. However, the proposed recreational catch limits would result in a substantial reduction in the length of the recreational season.

Although the Council requested a commercial ACL of 258,142 lb (117,091 kg) and commercial quota of 199,157 lb (90,336 kg) for 2023, the analyses conducted by NMFS supporting the implementation of interim measures use a commercial ACL and quota rounded to the nearest thousand pounds, as noted above. NMFS used the rounded numbers because they are consistent with the numerical format of the current gag commercial catch limits and the Council did not consider whether this practice should be continued for the purpose of the interim commercial catch limits. NMFS expects the Council to clearly articulate in Amendment 56 whether the commercial catch limits for gag should continue to be rounded to the nearest thousand pounds.

In addition to the reduction in the gag catch limits, the Council requested that NMFS move the start of the gag recreational fishing season for the 2023 fishing year from June 1 to September 1. The Council also requested the season close on November 10, instead of remaining open through December 31, as it is currently. Therefore, the recreational fishing season would be open from September 1 through November 9, 2023, unless NMFS projects that the recreational ACL will be reached sooner and closes the recreational sector as required by the accountability measures specified in 50 CFR 622.41(d)(2). The Council and NMFS expect that the proposed change to the recreational season would maximize the number of recreational fishing days for gag. If the opening date for the recreational season remains June 1, 2023, NMFS projects that recreational landings of gag would reach the proposed recreational ACL in only 16 days.

The Council did not recommend interim modifications to the commercial sector's IFQ multi-use provision for gag and red grouper. Therefore, the gag and red grouper multi-use allocation would be available as specified in 50 CFR 622.22(a)(5).

Management Measures Contained in This Proposed Temporary Rule

During the effectiveness of this proposed temporary rule in 2023, the total ACL for gag would be 661,901 lb (300,233 kg). This rule would also specify the commercial and recreational sector ACLs and component commercial quotas using the existing sector allocations of the total ACL of 39 percent commercial and 61 percent recreational. The commercial ACL and commercial quota would be 258,000 lb (117,027 kg) and 199,000 lb (90,265 kg), respectively. The recreational ACL would be 403,759 lb (183,142 kg), and the recreational ACT would be 362,374 lb (164,370 kg). In addition, this proposed temporary rule would change the 2023 recreational fishing season to September 1 until November 10 from the current season of June 1 through December 31. NMFS would shorten the 2023 recreational season length through the current accountability measure of an in-season closure if NMFS projects that recreational landings will meet or exceed the recreational ACL prior to the proposed November 10 closure date. Because the commercial sector relies on the GT–IFQ program that distributes commercial quota to shareholders for the entire fishing year, no change to the commercial fishing season would occur under this proposed temporary rule.

The proposed temporary reductions in the allowable harvest of gag would result in reduced allowable harvest for both the commercial and recreational sectors and a reduced recreational fishing season. The reduced harvest levels and shortened recreational fishing season would likely result in short-term adverse socio-economic effects. However, the temporary ACLs, commercial quota, and recreational ACT are expected to minimize future adverse

socio-economic effects by potentially decreasing further reductions in the allowable harvest levels required to end overfishing of gag through Amendment 56. The temporary harvest levels proposed in this temporary rule would also provide biological benefits to the gag stock by reducing the current levels of fishing mortality.

Future Action

NMFS has determined that this proposed temporary rule is necessary to reduce overfishing of gag. If NMFS issues a final temporary rule, it would be effective for not more than 180 days after the date of publication in the **Federal Register**, as authorized by section 305(c) of the Magnuson-Stevens Act. The final temporary rule could be extended if NMFS publishes a temporary rule extension in the **Federal Register** for up to an additional 186 days, provided that the public has had an opportunity to comment on the proposed interim measures. At this time, NMFS expects to extend the temporary rule after the 180-day period. If NMFS does not extend the proposed interim measures, the total and sector ACLs for gag, as well as the commercial sector quota would revert to the current limits after 180 days.

Classification

This action is issued pursuant to section 305(c) of the Magnuson-Stevens Act, 16 U.S.C. 1855(c). The NMFS Assistant Administrator has determined that this proposed temporary rule is consistent with the Magnuson-Stevens Act and other applicable law, subject to further consideration after public comment.

This proposed temporary rule has been determined to be not significant for purposes of Executive Order 12866.

The Magnuson-Stevens Act provides the legal basis for this proposed temporary rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting and record-keeping requirements are introduced by this proposed temporary rule. This proposed temporary rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

NMFS prepared an initial regulatory flexibility analysis (IRFA) for this proposed temporary rule, as required by section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603. The IRFA describes the economic impact this proposed temporary rule, if adopted, would have on small entities. A description of this proposed temporary rule, why it is being considered, and the purposes of this proposed temporary rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections of the preamble. A copy of the full analysis is available from NMFS (see **ADDRESSES**). A summary of the IRFA follows.

The objective of this proposed temporary rule is to use the best scientific information available to reduce overfishing of gag while a rebuilding plan is developed, consistent with the authority under the Magnuson-Stevens Act. All monetary estimates in the following analysis are in 2019 dollars.

This proposed temporary rule would revise the stock ACL, sector ACLs, commercial quota, and recreational ACT for gag based on the ''TMin*2'' rebuilding scenario, which is twice the minimum time for the stock to rebuild with zero fishing mortality and is an alternative under consideration in Amendment 56. Given the current allocation of the stock ACL of 39 percent to the commercial sector and 61 percent to the recreational sector, the current stock ACL, commercial ACL, recreational ACL, commercial quota, and recreational ACT are 3.12 million lb (1.415 million kg), 1.217 million lb (0.552 million kg), 1.903 million lb (0.863 million kg), 939,000 lb (426,000 kg), and 1.708 million lb (0.775 million kg), respectively. The recreational portion of the current stock ACL, the recreational ACL, and the recreational ACT are based on MRIP–CHTS data. This proposed temporary rule would retain the current sector allocation percentages, but would reduce the stock ACL, commercial ACL, recreational ACL, commercial quota and recreational ACT to 661,901 lb (300,233 kg), 258,000 lb (117,027 kg), 403,759 lb (183,142 kg), 199,000 lb (90,265 kg), and 362,374 lb (164,370 kg), respectively. The recreational portion of the revised stock ACL, the recreational ACL, and the recreational ACT are based on MRIP–FES data. This proposed temporary rule would also change the recreational season start date from June 1 to September 1, and close the season on November 10 unless when the recreational ACL is projected to be met sooner. As a result, this proposed temporary rule is expected to regulate commercial fishing businesses that possess shares of gag in the GT–IFQ program and for-hire fishing businesses that target gag.

The gag commercial quota is allocated annually based on the percentage of gag shares in each IFQ account. For example, if an account possesses 1 percent of the gag shares and the commercial quota is 1 million lb (0.45 million kg), then that account would receive 10,000 lb (4,536 kg) of commercial gag quota. Although it is common for a single IFQ account with gag shares to be held by a single business, some businesses have multiple IFQ accounts with gag shares. As of July 8, 2021, 506 IFQ accounts held gag shares. These accounts and gag shares were owned by 455 businesses. Thus, it is assumed this proposed temporary rule would regulate 455 commercial fishing businesses.

A valid charter vessel/headboat permit for Gulf reef fish is required to legally harvest gag on a recreational for-hire fishing trip. NMFS does not possess complete ownership data regarding businesses that hold a charter vessel/headboat permit for Gulf reef fish, and thus potentially harvest gag. Therefore, it is not currently feasible to accurately determine affiliations between vessels and the businesses that own them. As a result, for purposes of this analysis, it is assumed each for-hire vessel is independently owned by a single business, which is expected to result in an overestimate of the actual number of for-hire fishing businesses regulated by this proposed temporary rule.

NMFS also does not have data indicating how many for-hire vessels actually harvest gag in a given year. However, in 2020, there were 1,289 vessels with valid charter vessel/headboat permits for Gulf reef fish. Further, gag is only targeted and almost entirely harvested in waters off the west coast of Florida. Of the 1,289 federally permitted vessels, 803 were homeported in Florida. Of these permitted vessels, 62 are primarily used for commercial fishing rather than for-hire fishing purposes, and thus are not considered for-hire fishing businesses. In addition, 46 of these permitted vessels are considered headboats, which are considered for-hire fishing businesses. However, headboats take a relatively large, diverse set of anglers to harvest a diverse range of species on a trip, and therefore do not typically target a particular species exclusively. Therefore, it is assumed that no headboat trips would be canceled, and thus no headboats would be directly affected as a result of this proposed regulatory action. However, charter vessels often target gag. Of the 803 vessels with a valid charter vessel/headboat permit for Gulf reef fish that are homeported in Florida, 695 vessels are charter vessels. A recent study reported that 76 percent of charter vessels with a valid charter vessel/headboat permit in the Gulf were active in 2017, *i.e.,* 24 percent were not fishing. A charter vessel would only be directly affected by this proposed

temporary rule if it used to go fishing. Given this information, NMFS' best estimate of the number of charter vessels that are likely to harvest gag in a given year is 528, and thus this proposed temporary rule is estimated to regulate 528 for-hire fishing businesses.

For RFA purposes, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (50 CFR 200.2). A business primarily involved in the commercial fishing industry is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and its combined annual receipts (revenue) are not in excess of $11 million for all of its affiliated operations worldwide. NMFS does not collect revenue data specific to commercial fishing businesses that have IFQ accounts; rather, revenue data are collected for commercial fishing vessels in general. It is not possible to assign revenues earned by commercial fishing vessels back to specific IFQ accounts and the businesses that possess them because quota is often transferred across many IFQ accounts before it is used by the business on a vessel for harvesting purposes, and specific units of quota cannot be tracked. However, from 2016 through 2020, the maximum annual gross revenue earned by a single vessel during this time was about $1.73 million in 2016. The average gross revenue per vessel was about $108,000 in that year. By 2020, the maximum and average gross revenue per vessel had decreased to about $730,000 and $79,700, respectively. Based on this information, all commercial fishing businesses regulated by this proposed temporary rule are determined to be small entities for the purpose of this analysis.

For other industries, the Small Business Administration has established size standards for all major industry sectors in the U.S., including for-hire businesses (North American Industry Classification System (NAICS) code 487210). A business primarily involved in for-hire fishing is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has annual receipts (revenue) not in excess of $12.5 million for all its affiliated operations worldwide. The maximum annual gross revenue for a single headboat in the Gulf was about $1.38 million in 2017. On average, annual gross revenue for headboats in the Gulf is about three times greater than annual gross revenue for charter vessels, reflecting the fact that businesses that own charter vessels are typically smaller than businesses that own headboats. Based on this information, all for-hire fishing businesses regulated by this proposed temporary rule are determined to be small businesses for the purpose of this analysis.

If implemented, NMFS expects this proposed temporary rule to regulate 455 of the 536 businesses with IFQ accounts, or approximately 85 percent of those commercial fishing businesses. Further, NMFS expects this proposed temporary rule would regulate 528 of the 1,227 for-hire fishing businesses with valid charter vessel/headboat permits for Gulf reef fish, or approximately 43 percent of those for-hire fishing businesses. NMFS has determined that, for the purpose of this analysis, all regulated commercial and for-hire fishing businesses are small entities. Based on this information, NMFS expects the proposed temporary rule to affect a substantial number of small entities.

Because revenue and cost data are not collected for the commercial fishing businesses that are expected to be regulated by this proposed temporary rule, direct estimates of their economic profits are not available. However, economic theory suggests that annual allocation (quota) prices should reflect expected annual economic profits, which allows economic profits to be estimated indirectly. Further, the 455 businesses with gag shares also own shares in the other IFQ share categories and thus are expected to earn profits from their ownership of these shares as well, *i.e.,* red snapper, red grouper, shallow-water grouper, deep-water grouper, and tilefish.

However, economic profits will only be realized if the allocated quota is used for harvesting purposes. For example, practically all of the commercial red snapper quota has been used for harvesting in recent years, and so it is assumed that all of that quota will be harvested in the foreseeable future. Important management changes have occurred for red grouper, which partly resulted in 96 percent of the commercial quota being harvested in 2021. Thus, this analysis also assumes that all of the red grouper quota will be harvested in the future as well. However, based on 2017–2021 data, only 82 percent of the deep-water grouper quota, 38 percent of the shallow-water grouper quota, and 73 percent of the tilefish quota have been harvested, and that is expected to continue in the foreseeable future. For gag, the quota utilization rate from 2017–2021 was approximately 52 percent. Given these quota utilization rates in combination with average annual allocation prices from 2017–2021 and annual commercial quotas in 2021, the total expected economic profits for businesses with gag shares are estimated to be at least $29.4 million at the present time. This estimate does not account for any economic profits that may accrue to businesses with gag shares that also own commercial fishing vessels that harvest non-IFQ species. Such profits are likely to be small because harvest of IFQ species accounts for around 84 percent of commercial IFQ vessels' annual revenue and economic profits from the harvest of non-IFQ species tend to be smaller than those from IFQ species. Given that there are 455 businesses with gag shares, the average annual expected economic profit per commercial fishing business is at least $64,620.

However, most of these economic profits (82 percent) are the result of owning red snapper shares. Only approximately $502,930 (or 1.7 percent) of their expected economic profits is due to the ownership of gag shares. This proposed temporary rule is only expected to affect economic profits from the ownership of gag shares, specifically because of the proposed action to reduce the gag commercial ACL from 1.217 million lb (0.552 million kg) to 258,000 lb (117,027 kg) and the gag commercial quota from 939,000 lb (426,000 kg) to 199,000 lb (90,265 kg). Average annual commercial landings of gag from 2017–2021 were 492,401 lb (223,349 kg). Because average annual landings exceed the proposed commercial quota, it is assumed all of the proposed commercial quota will be harvested in the future. Further, the expected reduction in annual commercial landings is 293,401 lb (133,084 kg). The reduction in commercial landings is expected to increase the average ex-vessel price of gag from $6.10 per lb to $7.54 per lb, thereby partially offsetting the adverse effects of the expected landings reduction. Thus, the expected reduction in annual ex-vessel revenue for gag is approximately $1.5 million. Given an average annual allocation price of $1.03 per lb for gag from 2017–2021, the expected reduction in commercial landings of gag is expected to reduce economic profits to these commercial fishing businesses by about $302,200, or by approximately $660 per commercial fishing business. Thus, economic profit is expected to be reduced by no more than 1 percent on average per commercial fishing business.

Based on the most recent information available, average annual profit is $27,948 per charter vessel. The action

that revises the stock ACL changes the gag recreational ACL from 1.903 million lb (0.86 million kg) in MRIP–CHTS units to 403,759 lb (183,142 kg) in MRIP–FES units. The terms ''MRIP–CHTS units'' and ''MRIP–FES units'' signify that although the current and proposed recreational ACLs are expressed in pounds, they are in different scales and not directly comparable. However, average recreational landings from 2017–2021 were approximately 2.538 million lb (1.151 million kg) in MRIP–FES units. Given that average recreational landings have been considerably greater than the proposed recreational ACL, all of the proposed recreational ACL is expected to be harvested in the future. The recreational ACL reduction is expected to reduce the recreational season length from 214 days to 16 days, which in turn is expected to reduce the number of trips targeting gag on charter vessels by 26,542 angler trips. Net Cash Flow per Angler Trip (CFpA) is the best available estimate of economic profit per angler trip by charter vessels. CFpA on charter vessels is estimated to be $149 per angler trip. Thus, NMFS expects the estimated reduction in charter vessel economic profits from this proposed action to be $3.955 million. The reduction in charter vessel economic profits is estimated to be $7,490 per vessel, or almost 27 percent on average per for-hire fishing business.

The proposed action that changes the recreational season would increase the number of target trips for gag by charter vessels during this period over the number of target trips in previous years by 2,159 trips, thereby partially mitigating the reduction in target trips due to the proposed recreational ACL reduction. Assuming the CFpA on charter vessels is $149 per angler trip, this proposed action is expected to increase economic profits for charter vessels by $321,733, or by $609 per charter vessel. Thus, economic profits are expected to be increased by around 2.2 percent on average per for-hire fishing business.

Based on the above, the total reduction in economic profits for charter vessels from this proposed temporary rule is expected to be about $3.634 million, or approximately $6,882 per charter vessel. Thus, economic profits are expected to be reduced by approximately 24.6 percent on average per for-hire fishing business.

Three alternatives, including the status quo, were considered for the proposed action to revise the current gag stock ACL, commercial ACL, recreational ACL, commercial quota, and recreational ACT of 3.12 million lb (1.415 million kg), 1.217 million lb (0.552 million kg), 1.903 million lb (0.863 million kg), 939,000 lb (426,000 kg), and 1.708 million lb (0.775 million kg) based on MRIP–CHTS data. The proposed action would revise the same catch levels for gag to 661,901 lb (300,233 kg), 258,000 lb (117,027 kg), 403,759 lb (183,142 kg), 199,000 lb (90,265 kg), and 362,374 lb (164,370 kg), respectively, based on the TMin*2 rebuilding scenario and MRIP–FES data. Similar to the proposed action, the status quo alternative would have retained the current allocation of the stock ACL of 39 percent to the commercial sector and 61 percent to the recreational sector. But, it also would have maintained current the stock ACL, commercial ACL, recreational ACL, commercial quota, and recreational ACT stated earlier based on MRIP–CHTS data. The status quo alternative was not selected because it would not reduce overfishing of gag while a rebuilding plan is being developed, contrary to the purpose of this proposed temporary rule.

A second alternative would have decreased the allocation percentage of the gag stock ACL to the commercial sector from 39 percent to 20.5 percent and increased the allocation percentage to the recreational sector from 61 percent to 79.5 percent. Further, based on the TMin*2 rebuilding scenario and MRIP–FES data, this alternative would have revised the gag stock ACL, commercial ACL, recreational ACL, commercial quota, and recreational ACT from 3.12 million lb (1.415 million kg), 1.217 million lb (0.552 million kg), 1.903 million lb (0.863 million kg), 939,000 lb (426,000 kg), and 1.708 million lb (0.775 million kg) based on MRIP–CHTS data to 611,578 lb (277,407 kg), 125,000 lb (56,699 kg), 486,204 lb (220,538 kg), 98,000 lb (44,452 kg), and 436,368 lb (197,933 kg). Like the proposed preferred action, this alternative would have reduced overfishing while a rebuilding plan is being developed. However, since this temporary rule and an extension cannot in combination be in effect for more than 366 days, this alternative was not selected because the Council advised NMFS that it would prefer to address sector allocations for gag on a longer-term basis through an amendment to the FMP.

A third alternative would have decreased the allocation percentage of the gag stock ACL to the commercial sector from 39 percent to 18 percent and increased the allocation percentage to the recreational sector from 61 percent to 82 percent. Further, based on the TMin*2 rebuilding scenario and MRIP–FES data, this alternative would have revised the gag stock ACL, commercial ACL, recreational ACL, commercial quota and recreational ACT from 3.12 million lb (1.42 million kg), 1.217 million lb (0.55 million kg), 1.903 million lb (0.86 million kg), 939,000 lb (426,000 kg), and 1.708 million lb (0.78 million kg) based on MRIP–CHTS data to 605,165 lb (274,745 kg), 109,000 lb (49,486 kg), 496,235 lb (225,291 kg), 84,000 lb (38,136 kg), and 445,370 lb (202,198 kg). Similar to the second alternative, this alternative would have reduced overfishing while a rebuilding plan is being developed. However, since this temporary rule and an extension cannot be in effect for more than 366 days, this alternative was not selected because the Council advised NMFS that it would prefer to address sector allocations for gag on a longer-term basis through an amendment to the FMP.

Three alternatives, including the status quo, were considered for the proposed action to change the recreational start date from June 1 to September 1, and close the season on November 10, unless NMFS projects the recreational ACL will be met sooner. The status quo alternative would have maintained the recreational season start date of June 1, which was expected to result in a recreational season length of only 16 days compared to 70 days under the proposed action. This alternative was not selected as it would not mitigate the adverse effects from the proposed recreational ACL reduction and thereby would have resulted in greater adverse effects on small for-hire fishing businesses.

The second alternative would have changed the recreational season start date from June 1 to October 1, which would have resulted in a recreational season length of 55 days compared to 70 days under the proposed action. Although the second alternative would have mitigated some of the adverse effects from the proposed recreational ACL reduction, this alternative was not selected because, given the shorter season length compared to the proposed action, it would not allow for-hire fishing businesses and recreational fishermen as much flexibility in planning target trips for gag, which is particularly desirable during hurricane season, which occurs from June 1 through November 30 each year. Further, unlike the proposed action, this alternative does not have a fixed closure date, which would increase the probability of exceeding the recreational ACL relative to the proposed action.

The third alternative would have changed the recreational season start

date from June 1 to November 1, which would have resulted in a recreational season length of 29 days compared to 70 days under the proposed action. Although the third alternative would have mitigated some of the adverse effects from the proposed recreational ACL reduction, this alternative was not selected because it would not have mitigated those adverse effects as much as the proposed action, thereby causing relatively greater adverse effects on small for-hire fishing businesses. Further, given the shorter season length compared to the proposed action, it would not allow for-hire fishing businesses and recreational fishermen as much flexibility in planning target trips for gag, which is particularly desirable during hurricane season. Also, similar to the second alternative, this alternative does not have a fixed closure date, which would increase the probability of exceeding the recreational ACL relative to the proposed action.

List of Subjects in 50 CFR Part 622

Annual catch limit, Fisheries, Fishing, Gag, Gulf of Mexico.

Dated: January 30, 2023.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 622 as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.34:
■ a. Suspend paragraph (e); and
■ b. Add paragraph (i).
The addition reads as follows:

§ 622.34 Seasonal and area closures designed to protect Gulf reef fish.

* * * * *

(i) *Seasonal closure of the recreational sector for gag.* The recreational harvest of gag in or from the Gulf EEZ is closed from January 1 through August 31 and from November 10 through December 31. During the closure, the bag and possession limits for gag harvested in or from the Gulf EEZ are zero.

■ 3. In § 622.39:
■ a. Suspend paragraph (a)(1)(iii)(B); and
■ b. Add paragraph (a)(1)(iii)(D).
The addition reads as follows:

§ 622.39 Quotas.

* * * * *

(a) * * *
(1) * * *
(iii) * * *
(D) *Gag.* Shallow-water groupers (SWG) have a separate quota for gag, among the other species described in the introductory text of paragraph (a)(1)(iii) of this section, and as specified in this paragraph (a)(1)(iii)(D). This quota is specified in gutted weight, that is, eviscerated but otherwise whole. The commercial quota for gag is 199,000 lb (90,265 kg).

* * * * *

■ 4. In § 622.41, revise paragraphs (d)(1) and (d)(2)(iv) to read as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(d) * * *

(1) *Commercial sector.* The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial gag. The commercial ACL in gutted weight is 258,000 lb (117,027 kg).

(2) * * *

(iv) The recreational ACL in gutted weight is 403,759 lb (183,142 kg). The recreational ACT in gutted weight is 362,374 lb (164,370 kg).

* * * * *

[FR Doc. 2023–02211 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 88, No. 23

Friday, February 3, 2023

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 COMMERCE

Foreign-Trade Zones Board

[B–10–2023]

Foreign-Trade Zone (FTZ) 148—Knoxville, Tennessee;Notification of Proposed Production Activity;CoLinx, LLC(Wheel Hub-Bearing Assemblies);Crossville, Tennessee

CoLinx, LLC submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Crossville, Tennessee within FTZ 148. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on January 27, 2023.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.* The proposed finished product(s) and material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished product is wheel hub-bearing assemblies (duty rate 9%).

The proposed foreign-status materials and components include: wheel hubs; steel bearing spacers; vulcanized rubber bearing seals; polyethylene shipping caps for bearing retention; and, tapered roller bearings (duty rate ranges from duty-free to 5.8%). The request indicates that the materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is March 15, 2023.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov.*

Dated: January 31, 2023.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2023–02311 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–9–2023]

Foreign-Trade Zone (FTZ) 46—Cincinnati, Ohio; Notification of Proposed Production Activity; Patheon Pharmaceuticals Inc. (Pharmaceutical Products), Cincinnati, Ohio

Patheon Pharmaceuticals Inc. (Patheon) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Cincinnati, Ohio, within Subzone 46K. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on January 27, 2023.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished product is anti-diarrheal drug (active pharmaceutical ingredient Eluxadoline) packaged into finished dosage (duty free).

The proposed foreign-status materials and components include active pharmaceutical ingredient Eluxadoline and mannitol (duty rates, 6.5% and 4.6%, respectively). The request indicates that the materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is March 15, 2023.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Diane Finver at *Diane.Finver@trade.gov.*

Dated: January 30, 2023.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2023–02264 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Michael Cox, 1513 E Muir Avenue, Hazel Park, MI 48030–2671; Order Denying Export Privileges

On May 18, 2021, in the U.S. District Court for the Western District of Pennsylvania, Michael Cox (''Cox'') was convicted of violating 18 U.S.C. 371. Specifically, Cox was convicted of conspiring to export defense articles, specifically Night Sighting Equipment, to the Ukraine without the required licenses. As a result of his conviction, the Court sentenced Cox to 32 months of confinement, three years of supervised release and $100 special assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C.

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

371, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Cox's conviction for violating 18 U.S.C. 371. As provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''), BIS provided notice and opportunity for Cox to make a written submission to BIS. 15 CFR 766.25.[2] BIS has not received a written submission from Cox.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Cox's export privileges under the Regulations for a period of 10 years from the date of Cox's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Cox had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until May 18, 2031, Michael Cox, with a last known address of 1513 E Muir Avenue, Hazel Park, MI 48030–2671, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of ECRA and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Cox by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Cox may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Cox and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until May 18, 2031.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2023–02321 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–DT–P

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 *FR* 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Shirley Trinity Inzunza, 6767 N 7th Street, Unit 220, Phoeniz, AZ 85014; Order Denying Export Privileges

On January 22, 2018, in the U.S. District Court for the District of Arizona, Shirley Trinity Inzunza (''Inzunza'') was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C 2778) (''AECA''). Specifically, Inzunza was convicted of knowingly and willfully attempting to export and causing to be exported from the United States to Mexico, 10,000 23 rounds of .223 caliber ammunition, which was designated as a defense article on the United States Munitions List, without having first obtained from the Department of State a license for such export or written authorization for such export.

As a result of her conviction, the Court sentenced Inzunza to 36 months of confinement with credit for time served and $100 special assessment. Inzunza was also placed on U.S. Department of State's debarred list.

The Export Administration Regulations (''EAR'' or ''Regulations'') are administered and enforced by the U.S. Department of Commerce's Bureau of Industry and Security (''BIS'').[1]

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601–4623 (Supp. III 2015) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergnecy Economic Powers Act (50 U.S.C. 1701, *et seq.*) (''IEEPA''). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (''ECRA''). While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to

Continued

Section 766.25 of the Regulations provides, in pertinent part, that the ''Director of [BIS's] Office of Export Enforcement, in consultation with the Director of [BIS's] Office of Exporter Services, may deny the export privileges of any person who has been convicted of a violation of any of the statues set forth at 50 U.S.C. 4819 (e)(1)(B),'' [2] including Section 38 of the AECA. 15 CFR 766.25(a).[3] The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d). In addition, pursuant to Section 750.8 of the Regulations, BIS's Office of Exporter Services may revoke any BIS-issued licenses in which the person has an interest at the time of his/her conviction.[4]

BIS received notice of Inzunza's conviction for violating Section 38 of the AECA, and pursuant to Section 766.25 of the Regulations, has provided notice and an opportunity for Inzunza to make a written submission to BIS. BIS has not received a written submission from Inzunza.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Inzunza's export privileges under the Regulations for a period of eight years from the date of Inzunza's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Inzunza had an interest at the time of her conviction.[5]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until January 18, 2026, Shirley Trinity Inzunza, with a last known address of 6767 N 7th Street, Unit 220, Phoeniz, AZ 85014, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Inzunza by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Inzunza may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Inzunza and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until January 18, 2026.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2023–02323 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–DT–P

IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA.

[2] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to amendments to the Regulations (85 *FR* 73411, November 18, 2020).

[3] As codified at the time of the underlying conviction at issue, Section 11(h)(1) of the EAA, as amended, provided that: '' No person convicted of a violation of this chapter (or any regulation, license, or older issued under this chapter), any regulation, license, or order issed under the International Emergnecy Economic Powers Act [50 U.S.C. 1701, *et seq.*], section 793, 794 or 798 of title 18, section 783(b) of this title, or section 2778 of title 22 shall be eligible, at the discretion of the Secretary, to apply for or use any export license under this chapter for a period of up to 10 years from the date of conviction. The Secretary may revoke any export license under this chapter in which such person has an interest at the time of conviction.'' 50 U.S.C. 4610(h)(1).

[4] *See* notes 1 and 3, *supra.*

[5] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to amendments to the Regulations (85 *FR* 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Amin Yousefi Jam, 7165 Yonge Street, Markham, Ontario, Canada L3T 0C9; Order Denying Export Privileges

On November 17, 2021, in the U.S. District Court for the Eastern District of Michigan, Amin Yousefi Jam (''Amin Jam'') was convicted of violating 18 U.S.C. 371. Specifically, Amin Jam was convicted of conspiring to export goods from the United States to Iran through the United Arab Emirates without having first obtained the required licenses from the Office of Foreign Assests Control. As a result of his conviction, the Court sentenced Amin Jam to time served, one year of supervised release and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1]

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense

the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 371, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Amin Jam's conviction for violating 18 U.S.C. 371. As provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''), BIS provided notice and opportunity for Amin Jam to make a written submission to BIS. 15 CFR 766.25.[2] BIS has not received a written submission from Amin Jam.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Amin Jam's export privileges under the Regulations for a period of seven years from the date of Amin Jam's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Amin Jam had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until November 17, 2028, Amin Yousefi Jam, with a last known address of 7165 Yonge Street, Markham, Ontario, Canada L3T 0C9, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of ECRA and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Amin Jam by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Amin Jam may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Amin Jam and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until November 17, 2028.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2023–02324 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–DT–P

Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 *FR* 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Josef Koyshman, 17410 Fairland Ct., Granada Hills, CA 91344; Order Denying Export Privileges

On February 6, 2020, in the U.S. District Court for the District of Columbia, Josef Koyshman (''Koyshman'') was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C 2778) (''AECA''). Specifically, Koyshman was convicted of willfully exporting, attempting to export, and attempting to cause the export, from the United States to Hong Kong, one (1) High Power Advanced Laser-Aiming System and one (1) AN/PRC–152 Handheld Radio and one (1) AN/PVS–31A Binocular Night Vision Goggles, all of which were designated as defense articles on the United States Munition List, without first obtaining from the U. S. Department of State a license for such export or written approval. As a result of his conviction, the Court sentenced Koyshman to 12 months and one day in prison, 24 months of supervised release and a $100 assessment.

The Export Administration Regulations (''EAR'' or ''Regulations'') are administered and enforced by the U.S. Department of Commerce's Bureau of Industry and Security (''BIS'').[1]

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601–4623 (Supp. III 2015) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*) (''IEEPA''). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act

Continued

Section 766.25 of the Regulations provides, in pertinent part, that the ''Director of [BIS's] Office of Export Enforcement, in consultation with the Director of [BIS's] Office of Exporter Services, may deny the export privileges of any person who has been convicted of a violation of any of the statues set forth at 50 U.S.C. 4819 (e)(1)(B),'' [2] including Section 38 of the AECA. 15 CFR 766.25(a).[3] The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d). In addition, pursuant to Section 750.8 of the Regulations, BIS's Office of Exporter Services may revoke any BIS-issued licenses in which the person has an interest at the time of his/her conviction.[4]

BIS received notice of Koyshman's conviction for violating Section 38 of the AECA, and pursuant to Section 766.25 of the Regulations, has provided notice and an opportunity for Koyshman to make a written submission to BIS. BIS has received and considered a written submission from Koyshman.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Koyshman's export privileges under the Regulations for a period of 10 years from the date of Koyshman's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Koyshman had an interest at the time of his conviction.[5]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until February 6, 2030, Josef Koyshman, with a last known address of 17410 Fairland Ct., Granada Hills, CA 91344, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Koyshman by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Koyshman may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Koyshman and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until February 6, 2030.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2023–02326 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–DT–P

for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (''ECRA''). While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA.

[2] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to amendments to the Regulations (85 *FR* 73411, November 18, 2020).

[3] As codified at the time of the underlying conviction at issue, Section 11(h)(1) of the EAA, as amended, provided that: '' No person convicted of a violation of this chapter (or any regulation, license, or older issued under this chapter), any regulation, license, or order issued under the International Emergency Economic Powers Act [50 U.S.C. 1701, *et seq.*], section 793, 794 or 798 of title 18, section 783(b) of this title, or section 2778 of title 22 shall be eligible, at the discretion of the Secretary, to apply for or use any export license under this chapter for a period of up to 10 years from the date of conviction. The Secretary may revoke any export license under this chapter in which such person has an interest at the time of conviction.'' 50 U.S.C. 4610(h)(1).

[4] *See* notes 1 and 3, *supra.*

[5] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to amendments to the Regulations (85 *FR* 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Victor Anthony Bocanegra, 6767 N 7th Street, Unit 220, Phoenix, AZ 85014; Order Denying Export Privileges

On March 3, 2020, in the U.S. District Court for the District of Arizona, Victor Anthony Bocanegra (''Bocanegra'') was convicted of violating 18 U.S.C. 554(a). Specifically, Bocanegra was convicted of smuggling from the U.S. to Mexico, one (1) Barrett .50 caliber, semi-automatic rifle, bearing the serial number #AA007434, in violation of 18 U.S.C. 554. As a result of his conviction,

the Court sentenced Bocanegra to 37 months confinement with credit for time served, 2 years of supervised release and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Bocanegra's conviction for violating 18 U.S.C. 554. As provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''), BIS provided notice and opportunity for Bocanegra to make a written submission to BIS. 15 CFR 766.25.[2] BIS has not received a written submission from Bocanegra.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Bocanegra's export privileges under the Regulations for a period of 10 years from the date of Bocanegra's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Bocanegra had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until March 3, 2030, Victor Anthony Bocanegra, with a last known address of 6767 N. 7th Street, Unit 220, Phoenix, AZ 85014, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of ECRA and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Bocanegra by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Bocanegra may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Bocanegra and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until March 3, 2030.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2023–02329 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–DT–P

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 FR 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Maria Guadalupe Pina, 807 Guadalupe St., Laredo, TX 78040; Order Denying Export Privileges

On February 2, 2021, in the U.S. District Court for the Southern District of Texas, Maria Guadalupe Pina (''Pina'') was convicted of violating 18 U.S.C. 554(a). Specifically, Pina was convicted of fraudulently and knowingly exporting and sending, and attempting to export and send, from the United States to Mexico twenty (20) full automatic lower parts kits for M–16 rifle and twenty (20) pistol grips for M–16 and AR-type rifles. As a result of her conviction, the Court sentenced Pina to 30 months in prison, three years of supervised release, and a $100 court assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

time of the conviction, may be revoked. *Id.*

BIS received notice of Pina's conviction for violating 18 U.S.C. 554. As provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''), BIS provided notice and opportunity for Pina to make a written submission to BIS. 15 CFR 766.25.[2] BIS has not received a written submission from Pina.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Pina's export privileges under the Regulations for a period of eight years from the date of Pina's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Pina had an interest at the time of her conviction.[3]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until February 2, 2029, Maria Guadalupe Pina, with a last known address of 807 Guadalupe St., Laredo, TX 78040, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of ECRA and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Pina by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Pina may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Pina and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until February 2, 2029.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2023–02322 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–DT–P

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 *FR* 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–038, C–570–039]

Certain Amorphous Silica Fabric From the People's Republic of China: Final Affirmative Determinations of Circumvention

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that imports of amorphous silica fabric (ASF) with 70 to 90 percent silica content (70–90 percent ASF) from the People's Republic of China (China) are circumventing the antidumping (AD) and countervailing duty (CVD) orders on certain amorphous silica fabric from China.

DATES: Applicable February 3, 2023.

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold, AD/CVD Operations Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1121.

SUPPLEMENTARY INFORMATION:

Background

On September 6, 2022, Commerce published the preliminary affirmative determinations of circumvention of the AD and CVD orders [1] on certain amorphous silica fabric by imports of 70–90 percent ASF from China.[2] In the *Preliminary Determinations,* Commerce extended the deadline for the final determinations of these circumvention inquiries to December 2, 2022.[3] On November 22, 2022, Commerce further extended the deadline for the final determinations of these circumvention

[1] *See Certain Amorphous Silica Fabric from the People's Republic of China: Antidumping Duty Order,* 82 FR 14314 (March 17, 2017); and *Certain Amorphous Silica Fabric from the People's Republic of China:* Countervailing Duty Order, 82 FR 14316 (March 17, 2017) (collectively, *Orders*).

[2] *See Certain Amorphous Silica Fabric from the People's Republic of China: Preliminary Affirmative Determinations of Circumvention,* 87 FR 54458 (September 6, 2022) (*Preliminary Determinations*), and accompanying Preliminary Decision Memorandum (PDM).

[3] *Id.* at 54460.

inquiries to January 31, 2022.[4] On September 8, 2022, Auburn Manufacturing, Inc. (AMI), the petitioner in the AD and CVD investigations (the petitioner), submitted comments on the *Preliminary Determinations,*[5] and on September 27, 2022, submitted a case brief.[6] No other party commented on the *Preliminary Determinations.* We conducted these circumvention inquiries in accordance with section 781(c) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.225(i).[7]

Scope of the Orders

The product subject to the *Orders* is ASF with a minimum silica content of 90 percent by weight, from China. A full description of the scope of the *Orders* is contained in the Issues and Decision Memorandum.[8]

Scope of the Circumvention Inquiries

These circumvention inquires cover 70–90 percent ASF produced in China and exported to the United States.[9]

Methodology

Commerce is conducting these circumvention inquiries in accordance with section 781(c) of the Act and 19 CFR 351.225(i). For a full description of the methodology underlying Commerce's final determinations, *see* the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and 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.*

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in these inquiries are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as an appendix. We have not made any changes to the *Preliminary Determinations* based on our analysis of the comments received.

Final Affirmative Determinations

As detailed in the Issues and Decision Memorandum, we determine that 70–90 percent ASF produced in China and exported to the United States is circumventing the *Orders* on certain amorphous silica fabric from China. Therefore, we determine that it is appropriate to include this merchandise within the scope of the *Orders* on certain amorphous silica fabric from China and to instruct U.S. Customs and Border Protection (CBP) to continue to suspend entries of 70–90 percent ASF produced in China and exported to the United States.

Continued Suspension of Liquidation

In accordance with 19 CFR 351.225(l)(3), based on the final determinations in these circumvention inquiries, Commerce will direct CBP to continue to suspend liquidation and to require a cash deposit of estimated duties on unliquidated entries of 70–90 percent ASF produced in China and exported to the United States, and entered, or withdrawn from warehouse, for consumption on or after November 24, 2021, the date of publication of the *Initiation Notice.* The suspension of liquidation will remain in effect until further notice. As we explained in the *Preliminary Determinations,*[10] Commerce intends to instruct CBP to require AD and CVD cash deposits at the applicable rate for each unliquidated entry of the subject 70–90 percent ASF.

ASF with 70 percent or less silica content is not subject to these circumvention inquiries.[11] Commerce required cash deposits on all entries of 70–90 percent ASF but did not implement a certification process at the preliminary stage.[12] We received comments from the petitioner on the issue of establishing a certification process. For the final determinations, we will not implement a certification process,[13] and we will require cash deposits on 70–90 Percent ASF produced in China and exported to the United States.[14]

Administrative Protective Order

This notice will serve as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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.

Notification to Interested Parties

These final affirmative determinations of circumvention are being issued and published in accordance with section 781(c) of the Act and 19 CFR 351.225(i).

Dated: January 27, 2023.

Lisa W. Wang,

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 *Orders*
IV. Scope of the Circumvention Inquiries
V. Discussion of the Issues
  Comment 1: Whether Commerce Should Continue to Apply Adverse Facts Available and Continue to Find that 70–90 Percent ASF Constitutes Articles ''Altered in Form or Appearance in Minor Respects''
  Comment 2: Whether Commerce Should Establish a Certification Procedure to Enforce these Circumvention Determinations
VI. Recommendation

[FR Doc. 2023–02214 Filed 2–2–23; 8:45 am]

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[4] *See* Memorandum, ''Extension of Circumvention Final Rulings,'' dated November 22, 2022.

[5] *See* Petitioner's Letter ''AMI Comments on Importer Certification,'' dated September 8, 2022.

[6] *See* Petitioner's Letter, ''AMI Case Brief,'' dated September 27, 2022.

[7] *See Certain Amorphous Silica Fabric Between 70 and 90 Percent Silica, from the People's Republic of China: Initiation of Circumvention Inquiry of Antidumping and Countervailing Duty Orders—70–90 Percent Amorphous Silica Fabric,* 86 FR 67022 (November 24, 2021) (*Initiation Notice*), and accompanying Initiation Decision Memorandum. Although Commerce recently revised its circumvention regulations, under 19 CFR 351.226, the new circumvention regulations apply to circumvention inquiries for which a circumvention request is filed on or after November 4, 2021. *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300 (September 20, 2021) (''{a}mendments to § 351.226 . . . apply to circumvention inquiries for which a circumvention request is filed . . . on or after November 4, 2021''). Because the petitioner filed its request on August 20, 2021, before the effective date of the new regulations, these circumvention inquiries are being conducted according to the circumvention regulations, 19 CFR 351.226, in effect prior to November 4, 2021. *Id.*

[8] *See* Memorandum, ''Certain Amorphous Silica Fabric from the People's Republic of China: Issues and Decision Memorandum for Final Affirmative Determination of Circumvention,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[9] *See Initiation Notice* and Initiation Decision Memorandum; *see also Preliminary Determinations,* 87 FR at 54458–59 and PDM at 7.

[10] *See Preliminary Determinations,* 87 FR at 54458–59.

[11] *See Initiation Notice,* 86 FR at 67022; *see also Preliminary Determinations,* 87 FR at 54458–59.

[12] *See Preliminary Determinations,* 87 FR at 54458–59.

[13] *See* Issues and Decision Memorandum at Comment 2.

[14] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 3, 2023.

SUMMARY: The Department of Commerce (Commerce) hereby publishes a list of scope rulings and circumvention determinations made during the period October 1, 2022, through December 31, 2022. We intend to publish future lists after the close of the next calendar quarter.

FOR FURTHER INFORMATION CONTACT: Marcia E. Short, 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: 202–482–1560.

SUPPLEMENTARY INFORMATION:

Background

Commerce regulations provide that it will publish in the **Federal Register** a list of scope rulings on a quarterly basis.[1] Our most recent notification of scope rulings was published on November 21, 2022.[2] This current notice covers all scope rulings and scope ruling/circumvention determination combinations made by Enforcement and Compliance between October 1, 2022, and December 31, 2022.

Scope Rulings Made October 1, 2022, Through December 31, 2022: People's Republic of China (China)

A–570–967 and C–570–968: Aluminum Extrusions From China

Requestor: Central Purchasing, LLC dba Harbor Freight Tools. Three models of aluminum pair ramps are not covered by the antidumping duty (AD) and countervailing duty (CVD) orders on aluminum extrusions from China because they satisfy the requirements for the finished merchandise exclusion; October 31, 2022.

A–570–979 and C–570–980: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From China

Requestor: RNG International Inc. (RNG) Off-grid 100-watt solar panels with regular monocrystalline solar cells (model numbers RNG–KIT–STCS100D–NC, RNG–KIT–STCS100D[1]VOY20, RNG–100D–SS, and RNG–100DB–H) and off-grid 50-watt solar panels (model numbers RNG–50D–SS and RKIT50DST) imported by RNG from China are not within the scope of the AD/CVD orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from China because the orders' scope language is dispositive that the products subject to the request are not within the scope of the orders; November 7, 2022.

A–570–891: Hand Trucks and Certain Parts Thereof From China

Requestor: Carbon, Inc. One cassette cart is not covered by the AD order on hand trucks and certain parts thereof from China because the cart lacks a projecting edge or toeplate capable of sliding under a load for the purposes of lifting and/or moving the load: December 20, 2022.

A–570–124 and C–570–125: Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof, From China

Requestor: Briggs and Stratton, LLC. Modified vertical shaft engines, such as the modified R210–S engine manufactured by Chongqing Rato Technology Co., Ltd., fall within the scope of the AD/CVD orders on certain vertical shaft engines between 99cc and Up To 225cc, and parts thereof, from China because we find that these engines have a vertical power take off shaft and otherwise meet the description of in-scope merchandise; December 22, 2022.

Preliminary Scope Rulings Made October 1, 2022, Through December 31, 2022: China

A–570–601: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From China

Requestor: Dorman Products Inc. (Dorman) Preliminary scope ruling that eight models of rear loaded knuckles that Dorman imports from China are not covered by the scope of the AD order on tapered roller bearings and parts thereof, finished and unfinished, from China based on the criteria set forth under 19 CFR 351.225(k)(3); October 21, 2022.

A–570–082 and C–570–083: Certain Steel Wheels From China

Requestor: Asia Wheel Co., Ltd. (Asia Wheel) Preliminary scope ruling that the truck wheels manufactured by Asia Wheel in Thailand using Chinese-origin discs and rims manufactured in Thailand from Chinese-origin (or another foreign country) steel sheet plates are subject to the scope of the AD/CVD orders on certain steel wheels from China; December 13, 2022.

Circumvention Determination Made October 1, 2022, Through December 31, 2022

A–570–124 and C–570–125: Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof, From China: 60cc Up to 99cc Engines

Requestor: Briggs & Stratton, LLC. Final circumvention ruling that vertical shaft engines with displacements between 60 cubic centimeters (cc) and up to 99cc produced in China and exported to the United States are circumventing the AD/CVD orders on small vertical engines from China by means of being merchandise ''altered in form or appearance in minor respects''; December 16, 2022.

Notification to Interested Parties

Interested parties are invited to comment on the completeness of this list of completed scope inquiries and scope/circumvention inquiry combinations made during the period October 1, 2022, through December 31, 2022. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to *CommerceCLU@trade.gov.*

This notice is published in accordance with 19 CFR 351.225(o).

Dated: January 31, 2023.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2023–02317 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See* 19 CFR 351.225(o).

[2] *See Notice of Scope Rulings,* 87 FR 70787 (November 21, 2022).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2021–2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on pure magnesium from the People's Republic of China (China). The period of review (POR) is May 1, 2021, through April 30, 2022. Commerce preliminarily determines that Tianjin Magnesium International Co., Ltd. (TMI) and Tianjin

Magnesium Metal Co., Ltd. (TMM) (collectively, TMI/TMM) did not have any shipments of subject merchandise during the POR.[1] We invite interested parties to comment on these preliminary results.

DATES: Applicable February 3, 2023.

FOR FURTHER INFORMATION CONTACT: John Conniff, 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.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2022, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on pure magnesium from China for the POR.[2] On May 20, 2022, and in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), we received a timely request from US Magnesium LLC (the petitioner) for a review of TMI/TMM.[3] On June 9, 2022, TMI/TMM objected to the request on the basis that it had not sold merchandise in the United States for an extended period of years.[4] On July 14, 2022, in response to the petitioner's request, we initiated an administrative review of the *Order* with respect to TMI/TMM, in accordance with section 751(a) of the Act, and 19 CFR 351.221(c)(1)(i).[5]

Scope of the Order

Merchandise covered by the *Order* is pure magnesium regardless of chemistry, form or size, unless expressly excluded from the scope of the *Order.* Pure magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure magnesium is used as an input in producing magnesium alloy. Pure magnesium encompasses products (including, but not limited to, butt ends, stubs, crowns and crystals) with the following primary magnesium contents:

(1) Products that contain at least 99.95% primary magnesium, by weight (generally referred to as ''ultra pure'' magnesium) Magnesium Alloy''[3] and are thus outside the scope of the existing antidumping orders on magnesium from China (generally referred to as ''alloy'' magnesium).

(2) Products that contain less than 99.95%, but not less than 99.8%, primary magnesium, by weight (generally referred to as ''pure'' magnesium); and

(3) Products that contain 50% or greater, but less than 99.8% primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium (generally referred to as ''off-specification pure'' magnesium).

''Off-specification pure'' magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary magnesium content to fall below 99.8% by weight. It generally does not contain, individually or in combination, 1.5% or more, by weight, of the following alloying elements: aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of the *Order* are alloy primary magnesium (that meets specifications for alloy magnesium), primary magnesium anodes, granular primary magnesium (including turnings, chips and powder) having a maximum physical dimension (*i.e.,* length or diameter) of one inch or less, secondary magnesium (which has pure primary magnesium content of less than 50% by weight), and remelted magnesium whose pure primary magnesium content is less than 50% by weight.

Pure magnesium products covered by the *Order* are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 8104.11.00, 8104.19.00, 8104.20.00, 8104.30.00, 8104.90.00, 3824.90.11, 3824.90.19 and 9817.00.90. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

Preliminary Determination of No Shipments

We received timely submissions from TMI/TMM certifying that they did not have sales, shipments, or exports of subject merchandise to the United States during the POR.[6] On July 21, 2022, we requested U.S. Customs and Border Protection (CBP) entry data of subject merchandise imported into the United States during the POR, and exported by TMI/TMM.[7] This query returned no entries during the POR.[8] Additionally, on August 9, 2022, Commerce submitted a no-shipments inquiry to CBP with regard to TMI/TMM, to which CBP did not respond with any contrary information by the expiration of the ten-day deadline on August 19, 2022.[9]

Accordingly, and consistent with our practice, we preliminarily determine that TMI/TMM had no shipments and, therefore, no reviewable entries during the POR. In addition, we find it is not appropriate to rescind the review with respect to these companies, but rather to complete the review with respect to TMI/TMM and issue appropriate instructions to CBP based on the final results of the review, consistent with our practice in non-market economy (NME) cases.[10]

Disclosure and Public Comment

Because Commerce has not calculated weighted-average dumping margins for these preliminary results, there are no calculations to disclose to interested parties.

Interested parties are invited to comment on these preliminary results of the review. Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice in the **Federal Register**. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the deadline for filing case briefs.[11] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each brief: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of

[1] In the 2011 and 2012 administrative review, Commerce collapsed both TMI and TMM into a single entity. *See Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 94, (January 2, 2014), and accompanying Issues and Decision Memorandum at footnote 1.

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List,* 87 FR 25619 (May 2, 2022); *see also Notice of Antidumping Duty Order: Pure Magnesium from the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium from the Russian Federation,* 60 FR 25691 (May 12, 1995) (*Order*).

[3] *See* Petitioner's Letter, ''Request For Administrative Review,'' dated May 20, 2022.

[4] *See* TMI/TMM's Letter, ''Objection to Request for Review,'' dated June 9, 2022.

[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 42144 (July 14, 2022).

[6] *See* TMI's Letter, ''No Shipment Certification,'' dated July 27, 2022; *see also* TMM's Letter, ''No Shipment Certification,'' dated July 27, 2022.

[7] *See* Memorandum, ''Release of U.S. Customs and Border Protection Data,'' dated August 23, 2022, at Attachment 1.

[8] *Id.* at Attachment 2.

[9] *Id.* at 1 and Attachment 3.

[10] *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review 2014–2015,* 81 FR 72567 (October 20, 2016); and the ''Assessment Rates'' section, *infra.*

[11] *See* 19 CFR 351.309(d).

authorities.[12] Executive summaries should be limited to five pages total, including footnotes.[13] Case and rebuttal briefs should be filed using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[14] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[15]

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of the date of publication of this notice in the **Federal Register**. Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, by the deadline noted above. If a hearing is requested, Commerce will notify interested parties of the hearing date and time. Requests for a hearing should contain: (1) the requesting party's name, address, and telephone number; (2) the number of individuals from the requesting party's firm that will attend the hearing; and (3) a list of issues the party intends to discuss at the hearing. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

Unless we extend the deadline for the final results of this review, we intend to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in their briefs, within 120 days of the date of publication of this notice in the **Federal Register**.[16]

Assessment Rates

Upon issuance of the final results of this review, Commerce will determine, and CBP will assess, antidumping duties on all appropriate entries covered by this review.[17] 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). Pursuant to Commerce's practice in NME cases, if we continue to determine in the final results that TMI/TMM had no shipments of subject merchandise, any suspended entries of subject merchandise during the POR from these companies will be liquidated at the China-wide rate.[18]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review 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 review, as provided for by section 751(a)(2)(C) of the Act: (1) for TMI/TMM, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to TMI/TMM in the most recently completed review of the companies; (2) for previously investigated or reviewed Chinese and non-Chinese exporters who are not under review in this segment of the proceeding but who have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the China-wide rate of 111.73 percent; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to Chinese exporter(s) that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary 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 to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: January 27, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2023–02212 Filed 2–2–23; 8:45 am]

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[12] *See* 19 CFR 351.309(c)(2) and (d)(2).

[13] *Id.*

[14] *See* 19 CFR 351.303.

[15] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[16] *See* section 751(a)(3)(A) of the Act; *see also* 19 CFR 351.213(h)(1).

[17] *See* 19 CFR 351.212(b)(1).

[18] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–807]

Circular Welded Carbon-Quality Steel Pipe From the United Arab Emirates: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021

Correction

In notice document 2022–28171, appearing on page 79862 through 79865 in the issue of Wednesday, December 28, 2022, make the following correction:

On page 79862, in the heading the docket number should read ''A–520–807''.

[FR Doc. C1–2022–28171 Filed 2–2–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–968]

Aluminum Extrusions From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, and Rescission, in Part; 2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of aluminum extrusions from the People's Republic of China (China) during the period or review (POR), January 1, 2021, through December 31, 2021. Interested parties are invited to comment on these preliminary results.

DATES: Applicable February 3, 2023.

FOR FURTHER INFORMATION CONTACT: Caitlin Monks, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2670.

SUPPLEMENTARY INFORMATION:

Background

On July 14, 2022, Commerce published the notice of initiation of this administrative review of the countervailing duty order on aluminum extrusion from China.[1] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[2] The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order [3]

The products covered by the *Order* are aluminum extrusions from China. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. The Aluminum Extrusions Fair Trade Committee (the petitioner) timely withdrew its request for review of 81 companies.[4] No other party requested a review of these companies. Therefore, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this administrative review of the *Order* with respect to these 81 companies. The complete list of the 81 companies for which Commerce is rescinding this administrative review is included in Appendix I of this notice. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily find that there is a subsidy, *i.e.,* a financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[5]

In reaching these preliminary results, Commerce relied on facts otherwise available, with the application of adverse inferences, pursuant to section 776 of the Act. For further information, *see* ''Use of Facts Otherwise Available and Application of Adverse Inferences'' in the accompanying Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine the following net countervailable subsidy rates for the period January 1, 2021, through December 31, 2021:

Producer/exporter	Subsidy rate (percent)
Guangdong Victor A	293.85
Hui Qian (Shanghai) International Trading Co., Ltd	293.85
Sichuan Hangxin New Glazing Material Co., Ltd	293.85

Assessment Rates

Consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, Commerce will determine, and the U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue these 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).

For the companies for which we have rescinded this administrative review, we will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawn from warehouse, for consumption, during the period January 1, 2021, through December 31, 2021, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions directly to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated for the producers/exporters listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the publication of these preliminary results of review in the **Federal Register**.[6] Rebuttal comments, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline for filing case briefs.[7] Parties who submit case or rebuttal briefs in this administrative review are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[8] Case and rebuttal briefs must be filed using ACCESS.[9] An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Easter Time on the established deadline. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[10]

Pursuant to 19 CFR 351.310(c), parties who wish to request a hearing, limited

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 42144 (July 14, 2022).

[2] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review, Rescission of Review in Part, 2021: Aluminum Extrusions from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[3] *See Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order,* 76 FR 30653 (May 26, 2011) (*Order*).

[4] *See* Petitioner's Letter, ''Partial Withdrawal of Request for Administrative Review,'' dated September 23, 2022.

[5] *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.

[6] *See* 19 CFR 351.309(c).

[7] *See* 19 CFR 351.309(d).

[8] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[9] *See* 19 CFR 351.303.

[10] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

to issues raised in the case and rebuttal briefs, must do so within 30 days after the publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance using ACCESS. Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues addressed at the hearing will be limited to those raised in briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[11]

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, we intend to issue the final results of this administrative review, including the results of our analysis of the issues raised by interested parties in their case briefs, within 120 days after the issuance of these preliminary results of this administrative review.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 27, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Companies for Which Commerce Is Rescinding its Administrative Review

1. American International Cargo Service Inc
2. Anhui Morden Living Co., Ltd.
3. Anson
4. Beijing Kingpeng International Agriculture Corporation
5. Bisen Smart Access Co., Ltd
6. Caribbean Galaxy Aluminum, S.R.L.
7. Changshu Liyuan Imp. & Exp. Co., Ltd.
8. Changshu Wojun Machinery Equipment
9. Changzhou Hivalue Impex Co Ltd
10. Changzhou Infusion Plastics Industries
11. Changzhou Ryan-Al Door
12. Changzhou Yongming Machinery Manufacturing Co., Ltd.
13. Chenming Industry and Commerce Shouguang Co., Ltd.
14. Comau (Shanghai) Engineering Co., Ltd.
15. Dalian Senmiao Wooden Products Co., Ltd.
16. Dmax New Material Technology Co., Ltd.
17. Dura Shower Enclosures Co., Ltd.
18. Eastlinx Xiamen Co., Ltd.
19. Epson Engineering (Shenzhen) Ltd.
20. Foshan City Nanhai Yongfeng Aluminum
21. Fuzhou Sunmodo New Energy Equipment Co., Ltd.
22. General Equipment Technology Development Ltd.
23. Guangdong Canbo Electrical Co., Ltd.
24. Guangdong JMA Aluminum Profile Factory (Group) Co., Ltd.
25. Guangdong Yaoyinshan Aluminum Co., Ltd.
26. Guangzhou Graly Lighting Co., Ltd.
27. Hangzhou Evernew Machinery & Equipment Co., Ltd.
28. Hangzhou Siyi Imp.&Exp. Co., Ltd.
29. Hota International Logistics Co., Ltd
30. HTL Furniture (China) Co., Ltd.
31. Huazhijie Plastic Products
32. Jer Education Technology
33. Ji & Da Trading Co, Ltd.
34. Jiangsu Asia Pacific Aviation Technology Co., Ltd.
35. Jiangsu Singcheer Intelligent Equipment Co., Ltd.
36. Larkcop International Co Ltd
37. Lien Chiang Furniture Hardware Co.
38. Maxable Global Company Limited
39. Mithras Glass Hardware Factory
40. Ningbo Baihui Furniture Co., Ltd.
41. Ningbo Huige Metal Products Co., Ltd.
42. Ningbo Mark One International
43. Ningbo Yinzhou Outdoor Equipment Co., Ltd.
44. Novista Group Co., Ltd.
45. Paleo Furniture Co., Ltd.
46. Qingdao Huayu Hardware Products Co.
47. Qingdao Mrp Industry Co., Ltd.
48. Qingdao Sea Nova Building
49. Reifenhauser Plastics Machinery (Suzhou) Co., Ltd.
50. Rubicon Impt & Expt Co., Limited
51. Shandong Golden Realm Industrial Co., Ltd.
52. Shandong Mount Tai Sheng Li Yuan Glass Co., Ltd.
53. Shanghai An Mao E-Commerce Co Ltd
54. Shanghai Jobbetter Plastic Machinery Co., Ltd.
55. Shanghai Promise Metal Co Ltd
56. Shanghai Xindun Trade Co., Ltd.
57. Shenyang Yuanda Aluminum Industry Engineering Co. Ltd.
58. Shenzhen Beiruitong Trade Co., Ltd
59. Shenzhen Thomas Homeware Co., Limited
60. Shenzhen Wanduoyi Supply Chain Co., Ltd.
61. Shenzhen Wision Industrial Co., Ltd.
62. Shenzhen Xinjiayi Plastic & Metal, Co. Ltd.
63. ShineLong Technology Corp., Ltd.
64. Suzhou Bonate Int. Trading Co., Ltd.
65. Suzhou Futong New Materials and High-tech Co., Ltd.
66. Suzhou Hengxiang Import & Export Co., Ltd.
67. Suzhou Jwell Machinery Co., Ltd.
68. Taizhou Meihua Work of Art Co., Ltd.
69. The Tigereye International Trading Co. Ltd.
70. Tianjin Hyosung Packaging Product Co., Ltd.
71. Top Asian Resource Co., Ltd.
72. Wuxi Longdet Imp. & Exp. Co., Ltd.
73. Wuxi Rapid Scaffolding Engineering
74. Xiamen Hosetechnique Ltd.
75. Yantai Jintai International Trade Co., Ltd.
76. Jiangsu Yizheng Haitian Aluminum Industrial
77. Yonn Yuu Enterprise Co., Ltd.
78. Yuyao Royal Industrial
79. Zhangjiagang Kingplas Machinery Co., Ltd.
80. Zhejiang Hengfeng Technology Co., Ltd
81. Zhuji Wenfeng Import and Export Co.

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Partial Rescission of Administrative Review
IV. Scope of the *Order*
V. Diversification of China's Economy
VI. Use of Facts Otherwise Available and Application of Adverse Inferences
VII. Recommendation

[FR Doc. 2023–02215 Filed 2–2–23; 8:45 am]

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[11] *See* 19 CFR 351.310.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–878]

Certain Corrosion-Resistant Steel Products From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020–2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Dongkuk Steel Mill Co., Ltd. (Dongkuk) and certain companies not selected for individual examination made sales of subject merchandise in the United States at prices below normal value (NV) during the period of review (POR) July 1, 2020, through June 30, 2021. In addition, Commerce determines that Hyundai Steel Company (Hyundai) did not make sales of subject merchandise in the United States at prices below NV during the POR.

DATES: Applicable February 3, 2023.

FOR FURTHER INFORMATION CONTACT: Jaron Moore or William Horn, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3640 or (202) 482–4868, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 4, 2022, Commerce published the *Preliminary Results* of the 2020–2021 administrative review of the antidumping duty order on certain corrosion-resistant steel products (CORE) from the Republic of Korea (Korea) and invited interested parties to comment.[1] The administrative review

[1] *See Certain Corrosion-Resistant Steel Products from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review, 2020–2021,* 87 FR 47716 (August 4, 2022) (*Preliminary*

covers eight exporters and/or producers of the subject merchandise,[2] of which we selected Dongkuk and Hyundai as mandatory respondents.[3] For a summary of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.[4] Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [5]

The merchandise covered by this *Order* is CORE from Korea. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by parties in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is in the 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 *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.*

Verification

Pursuant to section 782(i) of the Act, and 19 CFR 351.307(b)(v), we conducted verification of the questionnaire responses of Dongkuk and Hyundai.[6]

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we made certain changes to the preliminary weighted-average dumping margin calculations for Dongkuk and Hyundai,[7] as well as the preliminary weighted-average dumping margin assigned to the companies not selected for individual examination.

Rates for Companies Not Selected for Individual Examination

The statute and Commerce's regulations do not address the establishment of a rate to be applied to individual companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for companies which we did not individually examine in an administrative review. Section 735(c)(5)(A) of the Act establishes a preference to avoid using rates which are zero, *de minimis,* or based entirely on facts available (FA) in calculating an all-others rate. Accordingly, Commerce's practice in administrative reviews has been to average the weighted-average dumping margins for the companies selected for individual examination in the administrative review, excluding rates that are zero, *de minimis,* or based entirely on FA.[8] For these final results of review, we calculated a zero weighted-average dumping margin for Hyundai and a weighted-average dumping margin for Dongkuk that is not zero, *de minimis,* or based entirely on FA. Therefore, consistent with our practice, we have assigned the companies not selected for individual examination the weighted-average dumping margin calculated for Dongkuk.

Final Results of Review

We determine that the following weighted-average dumping margins exist for the period July 1, 2021, through June 30, 2022:

Exporter/producer	Weighted-average dumping margin (percent)
Dongkuk Steel Mill Co., Ltd	1.79
Hyundai Steel Company	0.00
KG Steel Corporation/KG Dongbu Steel Co., Ltd.[9]	1.79
POSCO	1.79
POSCO Coated & Color Steel Co., Ltd	1.79
POSCO International Corporation	1.79
POSCO Daewoo Corporation [10]	1.79

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 Rates

Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). Pursuant to 19 CFR 351.212(b)(1), because Dongkuk 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 an importer-specific assessment rate is *de minimis* (*i.e.,* less than 0.5 percent), the entries by that importer will be liquidated without

Results), and accompanying Preliminary Decision Memorandum.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 50034, 50040 (September 7, 2021) (*Initiation Notice*).

[3] *See Preliminary Results,* 87 FR at 47717.

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2020–2021 Antidumping Duty Administrative Review: Certain Corrosion-Resistant Steel Products from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016) (*Order*).

[6] *See* Memorandum, ''Verification of the Sales and Cost Responses of Dongkuk Steel Mill Co., Ltd. in the Antidumping Duty Administrative Review of Corrosion-Resistant Steel Products from the Republic of Korea,'' dated December 23, 2022; *see also* Memorandum ''Verification of the Sales and Cost Responses of Hyundai Steel Company in the Antidumping Duty Administrative Review of Corrosion-Resistant Steel Products from the Republic of Korea,'' dated January 3, 2023.

[7] *See* Issues and Decision Memorandum at Comments 1 through 3.

[8] *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part,* 73 FR 52823, 52824 (September 11, 2008), and accompanying Issues and Decision Memorandum at Comment 16.

[9] In a recently completed changed circumstances review, Commerce found that KG Steel Corporation (dba KG Dongbu Steel Co., Ltd.) is the successor-in-interest to KG Dongbu Steel Co., Ltd. for purposes of determining antidumping cash deposits and liabilities. *See Certain Cold-Rolled Steel Flat Products and Certain Corrosion-Resistant Steel Products from the Republic of Korea: Final Results of Antidumping and Countervailing Duty Changed Circumstances Reviews,* 87 FR 64013 (October 21, 2022); *see also Certain Cold-Rolled Steel Flat Products and Certain Corrosion-Resistant Steel Products from the Republic of Korea: Final Results of Antidumping and Countervailing Duty Changed Circumstances Reviews,* 86 FR 10922 (February 23, 2021) (determining that KG Dongbu Steel Co., Ltd. was the successor-in-interest to Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd.).

[10] While POSCO requested, and we initiated, a review of ''POSCO International Corporation (formerly POSCO Daewoo Corporation)'' in this proceeding (*see Initiation Notice*), we have made no determination that POSCO International Corporation is the successor-in-interest to POSCO Daewoo Corporation. Therefore, we have separately identified these entities for antidumping cash deposit and liability purposes.

regard to antidumping duties. Because the final weighted-average dumping margin for Hyundai Steel Company is zero percent, we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[11]

Consistent with Commerce's clarification of its assessment practice, for entries of subject merchandise during the POR produced by the above-referenced respondents for which they did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate in the original less-than-fair-value (LTFV) investigation (as amended)[12] if there is no rate for the intermediate company(ies) involved in the transaction.[13]

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).

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.[14]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of CORE from Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for each specific company listed above will be equal to the weighted-average dumping margin established in the final results of the review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate established in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review or the original LTFV investigation, but the producer is, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 8.31 percent, the all-others rate established in the LTFV investigation (as amended) in this proceeding.[15] 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 and/or countervailing 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 and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an 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 or 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.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: January 27, 2023.

Lisa W. Wang,

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: Whether Dongkuk's Home Market Overrun Sales Are Outside the Ordinary Course of Trade
  Comment 2: Whether Commerce Used the Correct Gross Unit Price for Hyundai's U.S. Sales
  Comment 3: Whether to Deduct Certain Inland Freight and Other Direct Selling Expenses from Hyundai's Home Market Prices in the Calculation of Normal Value
VI. Recommendation

[FR Doc. 2023–02216 Filed 2–2–23; 8:45 am]

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[11] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8102 (February 14, 2012).

[12] *See Order;* and *Certain Corrosion-Resistant Steel Products from the Republic of Korea: Notice of Court Decision Not in Harmony with Final Determination of Investigation and Notice of Amended Final Results,* 83 FR 39054 (August 8, 2018) (*Timken and Amended Final Results*).

[13] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[14] *See* section 751(a)(2)(C) of the Act.

[15] *See Order,* and as amended by *Timken and Amended Final Results.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–856]

Certain Corrosion-Resistant Steel Products From Taiwan: Final Results of the Antidumping Duty Administrative Review and Final Determination of No Shipments; 2020–2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value (NV) during the period of review (POR) July 1, 2020, through June 30, 2021. We further determine that Synn Co., Ltd. (Synn) had no shipments of subject merchandise during the POR.

DATES: Applicable February 3, 2023.

FOR FURTHER INFORMATION CONTACT: Patrick Barton or Matthew Palmer, 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) 482–0012 or (202) 482–1678, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 5, 2022, Commerce published the *Preliminary Results* for

this administrative review.[1] We invited interested parties to comment on the *Preliminary Results.* This review covers two mandatory respondents: Prosperity Tieh Enterprise Co., Ltd. (Prosperity) and Yieh Phui Enterprise Co., Ltd. (Yieh Phui). We received a case brief from Prosperity.[2] A complete summary of the events that occurred since publication of the *Preliminary Results* is found in the Issues and Decision Memorandum.[3] Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [4]

The product covered by the *Order* is flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. For the full text of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of the Comments Received

All issues raised in the case brief are addressed in the Issues and Decision Memorandum.[5] A list of the issues which parties raised, and to which we respond in the Issues and Decision Memorandum, is attached in the 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 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 analysis of the comments received from Prosperity, we made changes to the preliminary weighted-average dumping margins calculations for Prosperity and Yieh Phui. For detailed information, *see* the Issues and Decision Memorandum.

Final Determination of No Shipments

In the *Preliminary Results,* Commerce preliminarily determined that Synn made no shipments of subject merchandise into the United States during the POR.[6] As we have not received any information to contradict this determination, nor comment in opposition to our preliminary finding, we continue to determine that Synn made no shipments of subject merchandise during the POR. Consistent with our practice, we will instruct U.S. Customs and Border Protection (CBP) to liquidate any existing entries of subject merchandise produced by Synn, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.[7]

Rate for Respondent Not Selected for Individual Examination

The statute and Commerce's regulations do not address the establishment of a rate to be applied to individual respondents not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for respondents which we did not examine in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate shall be equal to the weighted-average dumping margins of those exporters and producers individually examined, excluding any rates which are zero, *de minimis,* or based entirely on facts available (FA). Accordingly, Commerce's practice in administrative reviews has been to average the weighted-average dumping margins for the companies selected for individual examination in the administrative review, excluding rates that are zero, *de minimis,* or based entirely on FA.[8] For these final results of review, we calculated weighted-average dumping margins for both mandatory respondents which are not zero, *de minimis,* or determined entirely on the basis of FA.[9] Accordingly, Commerce assigns to the company not examined in this review (*i.e.,* Sheng Yu Steel Co., Ltd.) a dumping margin of 3.38 percent, which is the weighted average of the dumping margins calculated using the public ranged sales data of Prosperity and Yieh Phui.

Final Results of Review

We determine that the following weighted-average dumping margins exist for the respondents for the period July 1, 2020, through June 30, 2021:

Exporter/producer	Weighted-average dumping margin (percent)
Prosperity Tieh Enterprise Co., Ltd	3.64
Sheng Yu Steel Co., Ltd	3.38
Yieh Phui Enterprise Co., Ltd	2.88

Disclosure

We intend to disclose to interested parties the calculations and analysis performed for these final results within five days of the date of the publication of this notice in the **Federal Register** 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)(1), Commerce will determine, and 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), we calculated importer-specific *ad valorem* duty

[1] *See Certain Corrosion-Resistant Steel Products from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2020–2021,* 87 FR 47966 (August 5, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Prosperity's Letter, ''Certain Corrosion-Resistant Steel Products from Taiwan, Case No. A–583–856: Prosperity Tieh's Case Brief,'' dated September 13, 2022.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2020–2021 Antidumping Duty Administrative Review: Certain Corrosion-Resistant Steel Products from Taiwan,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016) (*Order*).

[5] *See* Issues and Decision Memorandum.

[6] *See Preliminary Results,* 87 FR at 47966.

[7] *See, e.g., Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989 (September 17, 2010).

[8] *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part,* 73 FR 52823, 52824 (September 11, 2008), and accompanying Issues and Decision Memorandum at Comment 16.

[9] In the case of two mandatory respondents, our practice is to calculate: (A) a weighted average of the dumping margins calculated for the mandatory respondents; (B) a simple average of the dumping margins calculated for the mandatory respondents; and (C) a weighted average of the dumping margins calculated for the mandatory respondents using each company's publicly ranged values for the merchandise under consideration. We compare (B) and (C) to (A) and select the rate closest to (A) as the most appropriate rate for all other companies. *See Certain Crystalline Silicon Photovoltaic Products from Taiwan: Final Results of Antidumping Duty Administrative Review; 2014–2016,* 82 FR 31555, 31556 (July 7, 2017). We have applied that practice here.

assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those sales. 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 assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[10] For entries of subject merchandise during the POR produced by the mandatory respondents for which they did not know their merchandise was destined for the United States, or for entries associated with Synn, which had no shipments during the POR, 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.

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.[11]

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 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 the companies listed above will be equal to the weighted-average dumping margins established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer has been covered in a prior complete segment of this proceeding, then the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 3.66 percent,[12] the all-others rate from the *Amended Final Determination.* These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also 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.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an 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). 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.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: January 27, 2023.

Lisa W. Wang,

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: Whether to Analyze Transactions between Prosperity and its Affiliate, Hong-Ye Steel Co., Ltd. (Hong Ye), Under Section 773(f)(2) of the Act, as well as Whether to Include Hong Ye's Purchases in the Market Price Valuation
Comment 2: Treatment of All Prosperity's Home Market Sales
Comment 3: Whether to Adjust Prosperity's Production Quantities Assigned to Surrogate Costs
VI. Recommendation

[FR Doc. 2023–02213 Filed 2–2–23; 8:45 am]

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[10] In these final results, Commerce applied the assessment rate calculation method adopted 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).

[11] *See* section 751(a)(2)(C) of the Act.

[12] *See Corrosion-Resistant Steel Products from Taiwan: Notice of Court Decision Not in Harmony with Final Determination of Antidumping Duty Investigation and Notice of Amended Final Determination of Investigation,* 84 FR 6129 (February 26, 2019) (*Amended Final Determination*).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 220923–0199]

Announcing Issuance of Federal Information Processing Standard (FIPS) 186–5, Digital Signature Standard

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: This notice announces the Secretary of Commerce's approval of Federal Information Processing Standard (FIPS) 186–5, Digital Signature Standard (DSS). FIPS 186–5 specifies three techniques for the generation and verification of digital signatures that can be used for the protection of data: the Rivest-Shamir-Adleman (RSA) Algorithm, the Elliptic Curve Digital Signature Algorithm (ECDSA), and the Edwards Curve Digital Signature Algorithm (EdDSA). The Digital Signature Algorithm (DSA), specified in prior versions of this standard, is retained only for the purposes of verifying existing signatures.

DATES: FIPS 186–5 is effective on February 3, 2023.

ADDRESSES: FIPS 186–5 is available electronically on the NIST Computer Security Resource Center website at *https://csrc.nist.gov.* Comments that were received on the proposed changes are published electronically at *https://csrc.nist.gov/publications/detail/fips/186/5/draft* and at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Dustin Moody, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8930, Gaithersburg, MD 20899–8930, email: *Dustin.Moody@nist.gov,* phone: (301) 975–8136.

SUPPLEMENTARY INFORMATION: FIPS 186 was initially developed by NIST in

collaboration with the National Security Agency (NSA), using the NSA-designed Digital Signature Algorithm (DSA). Later versions of the standard approved the use of ECDSA (developed by Certicom) and RSA (developed by Ron Rivest, Adi Shamir and Leonard Adleman). American Standards Committee (ASC) X9 developed standards specifying both ECDSA and RSA that were used as the basis for the later revisions of FIPS 186.

Since its original approval on May 10, 1994 (59 FR 26208), revisions of the FIPS were approved on December 15, 1998 as FIPS 186–1 (63 FR 69049) to include RSA, as specified in American National Standard (ANS) X9.31 (Digital Signatures Using Reversible Public Key Cryptography for the Financial Services Industry (rDSA)), and on February 15, 2000 as FIPS 186–2 (65 FR 7507) to include ECDSA and recommended elliptic curves to be used with ECDSA, as specified in ANS X9.62 (Elliptic Curve Digital Signature Algorithm (ECDSA)). On June 9, 2009, a third revision of the FIPS was approved as FIPS 186–3 (74 FR 27287) to (1) increase the key sizes for DSA, (2) provide additional requirements for the use of RSA and ECDSA, (3) allow the use of the RSA algorithm specified in Public Key Cryptography Standard (PKCS) #1 (RSA Cryptography Standard specified in Institute of Electrical and Electronics Engineers (IEEE) P1363, Standard Specifications for Public Key Cryptography), (4) include requirements for obtaining the assurances necessary for valid digital signatures, and (5) replace the random number generators specified in previous versions of the FIPS with a reference to NIST Special Publication (SP) 800–90 (Recommendation for Random Number Generation Using Deterministic Random Bit Generators). A fourth revision of the FIPS was approved as FIPS 186–4 (78 FR 43145) on July 19, 2013, which included (1) a reduction of the restrictions on the use of random number generators and the retention and use of prime number generation seeds, and (2) aligning the specification for the use of a random salt value in the RSASSA–PSS digital signature scheme with PKCS #1.

Advances in the understanding of elliptic curves within the cryptographic community have led to the development of new elliptic curves and algorithms whose designers claim to offer better performance and which are easier to implement in a secure manner. In 2014, NIST's Visiting Committee on Advanced Technology (VCAT) conducted a review of NIST's cryptographic standards program. As part of their review, the VCAT recommended that NIST ''generate a new set of elliptic curves for use with ECDSA in FIPS 186.'' *See https://www.nist.gov/sites/default/files/documents/2017/05/09/VCAT-Report-on-NIST-Cryptographic-Standards-and-Guidelines-Process.pdf.*

In June 2015, NIST hosted a technical workshop on Elliptic Curve Cryptography Standards to discuss possible approaches to promote the adoption of secure, interoperable, and efficient elliptic curve mechanisms. Workshop participants expressed significant interest in the development, standardization, and adoption of new elliptic curves.

In October 2015, NIST solicited comments on the elliptic curves and signature algorithms specified in FIPS 186–4 (80 FR 63539). The responses noted the broad use of the NIST prime curves and ECDSA within industry, but many commenters called for the standardization of new elliptic curves and signature algorithms.

Based on the input received, NIST published a notice in the **Federal Register** (84 FR 58373) on October 31, 2019, requesting public comments on the proposed revision in draft FIPS 186–5, along with accompanying technical guidelines in draft NIST Special Publication (SP) 800–186, Recommendations for Discrete-Logarithm Based Cryptography: Elliptic Curve Domain Parameters. NIST received 23 sets of comments: 3 from U.S. federal agencies, 1 from a foreign government agency, 16 from private-sector organizations, and 3 from private academics and technologists.

The draft of FIPS 186–5 and the related technical guidelines in draft NIST SP 800–186 proposed adopting two new elliptic curves, Ed25519 and Ed448, for use with EdDSA. EdDSA is a deterministic elliptic curve signature scheme currently specified in the internet Research Task Force (IRTF) RFC 8032. FIPS 186–5 and SP 800–186 also proposed adopting a deterministic variant of ECDSA that is currently specified in RFC 6979. Based on feedback received on the adoption of the current elliptic curve standards, the drafts of FIPS 186–5 and SP 800–186 deprecated curves over binary fields due to their limited use by industry. Furthermore, NIST proposed the removal of DSA from the FIPS as an approved method for generating digital signatures because of limited use by industry and academic analyses finding that implementations of DSA may be vulnerable to attacks.

The following is a summary and analysis of the comments received during the public comment period and NIST's responses to them, including the interests, concerns, recommendations, and issues considered in the development of FIPS 186–5:

1. Comment: One commenter requested that FIPS 186–5 include an additional digital signature scheme using elliptic curve cryptography, Schnorr 384, in order to support signatures with short lengths.

Response: NIST does not see a broad demand or need for the Schnorr 384 signature scheme and declined to include it in FIPS 186–5.

2. Comment: One commenter requested that the standard be simplified and revised to highlight security tradeoffs of design choices.

Response: The FIPS 186–5 revision was intended to adopt existing industry-developed standards for digital signature schemes and elliptic curves. Algorithm and curve specifications were written to accommodate users of the existing standard, while still being readable to those following the industry standards. To further improve readability, organization, and maintainability of the standard, the elliptic curves and supporting mathematical algorithm descriptions were separated into their own Special Publication supporting FIPS 186–5, and editorial changes were incorporated to improve clarity. Both documents include descriptions of the security properties provided by the new signature algorithms and elliptic curves.

3. Comment: One commenter requested that NIST clarify why DSA may be used to verify signatures generated prior to FIPS 186–5 if verifiers do not know when a signature was generated.

Response: Since DSA is no longer included in the FIPS, a discussion of its use is not appropriate in the FIPS. Instead, continued use of DSA for verifying already-generated signatures (*e.g.,* in existing data records) will be addressed in a revision to NIST SP 800–131A, Transitioning the Use of Cryptographic Algorithms and Key Lengths. Accordingly, the statement in Appendix E of the draft FIPS that mentioned DSA signature verification was removed. In 2009, NIST SP 800–102, Recommendation for Digital Signature Timeliness, was published to provide guidance on providing information on the time when digital signatures are generated. This publication was referenced in FIPS 186–3, FIPS 186–4, and in FIPS 186–5.

4. Comment: One commenter recommended that EdDSA be used in preference to HashEdDSA except in applications that cannot afford EdDSA.

Response: NIST specified both EdDSA and HashEdDSA in FIPS 186–5 to allow

implementers to choose an appropriate signature algorithm for their applications and use cases. Section 7.8.3 of FIPS 186–5 provides additional considerations for implementers when selecting a signature algorithm.

5. Comment: One commenter noted that it was difficult to compare Draft FIPS 186–5 against FIPS 186–4 and recommended that NIST adopt editing tools to aid readers in locating and evaluating changes across revisions.

Response: Revisions made during the development of FIPS 186–5 have been documented or summarized using a variety of methods, including the revision list in FIPS 186–5, in **Federal Register** notices, and in document announcements. The availability of electronic documents on the NIST Computer Security Resource Center website allows individuals to use third-party tools to compare revisions. However, NIST will continue to evaluate new document development and management tools to provide greater transparency to changes in cryptographic standards and guidelines.

6. Comment: A commenter noted that implementations of the RSASSA–PSS algorithm, approved by reference to RFC 8017 in FIPS 186–5, should validate the length of the salt when verifying signatures.

Response: Existing guidance in Section 5.4 of FIPS 186–4 provided criteria for validating the length of the random salt value. FIPS 186–5 strengthened that language by including explicit validation of the length of the salt as part of the digital signature verification process.

7. Comment: A commenter noted that implementations of the RSASSA–PKCS–v1.5 algorithm should validate the encoded hash algorithm identifier extracted from a digital signature.

Response: NIST revised Section 5.4 to include the validation of the hash algorithm identifier as part of the RSASSA–PKCS–v1.5 signature verification process.

8. Comment: Some commenters requested clarifications on the use of Montgomery and Edwards curves with approved signature and key-agreement schemes.

Response: The introductions in FIPS 186–5 and NIST SP 800–186 were revised to clarify acceptable uses of recommended elliptic curves.

9. Comment: One commenter observed that different notation is used in the specifications of the ECDSA and EdDSA.

Response: The notation was selected for consistency with existing standards that specify the algorithms. The notation used for ECDSA is consistent with that used in FIPS 186–4 and the original ANS X9.62 standard used as a basis for the inclusion of ECDSA in FIPS 186. The notation used for EdDSA is consistent with the notation used in the original RFC 8032 specification.

10. Comment: Two commenters requested a transition plan for the removal of DSA and the deprecation of the binary elliptic curves that had been approved in FIPS 186–4. One commenter requested that DSA not be removed.

Response: FIPS 186–5 removes DSA as an approved digital signature algorithm due to a lack of use by industry and based on academic analyses that observed that implementations of DSA may be vulnerable to attacks if domain parameters are not properly generated. To facilitate a transition to the new standard, FIPS 186–4 will remain in effect alongside FIPS 186–5 for a period of one year. In addition, NIST SP 800–131A and the Cryptographic Module Validation Program will provide transition guidance concerning the use of DSA and the binary elliptic curves.

11. Comment: Commenters requested that the secp256k1 curve be included as an approved elliptic curve since it is widely used in blockchain and Distributed Ledger Technology (DLT) applications.

Response: While NIST does not believe that the secp256k1 curve offers compelling advantages over the NIST-recommended curves in SP 800–186, NIST acknowledges the significant use of the secp256k1 curve in these applications. NIST technical guidelines in NIST SP 800–186 will allow the use of the secp256k1 curve for blockchain and DLT-related applications.

12. Comment: One commenter expressed concerns and posed questions about the inclusion of the Brainpool Standard Curves as a set of allowed curves in the NIST SP 800–186 technical guidelines associated with FIPS 186–5.

Response: The Brainpool Standard Curves were originally published in 2005 and specified in RFC 5639 in 2010. The curves have been widely implemented in a variety of commercial products and open-source tools. Existing programmatic guidance from NIST's Cryptographic Module Validation Program has allowed the use of these curves in several FIPS 140-validated modules. While NIST does not see compelling reasons to prefer the use of the Brainpool Standard Curves over the NIST-recommended curves, it is confident in the security supported by these curves and does not see a reason to require these curves to be removed or disabled in existing products. To accommodate those existing modules as well as future products sold on the international market, NIST SP 800–186 will allow the use of the Brainpool Standard Curves.

13. Comment: Some commenters requested the inclusion of cofactorless EdDSA in FIPS 186–5 for signature verification.

Response: NIST did not see sufficient demand or need to facilitate the use of other elliptic curves with EdDSA to warrant inclusion of cofactorless EdDSA in FIPS 186–5. To remain consistent with RFC 8032, NIST is not extending the specification of EdDSA to include these alternative domain parameters.

14. Comment: One commenter recommended adding a small-subgroup check to EdDSA or adding a warning about not providing strong non-repudiation guarantees.

Response: When signing keys are generated according to the requirements in FIPS 186–5, the probability that the signing key would be a member of a small subgroup is negligible. Thus, NIST did not see a need to add a small-subgroup check to EdDSA.

15. Comment: Several commentors requested the inclusion of variants of the deterministic signature scheme that would include randomness in the signature computation.

Response: NIST may consider adopting new standards developed for signature algorithms that include deterministic and random components in future publications.

16. Comment: Comments recommended discussing side-channel attacks for ECDSA.

Response: FIPS 186–5 provides references that describe protections against side-channel attacks for both ECDSA and EdDSA.

17. Comment: A comment requested that more hash functions or extendable output functions (XOFs) be allowed for EdDSA.

Response: To remain consistent with existing standards and specifications, FIPS 186–5 does not specify other hash functions or XOFs for use with EdDSA beyond those specified in RFC 8032.

18. Comment: Several commenters requested that NIST allow more hash functions or XOFs for use with ECDSA, specifically the keccak–256 XOF.

Response: NIST is not allowing other hash functions or XOFs with ECDSA; keccak–256 is not an approved hash function as defined in FIPS 180 or FIPS 202.

19. Comment: One commenter asked why the bounds on the number of iterations to run through before returning a failure indication changed in

a few prime number generation routines in FIPS 186–5. Specifically, the bounds were changed in steps 4.7 and 5.8 of Appendix A.1.3, Generation of Random Primes that are Probably Prime, as well as in step 9 of Appendix B.9, Compute a Probably Prime Factor Based on Auxiliary Primes.

Response: NIST had observed that the original bounds led to higher probabilities of failure than desired when attempting to generate primes. The bounds were increased to decrease the probability of failure.

20. Comment: One commenter suggested simplifying the deterministic version of ECDSA.

Response: To remain consistent with RFC 6979, NIST will keep the deterministic version of ECDSA as currently specified.

21. Comment: One commenter recommended removing signature algorithms that are not deterministic.

Response: NIST believes that both deterministic and non-deterministic signature schemes serve important use cases and so will keep the specified algorithms as they are.

22. Comment: The removal of RSASSA–PKCS–v1.5 as an approved digital signature algorithm was recommended by one commenter.

Response: Due to its broad use in security protocols and products, FIPS 186–5 continues to approve the use of RSASSA–PKCS–v1.5, subject to the additional constraints specified in FIPS 186–5 to mitigate known security vulnerabilities.

23. Comment: Corrections were recommended for defining encodings for EdDSA.

Response: NIST accepted the corrections.

24. Comment: A correction in A.3.3 was recommended so that FIPS 186–5 matches RFC 6979 for the per-message secret number generation for deterministic ECDSA.

Response: NIST accepted the correction.

25. Comment: A few commenters suggested alternate algorithms in FIPS 186–5 to replace the reference algorithms provided by NIST for various computations. For example, commenters suggested alternatives to the square root algorithm for EdDSA in Section 7.3, the square checking algorithm in Appendix B.4, and the algorithm for inverting a finite field element in Appendix B.1.

Response: FIPS 186–5 includes language to clarify that alternate algorithms (including constant-time algorithms) that produce equivalent results may be used in place of the reference algorithms provided in the FIPS.

26. Comment: A comment was submitted on a difference between EdDSA and the other signature schemes in FIPS 186–5. Namely, that revealing the hash of a private key for EdDSA is a security concern, while it is not for RSA or ECDSA.

Response: NIST does not believe the concern merits changing EdDSA, and will maintain consistency with RFC 6979. Furthermore, FIPS 186–5 forbids revealing the hash of the private key of any of the signature algorithms.

(Authority: 15 U.S.C. 278g–3; 40 U.S.C. 11331)

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2023–02273 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC737]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) and NMFS will convene a Western Pacific Stock Assessment Review (WPSAR) on a benchmark stock assessment of American Samoa Bottomfish Management Unit Species (BMUS).

DATES: The WPSAR meeting will be held between February 17 and February 23, 2023. For specific times and agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will be open to the public and held in-person at the Tradewinds Hotel in Pago Pago, American Samoa located at *M779+HP9, Tafuna, Western District 96799, American Samoa.* For more information on meeting location and logistics, contact the Council office at (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The WPSAR meeting will be held on February 17 to 23, 2023, and run each day from 9 a.m. to 5 p.m. Samoa Standard Time (SST) unless otherwise indicated on the agenda. Public comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The closed session is for the panel reviewers to conduct their deliberations and to consolidate their recommendations. The meetings will run as late as necessary to complete scheduled business.

Agenda for the Western Pacific Stock Assessment Review Meeting

Day 1—Friday, February 17, 2023, 10 a.m.–5 p.m.

1. Welcome and Introductions
2. Objectives and Terms of Reference
3. Overview of Previous Stock Assessments and Management Framework
4. Fishery Operations for Bottomfish
5. Report out on Data Workshops
6. Data sources utilized in American Samoa Bottomfish Assessment
7. Public Comment

Day 2—Saturday, February 18, 2023, 9 a.m.–5 p.m.

8. Presentation and Review of Stock Assessment Methods and Results
9. WPSAR Review Panel Discussion and Model Run Requests
10. Public Comment

Day 3—Sunday, February 19, 2023, 9 a.m.–5 p.m.

11. WPSAR Review Panel Discussion with Presenters

Day 4—Monday, February 20, 2023, 9 a.m.–5 p.m.

12. WPSAR Review Panel Discussion with Presenters

Day 5—Tuesday, February 21, 2023, 9 a.m.–5 p.m.

13. WPSAR Review Panel Discussions with Presenters

Day 6—Wednesday, February 22, 2023, 9 a.m.–5 p.m.

14. WPSAR Review Panel Discussions with Presenters
15. WPSAR Review Panel Discussions (closed, afternoon)

Day 7—Thursday, February 23, 2023, 9 a.m.–5 p.m.

16. WPSAR Review Panel Discussions
17. Public Comment
18. WPSAR Panel Report on Review Outcomes and Recommendations
19. Adjourn

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids

should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: January 31, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–02352 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC731]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) will convene a webinar meeting of its Groundfish Management Team (GMT) to discuss items on the Pacific Council's March 2023 meeting agenda. This meeting is open to the public.

DATES: The online meeting will be held on Wednesday, February 22, 2023, from 1 p.m. to 4 p.m., Pacific Standard Time. The scheduled ending time for this GMT meeting is an estimate, the meeting will adjourn when business for the day is completed.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Todd Phillips, Staff Officer, Pacific Council; *todd.phillips@noaa.gov,* telephone: (503) 820–2426.

SUPPLEMENTARY INFORMATION: The primary purpose of the GMT webinar is to prepare for the Pacific Council's March 2023 agenda items. The GMT will discuss items related to groundfish management, administrative, and potentially ecosystem matters on the Pacific Council agenda. A detailed agenda for the webinar will be available on the Pacific Council's website prior to the meeting. The GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: January 30, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–02345 Filed 2–2–23; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds product(s) and service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to the Procurement List:* March 5, 2023.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 6/17/2022 and 9/30/2022, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(s) and service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product(s) and service(s) to the Government.
2. The action will result in authorizing small entities to furnish the product(s) and service(s) to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are added to the Procurement List:

Product(s)

NSN(s)—Product Name(s):

7025–00–NIB–0015—Universal Docking Station, Thunderbolt 3 and USB–C, Dual 4K, Windows and Mac, with Mounting Bracket

7025–00–NIB–0014—Universal Docking Station, USB–C and USB 3.0, Dual 2K, Windows and Mac, with Mounting Bracket

Designated Source of Supply: Chicago Lighthouse Industries, Chicago, IL

Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FAS FURNITURE SYSTEMS MGT DIV

Distribution: A-List

Service(s)

Service Type: Custodial Service

Mandatory for: US Air Force, Software Engineering Group, Warner Robins, GA

Designated Source of Supply: Good Vocations, Inc., Macon, GA
Contracting Activity: DEPT OF THE AIR FORCE, FA8533 AFLCMC WNKABB

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the U.S. Air Force, Software Engineering Group Custodial Service at Warner Robins, GA contract. The Federal customer contacted and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the Federal Aviation Administration will refer its business elsewhere, this addition must be effective on February 13, 2023, ensuring timely execution for a February 15, 2023, start date while still allowing 10 days for comment. The Committee also published a notice of proposed Procurement List addition in the **Federal Register** on September 30, 2022 and did not receive any comments from any interested persons. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition will enable Federal customer operations to continue without interruption.

Michael R. Jurkowski,
Acting Director, Business Operations.

[FR Doc. 2023–02297 Filed 2–2–23; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add product(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) previously furnished by such agencies.

DATES: Comments must be received on or before: March 5, 2023.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product(s) and service(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product(s)

NSN(s)—Product Name(s):
7195–00–NIB–2442—Seat Cushion, Ergonomic, Memory Foam, Coccyx Support, Black
750056001N—Power Strip Holder, Clamp-On, Black
750056501N—Monitor Stand, Wireless and USB Charging, 21.5″ Wide, Black
750056301N—Monitor Stand, Height Adjustable, Storage Drawer, Black
620003501N—Desk Lamp, LED, Wireless and USB Charging, Black
750055901N—Keyboard Tray, Clamp-On, Height Adjustable, Black
750056401N—Laptop and Tablet Riser, Ergonomic, Height and Angle Adjustable, Aluminum
Designated Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FAS FURNITURE SYSTEMS MGT DIV
Distribution: A-List

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
6645–01–046–8848—Clock, Wall, Slimline, Brown 9¼″ Quartz
6645–01–046–8849—Clock, Wall, Slimline, Brown 12¾″ Quartz
7510–01–600–7579—Wall Calendar, Dated 2022, Wire Bound w/Hanger, 15½″ x 22″
7510–01–600–7585—Monthly Wall Calendar, Dated 2022, Jan–Dec, 8½″ x 11″
7510–01–600–7633—Wall Calendar, Dated 2022, Wire Bound w/Hanger, 12″ x 17″
7510–01–682–8097—Wall Calendar, Recycled, Dated 2022, Vertical, 3 Months, 12¼″ x 26″
7510–01–682–8092—Monthly Planner, Recycled, Dated 2022, 14-Month, 6⅞″ x 8¾″
7510–01–682–8111—Professional Planner, Dated 2022, Recycled, Weekly, Black, 8½″ x 11″
7530–01–600–7576—Daily Desk Planner, Dated 2022, Wire Bound, Non-refillable, Black Cover
7530–01–600–7602—Monthly Desk Planner, Dated 2022, Wire Bound, Non-refillable, Black Cover
7530–01–600–7608—Weekly Desk Planner, Dated 2022, Wire Bound, Non-refillable, Black Cover
7530–01–600–7619—Weekly Planner Book, Dated 2022, 5″ x 8″, Black
Designated Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR (2, NEW YORK, NY)

NSN(s)—Product Name(s):
7045–01–470–3590—Greendisk
Designated Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
7520–00–904–1265—Marker, Tube Type, Fine Point, Black
7520–00–904–1266—Marker, Tube Type, Fine Point, Red
7520–00–904–1267—Marker, Tube Type, Fine Point, Green
7520–00–904–1268—Marker, Tube Type, Fine Point, Blue
Designated Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR (2, NEW YORK, NY)

Service(s)

Service Type: Parts Machining
Mandatory for: U.S. Postal Service: National Inventory Control Center, Topeka, KS
Designated Source of Supply: Arizona Industries for the Blind, Phoenix, AZ
Contracting Activity: U.S. Postal Service, Washington, DC

Michael R. Jurkowski,
Acting Director, Business Operations.

[FR Doc. 2023–02296 Filed 2–2–23; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—Center on Dispute Resolution

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2023 for a Center on Dispute Resolution, Assistance Listing Number 84.326X. This notice relates to the approved information collection under OMB control number 1820–0028.

DATES:

Applications Available: February 3, 2023.

Deadline for Transmittal of Applications: April 4, 2023.

Deadline for Intergovernmental Review: June 20, 2023.

Pre-Application Webinar Information: No later than February 8, 2023, OSERS will post pre-recorded informational webinars designed to provide technical assistance (TA) to interested applicants. The webinars may be found at *www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html.*

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at *https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs.* Please note that these Common Instructions supersede the version published on December 27, 2021.

FOR FURTHER INFORMATION CONTACT: Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue SW, Room 5044 Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–6595. Email: *carmen.sanchez@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing TA, supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

Priority: This competition includes one absolute priority. In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA); 20 U.S.C. 1463 and 1481(d)).

Absolute Priority: For FY 2023 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Center on Dispute Resolution.

Background:

The Individuals with Disabilities Education Act (IDEA) includes procedural safeguards that are designed to protect the rights of children with disabilities and their parents and to provide parents with mechanisms for resolving, at the earliest point in time, disputes with those who provide services to children with disabilities through IDEA—State educational agencies (SEAs), local educational agencies (LEAs), schools, Part C State lead agencies (LAs), and early intervention service (EIS) providers. The procedural safeguards include the opportunity to seek a timely resolution of disputes about establishing a child's eligibility under IDEA and providing a free appropriate public education (FAPE) to an eligible child or the appropriate early intervention services to infants and toddlers with disabilities and their families. Thus, IDEA encourages constructive relationships between parents of children with disabilities and those who provide services to children with disabilities by facilitating open communication between the parents and these entities and encouraging early resolution of disputes so that disagreements do not escalate, become adversarial, or result in a delay in identifying and providing needed services to eligible children. IDEA's dispute resolution procedures [1] include provisions for State complaints, mediation, due process complaints, and resolution sessions, as described below. These procedures provide an important means of ensuring that the educational or early intervention needs of children with disabilities are met.

State Complaints. IDEA's State complaint procedures permit parents and other interested individuals or organizations to file a complaint with the SEA or LA to seek resolution of any alleged violations of IDEA.

Mediation. In mediation, a neutral third party facilitates the resolution of disputes without the need for an adversarial hearing. Thus, mediation is more likely to foster positive relationships between families, educators, and EIS providers than due process hearings (Government Accountability Office, 2003).

Due Process Hearings. In due process hearings, an impartial, knowledgeable decision-maker resolves disputes. Due process hearings can be costly, time consuming, and contentious, and may damage relationships between the parties.

Resolution Session. The resolution session requirement applies to all IDEA Part B due process complaints and to those IDEA Part C due process complaints filed in a State that has elected to adopt the Part B due process hearing procedures. The LEA or the LA convenes a meeting with the parents and relevant members of the child's individualized education program (IEP) or individualized family service plan (IFSP) Team to provide the parents and the agency responsible for providing service to a child with an opportunity to resolve the complaint and avoid a due process hearing.

Early Resolution Practices. In addition to these methods of dispute resolution specifically required under IDEA, there are a variety of informal or ''early resolution'' practices that can be used to resolve disputes.

Each SEA and LA is responsible for annually reporting data on dispute resolution activity to the Office of Special Education Programs (OSEP) to help determine the extent to which States effectively implement dispute resolution practices. An analysis of national data trends in dispute resolution conducted by the Center for Appropriate Dispute Resolution in Special Education (CADRE) shows over the past 11 years increases in the formal dispute mechanisms of due process complaints and resolution sessions, with the highest increases during the past two years of the COVID–19 pandemic. Written State complaints have remained relatively steady over the same period, while there has been a significant decline in mediation requests during the pandemic after years of growth. The rise of virtual dispute resolution options, particularly for less adversarial options such as facilitated IEP Team meetings and mediation, is a promising by-product of the circumstances posed by the pandemic (CADRE, 2022). However, OSEP's most

[1] The IDEA requirements for dispute resolution are in sections 615 and 639 of IDEA (20 U.S.C. 1415 and 1439). The corresponding regulations are in 34 CFR 300.151 through 300.153; 34 CFR 300.500 through 300.519; and 34 CFR 303.430 through 303.449.

recent analysis of State annual performance reports (APRs) shows that the average agreement rates for resolution meetings and mediations have trended downward in the last three years (OSEP, 2022).

In addition, a Government Accountability Office (2019) study of five SEAs showed dispute resolution options differed across districts with varying demographics, with a greater portion of high-income districts having more dispute resolution activity than low-income districts, as well as fewer predominantly Black or Hispanic districts having dispute resolution activity. However, predominantly Black or Hispanic districts with dispute resolution activity had higher rates than predominantly White districts in their States (Government Accountability Office, 2019). OSEP-funded Parent Training and Information Centers and Community Parent Resource Centers (collectively ''parent centers'') have noted that lack of awareness of dispute resolution options is prevalent among underserved populations due to language, access, or economic barriers. Additionally, the field has raised concerns about confusion among parents and professionals regarding how IDEA's dispute resolution options interact with dispute resolution procedures under other Federal laws protecting children with disabilities, such as those prescribed in 34 CFR 104.7 and 104.36 to implement section 504 of the Rehabilitation Act of 1973.

SEAs, LAs, and parent centers continue to require TA on effective dispute resolution strategies, particularly as the COVID–19 pandemic and its aftermath affect dispute resolution options and change dispute resolution systems. In addition, there is a greater awareness of the need for equitable and culturally and linguistically competent dispute resolution systems that are responsive to the needs of all families, and an increased understanding of other federally required dispute resolution systems that protect the rights of all children with disabilities. The Center will build on existing knowledge to increase the capacity of SEAs and LAs to respond effectively to the dispute resolution challenges posed by the COVID–19 pandemic; develop equitable and culturally and linguistically competent dispute resolution systems; and promote local implementation of equitable early resolution practices.

This absolute priority will advance the Secretary's priorities related to promoting equity in student access to educational resources and opportunities, and meeting students' social, emotional, and academic needs.

Priority:

The purpose of this priority is to fund a cooperative agreement to establish and operate a Center on Dispute Resolution (Center). This Center will provide TA to SEAs, LAs, and OSEP-funded parent centers to support them in working with LEAs and EIS service providers to improve the implementation of the range of dispute resolution options, including methods of dispute resolution required under the IDEA, and early resolution practices.

The Center must achieve, at a minimum, the following expected outcomes:

(a) Increased body of knowledge and dissemination of knowledge on exemplary dispute prevention and dispute resolution practices to meet the needs of parents in resolving disputes, including culturally and linguistically responsive practices, and the interaction of IDEA dispute resolution systems with dispute resolution systems required by other Federal laws protecting the rights of children with disabilities;

(b) Increased capacity of SEAs and LAs to support local implementation of effective and equitable early resolution practices to resolve disputes and thereby decrease requests for State complaints and due process hearings;

(c) Increased capacity of SEAs and LAs to collect, report, and use high-quality dispute resolution data;

(d) Improved capacity of LEAs and EIS providers, through their work with SEAs and LAs, to equitably implement a range of dispute resolution options, including methods of dispute resolution required under IDEA and early resolution practices; and

(e) Improved capacity of OSEP-funded parent centers to provide culturally and linguistically competent TA to parents on the range of effective dispute resolution options.

In addition to these programmatic requirements, to be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance,'' how the proposed project will—

(1) Address gaps or weaknesses in State or local performance under and compliance with dispute resolution requirements to meet the dispute resolution needs of SEA and LA personnel, and LEA and EIS providers (through the SEA and LA), as well as the needs of parents, including those from underserved [2] populations who may be less likely to utilize dispute resolution due to language, access, or economic barriers. To meet this requirement the applicant must—

(i) Demonstrate knowledge of exemplary and equitable dispute resolution practices that will assist SEAs and LAs in working with LEA and EIS providers to improve dispute resolution, especially practices that will assist agencies, SEAs, and LAs in meeting performance targets specified in their State Performance Plan, implementing effective and culturally and linguistically competent dispute resolution systems and practices in accordance with IDEA dispute resolution requirements;

(ii) Present information about the current level of implementation of exemplary and equitable dispute resolution practices by SEAs and LAs, especially practices that will assist agencies in meeting performance targets and implementing effective and culturally and linguistically competent dispute resolution systems and practices in accordance with IDEA dispute resolution requirements; and

(iii) Present national, State, or local data on the financial and administrative burden of involvement in dispute resolution and discuss strategies for minimizing these burdens for all parties involved;

(2) Improve outcomes in dispute resolution system performance for SEAs and LAs, and increase the implementation of early resolution practices by LEAs and EIS providers;

(3) Increase the understanding by SEAs, LAs, LEAs and EIS providers (through the SEAs and LAs), as well as parents, of the interaction of IDEA dispute resolution systems with dispute resolution systems required by other Federal laws protecting the rights of children with disabilities; and

(4) Improve communication between parents and education professionals to minimize conflict and increase the use of collaborative problem-solving and dispute resolution practices that are culturally and linguistically competent.

[2] Underserved parents include: parents living in poverty; parents of color; parents who are members of a federally or State recognized Indian Tribe; parents who are English learners; parents who experience a disability; disconnected parents; technologically unconnected parents; migrant parents; parents experiencing homelessness or housing insecurity; lesbian, gay, bisexual, transgender, queer or questioning, or intersex (LGBTQI+) parents; foster parents; parents without documentation of immigration status; parents impacted by the justice system, including formerly incarcerated parents and parents of children in the juvenile justice system; parents in need of improving their basic skills or with limited literacy; and military- or veteran-connected parents.

(b) Demonstrate, in the narrative section of the application under ''Quality of project services,'' how the proposed project will—

(1) Ensure equal access and treatment for members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe how it will—

(i) Identify the needs of the intended recipients for TA and information; and

(ii) Ensure that services and products meet the needs of the intended recipients of the grant's TA;

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) In Appendix A, the logic model (as defined in 34 CFR 77.1) by which the proposed project will achieve its intended outcomes that depicts, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed project;

(3) Use a conceptual framework (and provide a copy in appendix A) to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

Note: The following websites provide more information on logic models and conceptual frameworks: *https://osepideasthatwork.org/sites/default/files/2021-12/ConceptualFramework_Updated.pdf* and *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework.*

(4) Be based on IDEA requirements for dispute resolution systems, including the interaction of IDEA dispute resolution systems with dispute resolution systems required by other Federal laws protecting the rights of children with disabilities, and current research, and make use of evidence-based [3] practices (EBPs). To meet this requirement, the applicant must describe—

(i) The current research on effective and culturally and linguistically competent dispute resolution practices;

(ii) The current research on early resolution EBPs;

(iii) The current research about adult learning principles and implementation science that will inform the proposed TA; and

(iv) How the proposed project will incorporate current research and practices in the development and delivery of its products and services;

(5) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it proposes to identify or develop the knowledge base on—

(A) Special education and early intervention dispute resolution and culturally and linguistically competent dispute resolution;

(B) Annual State and national dispute resolution trends; and

(C) The interaction of IDEA dispute resolution systems with dispute resolution systems required by other Federal laws protecting the rights of children with disabilities;

(ii) Its proposed approach to universal, general TA,[4] which must identify the intended recipients, including the type and number of recipients, that will receive the products and services, a description of the products and services that the Center proposes to make available, and the expected impact of those products and services under this approach;

(iii) Its proposed approach to targeted, specialized TA,[5] which must identify—

(A) The intended recipients, including the type and number of recipients, that will receive the products and services, a description of the products and services that the Center proposes to make available, and the expected impact of those products and services under this approach; and

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the local level;

(6) Develop products and implement services that maximize efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes; and

(7) Develop a dissemination plan that describes how the applicant will systematically distribute information, products, and services to varied intended audiences, using a variety of dissemination strategies, to promote awareness and use of the Center's products and services.

(c) In the narrative section of the application under ''Quality of the project evaluation,'' include an evaluation plan for the project developed in consultation with and implemented by a third-party evaluator.[6] The evaluation plan must—

(1) Articulate formative and summative evaluation questions, including important process and outcome evaluation questions. These questions should be related to the project's proposed logic model required in paragraph (b)(2)(ii) of this notice;

(2) Describe how progress in and fidelity of implementation, as well as project outcomes will be measured to answer the evaluation questions. Specify the measures and associated instruments or sources for data appropriate to the evaluation questions. Include information regarding reliability and validity of measures where appropriate;

(3) Describe strategies for analyzing data and how data collected as part of this plan will be used to inform and improve service delivery over the course of the project and to refine the proposed logic model and evaluation plan, including subsequent data collection;

[3] For the purposes of this priority, ''evidence-based'' means, at a minimum, evidence that demonstrates a rationale (as defined in 34 CFR 77.1), where a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

[4] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's website by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[5] ''Targeted, specialized TA'' means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[6] A ''third-party'' evaluator is an independent and impartial program evaluator who is contracted by the grantee to conduct an objective evaluation of the project. This evaluator must not have participated in the development or implementation of any project activities, except for the evaluation activities, nor have any financial interest in the outcome of the evaluation.

(4) Provide a timeline for conducting the evaluation, and include staff assignments for completing the plan. The timeline must indicate that the data will be available annually for the APR; and

(5) Dedicate sufficient funds in each budget year to cover the costs of developing or refining the evaluation plan in consultation with a ''third-party'' evaluator, as well as the costs associated with the implementation of the evaluation plan by the third-party evaluator.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of resources and quality of project personnel,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes, to include those with legal expertise in special education dispute resolution;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under ''Quality of the management plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality, relevant, and useful to recipients; and

(4) The proposed project will benefit from a diversity of perspectives, including those of families, educators, TA providers, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements. The applicant must—

(1) Include, in Appendix A, personnel-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(2) Include, in the budget, attendance at the following:

(i) A one and one-half day kick-off meeting in Washington, DC after receipt of the award, and an annual virtual planning meeting with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A two and one-half day project directors' or other OSEP conference in Washington, DC during each year of the project period; and

(iii) One annual two-day trip to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP;

(3) Include, in the budget, a line item for an annual set-aside of 5 percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with, and approved by, the OSEP project officer. With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period;

(4) Maintain a high-quality website, with an easy-to-navigate design, that meets government or industry-recognized standards for accessibility;

(5) Ensure that annual project progress toward meeting project goals is posted on the project website; and

(6) Include, in Appendix A, an assurance to assist OSEP with the transfer of pertinent resources and products and to maintain the continuity of services to intended TA recipients during the transition to a new award at the end of this award period, as appropriate.

References:

Center for Appropriate Dispute Resolution in Special Education (CADRE). (2022). *Trends in dispute resolution under the Individuals with Disabilities Education Act (IDEA).* CADRE. *www.cadreworks.org/resources/cadre-materials/2020–21-dr-data-summary-national.*

Government Accountability Office. (2003). *Numbers of formal disputes are generally low and States are using mediation and other strategies to resolve conflicts* (GAO Publication No. 03–897). Government Printing Office.

Government Accountability Office. (2019). *IDEA dispute resolution activity in selected States varied based on school districts' characteristics* (GAO Publication No. 20–22). Government Printing Office.

Office of Special Education Programs (OSEP). (2022). *2022 Part B FFY 2020 SPP/APR Indicator Analysis Booklet.* OSEP. *https://sites.ed.gov/idea/files/PartB-IndicatorAnalysis-FFY2020.pdf.*

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1463 and 1481.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: $750,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2024 from the list of unfunded applications from this competition.

Maximum Award: We will not make an award exceeding $750,000 for a single budget period of 12 months.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs; State LAs under Part C of the IDEA; LEAs, including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian Tribes or Tribal organizations; and for-profit organizations.

2. a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: institutions of higher education, nonprofit organizations suitable to carry out the activities proposed in the application, and other public agencies. The grantee may award subgrants to entities it has identified in an approved application or that it selects through a competition under procedures established by the grantee, consistent with 34 CFR 75.708(b)(2).

4. *Other General Requirements:*

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants for, and recipients of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at *https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs,* which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on December 27, 2021.

2. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 70 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are listed below:

(a) *Significance (10 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

(b) *Quality of project services (35 points).*

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework.

(iii) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(iv) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(v) The extent to which the TA services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources.

(c) *Quality of the project evaluation (20 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(iii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(d) *Adequacy of resources and quality of project personnel (15 points).*

(1) The Secretary considers the adequacy of resources for the proposed project and the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel.

(ii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(iii) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(iv) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(v) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(e) *Quality of the management plan (20 points).*

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(iv) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions, and under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

6. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* For the purposes of Department reporting under 34 CFR 75.110, we have established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program. These measures are:

- *Program Performance Measure #1:* The percentage of Technical Assistance and Dissemination products and services deemed to be of high quality by an independent review panel of experts qualified to review the substantive content of the products and services.
- *Program Performance Measure #2:* The percentage of Special Education Technical Assistance and Dissemination products and services deemed by an independent review panel of qualified experts to be of high relevance to educational and early intervention policy or practice.
- *Program Performance Measure #3:* The percentage of all Special Education Technical Assistance and Dissemination products and services deemed by an independent review panel of qualified experts to be useful in improving educational or early intervention policy or practice.
- *Program Performance Measure #4:* The cost efficiency of the Technical Assistance and Dissemination Program includes the percentage of milestones achieved in the current annual performance report period and the percentage of funds spent during the current fiscal year.
- *Long-term Program Performance Measure:* The percentage of States receiving Special Education Technical Assistance and Dissemination services regarding scientifically or evidence-based practices for infants, toddlers, children, and youth with disabilities that successfully promote the implementation of those practices in school districts and service agencies.

The measures apply to projects funded under this competition, and grantees are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

The Department will also closely monitor the extent to which the products and services provided by the Center meet needs identified by stakeholders and may require the Center to report on such alignment in its annual and final performance reports.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package 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 this 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.

Katherine Neas,

Deputy Assistant Secretary. Delegated the authority to perform the functions and duties of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.

[FR Doc. 2023–02340 Filed 2–2–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2023–SCC–0026]

Agency Information Collection Activities; Comment Request; Student Assistance General Provisions—Satisfactory Academic Progress Policy

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 4, 2023.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2023–SCC–0026. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W203, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department, 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. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department 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: Student Assistance General Provisions—Satisfactory Academic Progress Policy.

OMB Control Number: 1845–0108.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: Individuals and Households; Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 31,575,067.

Total Estimated Number of Annual Burden Hours: 1,383,595.

Abstract: The Department of Education (the Department) is requesting an extension of the current approval of the policies and procedures for determining satisfactory academic progress (SAP) as required in Section 484 of the Higher Education Act of 1965, as amended (HEA). A link to the Satisfactory Academic Progress regulations is provided at 34 CFR 668.34 and 34 CFR 600.55.

These regulations identify the policies and procedures to ensure that students are making satisfactory academic progress in their program at a pace and a level to receive or continue to receive Title IV, HEA program funds. If there is lapse in progress, the policy must identify how the student will be notified and what steps are available to a student not making satisfactory academic progress toward the completion of their program, and under what conditions a student who is not making satisfactory academic progress may continue to receive Title IV, HEA program funds. There have been minor changes to the regulatory language since the last information collection update. The changes do not represent changes to the estimated burden established below.

Dated: January 31, 2023.

Kun 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. 2023–02306 Filed 2–2–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER23–944–000]

Calpine Community Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Calpine Community Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 16, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic

service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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://www.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 TYY, (202) 502–8659.

Dated: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02250 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD23–5–000]

Roundtable on Environmental Justice and Equity in Infrastructure Permitting; Notice of Roundtable and Request for Panelists

Take notice that the Federal Energy Regulatory Commission (Commission) will convene in the above-referenced proceeding, a Commissioner-led roundtable to discuss environmental justice and equity in its jurisdictional infrastructure permitting processes. The roundtable will be held on Wednesday, March 29, 2023 and will be held in-person with hybrid capabilities.

The Commission is convening this roundtable to strengthen our efforts to identify, address, and avoid adverse impacts to environmental justice communities associated with permitting applications for hydroelectric, natural gas pipeline, liquified natural gas, and transmission infrastructure subject to our jurisdiction. The roundtable will provide an opportunity for the Commissioners and staff to hear from environmental justice community members, including those impacted by the infrastructure we regulate, as well as advocates, researchers, industry representatives and government leaders on steps the Commission can take to better incorporate environmental justice and equity considerations into our decisions and processes.

The roundtable will be open for the public to attend in-person and virtually, and there is no fee for attendance. The Commission seeks nominations of panelists to participate in the roundtable by February 17, 2023. Each nomination should indicate name, contact information, organizational affiliation, and what issues the proposed panelist would speak on to *EnvironmentalJusticeRoundtable@ferc.gov.* Supplemental notices will be issued prior to the roundtable with further details regarding the agenda.

Information on this roundtable will also be posted on the Calendar of Events on the Commission's website, *www.ferc.gov,* prior to the event. Transcripts will be available for a fee from Ace Reporting, (202) 347–3700.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov,* call toll-free (866) 208–3372 (voice) or (202) 208–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

For more information about this roundtable, please contact *EnvironmentalJusticeRoundtable@ferc.gov.* For information related to logistics, please contact Sarah McKinley at *sarah.mckinley@ferc.gov* or (202) 502–8368.

Dated: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02259 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER23–937–000]

Chevelon Butte RE LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Chevelon Butte RE LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 16, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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://www.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 TYY, (202) 502–8659.

Dated: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02251 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER23–945–000]

Relief Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Relief Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 16, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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://www.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 TYY, (202) 502–8659.

Dated: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02249 Filed 2–2–23; 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 exempt wholesale generator filings:

Docket Numbers: EG23–76–000.
Applicants: Blackwater Solar, LLC.
Description: Blackwater Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/27/23.
Accession Number: 20230127–5050.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: EG23–77–000.
Applicants: Nevada Cogeneration Associates #1.
Description: Nevada Cogeneration Associates #1 submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/30/23.
Accession Number: 20230130–5031.
Comment Date: 5 p.m. ET 2/21/23.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3115–009; ER10–3117–011; ER11–4060–011; ER11–4061–011; ER13–445–011; ER14–2823–009; ER15–1170–007; ER15–1171–007; ER15–1172–007; ER15–1173–007; ER20–2125–002.
Applicants: WGP Redwood Holdings, LLC, McKittrick Limited, Live Oak Limited, Chalk Cliff Limited, Bear Mountain Limited, Double C Generation Limited Partnership, Badger Creek Limited, Kern Front Limited, High Sierra Limited, Lea Power Partners, LLC, Waterside Power, LLC.
Description: Notice of Change in Status of Waterside Power, LLC et al.
Filed Date: 1/27/23.
Accession Number: 20230127–5296.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER15–2130–008; ER15–2131–008.
Applicants: Milo Wind Project, LLC, Roosevelt Wind Project, LLC.
Description: Notice of Non-Material Change in Status of Roosevelt Wind Project, LLC, et al.
Filed Date: 1/26/23.
Accession Number: 20230126–5184.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: ER17–1607–006; ER17–1608–006; ER20–27–006.
Applicants: Wright Solar Park LLC, Sunray Energy 3 LLC, Sunray Energy 2, LLC.
Description: Notice of Change in Status of Sunray Energy 2, LLC, et al.
Filed Date: 1/26/23.
Accession Number: 20230126–5189.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: ER21–1369–004; ER21–1371–004; ER21–1373–005; ER21–1376–005.
Applicants: ES 1A Group 2 Opco, LLC, ES 1A Group 3 Opco, LLC, Edwards Sanborn Storage II, LLC, Edwards Sanborn Storage I, LLC.
Description: Notice of Change in Status of Edwards Sanborn Storage I, LLC, et al.
Filed Date: 1/26/23.
Accession Number: 20230126–5188.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: ER22–1788–001.
Applicants: Deseret Generation & Transmission Co-operative, Inc.
Description: Compliance filing: Errata to 676–J First Compliance to be effective 12/31/9998.
Filed Date: 1/30/23.
Accession Number: 20230130–5006.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER22–2622–001.
Applicants: Chaparral Springs, LLC.
Description: Notice of Non-Material Change in Status of Chaparral Springs, LLC.

Filed Date: 1/27/23.
Accession Number: 20230127–5298.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–966–000.
Applicants: Buena Vista Energy, LLC.
Description: Compliance filing: Notice of Change in Status and Revised Market-Based Rate Tariff to be effective 1/28/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5172.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–967–000.
Applicants: Kumeyaay Wind LLC.
Description: Compliance filing: Notice of Change in Status and Revised Market-Based Rate Tariff to be effective 1/28/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5176.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–968–000.
Applicants: Rabbitbrush Solar, LLC.
Description: Compliance filing: Notice of Change in Status and Revised Market-Based Rate Tariff to be effective 1/28/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5180.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–969–000.
Applicants: Northern Wind Energy Redevelopment, LLC.
Description: Tariff Amendment: Cancellation of Northern Wind Energy MBR Tariff to be effective 1/30/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5203.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–970–000.
Applicants: Rock Aetna Power Partners, LLC.
Description: Tariff Amendment: Cancellation of Rock Aetna MBR Tariff to be effective 1/30/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5204.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–971–000.
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: ISO–NE/NEPOOL; Improvements to Economic Study Process in Attachment K to be effective 3/31/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5205.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–972–000.
Applicants: El Paso Electric Company.
Description: § 205(d) Rate Filing: OATT Revisions to Schedule 10 to be effective 4/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5231.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–973–000.
Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.
Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: NMPC filing of tariff revisions re: SPC Project cost allocation and recovery to be effective 4/1/2023.
Filed Date: 1/30/23.
Accession Number: 20230130–5102.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–974–000.
Applicants: Niagara Mohawk Power Corporation.
Description: § 205(d) Rate Filing: 2023–01–30 Cost Allocation Agreement—Smart Path Connect to be effective 4/1/2023.
Filed Date: 1/30/23.
Accession Number: 20230130–5112.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–975–000.
Applicants: Pacific Gas and Electric Company.
Description: Notice of Termination of Service Agreement No. 35 with Wolfskill Energy Center, LLC of Pacific Gas and Electric Company.
Filed Date: 1/25/23.
Accession Number: 20230125–5173.
Comment Date: 5 p.m. ET 2/15/23.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by 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: January 30, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–02292 Filed 2–2–23; 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 exempt wholesale generator filings:

Docket Numbers: EG23–68–000.
Applicants: White Trillium Solar, LLC.
Description: White Trillium Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/26/23.
Accession Number: 20230126–5148.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: EG23–69–000.
Applicants: Second Division Solar, LLC.
Description: Second Division Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/26/23.
Accession Number: 20230126–5152.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: EG23–70–000.
Applicants: Starr Solar Ranch, LLC.
Description: Starr Solar Ranch, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/26/23.
Accession Number: 20230126–5154.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: EG23–71–000.
Applicants: Prairie Ronde Solar Farm, LLC.
Description: Prairie Ronde Solar Farm, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/26/23.
Accession Number: 20230126–5159.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: EG23–72–000.
Applicants: Honeysuckle Solar, LLC.
Description: Honeysuckle Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/26/23.
Accession Number: 20230126–5163.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: EG23–73–000.
Applicants: Wolfskin Solar, LLC.
Description: Wolfskin Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/27/23.
Accession Number: 20230127–5044.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: EG23–74–000.
Applicants: Bird Dog Solar, LLC.
Description: Bird Dog Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/27/23.

Accession Number: 20230127–5045.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: EG23–75–000.
Applicants: Hobnail Solar, LLC.
Description: Hobnail Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/27/23.
Accession Number: 20230127–5047.
Comment Date: 5 p.m. ET 2/17/23.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2398–012; ER10–2399–012; ER10–2406–013; ER10–2409–012; ER10–2410–012; ER10–2411–013; ER10–2412–013; ER10–2414–018; ER11–2935–014; ER13–1816–019; ER14–1933–012; ER16–1724–010; ER17–1315–010; ER17–2087–008; ER18–1189–007; ER19–1281–006; ER19–1282–005; ER20–2714–003; ER20–2746–004.
Applicants: Riverstart Solar Park LLC, Headwaters Wind Farm II LLC, Paulding Wind Farm IV LLC, Lexington Chenoa Wind Farm LLC, Meadow Lake Wind Farm VI LLC, Hog Creek Wind Project, LLC, Meadow Lake Wind Farm V LLC, Paulding Wind Farm III LLC, Headwaters Wind Farm LLC, Sustaining Power Solutions LLC, Paulding Wind Farm II LLC, Old Trail Wind Farm, LLC, Meadow Lake Wind Farm IV LLC, Meadow Lake Wind Farm III LLC, Meadow Lake Wind Farm II LLC, Meadow Lake Wind Farm LLC, High Trail Wind Farm, LLC, Blackstone Wind Farm II LLC, Blackstone Wind Farm, LLC.
Description: Notice of Change in Status of Blackstone Wind Farm, LLC, et al.
Filed Date: 1/25/23.
Accession Number: 20230125–5166.
Comment Date: 5 p.m. ET 2/15/23.

Docket Numbers: ER22–2974–002.
Applicants: Southwest Power Pool, Inc., Nebraska Public Power District
Description: Tariff Amendment: Nebraska Public Power District submits tariff filing per 35.17(b): Deficiency Response—Nebraska Public Power District Revisions to Protocols to be effective 3/29/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5032.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–531–000.
Applicants: Harry Allen Solar Energy LLC.
Description: Supplement to December 1, 2022 Harry Allen Solar Energy LLC tariff filing.
Filed Date: 1/26/23.
Accession Number: 20230126–5181.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: ER23–577–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Request to Defer Action-Amended ISA No. 2360; Queue AD2–133/Q36; Docket ER23–577 to be effective 12/31/9998.
Filed Date: 1/26/23.
Accession Number: 20230126–5119.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: ER23–944–000.
Applicants: Calpine Community Energy, LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 1/27/2023.
Filed Date: 1/26/23.
Accession Number: 20230126–5104.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: ER23–945–000.
Applicants: Relief Energy LLC.
Description: Baseline eTariff Filing: Market-Based Rate Tariff Application to be effective 1/27/2023.
Filed Date: 1/26/23.
Accession Number: 20230126–5107.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: ER23–946–000.
Applicants: Clear Green Energy LLC.
Description: Baseline eTariff Filing: Market-Based Rate Tariff Application to be effective 1/27/2023.
Filed Date: 1/26/23.
Accession Number: 20230126–5110.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: ER23–947–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6768; Queue No. AF1–325 to be effective 12/28/2022.
Filed Date: 1/27/23.
Accession Number: 20230127–5003.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–948–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2023–01–27_Schedule 31 Annual Update Filing to be effective 4/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5007.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–949–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: Notice of Change in Status and MBR Tariff Revisions to be effective 4/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5015.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–950–000.
Applicants: Macquarie Energy LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 1/28/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5017.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–951–000.
Applicants: Macquarie Energy Trading LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 1/28/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5020.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–952–000.
Applicants: Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc., PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Commonwealth Edison Company submits tariff filing per 35.13(a)(2)(iii: ComEd Single Issue Depreciation Filing to update Service Agreement No. 3747 to be effective 3/31/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5024.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–953–000.
Applicants: Duke Energy Florida, LLC.
Description: § 205(d) Rate Filing: DEF-City of Alachua A&R NITSA SA No. 305 to be effective 4/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5033.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–954–000.
Applicants: Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc., PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Commonwealth Edison Company submits tariff filing per 35.13(a)(2)(iii: ComEd Single Issue Depreciation Filing to update Attachment H–13A to be effective 3/31/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5037.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–955–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2023–01–27 CORE SISA 670–PSC 0.1.0 to be effective 3/28/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5040.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–956–000.
Applicants: Black Hills Power, Inc.
Description: § 205(d) Rate Filing: Revisions to JOATT to Facilitate WEIS Market Integration to be effective 4/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5041.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–957–000.
Applicants: Black Hills Colorado Electric, LLC.
Description: § 205(d) Rate Filing: Revisions to OATT to Facilitate WEIS Market Integration to be effective 4/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5049.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–958–000.
Applicants: Cheyenne Light, Fuel and Power Company.
Description: § 205(d) Rate Filing: Revisions to OATT to Facilitate WEIS Market Integration to be effective 4/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5056.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–959–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6154; Queue No. AE1–185 to be effective 12/31/9998.
Filed Date: 1/27/23.
Accession Number: 20230127–5060.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–960–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2023–01–27 PSCo Entry into SPP WEIS Market to be effective 4/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5070.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–961–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: FP&L Interconnection Contract Amendment Filing to be effective 1/12/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5081.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–962–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6116; Queue No. AE1–129 to be effective 12/31/9998.
Filed Date: 1/27/23.
Accession Number: 20230127–5084.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–963–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA, SA No. 4410; Queue No. Z2–077 to be effective 2/9/2016.
Filed Date: 1/27/23.
Accession Number: 20230127–5154.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–964–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) Rate Filing: FPL Variable Energy Resource Wheeling Transmission Service under the OATT to be effective 4/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5162.
Comment Date: 5 p.m. ET 2/17/23.

Docket Numbers: ER23–965–000.
Applicants: Aragonne Wind LLC.
Description: Compliance filing: Notice of Change in Status and Revised Market-Based Rate Tariff to be effective 1/28/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5170.
Comment Date: 5 p.m. ET 2/17/23.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by 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: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02258 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–486–000]

Texas Eastern Transmission, LP; Notice To Prepare an Environmental Assessment and Revised Schedule for Environmental Review of The Appalachia to Market II and Entriken HP Replacement Project

On July 7, 2022, Texas Eastern, LP (Texas Eastern) filed an application in Docket No. CP22–486–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) and Authorization pursuant to Section 7(b) of the Natural Gas Act to construct, operate, and abandon certain natural gas pipeline facilities. The proposed project is known as the Appalachian to Market II and Entriken HP Replacement Project (Project) and is designed to improve system reliability and to allow Texas Eastern to provide up to 55,000 dekatherms per day of firm natural gas transportation service to two local gas distribution companies in New Jersey.

On August 19, 2022, the Federal Energy Regulatory Commission (FERC or Commission) issued a *Notice of Intent* (NOI) which identified July 14, 2023 as the issuance date for the final Environmental Impact Statement (EIS). However, Commission staff now intends to prepare an Environmental Assessment (EA) for the Project and has therefore revised the planned schedule for the completion of the environmental review.[1]

The August 19, 2022 NOI announced the opening of a 30-day scoping period which closed on September 19, 2022. Commission staff will consider the information gathered and comments received during scoping in the preparation of the EA; interested stakeholders do not need to resubmit comments previously submitted. Commission staff will make the EA available for public review and inspection, and solicit comments on the document from the public. The Commission will review and consider any future comments received on the EA in its consideration of the Project.

This notice identifies the revised schedule for completion of the EA for Texas Eastern's Project.

Schedule for Environmental Review

Issuance of the EA: February 10, 2023
90-day Federal Authorization Decision Deadline:[2] May 11, 2023

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of

[1] 40 CFR 1501.10 (2020).

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. 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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP22–486), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov*. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02255 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–495–000]

Transcontinental Gas Pipe Line Company, LLC; Notice To Prepare an Environmental Assessment and Revised Schedule for Environmental Review of the Texas to Louisiana Energy Pathway Project

On August 9, 2022, Transcontinental Gas Pipe Line Company, LLC (Transco) filed an application in Docket No. CP22–495–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Texas to Louisiana Energy Pathway Project (Project), and includes construction and operation of a new 15,900-horsepower compressor station in Fort Bend County, Texas; modification of six existing compressors at Compressor Station 40 in Hardin County, Texas; and programming updates at existing Compressor Station 23 in Victoria County, Texas. The Project purpose is to increase the firm capacity of Transco's system by 364,400 dekatherms per day (Dth/day). Transco would accomplish this through the conversion of 130,000 Dth/day from Transco's ''IT Feeder System'' to firm capacity, the ''turnback'' of certain firm transportation capacity by customers of Transco, and incremental capacity as a result of Project construction.

On November 16, 2022, the Federal Energy Regulatory Commission (FERC or Commission) issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Texas to Louisiana Energy Pathway Project, Request for Comments on Environmental Issues, Notice of Public Scoping Session, and Schedule for Environmental Review* (Notice of Intent) which identified November 30, 2023 as the issuance date for the final Environmental Impact Statement (EIS). However, Commission staff now intends to prepare an Environmental Assessment (EA) for the Project and has therefore revised the planned schedule for the completion of the environmental review.[1]

The November 16, 2022 *Notice of Intent* announced the opening of a 30-day scoping period which closed on December 16, 2022. Commission staff will consider the information gathered and comments received during scoping in the preparation of the EA; interested stakeholders do not need to resubmit comments previously submitted. Commission staff will make the EA available for public review and inspection, and solicit comments on the document from the public. The Commission will review and consider any future comments received on the EA in its consideration of the Project.

This notice identifies the revised schedule for completion of the EA for Transco's Project.

Schedule for Environmental Review

Issuance of the EA: June 9, 2023
90-day Federal Authorization Decision Deadline:[2] September 7, 2023

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

[1] 40 CFR 1501.10 (2020)

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. 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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP22–495), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov*. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02254 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–501–000]

Transcontinental Gas Pipe Line Company, LLC; Notice To Prepare an Environmental Assessment and Revised Schedule for Environmental Review of the Southeast Energy Connector Project

On August 22, 2022, Transcontinental Gas Pipe Line Company, LLC (Transco) filed an application in Docket No. CP22–501–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities in Coosa and Chilton Counties, Alabama. The proposed project is known as the Southeast Energy Connector Project (Project) and would provide 150,000 dekatherms per day of natural gas transportation service to an existing

electric power generator in Shelby County, Alabama.

On October 28, 2022, the Federal Energy Regulatory Commission (FERC or Commission) issued a *Notice of Intent* (NOI) which identified August 4, 2023 as the issuance date for the final Environmental Impact Statement (EIS). However, Commission staff now intends to prepare an Environmental Assessment (EA) for the Project and has therefore revised the planned schedule for the completion of the environmental review.[1]

The October 28, 2022 NOI announced the opening of a 30-day scoping period which closed on November 28, 2022. Commission staff will consider the information gathered and comments received during scoping in the preparation of the EA; interested stakeholders do not need to resubmit comments previously submitted. Commission staff will make the EA available for public review and inspection, and solicit comments on the document from the public. The Commission will review and consider any future comments received on the EA in its consideration of the Project.

This notice identifies the revised schedule for completion of the EA for Transco's Project.

Schedule for Environmental Review

Issuance of the EA	March 24, 2023
90-day Federal Authorization Decision Deadline[2]	June 22, 2023

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. 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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP22–501), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02253 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

[1] 40 CFR 1501.10 (2020)

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5912–003]

Town of Dover-Foxcroft; Notice of Effectiveness of Withdrawal of Application for Amendment of Exemption

On November 23, 2020, the Town of Dover-Foxcroft (Maine) filed an application for amendment of the exemption for the 300-kilowatt Moosehead Hydroelectric Project No. 5912. On December 30, 2022, the Town of Dover-Foxcroft filed a request to withdraw its application.

No motion in opposition to the request for withdrawal has been filed, and the Commission has taken no action to disallow the withdrawal. Pursuant to Rule 216(b) of the Commission's Rules of Practice and Procedure,[1] the withdrawal of the application became effective on January 16, 2023,[2] and this proceeding is hereby terminated.

Dated: January 30, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02301 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.216(b) (2021).

[2] The Commission's Rules of Practice and Procedure provide that if a deadline falls on a Saturday, Sunday, holiday, or other day when the Commission is closed for business, the deadline does not end until the close of business on the next business day. 18 CFR 385.2007(a)(2) (2021).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23–14–000]

Wyoming Interstate Company, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Diamond Mountain Compressor Station Abandonment Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document, that will discuss the environmental impacts of the Diamond Mountain Compressor Station Abandonment Project (Project) involving abandonment of facilities by Wyoming Interstate Company, LLC (WIC) in Uintah County, Utah. The Commission will use this environmental document in its decision-making process to determine whether the Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the Project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on February 27, 2023. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts.

Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this Project to the Commission before the opening of this docket on November 10, 2022, you will need to file those comments in Docket No. CP23–14–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this proposed Project and encourage them to comment on their areas of concern.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. 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; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the Project docket number (CP23–14–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Summary of the Proposed Project

WIC proposes the abandonment in-place of its Diamond Mountain Compressor Station and associated facilities encompassing 3.4 acres in Uintah County, Utah. The existing mainline block valve and associated access road (0.8 acre) would continue operating normally. No anticipated ground disturbance is associated with the proposed Project. WIC is proposing this abandonment due to the progressive decline of natural gas production in the Uintah basin over the past decade.

The Project would consist of the following actions:

- disconnecting pipes from compressor units;
- draining oil and coolant from turbines;
- draining water from domestic and heating systems;
- disconnecting power; and
- removing applicable station valves and turbine surge valves

The general location of the Project facilities is shown in appendix 1.[1]

Land Requirements for Construction

The Project as proposed would be abandoned in-place, no additional land would be required, and no ground disturbance is anticipated. The facilities proposed for abandonment encompass 3.8 acres. The Project occurs on land owned by WIC, who would continue inspecting the site for safety and environmental concerns after the abandonment.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary''. For instructions on connecting to eLibrary, refer to the last page of this notice. 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 FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the abandonment of the proposed Project facilities under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use; and
- air quality and noise.

Commission staff will evaluate reasonable alternatives to the proposed Project and make recommendations on how to lessen or avoid impacts on the various resource areas. An abandonment by removal alternative is also being considered by FERC staff. This alternative would cause temporary ground disturbance to 10.2 acres during the removal process. The mainline block valve station and access road (0.8 acre) would still remain in operation after removal. The alternative would consist of the following actions:

- removal of all aboveground equipment;
- removal of all piping;
- removal of fluids, electrical buildings and foundations; and
- removal of fencing.

Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed Project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as

necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this Project to formally cooperate in the preparation of the environmental document.[2]

Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[3] The environmental document for this Project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP23–14–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the Project is 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. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659.

The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02252 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

[2] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at title 40, Code of Federal Regulations, section 1501.8.

[3] The Advisory Council on Historic Preservation's regulations are at title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4718–000]

Cocheco Falls Associates; Notice of Authorization for Continued Project Operation

The license for the Cocheco Falls Dam Hydroelectric Project No. 4718 was issued for a period ending December 31, 2022.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 4718 is issued to Cocheco Falls Associates for a period effective January 1, 2023, through December 31, 2023, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before December 31, 2023, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Cocheco Falls Associates is authorized to continue operation of the Cocheco Falls Dam Hydroelectric Project under the terms and conditions of the prior license until the issuance of

a new license for the project or other disposition under the FPA, whichever comes first.

Dated: January 30, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02298 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER23–946–000]

Clear Green Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Clear Green Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 16, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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://www.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 TYY, (202) 502–8659.

Dated: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02248 Filed 2–2–23; 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: RP23–376–000.
Applicants: Florida Public Utilities Company, Chesapeake Utilities Corporation—Central Florida Gas Division.
Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. of Florida Public Utilities Company, et al.
Filed Date: 1/27/23.
Accession Number: 20230127–5090.
Comment Date: 5 p.m. ET 2/8/23.

Docket Numbers: RP23–377–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2023 Section 4 Rate Case to be effective 3/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5150.
Comment Date: 5 p.m. ET 2/8/23.

Docket Numbers: RP23–378–000.
Applicants: Ruby Pipeline, L.L.C.
Description: § 4(d) Rate Filing: RP 2023–01–27 FL&U and EPC Rate Adjustment to be effective 3/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5179.
Comment Date: 5 p.m. ET 2/8/23.

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.

Filings in Existing Proceedings

Docket Numbers: RP22–1222–002.
Applicants: Natural Gas Pipeline Company of America LLC.
Description: Compliance filing: Settlement Compliance—Implementation of Other Tariff Provisions to be effective 4/1/2023.
Filed Date: 1/30/23.
Accession Number: 20230130–5094.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–295–001.
Applicants: ANR Pipeline Company.
Description: Compliance filing: AXP Notice of Inservice in Docket Nos. CP20–484, CP20–485 and RP23–295 to be effective 1/19/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5188.
Comment Date: 5 p.m. ET 2/8/23.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by 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/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 30, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–02290 Filed 2–2–23; 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: PR23–25–000.
Applicants: Southern California Gas Company.
Description: § 284.123(g) Rate Filing: Offshore_Delivery_Service_Rate_Revision_January_2023 to be effective 1/25/2023.
Filed Date: 1/26/23.
Accession Number: 20230126–5000.
Comment Date: 5 p.m. ET 2/16/23.
284.123(g) Protest: 5 p.m. ET 3/27/23.

Docket Numbers: PR23–26–000.
Applicants: Columbia Gas of Maryland, Inc.
Description: § 284.123 Rate Filing: CMD Rates Effective Jan 1 2023 to be effective 1/1/2023.
Filed Date: 1/26/23.
Accession Number: 20230126–5084.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: PR23–27–000.
Applicants: Public Service Company of Colorado.
Description: § 284.123(g) Rate Filing: Statement of Rates & Statement of Op. Conditions_eff 01.01.23 (Normal) to be effective 1/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5035.
Comment Date: 5 p.m. ET 2/17/23.
284.123(g) Protest: 5 p.m. ET 3/27/23.

Docket Numbers: RP23–372–000.
Applicants: Great Lakes Gas Transmission Limited Partnership.
Description: Compliance filing: Semi-Annual Transporter's Use Report January 2023 to be effective N/A.
Filed Date: 1/26/23.
Accession Number: 20230126–5136.
Comment Date: 5 p.m. ET 2/7/23.

Docket Numbers: RP23–373–000.
Applicants: Big Sandy Pipeline, LLC.
Description: Compliance filing: Big Sandy Fuel Filing Effective 3–1–2023 to be effective N/A.
Filed Date: 1/27/23.
Accession Number: 20230127–5046.
Comment Date: 5 p.m. ET 2/8/23.

Docket Numbers: RP23–374–000.
Applicants: Ruby Pipeline, L.L.C.
Description: § 4(d) Rate Filing: RP 2023–01–27 Negotiated Rate Agreements to be effective 3/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5048.
Comment Date: 5 p.m. ET 2/8/23.

Docket Numbers: RP23–375–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: § 4(d) Rate Filing: Fuel_LU Quarterly Update Filing Mar. 1, 2023 to be effective 3/1/2023.
Filed Date: 1/27/23.
Accession Number: 20230127–5059.
Comment Date: 5 p.m. ET 2/8/23.

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.

Filings in Existing Proceedings

Docket Numbers: RP11–1711–000.
Applicants: Texas Gas Transmission, LLC.
Description: Refund Report: 2022 Cash Out Filing to be effective N/A.
Filed Date: 1/27/23.
Accession Number: 20230127–5025.
Comment Date: 5 p.m. ET 2/8/23.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by 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/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02257 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–55–000]

Port Arthur LNG Phase II, LLC; PALNG Common Facilities Company, LLC; Notice To Prepare a Supplemental Environmental Assessment for the Proposed Port Arthur LNG Expansion Project and Schedule for Environmental Review

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare a supplemental environmental assessment (EA) for the Port Arthur LNG Expansion Project (Project) in Jefferson County, Texas, proposed by Port Arthur LNG Phase II, LLC and PALNG Common Facilities Company, LLC (collectively referred to as Port Arthur LNG). The supplemental EA will tier off the Commission staff's January 15, 2021 EA and its findings and conclusions for the Project, and respond to comments filed on the EA.[1] The supplemental EA will assist the Commission in its consideration of the Project's impacts on air quality, environmental justice communities, and climate change, and will inform the Commission in its review of the Project under section 3 of the Natural Gas Act.[2] The schedule for preparation of the supplemental EA is discussed in the ''Schedule for Environmental Review'' section of this notice.

The National Environmental Policy Act Process

The production of the supplemental EA is part of the Commission's overall National Environmental Policy Act review process. Commission staff will independently analyze the proposed Project and prepare a supplemental EA, which will be issued for public comment. The supplemental EA will be available in electronic format in the public record through eLibrary[3] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*).

The U.S. Environmental Protection Agency is a cooperating agency in the preparation of the supplemental EA.

Schedule for Environmental Review

This notice identifies the Commission staff's intention to prepare a supplemental EA for the Project and the planned schedule for completion of the environmental review.

Issuance of the Supplemental EA—April 28, 2023

90-day Federal Authorization Decision Deadline[4]—July 27, 2023

If a schedule change becomes necessary for the EA, an additional notice will be provided so that the

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[1] The EA for the Project is filed in Docket No. CP20–55–000 under Accession No. 20210115–3014.

[2] 15 U.S.C. 717b(a). Section 3 of the Natural Gas Act provides that an application shall be approved unless the proposal ''will not be consistent with the public interest,'' and approval may be subject to ''such terms and conditions as the Commission may find necessary or appropriate.''

[3] For instructions on connecting to eLibrary, refer to the ''Additional Information'' section of this notice.

[4] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

relevant agencies are kept informed of the Project's progress.

Environmental Mailing List

This notice is being sent to the Commission's current environmental mailing list for the Project which includes: federal, state, and local government representatives and agencies; Native American Tribes; elected officials; environmental and public interest groups; other interested parties. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP20–55–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 1).

Additional Information

In order to receive notification of the issuance of the supplemental EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. 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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is 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. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Dated: January 27, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02256 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 77–314]

Pacific Gas and Electric Company; Notice Inviting Post-Technical Conference Comments

On January 10, 2023, the Federal Energy Regulatory Commission (Commission) convened a technical conference to discuss National Marine Fisheries Service (NMFS) March 17, 2022, proposed interim protective measures for continued operation of the Potter Valley Project.[1]

All interested persons are invited to file post-technical conference comments on issues raised during the conference that they believe would benefit from further discussion. Commenters may reference material previously filed in this docket, including the technical conference transcript, but are encouraged to avoid repetition or replication of previous material. In addition, commenters are encouraged, when possible, to provide examples and quantitative data in support of their answers. Comments must be submitted on or before 45 days from the date of this notice.

Comments may be filed electronically via the internet.[2] Instructions are available on the Commission's website *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, submissions sent via the U.S. Postal Service must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, MD 20852.

Comment Deadline: Monday, March 16, 2023.

For more information about this Notice, please contact: Diana Shannon (Technical Information), Office of Energy Projects, (202) 502–6136, *diana.shannon@ferc.gov.*

Dated: January 30, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02299 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

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[1] Notice of Technical Conference, Docket No. P–77–314 (Dec. 13, 2022).

[2] *See* 18 CFR 385.2001(a)(1)(iii) (2021).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23–15–000]

ANR Pipeline Company; Notice of Schedule for the Preparation of an Environmental Assessment for the Wisconsin Reliability Project

On November 14, 2022, ANR Pipeline Company (ANR) filed an application in Docket No. CP23–15–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Wisconsin Reliability Project (Project), and would provide about 150,000 dekatherms of natural gas per day to the state of Wisconsin.

On November 28, 2022, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the

completion of the environmental review.[1]

Schedule for Environmental Review

Issuance of EA July 21, 2023

90-day Federal Authorization Decision Deadline[2] October 19, 2023

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The Wisconsin Reliability Project would consist of the following facilities:

- installation of two new 3,750 horsepower (hp) Dual Drive Technologies, Ltd.™ (dual-drive)[3] compressor units, removal of five existing compressor units, and uprate of one existing unit at the existing Kewaskum Compressor Station in Sheboygan County, Wisconsin;
- installation of two new 3,750 hp dual-drive compressor units, removal of one existing compressor unit, installation of an electric substation, and upsizing of station inlet and discharge piping at the existing Weyauwega Compressor Station in Waupaca County, Wisconsin;
- replacement of approximately 48 miles of existing, 14-inch-diameter and 22-inch-diameter Line 301 with 30-inch-diameter and 36-inch-diameter pipeline, and existing 24-inch-diameter Line 226 with 30-inch-diameter pipeline in the counties of Washington, Waukesha, Waupaca, Outagamie, and Winnebago counties Wisconsin, as well as Mc Henry County, Illinois;
- expansion of the existing Lena, Merrill, Oshkosh, South Wausau, Stevens Point, and Two Rivers meter stations to accommodate deliveries of incremental capacity in the counties of Oconto, Lincoln, Winnebago, Marathon, Portage, and Manitowoc, Wisconsin; and
- other minor appurtenant facilities.

The general location of the Project facilities is shown in appendix 1.[4]

Construction of the proposed facilities would disturb about 1,044.3 acres of land for the aboveground facilities upgrades and pipeline modifications. Following construction, ANR would maintain about 466.7 acres for permanent operation of the Project's pipeline facilities and 36.4 acres for operation of the aboveground facilities; the remaining acreage would be restored and revert to former uses. A majority of the proposed pipeline route parallels existing pipeline, utility, or road rights-of-way, or would be installed within the same footprint of the existing pipe segment to replaced.

Background

On July 8, 2022, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Planned Wisconsin Reliability Project and Notice of Public Scoping Session* (Notice of Scoping). The Notice of Scoping was issued during the pre-filing review of the Project in Docket No. PF22–5–000 and was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the Notice of Scoping, the Commission received comments from Washington County, National Park Service, U.S. Environmental Protection Agency, and several landowners. The primary issues raised by the commenters were concerns with construction impacts, wetland and wildlife, air quality, and land use. All substantive comments will be addressed in the EA.

Wisconsin Department of Natural Resources, Wisconsin Department of Agriculture, U.S. Environmental Protection Agency, and U.S. Army Corps of Engineers are cooperating agencies in the preparation of the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP23–15), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: January 30, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02300 Filed 2–2–23; 8:45 am]

BILLING CODE 6717–01–P

[1] 40 CFR 1501.10 (2020)

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

[3] Dual Drive Technologies, Ltd.™ units are redundant prime mover systems comprised of a combination electric motor connected to an engine for powering a gas compressor. These units can switch between electricity and natural gas in the event of an abnormal operating event (*e.g.,* power outage) to provide enhanced system reliability and maintain customer commitments.

[4] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary.'' For instructions on connecting to eLibrary, refer to the last page of this notice. 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 FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2020–0426; FRL–8421.1–01–OW]

Final Updated Clean Water Act Financial Capability Assessment Guidance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: When municipal discharges cause violations of the Clean Water Act (CWA), the Environmental Protection Agency (EPA) sets a schedule for the municipality to address them as soon as possible. EPA considers factors such as public health, environmental protection, and a community's financial capability when developing schedules to implement the compliance measures. The updated Clean Water Act Financial Capability Assessment Guidance (FCA Guidance) may be used by municipalities when making certain water quality decisions and when developing or revising plans to dramatically reduce sewer overflows. The FCA Guidance describes the financial information and formulas the Agency intends to use to assess the financial resources a community has

available to implement controls to meet the requirements of the CWA. It also provides transparent benchmarks for negotiating schedules to put those controls in place and for states and authorized tribes to assess potential changes to water quality standards. This guidance also helps ensure national consistency in CWA implementation. The FCA Guidance replaces EPA's 1997 Combined Sewer Overflows—Guidance for Financial Capability Assessment and Schedule Development (1997 FCA Guidance) to evaluate a community's capability to fund CWA control measures in both the permitting and enforcement context. Additionally, Section III of the FCA Guidance is intended to assist states and authorized tribes in the consideration of economic impacts to public entities for supporting revisions to designated uses, water quality standard (WQS) variances, and antidegradation reviews for high quality waters. The FCA Guidance reflects EPA's consideration of public comments received in response to its February 23, 2022 **Federal Register** publication. The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide recommendations to the public regarding existing requirements under the law or agency policies.

FOR FURTHER INFORMATION CONTACT: Ellen Tarquinio, Office of Wastewater Management, Water Infrastructure Division (MC4204M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC, 20460; telephone number: (202) 566–2267; email address: *tarquinio.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Use of the FCA Guidance
II. Overview of the Updated FCA Guidance
III. Public Comments Received and Changes from the February 2022 Proposal
1. Calculation of Lowest Quintile Income and Poverty Indicators
2.Financial Alternatives Analysis
3. General Compliance Schedule Benchmarks
4. Application of the FCA Guidance to Water Quality Standards Decisions
IV. Conclusion

EPA's Clean Water Act Financial Capability Assessment Guidance

I. Background and Use of the FCA Guidance

The FCA Guidance updates the Agency's approaches for assessing the financial capability of communities to fund CWA control measures. Section 402(q) of the CWA requires each permit, order, or decree issued pursuant to CWA Section 402 after December 21, 2000, for a discharge from a municipal combined storm and sanitary sewer, to conform to EPA's April 11, 1994 Combined Sewer Overflow Control Policy (CSO Policy). The CSO Policy states that ''[s]chedules for implementation of the CSO controls may be phased based on the relative importance of adverse impacts upon WQS and designated uses, priority projects identified in the long-term control plan, and on a permittee's *financial capability.*'' 59 FR 18694 (emphasis added). EPA considers each community's financial capability on a holistic case-by-case basis to ensure CWA requirements are met while also taking the financial capability of the community into consideration.

The FCA Guidance builds on EPA's past practice for assessing a community's financial capability as a part of determining the appropriate schedule to implement CWA control measures,[1] and provides additional metrics and templates that communities can use to more thoroughly demonstrate potential financial impacts. The guidance provides a planning tool for evaluating the financial resources a community has available to implement CWA controls. It also increases the transparency of EPA's considerations in applying FCA methodologies across the country in permitting and enforcement cases. EPA intends to also apply the Final FCA Guidance to the consideration of economic impacts to public entities when making WQS decisions on revisions to designated uses, WQS variances, and antidegradation reviews for high-quality waters. Prior to this Guidance, EPA recommended the public sector sections of the 1995 Interim Economic Guidance for Water Quality Standards (1995 WQS Guidance) for evaluating WQS decisions, including revisions to designated uses, WQS variances, and antidegradation reviews for high-quality waters. Those sections of the 1995 WQS Guidance were substantively identical to the 1997 FCA Guidance that is being replaced with the updated FCA Guidance. Rather than create duplicative documents, EPA has determined that the FCA Guidance can support both schedule negotiations and certain water quality decisions. The FCA Guidance supplements the calculations and analyses in the public sector portion of the 1995 WQS Guidance with additional analyses, an expanded economic impact matrix, and recommendations to consider when making WQS decisions. EPA intends the FCA Guidance, together with the text in the public sector sections of the 1995 WQS Guidance, to guide states and authorized tribes in evaluating the economic impact of potential WQS decisions related to financial capability. The FCA Guidance does not revise the recommended methodology for the private sector found in the 1995 WQS Guidance.

The FCA Guidance metrics for financial capability assessments meet the following criteria recommended by the National Academy of Public Administration (NAPA): [2]

- Readily available from publicly available data sources;
- Clearly defined and understood;
- Simple, direct, and consistent;
- Valid and reliable measures, according to conventional research standards; and
- Applicable for comparative analyses among permittees.

II. Overview of the Updated FCA Guidance

The FCA Guidance recommends two alternative approaches for assessing a community's financial capability to implement CWA control measures. Alternative 1 retains the Residential Indicator (*i.e.,* 2% of MHI) and the Financial Capability Indicators from the 1997 FCA Guidance because they measure factors required under the Clean Water Act by the CSO Policy.[3] In addition to these two metrics, the FCA Guidance provides a new metric called the Lowest Quintile Poverty Indicator that provides a methodology for consideration of the lowest quintile income and poverty in the community's service area. In addition to their use to assist in negotiating CWA compliance schedules, EPA recommends the application of the methodologies from Alternative 1 of the FCA Guidance for the consideration of economic impacts to public entities when making decisions on WQS variances and antidegradation reviews. In appropriate cases, these methodologies could also inform decisions about revisions to

[1] Historically, EPA assessed financial capability using EPA's 1997 FCA Guidance, EPA's 2014 Financial Capability Assessment Framework for Municipal Clean Water Act Requirements (2014 FCA Framework), and additional information submitted by communities.

[2] NAPA issued a report titled ''Developing a New Framework for Community Affordability of Clean Water Services'' in October 2017.

[3] These factors are: (i) median household income; (ii) total annual wastewater and CSO control costs per household as a percent of median household income; (iii) overall net debt as a percent of full market property value; (iv) property tax revenues as a percent of full market property value; (v) property tax collection rate; (vi) nemployment; and (vii) bond rating. See 59 FR 18688, 18694, April 19, 1994.

designated uses, subject to additional analyses.

The FCA Guidance also provides a discussion of and a template for a Financial Alternatives Analysis that expands on the Secondary Financial Considerations in EPA's 1997 FCA Guidance and the CSO Control Policy.[4] The Financial Alternatives Analysis guides a community through consideration of programs that may help reduce financial impacts by lowering costs or assisting low-income residents. The Financial Alternatives Analysis is also consistent with EPA's Integrated Municipal Stormwater and Wastewater Planning Approach Framework (2012), which provides that integrated plans should include a financial strategy and capability assessment that ensures investments are sufficiently funded, operated, maintained and replaced over time and include consideration of current and planned rates and fees.[5] The expanded Financial Alternatives Analysis is designed to help strengthen both CWA protections and water service affordability protections. It allows municipalities negotiating compliance schedules and certain WQS revisions to demonstrate actions to reduce or mitigate the financial impact of water service costs, particularly on the community's low-income households, and to achieve compliance as expeditiously as possible.

For schedule development, the FCA Guidance provides a second option for assessing financial capability. Alternative 2 allows communities to develop a dynamic financial and rate model that looks at the impacts of rate increases over time on utility customers. EPA would review the financial and rate model along with the community's Lowest Quintile Poverty Indicator and Financial Alternatives Analysis in developing a compliance schedule.[6]

The FCA Guidance can help to ensure that local challenges related to low-income households are better reflected in CWA implementation schedules and certain water quality decisions. When additional relevant financial or demographic information is presented that illustrates the unique or atypical circumstances faced by a community, EPA plans to consider this information. The FCA Guidance continues to encourage communities to submit supplemental financial information. Templates and calculations are provided to submit drinking water costs and other relevant information. These templates and calculations include references to publicly available data sources that can be used for compiling this information. The FCA Guidance is available at: *https://www.epa.gov/waterfinancecenter/clean-water-act-financial-capability-assessment-guidance.*

III. Public Comments Received and Changes From the February 2022 Proposal

On September 18, 2020, EPA published a Proposed 2020 Financial Capability Assessment for Clean Water Act Obligations Guidance in the **Federal Register** for public comment.[7] On January 12, 2021, EPA posted a pre-publication version of the FCA Guidance on the Agency's website. The pre-publication FCA was never published in the **Federal Register** and was withdrawn for review in accordance with the January 20, 2021 White House Memorandum, Regulatory Freeze Pending Review.[8] On February 23, 2022, EPA published a Proposed 2022 Clean Water Act Financial Capability Assessment Guidance (Proposed 2022 FCA Guidance) in the **Federal Register** for public comment.[9] The Proposed 2022 FCA Guidance reflected EPA's consideration of public comments received in response to its September 2020 **Federal Register** publication, as well as feedback received through various stakeholder outreach sessions. EPA received 2,976 comments on the Proposed 2022 FCA Guidance during the 60-day comment period. The main areas of comments and EPA's responses are described below.

1. Calculation of Lowest Quintile Income and Poverty Indicators

In the Proposed 2022 FCA Guidance, EPA offered two options for calculating a new metric intended to help assess the severity and prevalence of poverty in a community's service area. The Proposed Option 1 was to add a single new metric to the FCA, called the Lowest Quintile Poverty Indicator (LQPI), to be considered with the Residential Indicator and Financial Capability Indicator. The Proposed Option 2 was to add two new metrics, the Lowest Quintile Income Indicator (LQII) and the Poverty Indicator (PI). Based on public comments received, EPA has chosen Option 1. While both options effectively characterize the severity and prevalence of poverty in a community, comments received from several state co-regulators indicated that the formula in Option 1 was easier to implement.

Several commentors also suggested incorporating more local data points into the LQPI, such as cost of living, to supplement the comparison of a community's lowest quintile income and other poverty factors against national benchmarks. EPA found that some of the recommended additional factors involved datasets that are not easily publicly accessible or not available at the service area level. The FCA Guidance retains the proposal's Lowest Quintile Poverty Indicator factors, which are readily available from publicly available data sources and provide a simple and consistent method to assess the severity and prevalence of poverty in a community. These factors are:

- Upper limit of lowest quintile income;
- Percentage of population with income below 200% of the Federal poverty level;
- Percentage of households receiving food stamps/SNAP benefits;
- Percentage of vacant housing units;
- Trend in household growth; and
- Percentage of unemployed population 16 and over in the civilian labor force.

These factors identify community characteristics that provide a general understanding of the service area status. To supplement the Lowest Quintile Poverty Indicator, communities may provide information about local considerations that may not be fully captured by the approach detailed in the guidance.

2. Financial Alternatives Analysis

EPA received both supportive and negative comments related to the Financial Alternatives Analysis. Supportive comments identified the Financial Alternatives Analysis as a tool to assist in achieving water quality benefits sooner while seeking to minimize financial burdens on

[4] The CSO Control Policy lists the following additional construction and financing schedule considerations for implementation plan scheduling: grant and loan availability; previous and current residential, commercial, and industrial sewer user fees and rate structures; and other viable funding mechanisms and sources of financing. See 59 FR 18688, 18694, April 19, 1994.

[5] In 2012, EPA developed the Integrated Municipal Stormwater and Wastewater Planning Approach Framework to offer a voluntary opportunity for a municipality to develop an integrated plan to meet multiple CWA requirements. On January 14, 2019, the Water Infrastructure Improvement Act (WIIA) (H.R. 7279) added a new section 402(s) to the CWA to include the 2012 Integrated Planning Framework.

[6] As discussed more fully in Section III.4, EPA does not recommend use of Alternative 2 alone for WQS decisions, but communities can provide financial and rate model data as additional information for consideration in conjunction with the Alternative 1 critical metrics.

[7] 85 FR 58352 (September 18, 2020).

[8] See *https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/regulatory-freeze-pending-review/.*

[9] 87 FR 10193 (February 23, 2022).

ratepayers, especially those from low-income households. The negative comments asserted that the Financial Alternatives Analysis was too resource-intensive and that it involved EPA in matters under local government purview such as utility management and rate setting. Many commentors asked EPA to clarify how a Financial Alternatives Analysis should be completed and how it will likely be reviewed.

EPA plans to retain incentives for municipalities seeking extended compliance schedules or certain WQS revisions to describe their strategies for lowering costs and reducing impacts on low-income households through a Financial Alternatives Analysis. These strategies may include use of variable rate structures, consumer assistance programs, and applications for grants or subsidies from the Clean Water State Revolving Fund (CWSRF). Significant new sources of funding available from the Bipartisan Infrastructure Law create new opportunities for communities to secure funding to support CWA compliance. In response to comments, the guidance simplifies how the Financial Alternatives Analysis could be considered as part of schedule extension requests or certain WQS decisions and provides additional resources and templates for its completion. The Financial Alternatives Analysis walks communities through various financial alternatives and describes how these programs may, in some instances, mitigate financial impacts. The information gleaned from this step is intended to inform EPA's consideration of an extended CWA schedule or WQS decision related to economic impacts, particularly when the economic impacts affect low-income households. In evaluating the Financial Alternatives Analysis, EPA expects to look comprehensively at the community's financial strategy, including, but not limited to, an analysis of the community's approach to covering costs through rate structure and design as well as its other initiatives to assist low-income customers while assuring necessary and timely compliance with environmental requirements.

The FCA Guidance revises the Financial Alternatives Analysis based on input from commenters. Some commenters requested greater clarity on the steps to complete the Financial Alternatives Analysis. Other commenters asked that interpretation of the Financial Alternatives Analysis results be clearly explained and reproducible. In response, EPA is providing more explanation of how a Financial Alternatives Analysis may be completed and also is simplifying the method the agency intends to use to include the results of a Financial Alternatives Analysis in a financial capability assessment.

In the FCA Guidance, EPA clarifies methods for completing a Financial Alternatives Analysis. The discussion of the Financial Alternatives Analysis has been expanded and an example financial alternatives worksheet is provided. Appendix C contains a more detailed discussion of financial alternatives, with explanations of how various alternatives may help to minimize the financial impacts of CWA controls, links to resources for implementing financial alternatives, and case studies. In addition, the FCA now provides a template to assist in documenting consideration of financial alternatives. It also makes clear that other documentation may be submitted instead if it provides a descriptive and thorough discussion of financial alternatives that have been implemented, are being planned or considered, or are not being pursued.

Further, the FCA Guidance simplifies consideration of the Financial Alternatives Analysis by interpreting its result at the end of the analytical process rather than as an intermediary step. The Proposed 2022 FCA Guidance recommended calculation of an Initial Lowest Quintile Poverty Indicator score and then adjustment of that score according to the outcome of the Financial Alternatives Analysis. Because adjustment of the Initial Lowest Quintile Poverty Indicator score involved evaluation of the adequacy of the Financial Alternatives Analysis, this analytical step increased uncertainty for stakeholders and regulators tasked with developing or evaluating the analysis. To address that issue, the FCA Guidance considers the results of the Financial Alternative Analysis at the end of the analytical process, as part of Exhibit 9. General Implementation Schedule Benchmarks, for schedule negotiations, and in Exhibit 13. Recommendations for Making WQS Decisions, for variances, use changes, and anti-degradation reviews. Because the Financial Alternatives Analysis provides key information about the extent of possible financial impacts and whether those impacts might outweigh the environmental impacts of extended noncompliance or water quality standards decisions, general benchmarks for compliance schedules tend to be shorter and recommendations for WQS decisions more conservative for communities without a comprehensive Financial Alternatives Analysis. This modification simplifies the FCA analysis while providing for consideration of the Financial Alternatives Analysis as part of a holistic financial strategy for balancing the financial and environmental impacts of extended CWA compliance schedules or potential changes to water quality standards.

Some commenters suggested that the Financial Alternatives Analysis would require entities seeking schedule extensions or certain WQS decisions to ignore local legal restrictions. EPA has clarified the language in the FCA Guidance to address this perception. The FCA Guidance provides ideas for thinking creatively and broadly about how to help with rate impacts to residents, within legal boundaries. The information and resources contained in the FCA Guidance is intended to help communities understand and consider all their financial options related to the costs and timeframes of constructing and implementing CWA controls. From EPA's experience, some communities may not be aware of available resources and potential options for implementing certain financial alternatives. The combination of the information available in the expanded Appendix C, along with the availability of EPA technical assistance (*WaterTA@epa.gov*), may help some communities consider and pursue available alternatives.

In most cases, communities will have considered or implemented at least some of the financial alternatives as general good practices of utility management. Performing the Financial Alternatives Analysis at the beginning of an FCA may help a community evaluate all costs associated with the implementation of CWA controls, such as reduced costs associated with low-interest loans, increased revenue from utility fees, or the costs associated with programs that assist low-income households. Performing this analysis early will allow these costs to be accounted for in the Residential Indicator and Financial Capability Indicator. The FCA Guidance also recognizes that not all financial alternatives may be legally or practically feasible for all communities and that the ability to implement some financial alternatives may depend on state and local laws or other practical considerations related to the structure or organization of the permittee. Although certain financial or funding considerations listed in Appendix C may be prohibited by state law, there still may be alternative mechanisms to achieve the same goals. Appendix C provides examples of communities that

have encountered legal barriers yet were able to implement similar or analogous mechanisms to reduce financial impacts. When a community does not include available tools in its plan, a written explanation of the reasons for omitting them should be provided.

While the Financial Alternatives Analysis is a valuable tool to balance the key goals of minimizing financial impacts and ensuring that residents benefit from CWA protections, EPA understands that the cost of completing the analysis may be a barrier for some communities. Some commenters raised concerns about limited resources available to some communities. To ensure that all communities, including underserved and low-income communities, have access to this tool, the FCA Guidance describes the support EPA is making available to assist with completing a Financial Alternatives Analysis, through EPA's Water Finance Center. If resource constraints remain, a community could provide information on current and planned efforts to reduce costs and relieve impacts on low-income residential households in a format that represents a good-faith effort relative to the size of the community's service area. In addition, for small communities, particularly those serving less than 3,000 persons, for which it may not be feasible to make a good faith effort to document the financial alternatives in Appendix C, EPA plans to be mindful of those resource constraints when developing compliance schedules and evaluating WQS decisions based on economic impacts.

3. General Compliance Schedule Benchmarks

The Proposed 2022 FCA Guidance provided a general compliance schedule benchmark of up to 15 years for communities that demonstrate ''medium'' FCA impacts. For communities demonstrating ''high'' FCA impacts, the proposal provided a general compliance schedule benchmark of generally up to 20 years, or as long as 25 years for unusually high impacts. Multiple commentors indicated that these timeframes were too short and are inconsistent with CWA consent decrees that include schedules longer than 25 years. On the other hand, several states commented that the compliance schedule benchmarks were reasonable guidelines.

EPA recognizes that there are existing CWA compliance schedules (or modified compliance schedules) that go beyond the guidance's Exhibit 9 General Implementation Schedule Benchmarks. Exhibit 9 provides guidelines for developing consistent and reasonably uniform implementation schedules across the nation in situations where permittee's CWA controls impose similar financial burdens. The general benchmarks are not intended to replace or prejudge the negotiations and deliberations involved to balance all environmental and financial considerations that influence the site-specific nature of the controls and implementation schedules. As was done under EPA's prior FCA guidance, the agency plans to consider implementation schedules that are different than the schedules suggested by the FCA Guidance's baseline analysis when circumstances justify departing from the general benchmarks.

It is also important to consider human health and environmental impacts in addition to cost when considering extended schedules. EPA received comments that EPA should ensure that compliance schedules are no longer than necessary. The majority of comments from over 2,900 individual commentors urged EPA not to delay compliance with the Clean Water Act. EPA is mindful that prolonging water quality impairments could exacerbate environmental justice concerns. The CWA requires that compliance schedules included in NPDES permits must ''require compliance as soon as possible.'' 40 CFR 122.47(a)(1). The CSO Policy, and CWA section 402(q) adopting the policy as law, also states that NPDES authorities should ensure that ''CWA requirements are complied with as soon as practicable.'' 59 FR 18688, April 19, 1994. As described in Section III.2 of this document, the Exhibit 9 General Implementation Schedule Benchmarks have been updated to consider whether a comprehensive Financial Alternatives Analysis was submitted as part of the financial capability assessment. The consideration of a financial strategy to reduce costs and relieve impacts on low-income households provides information about possible remaining financial impacts on a community. Without a Financial Alternatives Analysis, it will likely be harder for EPA to assess whether those impacts might outweigh the environmental impacts of extended noncompliance. While the overall ranges for ''medium'' and ''high'' FCA impact communities are the same as the Proposed 2022 FCA Guidance, the general compliance schedule benchmarks for compliance schedules without a comprehensive Financial Alternatives Analysis for each category are shorter than for communities within that category with a comprehensive Financial Alternatives Analysis. Overall, EPA believes that, for unusually high impacts and after consideration of available financial alternatives, 25 years is a reasonable general scheduling benchmark that is consistent with the CWA and CSO Policy. In addition, several states co-regulators with experience using FCAs to aid in developing CWA compliance schedules commented that the general compliance schedule benchmarks were reasonable.

4. Application of the FCA Guidance to Water Quality Standards Decisions

EPA received some comments that the application of the FCA Guidance to WQS decisions based on economic impacts was inconsistent with the applicable WQS regulations because the proposed methodologies were either too stringent or not stringent enough. The WQS regulations specify that economic factors may be considered for revisions to designated uses and WQS variances (40 CFR 131.10(g)(6)) and during antidegradation reviews (40 CFR 131.12(a)(2)). EPA's FCA Guidance does not and cannot change the WQS regulations that allow for consideration of economic factors in WQS decisions. However, it is EPA's intention for the FCA Guidance to serve as an update to EPA's 1995 WQS Guidance for public entities. The FCA Guidance recommends additional safeguards to ensure that WQS decisions that may potentially lower water quality are justified and that low-income households do not disproportionately bear the burden of such decisions.

EPA received comments that the 2022 Proposed FCA Guidance was over-prescriptive as applied to use attainability analyses/designated use revisions. Some commenters stated that the guidance was not clear enough on the distinction between WQS variances, use attainability analyses, and antidegradation reviews. Based on these comments, EPA revised the FCA Guidance to more thoroughly consider the legal, technical, and practical considerations unique to water quality standards. The FCA Guidance discusses the differences among WQS variances, revisions to designated uses, and antidegradation reviews, and provides step-by-step recommendations on how to perform the analysis and interpret the results in the context of these different WQS decisions.

The metrics and thresholds in the 1995 WQS Guidance and Alternative 1 of the FCA Guidance are based on an analysis of financial and economic data that reflect conditions during a particular period of time, *i.e.,* a

''snapshot'' of financial and socio-economic data. As such, these metrics and analyses are well-suited and most appropriate for evaluating requests for WQS variances under 40 CFR 131.10(g)(6). The time-limited nature of a WQS variance ensures that changes in financial conditions would be considered if and when there is a request for a subsequent variance or at the time of reevaluation for a WQS variance with a duration longer than five years. Because the revision of a designated use (including a revision to a less stringent use subcategory) or allowing degradation of high-quality waters could have an environmental impact with a much longer timeframe, EPA recommends caution when making such WQS decisions using ''snapshot'' economic and financial information. EPA recommends states and authorized tribes first explore whether there are other factors under 40 CFR 131.10(g) that preclude attainment of the designated use when considering a revision to a designated use. Where states and authorized tribes choose to pursue a use change or degradation of high-quality water, EPA recommends an expanded multi-step approach to evaluate economic impacts. EPA has revised the FCA Guidance to better explain the distinction between a WQS variance and a revision to a designated use or antidegradation review. EPA also outlines how these recommendations relate to the objective of the CWA to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters.''

Several commentors questioned why Alternative 2 was not recommended as a sole basis for supporting WQS decisions. Although financial and rate models may provide information on the impact of different rate scenarios over time, such information is insufficient to determine if required wastewater treatment projects necessary to meet water quality standards would result in substantial and widespread economic and social impacts. Financial and rate models also do not provide information about whether lowering of water quality would be necessary to accommodate important economic or social development. Furthermore, EPA is not aware of any specific thresholds or benchmarks that could be uniformly applicable across all communities to make WQS decisions. However, EPA agrees that financial and rate models can be helpful as supporting information for WQS decisions. The agency provided additional language in the FCA Guidance to better explain its views on financial and rate models in WQS decisions.

The FCA Guidance does not alter EPA's review of changes to water quality standards. The CWA specifies that any state or tribal water quality standard must be submitted to EPA for review and approval or disapproval. 33 U.S.C. 1313(c). Adoption of a WQS variance or revision of a designated use is a change to water quality standards. In addition, EPA can object to an NPDES permit issued by an authorized state or tribe if the permit does not conform to the statute or regulations, including the lowering of water quality in high-quality waters without an adequate demonstration that such lowering of water quality is necessary for important economic or social development in the area in which the high-quality waters are located. See, *e.g.,* 33 U.S.C. 1311(b)(1)(C) and 1342. EPA will continue to evaluate WQS and NPDES permits as it has for decades in a transparent manner consistent with applicable statutes, regulations, guidance, and long-established policies.

IV. Conclusion

The FCA Guidance outlines strategies for communities to support affordable utility rates while making water quality decisions and planning investments in water infrastructure that are essential to protecting clean water. EPA is committed to ensuring that all Americans have access to essential water services and clean water. This guidance provides a needed framework that can help achieve that goal for rural, suburban, and urban communities across the country. The more detailed financial analysis in the FCA Guidance will provide communities and EPA a clearer picture of a community's financial capability and strategies to protect low-income residents while achieving timely and equitable clean water protections. Federal funding initiatives and programs such as the Bipartisan Infrastructure Law (BIL), American Rescue Plan Act (ARPA), State Revolving Loan Funds (SRFs), Water Infrastructure Finance and Innovation Act (WIFIA) and others provide billions of dollars for state, local, territorial, and tribal governments. These resources create a historic opportunity for municipalities to address long-standing challenges with shorter compliance schedules, providing water quality and public health improvements that deliver important social, environmental, and economic benefits to communities. EPA will continue to consider each community's financial capability on a holistic case-by-case basis. Where appropriate, EPA has and will continue to consider supplemental information submitted by the community to negotiate reasonable and effective schedules for implementation of the CWA controls.

Andrew D. Sawyers,

Director, Office of Wastewater Management, Office of Water.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–R10–OW–2022–0418; FRL 10624–01–OW]

Final Determination To Prohibit the Specification of and Restrict the Use for Specification of Certain Waters Within Defined Areas as Disposal Sites; Pebble Deposit Area, Southwest Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: Pursuant to Section 404(c) of the Clean Water Act (CWA), the Environmental Protection Agency (EPA) is issuing a Final Determination to prohibit the specification of and restrict the use for specification of certain waters in the South Fork Koktuli River (SFK), North Fork Koktuli River (NFK), and Upper Talarik Creek (UTC) watersheds as disposal sites for certain discharges of dredged or fill material associated with developing the Pebble deposit, a copper-, gold-, and molybdenum-bearing ore body located in Southwest, Alaska.

FOR FURTHER INFORMATION CONTACT: For information concerning the Final Determination, contact Palmer Hough, Oceans, Wetlands and Communities Branch, Office of Water (4504–T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number (202) 566–1374; email address: *hough.palmer@epa.gov.* For more information about EPA's efforts in Bristol Bay and to review the CWA Section 404(c) Final Determination, see *http://www.epa.gov/bristolbay.*

SUPPLEMENTARY INFORMATION:

I. Clean Water Act Section 404(c) Review Process

The EPA's mission is to protect human health and the environment. The CWA, the objective of which is to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters,'' 33 U.S.C 1251(a), is

essential to EPA's mission and establishes the basic structure for regulating discharges of pollutants into waters of the United States. To advance this overall objective, Section 301(a) of the CWA, 33 U.S.C. 1311(a), prohibits the discharge of any pollutant by any person into waters of the United States except as authorized by specific provisions of the Act, including a permit issued pursuant to Section 402 or 404, 33 U.S.C. 1342; 33 U.S.C. 1344. Section 404(a) of the CWA authorizes the United States Army Corps of Engineers (USACE) to issue permits for the discharge of dredged or fill material into waters of the United States at specified disposal sites. 33 U.S.C. 1344(a). Section 404(b) provides, subject to Section 404(c) of the CWA, each such disposal site shall be specified for each such permit by USACE. 33 U.S.C. 1344(a). 33 U.S.C. 1344(b). Section 404(c) of the CWA authorizes the EPA to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and to deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, whenever it determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. 33 U.S.C. 1344(c). The EPA's regulations at 40 CFR part 231 govern the Agency's exercise of its CWA Section 404(c) authority.

II. Proposed Mine at the Pebble Deposit

The Pebble deposit in Southwest Alaska is a large, low-grade copper-, gold-, and molybdenum-bearing ore body deposit located at the headwaters of the largely undeveloped Bristol Bay watershed that underlies portions of the SFK, NFK, and UTC watersheds, which drain to two of the largest rivers in the Bristol Bay watershed, the Nushagak and Kvichak Rivers.

In December 2017, Pebble Limited Partnership (PLP) submitted a CWA Section 404 permit application to USACE to develop a mine at the Pebble deposit that triggered the development of an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). In response to the CWA Section 404 permit review and NEPA processes, PLP submitted a revised permit application to USACE in June 2020 (*i.e.,* the 2020 Mine Plan). On July 24, 2020, 85 FR 44890, USACE published a Notice of Availability for the Final EIS (FEIS) in the **Federal Register** and on November 20, 2020, USACE issued its Record of Decision (ROD) denying PLP's CWA Section 404 permit application on the basis that the 2020 Mine Plan would not comply with the CWA Section 404(b)(1) Guidelines and would be contrary to the public interest. By letter dated November 25, 2020, USACE notified PLP that the proposed project failed to comply with the CWA Section 404(b)(1) Guidelines because ''the proposed project would cause unavoidable adverse impacts to aquatic resources which would result in Significant Degradation to aquatic resources.''

III. 2022 Proposed Determination

In January 2022, consistent with its regulatory procedures for proposed determinations at 40 CFR 231.3(a), EPA Region 10 notified USACE, the Alaska Department of Natural Resources (ADNR), PLP, Pebble East Claims Corporation, Pebble West Claims Corporation, and Chuchuna Minerals (the Parties) of EPA Region 10's intention to issue a revised proposed determination because, based on a review of information available to that date, it continued to believe that the discharge of dredged or fill material associated with mining the Pebble deposit could result in unacceptable adverse effects on important fishery areas. EPA Region 10 provided the Parties with an opportunity to consult with the Region and to submit information for the record to demonstrate that no unacceptable adverse effects would result from discharges associated with mining the Pebble deposit or that actions could be taken to prevent unacceptable adverse effects on important fishery areas.

ADNR, PLP, and Chuchuna Minerals submitted response letters, and the EPA met individually with PLP and Chuchuna Minerals. None of the Parties demonstrated to the satisfaction of EPA Region 10 that no unacceptable adverse effects would occur as a result of the discharge of dredged or fill material associated with mining the Pebble deposit. Thus, EPA Region 10 decided that the appropriate next step in this CWA Section 404(c) process was the publication of a revised proposed determination (the 2022 Proposed Determination).

Accordingly, on May 26, 2022, EPA Region 10 published in the **Federal Register** a notice of availability and notice of public hearings for the 2022 Proposed Determination for the Pebble Deposit Area, Southwest Alaska issued pursuant to Section 404(c) of the Clean Water Act (CWA) (87 FR 32021). On June 16 and 17, 2022, the EPA Region 10 held three public hearings. On June 30, 2022, the EPA published in the **Federal Register** a Notice of extension of public comment period and public hearing comment period through September 6, 2022 (87 FR 39091).

On September 6, 2022, EPA Region 10 published in the **Federal Register** a notice to extend the time period provided in 40 CFR 231.5(a) to either withdraw the proposed determination or to prepare a recommended determination through no later than December 2, 2022, to help ensure full consideration of the extensive administrative record, including all public comments (87 FR 54498, September 6, 2022). In addition to the testimony taken at the hearings, EPA Region 10 received more than 582,000 written comments during the public comment period.

IV. Recommended Determination

EPA Region 10 completed its review of the extensive administrative record, including all public comments, and the Regional Administrator determined that the discharge of dredged or fill material associated with developing the Pebble deposit would be likely to result in unacceptable adverse effects on anadromous fishery areas. Accordingly, EPA Region 10 prepared, and on December 1, 2022, transmitted to the EPA's Assistant Administrator for Water a Recommended Determination, along with the administrative record, for review and final action.

On December 2, 2022, the Assistant Administrator for Water notified the Parties that she had received EPA Region 10's Recommended Determination and, consistent with the EPA's CWA Section 404(c) regulations at 40 CFR 231.6, provided them the opportunity to notify the EPA of their intent to take corrective action to prevent unacceptable adverse effects on anadromous fishery areas from certain discharges of dredged or fill material associated with developing the Pebble deposit.

ADNR, PLP, USACE, and Chuchuna Minerals submitted written responses to the EPA's notification letters. ADNR also requested a meeting with the EPA. The EPA met with ADNR and other representatives from the State of Alaska. None of the Parties identified corrective action to prevent unacceptable adverse effects satisfactory to the Assistant Administrator for Water.

After reviewing EPA Region 10's Recommended Determination; the extensive administrative record supporting the Regional Administrator's decision, including all public comments; letters from ADNR, PLP,

Chuchuna Minerals, and USACE; and considering the information provided during the Agency's meeting with the State of Alaska, the Assistant Administrator for Water has determined that certain discharges of dredged or fill material associated with developing the Pebble deposit into certain waters of the United States will have unacceptable adverse effects on anadromous fishery areas and affirms the Recommended Determination.

V. Final Determination

Based on information in PLP's CWA Section 404 permit application, the FEIS, and the ROD, discharges of dredged or fill material to construct and operate the 2020 Mine Plan's proposed mine site would result in the permanent loss of approximately 8.5 miles (13.7 km) of anadromous fish streams, 91 miles (147 km) of additional streams that support anadromous fish streams, and approximately 2,108 acres (8.5 km2) of wetlands and other waters in the SFK and NFK watersheds that support anadromous fish streams. These discharges would also result in streamflow alterations that would adversely affect approximately 29 miles (46.7 km) of additional anadromous fish streams downstream of the mine site due to greater than 20 percent changes in average monthly streamflow.

The EPA has determined that the large-scale loss of and damage to headwater streams, wetlands, and other aquatic resources that support salmon populations in the SFK and NFK watersheds from the discharge of dredged or fill material for the construction and routine operation of the 2020 Mine Plan will have unacceptable adverse effects on anadromous fishery areas in the SFK and NFK watersheds. The EPA has also determined that discharges of dredged or fill material for the construction and routine operation of a mine to develop the Pebble deposit anywhere in the mine site area that would result in the same or greater levels of loss or streamflow changes as the 2020 Mine Plan also will have unacceptable adverse effects on anadromous fishery areas in the SFK and NFK watersheds, because such discharges would involve the same aquatic resources characterized as part of the evaluation of the 2020 Mine Plan.

To prevent these unacceptable adverse effects, the Final Determination prohibits the specification of certain waters of the United States in the SFK and NFK watersheds as disposal sites for the discharge of dredged or fill material for the construction and routine operation of the 2020 Mine Plan, including future proposals to construct and operate a mine to develop the Pebble deposit with discharges of dredged or fill material into waters of the United States that would result in the same or greater levels of aquatic resource loss or streamflow changes as the 2020 Mine Plan. The Defined Area for Prohibition encompasses certain headwaters of the SFK and NFK watersheds and is delineated by the entirety of the Public Land Survey System (PLSS) quarter sections where mine site discharges were proposed in PLP's 2020 Mine Plan.

Separately, the EPA has also determined that discharges of dredged or fill material associated with future proposals to construct and operate a mine to develop the Pebble deposit will have unacceptable adverse effects on anadromous fishery areas (including spawning and breeding areas) anywhere in the SFK, NFK, and UTC watersheds if the adverse effects of such discharges are similar or greater in nature and magnitude to the adverse effects of the 2020 Mine Plan.

To prevent these unacceptable adverse effects, the Final Determination restricts the use for specification of certain waters of the United States in the SFK, NFK, and UTC watersheds as disposal sites for the discharge of dredged or fill material associated with future proposals to construct and operate a mine to develop the Pebble deposit with discharges of dredged or fill material into waters of the United States that would result in adverse effects similar or greater in nature and magnitude to the adverse effects of the 2020 Mine Plan. The Defined Area for Restriction encompasses certain headwaters of the SFK, NFK, and UTC watersheds where discharges associated with developing the Pebble deposit are likely. To the extent that future discharges are subject to the prohibition, the restriction will not apply.

The aquatic resources that would be lost or damaged by the discharges evaluated by the EPA play an important role in supporting salmon populations in the SFK, NFK, and UTC watersheds. Such resources are also integral components of a larger ecosystem, which helps support the health of the Bristol Bay watershed, an area of unparalleled ecological value, boasting salmon diversity and productivity unrivaled anywhere in North America. The watershed is made up of intact, connected habitats—from headwaters to ocean—that support abundant, genetically diverse wild Pacific salmon populations. The Bristol Bay watershed's Sockeye Salmon run is the world's largest, producing approximately half of the world's Sockeye Salmon. The watershed's Chinook, Coho, Chum, and Pink salmon populations are also significant. Bristol Bay's salmon populations support world-class, economically important commercial and sport fisheries, as well as a more than 4,000-year-old subsistence-based way of life for Alaska Natives.

Proposals to discharge dredged or fill material into waters of the United States associated with developing the Pebble deposit that are not subject to this final determination remain subject to all statutory and regulatory authorities and requirements under CWA Section 404.

Considering the immense and unique economic, social, cultural, and ecological value of the aquatic resources in the region, including the fishery areas in the SFK, NFK, and UTC watersheds and their susceptibility to damage, the EPA will carefully evaluate all future proposals to discharge dredged or fill material in the region.

Radhika Fox,

Assistant Administrator.

[FR Doc. 2023–02287 Filed 2–2–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2023–0055; FRL–10631–01–OGC]

Proposed Consent Decree, Resource Conservation and Recovery Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with the Environmental Protection Agency (EPA) Administrator's March 18, 2022, Memorandum entitled Consent Decrees and Settlement Agreements to Resolve Environmental Claims Against the Agency, this will provide notice and opportunity for public comment on a proposed Consent Decree in the matter of *Statewide Organizing for Community eMpowerment* v. *U.S. Environmental Protection Agency,* No. 1:22–cv–2562–JDB (D.D.C.).

On August 25, 2022, a coalition of environmental organizations filed a complaint in the United States District Court for the District of Columbia. In the complaint, Plaintiffs allege that EPA has violated section 2002(b) of the Resource Conservation and Recovery Act (RCRA), by failing to perform its non-discretionary duty under to review and,

if necessary, revise a regulation that exempts inactive coal combustion residuals (CCR) landfills from the CCR disposal regulations. The proposed consent decree would establish deadlines for EPA to sign proposed and final actions.

DATES: Written comments on the proposed consent decree must be received by March 6, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2023–0055, online at *https://www.regulations.gov* (EPA's preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Additional Information about Commenting on the Proposed Consent Decree'' heading under the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Laurel Celeste, Solid Waste and Emergency Response Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone (202) 564–1751; email address *celeste.laurel@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Consent Decree

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2023–0055) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree and is available through *https://www.regulations.gov.* You may use *https://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search.''

II. Additional Information About the Proposed Consent Decree

On August 25, 2022, a coalition of environmental organizations (collectively ''Plaintiffs'') filed a complaint in the United States District Court for the District of Columbia alleging that EPA had failed to perform its non-discretionary duty under RCRA section 2002(b) of RCRA, 42 U.S.C. to review and, if necessary, revise a regulation that exempts inactive CCR landfills from the CCR disposal regulations at 40 CFR part 257. 40 CFR 257.50(d). ''Inactive'' CCR landfills are those that stopped receiving waste before October 17, 2016.

RCRA provides that ''Each regulation promulgated under this chapter shall be reviewed and, where necessary, revised not less frequently than every three years.'' 42 U.S.C. 6912(b). Citizens may file a claim against EPA for failure to comply with a mandatory duty. Any person may commence a civil action against the Administrator ''where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator.'' 42 U.S.C. 6972(a)(2).

The proposed consent decree, if finalized, would establish deadlines for EPA to take certain actions under RCRA. Specifically, the proposed consent decree would require that EPA: (1) on or before May 5, 2023, either complete a review of 40 CFR 257.50(d), and determine that no revision is necessary or sign a proposed rule to revise 40 CFR 257.50(d); and (2) if a proposal has been issued, take final action regarding EPA's proposed revision of 40 CFR 257.50(d), no later than May 6, 2024.

In accordance with the EPA Administrator's March 18, 2022, Memorandum entitled Consent Decrees and Settlement Agreements to Resolve Environmental Claims Against the Agency, for a period of thirty (30) days following the date of publication of this document, the Agency will accept written comments relating to the proposed consent decree. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2023–0055, via *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *https://www.regulations.gov* website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket

system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

Jennifer Lewis,

Acting Associate General Counsel.

[FR Doc. 2023–02351 Filed 2–2–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–055]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed January 23, 2023 10 a.m. EST Through January 30, 2023 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search.*

EIS No. 20230013, Final, USAF, AR, Beddown of a Foreign Military Sales Pilot Training Center at Ebbing Air National Guard Base, Arkansas or Selfridge Air National Guard Base, Michigan, *Review Period Ends:* 03/06/2023, *Contact:* David Martin 210–925–4266.

EIS No. 20230014, Final, STB, MO, Canadian Pacific Acquisition of Kansas City Southern, *Review Period Ends:* 03/06/2023, Contact: Danielle Gosselin 202–245–0300.

EIS No. 20230015, Final Supplement, BLM, AK, Final Supplemental Environmental Impact Statement for the Willow Master Development Plan, Alaska, *Review Period Ends:* 03/06/2023, *Contact:* Carrie Cecil 907–271–1306.

EIS No. 20230016, Final Supplement, USFS, MT, Gold Butterfly Project, *Review Period Ends:* 03/13/2023, *Contact:* Matthew Anderson 406–363–7121.

Dated: January 30, 2023.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2023–02319 Filed 2–2–23; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0056; FR ID 125135]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 4, 2023. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0056.

Title: Part 68, Connection of Terminal Equipment to the Telephone Network.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 41,354 respondents; 44,423 responses.

Estimated Time per Response: 0.25 hours–40 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement, and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 201–205 and 303(r).

Total Annual Burden: 12,869 hours.

Total Annual Cost: $508,250.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Part 68 rules do not require respondents to provide proprietary, trade secret or other confidential information to the Commission. If the FCC requests that respondents submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to section 0.459 of the FCC's rules, 47 CFR 0.459.

Needs and Uses: The purpose of 47 CFR part 68 is to protect the telephone network from certain types of harm and prevent interference to subscribers. To (1) demonstrate that terminal equipment complies with criteria for protecting the network and (2) ensure that consumers, providers of telecommunications, the Commission and others are able to trace products to the party responsible for ensuring compliance with these criteria; it is essential to require manufacturers or other responsible parties to provide the information required by Part 68. In addition, incumbent local exchange carriers must provide the information in Part 68 to warn their subscribers of impending disconnection of service when subscriber terminal equipment is causing telephone network harm, and to inform subscribers of a change in network facilities that requires modification or alteration of subscribers' terminal equipment.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2023–02217 Filed 2–2–23; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than February 21, 2023.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri, 64198:

1. *Deborah Hunkins and Amanda Hunkins Newton, both of Cheyenne, Wyoming; Blake Hunkins, Grand Island, Nebraska; Robert McBride, and The Scott F. McBride and Terrie Ann McEwen Living Trust, Scott F. McBride and Terrie Ann McEwen, both as co-trustees and all of Buffalo, Wyoming; Shawna McBride, Laramie, Wyoming; and Kelly Rickett, Sheridan, Wyoming;* to become members of the McBride Family Group, a group acting in concert, to retain voting shares of First National Buffalo Bankshares, Inc., and thereby indirectly retain voting shares of First Northern Bank of Wyoming, both of Buffalo, Wyoming, and First State Bank of Newcastle, Newcastle, Wyoming.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023–02308 Filed 2–2–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–10110 & CMS–10537]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by April 4, 2023.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10110 Manufacturer Submission of Average Sales Price (ASP) Data for Medicare Part B Drugs and Biologicals

CMS–10537 CAHPS Hospice Survey

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Manufacturer Submission of Average Sales Price (ASP) Data for Medicare Part B Drugs and Biologicals; *Use:* Section 401 of Division CC of Title IV of the Consolidated Appropriations Act

(CAA), 2021 amended section 1847A of the Social Security Act (the Act) to add new section 1847A(f)(2) of the Act, which requires manufacturers without a Medicaid drug rebate agreement to report average sales price (ASP) information to CMS for calendar quarters beginning on January 1, 2022, for drugs or biologicals payable under Medicare Part B and described in sections 1842(o)(1)(C), (E), or (G) or 1881(b)(14)(B) of the Act, including items, services, supplies, and products that are payable under Part B as a drug or biological. The reported ASP data are used to establish the Medicare payment amounts. *Form Number:* CMS–10110 (OMB control number: 0938–0921); *Frequency:* Quarterly; *Affected Public:* Private sector, Business or other for-profit; *Number of Respondents:* 500; *Total Annual Responses:* 2,000; *Total Annual Hours:* 26,000. (For policy questions regarding this collection contact Felicia Brown at 410–786–9287)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* CAHPS Hospice Survey; *Use:* CMS is required to collect and publicly report information on the quality of services provided by hospices under provisions in the Social Security Act. Specifically, sections 1814(i)(5)(A) through (C) of the Act, as added by section 3132(a) of the Patient Protection and Affordable Care Act (PPACA) (Pub. L. 111–148), required hospices to begin submitting quality data, based on measures specified by the Secretary of the Department of Health and Human Services (the Secretary) for FY 2014 and subsequent FYs.

The goal of the survey is to measure the experiences of patients and their caregivers with hospice care. The survey was developed to:

- Provide a source of information from which selected measures could be publicly reported to beneficiaries and their family members as a decision aid for selection of a hospice program;
- Aid hospices with their internal quality improvement efforts and external benchmarking with other facilities;
- Provide CMS with information for monitoring the care provided.

Form Number: CMS–10537 (OMB control number: 0938–1257); *Frequency:* Once; *Affected Public:* Individuals and Households; *Number of Respondents:* 1,140,695; *Total Annual Responses:* 1,140,695; *Total Annual Hours:* 198,481. (For policy questions regarding this collection contact Lauren Fuentes at 410–786 2290 or 443–618–2123.)

Dated: January 30, 2023.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2023–02267 Filed 2–2–23; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10110 and CMS–10537]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice; withdrawal.

SUMMARY: On Monday, January 30, 2023, the Centers for Medicare & Medicaid Services (CMS) published a notice document entitled, ''Agency Information Collection Activities: Proposed Collection; Comment Request''. That notice invited public comments on two separate information collection requests, under Document Identifiers: CMS–10110 and CMS–10537. Through the publication of this document, we are withdrawing both of the aforementioned notices. Specifically, we are withdrawing the notice requesting public comment on the information collection requests titled, ''Manufacturer Submission of Average Sales Price (ASP) Data for Medicare Part B Drugs and Biologicals'' Form number: CMS–10110 (OMB control number: 0938–0921). We are also withdrawing the notice requesting public comment on the information collection requests titled, ''CAHPS Hospice Survey'' Form number: CMS–10537 (OMB control number: 0938–01257).

DATES: This withdrawal is applicable on February 2, 2023.

SUPPLEMENTARY INFORMATION: In FR document, 2023–01822, published on January 30, 2023 (87 FR 5886), we are withdrawing item 1 ''Manufacturer Submission of Average Sales Price (ASP) Data for Medicare Part B Drugs and Biologicals'' which begins on page 5886. We are also withdrawing item 2 ''CAHPS Hospice Survey'' which begin on page 5887. Both notices will be republished at a later date, thereby allowing the public to have a full 60-day comment period.

Dated: January 30, 2023.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2023–02208 Filed 2–2–23; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–10824]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by March 6, 2023.

ADDRESSES: 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.

To obtain copies of a supporting statement and any related forms for the

proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a previously approved information collection; *Title of Information Collection:* Annual Notice of Chance and Evidence of Coverage for Applicable Integrated Plans in States that Require Integrated Materials; *Use:* CMS requires AIPs to use the approved standardized documents to ensure that correct information is disclosed to current and potential enrollees. Additionally, CMS requires AIPs to submit the completed ANOC and EOC documents to CMS. CMS stores the completed templates. New and current enrollees can review the ANOC and EOC upon receipt to find plan benefits, premiums and cost sharing for the coming year to be in a better position to make informed and educated plan selections. CMS does not require new and current enrollees to review the documents or use them in any way.

MA organizations with AIPs in States that require these integrated documents upload ANOC and EOC documents into the Health Plan Management System (HPMS) to ensure accuracy and regulatory compliance. Section 422.111(h)(2)(ii) requires that, the ANOC/EOC be available on the website and 422.111(d)(2) requires that the plan send the ANOC to the enrollee in hard copy format, upon request. Section 423.128(d)(2) requires that Part D sponsors post the ANOC and EOC documents on their website and send the ANOC only to enrollees electronically or in hard copy. *Form Number:* CMS–10824 (OMB control number: 0938–New); *Frequency:* Annually; *Affected Public:* Private Sector; Businesses or other for-profits; *Number of Respondents:* 47; *Total Annual Responses:* 47; *Total Annual Hours:* 564. (For policy questions regarding this collection contact Julie Jones at 630–337–5863.)

Dated: January 30, 2023.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2023–02269 Filed 2–2–23; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 meeting will be closed to the public in accordance with the provisions set forth in section 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 Child Health and Human Development Initial Review Group; Developmental Biology Study Section.

Date: February 24, 2023.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6710B Rockledge Drive, Room 2131B, Bethesda, MD 20892–7510 (Virtual Meeting).

Contact Person: Jolanta Maria Topczewska, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2131B, Bethesda, MD 20892–7510, (301) 451–0000, *jolanta.topczewska@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Health, Behavior, and Context Study Section.

Date: February 27, 2023.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Eunice Kennedy Shriver, National Institute of Child Health and Human Development, 6710B Rockledge Drive, Room 2137C, Bethesda, MD 20892–7510 (Virtual Meeting).

Contact Person: Kimberly L. Houston, MD, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2137C, Bethesda, MD 20892, (301) 827–4902, *kimberly.houston@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Function, Integration, and Rehabilitation Sciences Study Section.

Date: March 2, 2023.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6710B Rockledge Drive, Room 2125D, Bethesda, MD 20892–7510 (Virtual Meeting).

Contact Person: Moushumi Paul, Ph.D., Scientific Review Branch (SRB), Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2125D, Bethesda, MD 20817, (301) 496–3596, *moushumi.paul@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Obstetrics and Maternal-Fetal Biology Study Section.

Date: March 10, 2023.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6710B Rockledge Drive, Room 2131B Bethesda, MD 20892–7510 (Virtual Meeting).

Contact Person: Luis E. Dettin, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Room 2131B, Bethesda, MD 20892, (301) 827–8231, *luis.dettin@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: January 30, 2023.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–02307 Filed 2–2–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute 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 Heart, Lung, and Blood Institute Special Emphasis Panel; Regenerative Medicine Innovation Project Review.

Date: March 2, 2023.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Kazuyo Kegan, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–T, Bethesda, MD 20892, (301) 402–1334, *kazuyo.kegan@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; K38 Review Meeting.

Date: March 3, 2023.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute National Institutes of Health, 6705 Rockledge Drive, Room 209–B, Bethesda, MD 20892, (301) 827–7953, *kristen.page@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Regenerative Medicine Innovation Project Investigator-Initiated Clinical Trials Grant Review.

Date: March 7, 2023.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Kazuyo Kegan, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–T, Bethesda, MD 20892 (301) 402–1334, *kazuyo.kegan@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Mentored Career Development to Promote Faculty Diversity in Research.

Date: March 9, 2023.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Shelley Sehnert, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Suite 208–T, Bethesda, MD 20817, (301) 827–7984, *ssehnert@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Biorepository: Scientific Opportunities for Exploratory Research (R21).

Date: March 10, 2023.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Sun Saret, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–S, Bethesda, MD 20892, (301) 435–0270, *sun.saret@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Catalyze: Product Definition.

Date: March 14, 2023.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manoj K. Valiyaveettil, Ph.D., Scientific Review Officer, Blood & Vascular Branch, Office Scientific Review, Division of Extramural Research Activities (DERA), National Institute of Health, National Heart, Lung, and Blood Institute, Bethesda, MD 20817, (301) 402–1616, *manoj.valiyaveettil@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI TOPMed: Omics Phenotypes of Heart, Lung, and Blood Disorders (X01).

Date: March 16, 2023.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Susan Wohler Sunnarborg, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National, Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–Z, Bethesda, MD 20892, (301) 827–7987, *susan.sunnarborg@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Mentored Career Development K-Awards.

Date: March 16, 2023.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Fungai Chanetsa, Ph.D., MPH, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206–B, Bethesda, MD 20817, (301) 402–9394, *fungai.chanetsa@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 31, 2023.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–02313 Filed 2–2–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 Child Health and Human Development Initial Review Group; Population Sciences Study Section.

Date: March 7, 2023.

Closed: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2121B, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Christiane M. Robbins, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institute of Health, 6710B Rockledge Drive, Rm. 2121B, Bethesda, MD 20817, 301–451–4989, *crobbins@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.nichd.nih.gov/about/org/der/srb,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS.)

Dated: January 31, 2023.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–02312 Filed 2–2–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Institute Special Emphasis Panel; PPG Review SEP.

Date: March 10, 2023.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Zhihong Shan, Ph.D., MD, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 205–J, Bethesda, MD 20892, (301) 827–7085, *zhihong.shan@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 31, 2023.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–02315 Filed 2–2–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary; Notice of Charter Renewal

In accordance with title 42 of the U.S. Code of Federal Regulations, section 217a, notice is hereby given that the Charter for the National Toxicology Program Special Emphasis Panel was renewed for an additional two-year period on January 7, 2023.

It is determined that the National Toxicology Program Special Emphasis Panel is in the public interest in connection with the performance of duties imposed on the National Institutes of Health by law, and that these duties can best be performed through the advice and counsel of this group.

Inquiries may be directed to Claire Harris, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail Stop Code 4875), Telephone (301) 496–2123, or *harriscl@mail.nih.gov.*

Dated: January 30, 2023.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–02316 Filed 2–2–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 Child Health and Human Development Initial

Review Group; Biobehavioral and Behavioral Sciences Study Section.

Date: March 28, 2023.

Closed: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2127B, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Chi-Tso Chiu, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health & Human Development, National Institute of Health, 6710B Rockledge Drive, Rm 2127B, Bethesda, MD 20817, (301) 435–7486, *chiuc@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.nichd.nih.gov/about/org/der/srb,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS.)

Dated: January 31, 2023.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–02314 Filed 2–2–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Emerging Imaging Technologies and Applications Study Section: February 16, 2023, 9 a.m. to February 17, 2023, 8 p.m., National Institutes of Health, 6701 Rockledge Drive Bethesda, MD 20892, which was published in the **Federal Register** on January 24, 2023, 88 FR 4197.

This meeting is being amended to change the Contact Person from Larry Kagemann to Jonathan Arias, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 301–435–2406. The meeting is closed to the public.

Dated: January 31, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–02350 Filed 2–2–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[CBP Dec. 23–01]

Determination That Maintenance of Finding of January 28, 2022, Pertaining to Certain Palm Oil and Derivative Products Made Wholly or in Part With Palm Oil Produced by the Malaysian Company Sime Darby Plantation Berhad, Its Subsidiaries, and Joint Ventures, Is No Longer Necessary

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Determination that merchandise is no longer subject to 19 U.S.C. 1307.

SUMMARY: On January 28, 2022, U.S. Customs and Border Protection (CBP), with the approval of the Secretary of the Department of Homeland Security, issued a Finding that certain palm oil and derivative products made wholly or in part with palm oil produced by Sime Darby Plantation Berhad, its subsidiaries, and joint ventures, were being produced with the use of forced labor, and were being, or were likely to be, imported into the United States. CBP has now determined, based upon additional information, that such merchandise is no longer being produced with the use of forced labor in violation of section 307 of the Tariff Act of 1930, as amended.

DATES: This determination applies to any merchandise described in this notice that is imported on or after February 3, 2023.

FOR FURTHER INFORMATION CONTACT: Jason Leffler, Assistant Director, Forced Labor Division, Trade Remedy Law Enforcement Directorate, Office of Trade, (202) 325–1601 or *forcedlabor@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to section 307 of the Tariff Act of 1930, as amended (19 U.S.C. 1307), ''[a]ll goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited.'' Under this section, ''forced labor'' includes ''all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily'' and includes forced or/and indentured labor or forced or indentured child labor.

The U.S. Customs and Border Protection (CBP) regulations promulgated under the authority of 19 U.S.C. 1307 are found at sections 12.42 through 12.45 of title 19, Code of Federal Regulations (CFR) (19 CFR 12.42–12.45). Among other things, these regulations allow any person outside of CBP to communicate his or her belief that a certain ''class of merchandise . . . is being, or is likely to be, imported into the United States [in violation of 19 U.S.C. 1307].'' 19 CFR 12.42(a), (b). Upon receiving such information, the Commissioner of CBP (Commissioner) ''will cause such investigation to be made as appears to be warranted by the circumstances . . . .'' 19 CFR 12.42(d). CBP also has the authority to self-initiate an investigation. 19 CFR 12.42(a). If the Commissioner finds that the information available ''reasonably but not conclusively indicates that merchandise within the purview of section 307 is being, or is likely to be, imported,'' the Commissioner will order port directors to ''withhold release of any such merchandise pending [further] instructions.'' 19 CFR 12.42(e). After issuance of such a withhold release order, the covered merchandise will be detained by CBP for an admissibility determination and will be excluded unless the importer demonstrates that the merchandise was not made using labor in violation of 19 U.S.C. 1307. 19 CFR 12.43–12.44. The importer may also export the merchandise. 19 CFR 12.44(a).

These regulations also set forth the procedure for the Commissioner to issue a Finding when it is determined that the merchandise is subject to the provisions of 19 U.S.C. 1307. Pursuant to 19 CFR 12.42(f), if the Commissioner determines that merchandise within the purview of 19 U.S.C. 1307 is being, or is likely to be, imported into the United States, the Commissioner will, with the approval of the Secretary of the Department of Homeland Security (DHS), publish a Finding to that effect in the *Customs Bulletin* and in the **Federal Register**.[1] Under the authority

[1] Although the regulation states that the Secretary of the Treasury must approve the issuance of a

Continued

of 19 CFR 12.44(b), CBP may seize and forfeit imported merchandise covered by a Finding.

On December 16, 2020, CBP issued a withhold release order (made effective on December 30, 2020) on ''palm oil,'' including all crude palm oil and palm kernel oil and derivative products, made wholly or in part with palm oil traceable to Sime Darby Plantation Berhad (Sime Darby Plantation), with reasonable evidence demonstrating that the Sime Darby Plantation, including its subsidiaries and joint ventures, primarily located in Malaysia, harvested the fruit and produced the palm oil using forced labor. Through its investigation, CBP determined that there was sufficient information to support a

Finding that the Sime Darby Plantation, its joint ventures, and subsidiaries were using forced labor on Sime Darby's plantations in Malaysia to harvest fresh fruit bunches, which are used to extract palm oil and produce derivative products, and also produce such palm oil and derivatives, and that such palm oil and derivative products produced by the company were likely being imported into the United States. Pursuant to 19 CFR 12.42(f), CBP issued a Finding (CBP Dec. 22–02) to that effect in the **Federal Register** on January 28, 2022 (87 FR 4635).[2]

Since that time, the Sime Darby Plantation has provided additional information to CBP, which CBP believes establishes by satisfactory evidence that the subject palm oil and derivative products are no longer mined, produced, or manufactured in any part with forced labor. 19 CFR 12.42(g).

II. Determination

Pursuant to 19 U.S.C. 1307 and 19 CFR 12.42(g), it is hereby determined that the articles described below are no longer being mined, produced, or manufactured wholly or in part with the use of convict, forced, or indentured labor by the Sime Darby Plantation, its subsidiaries, and joint ventures.

The subject articles are palm oil and derivative products classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 1207.10.0000, 1511.10.0000, 1511.90.0000, 1513.21.0000, 1513.29.0000, 1517, 3401.11, 3401.20.0000, 3401.19.0000, 3823.12.0000, 3823.19.2000, 3823.70.6000, 3823.70.4000, 3824.99.41 and any other relevant subheadings under Chapters 12, 15, 23, 29 and 38, which are produced or manufactured wholly or in part by the Sime Darby Plantation, its subsidiaries, and joint ventures.

Dated: January 31, 2023.

AnnMarie R. Highsmith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2023–02286 Filed 2–2–23; 8:45 am]

BILLING CODE 9111–14–P

Finding, the Secretary of the Treasury delegated this authority to the Secretary of Homeland Security in Treasury Order No. 100–16 (68 FR 28322). In Delegation Order 7010.3, Section II.A.3, the Secretary of Homeland Security delegated the authority to issue a Finding to the Commissioner of CBP, with the approval of the Secretary of Homeland Security. The Commissioner of CBP, in turn, delegated the authority to make a Finding regarding prohibited goods under 19 U.S.C. 1307 to the Executive Assistant Commissioner, Office of Trade.

[2] The Finding was also published in the *Customs Bulletin and Decisions* (Vol. 56, No. 6, p. 4) on February 16, 2022.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB07000.L17110000.AL0000. LXSSH1060000.23X.BLM_OR_FRN_ MO4500168638]

Public Meeting for the Steens Mountain Advisory Council, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) Steens Mountain Advisory Council (SMAC) will meet as follows.

DATES: The SMAC will hold an in-person meeting on Thursday, February 23, 2023, from 10:30 a.m. to 4 p.m. at the BLM Burns District Office at 28910 Highway 20 West in Hines, Oregon. Virtual attendance through the Zoom for Government platform will also be available.

ADDRESSES: The final meeting agenda and Zoom link will be published on the SMAC web page at least 10 days in advance at *https://on.doi.gov/2PnZRcl.*

FOR FURTHER INFORMATION CONTACT: Tara Thissell, Public Affairs Specialist, BLM Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738; telephone: (541) 573–4519; email: *tthissell@blm.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: The SMAC was established August 14, 2001, pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000 (Pub. L. 106–399). The SMAC provides recommendations to the BLM regarding new and unique approaches to management of the public lands within the bounds of the Steens Mountain Cooperative Management and Protection Area, recommends cooperative programs and incentives for landscape management that meet human needs, and advises the BLM on potential maintenance and improvement of the ecological and economic integrity of the area.

Agenda items for the February 23, 2023, meeting include: recreation and wildland fire 2022 program reviews, information sharing from the Designated Federal Official and Andrews/Steens Field Manager, an update and discussion on the Bridge Creek Area Allotment Management Plan Environmental Impact Statement, and an opportunity for SMAC members to share information from their constituents or present research. Any other matters that may reasonably come before the SMAC may also be included.

A public comment period will be available at 3 p.m. Depending on the number of people wishing to comment and the time available, the amount of time for oral comments may be limited. Written public comments may be sent to the BLM Burns District Office listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. All comments received at least 1 week prior to the meeting will be provided to the SMAC prior to the meeting. The meeting may end early if all business items are accomplished ahead of schedule or may be extended if discussions warrant more time. All meetings, including virtual sessions, are open to the public in their entirety.

Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least 7 business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your comments, please 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.

(Authority: 43 CFR 1784.4–2)

Jeffrey Rose,

District Manager.

[FR Doc. 2023–02263 Filed 2–2–23; 8:45 am]

BILLING CODE 4331–24–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035257; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin-Milwaukee, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin-Milwaukee (UWM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice. The human remains and associated funerary objects were removed from Jefferson, Kenosha, Ozaukee, Waukesha, and Winnebago Counties, WI.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after March 6, 2023.

ADDRESSES: Jennifer R. Haas, NAGPRA Coordinator, University of Wisconsin-Milwaukee, P.O. Box 413, Milwaukee, WI 53201, telephone (414) 229–3078, email *haasjr@uwm.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWM. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by UWM.

Description

On an unknown date, human remains representing, at minimum, one individual were removed by unknown individuals near Bingham's Point, by Lake Koshkonong, in Jefferson County, WI. The human remains and associated funerary objects, which had been removed from the surface of the ground, date to the nineteenth century. This collection was given to David Overstreet in the 1970s, who, in January of 2006, donated it collection to the UWM. The two associated funerary objects are one metal brooch and one lot of faunal bones.

On an unknown date, human remains representing, at minimum, one individual were removed by amateur archeologist Paul Turney from the Milford/Koester site (47–JE–44) in Jefferson County, WI. Turney removed soil from the site containing fragmentary human remains. This collection was transferred to the UWM in 1990, after Turney's death. The one associated funerary object is the soil removed together with the human remains.

On an unknown date human remains representing, at minimum, four individuals were removed by collector Phil Sander from a house construction site near Barnes Creek (47–KN–41) in Kenosha County, WI. The Barnes Creek site dates to the Archaic (8000 to 500 BC), Early Woodland Red Ocher culture (500 BC to A.D. 0), Middle Woodland (A.D. 0 to 400), Late Woodland (A.D. 900 to 1300), and Historic periods. Archeologically, the burials are associated with the Red Ocher component. On an unknown date, Sander gave the human remains to David Overstreet, and in 2006, Overstreet donated them to the UWM. The two associated funerary objects are one porcelain (or ceramic) figurine and one piece of metal.

In 1848, human remains representing, at minimum, one individual were removed from Kenosha County, WI, when the Hasselman family were excavating a gravel pit on their farm approximately 0.5 mile south of Wilmot, near the Fox River. According to records from the Kenosha Historic Society (KCHS), the family stated that a projectile point was piercing one of the vertebrae and that pottery sherds were also found in the pit. The human remains and associated funerary objects date from the Archaic (8000 to 500 BC) and Middle Woodland (A.D. 0 to 400) periods. In 1936, this collection was donated to the KCHS Museum by Dr. B.A. Becker, and in 1988, it was transferred to the UWM. The two associated funerary objects are one projectile point and one lot of pottery sherds.

In June of 1978, human remains representing, at minimum, one individual were removed by two boys at an Elm Grove construction site near the Convent Knoll site (47–WK–0327), in Waukesha County, WI. The site dates to the Early Woodland period (500 BC to A.D. 0). The boys brought the human remains to Elm Grove Village Hall, and they were eventually given to David Overstreet. In 2006, Overstreet donated the human remains to the UWM. No associated funerary objects are present.

On July 29, 1988, human remains representing, at minimum, one individual were removed during the UWM Department of Anthropology's archeological field school excavations at the Klug Island site (47–OZ–67) in Ozaukee County, WI. This site dates to the Late Woodland (A.D. 900 to 1300), Mississippian (A.D. 1100 to 1300), and possibly Oneota (A.D. 1100 to 1600) periods. These human remains belong to the Late Woodland or Mississippian components. Sometime during 1988, the human remains and associated funerary objects were transported to the UWM. The two associated funerary objects are one trumpeter swan tibiotarsus and one projectile point.

At an unknown date, human remains representing, at minimum, two individuals were removed from Winnebago County, WI. In 1964, G. Richard Peske (Wisconsin State University-Oshkosh) completed excavations at the Lasley's Point site (47–WN–0096/47–WN–0008), and it is believed these human remains were removed during those excavations. This site dates to the Oneota Lake Winnebago Phase (A.D. 1300 to 1600). At an unknown date, these human remains were transferred to the UWM. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual were removed by an unknown individual from the Kregel Site (47–WN–211) in Winnebago County, WI. The site dates to the Oneota Lake Winnebago Phase (A.D. 1300 to 1600). In the early 2000s, a private cultural resources management firm transferred this collection to the UWM as part of a larger donation. The one associated funerary object is a lot comprised of lithics and ceramics.

Cultural Affiliation

The human remains and associated funerary objects in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the

identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: geographical, archeological, and expert opinion.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, UWM has determined that:

- The human remains described in this notice represent the physical remains of 12 individuals of Native American ancestry.
- The 10 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects described in this notice and the Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Menominee Indian Tribe of Wisconsin; Otoe-Missouria Tribe of Indians, Oklahoma; and the Winnebago Tribe of Nebraska.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after March 6, 2023. If competing requests for repatriation are received, UWM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UWM is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, and 10.14.

Dated: January 27, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02277 Filed 2–2–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035256; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin-Milwaukee, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin-Milwaukee (UWM) has completed an inventory of human remains and an associated funerary object and has determined that there is a cultural affiliation between the human remains and the associated funerary object and Indian Tribes or Native Hawaiian organizations in this notice. The human remains and associated funerary object were removed from Grant and Jefferson Counties, WI.

DATES: Repatriation of the human remains and associated funerary object in this notice may occur on or after March 6, 2023.

ADDRESSES: Jennifer R. Haas, NAGPRA Coordinator, University of Wisconsin-Milwaukee, P.O. Box 413, Milwaukee, WI 53201, telephone (414) 229–3078, email *haasjr@uwm.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWM. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by UWM.

Description

In August of 1880, human remains representing, at minimum, one individual were removed by Captain W. P. Hall from a mound in the Millville Village site (47–GT–0053) in Grant County, WI. This site dates to the Middle Woodland period (A.D. 0 to 400). On an unknown date, the collection was transferred to the Putnam Museum in Davenport, IA, and in 1986, it was transferred from the Putnam Museum to the UWM. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual were removed by Captain W. P. Hall from a location in what is now Wyalusing State Park in Grant County, WI. Archeological sites and effigy mounds within Wyalusing State Park date to the Late Woodland period (A.D. 900 to 1200). On an unknown date, the collection was transferred to the Putnam Museum in Davenport, IA, and subsequently, it was transferred from the Putnam Museum to the UWM. No associated funerary objects are present.

In 1939, human remains representing, at minimum, one individual were removed by collector R.T. Lawton and his daughter from an unknown location in the Lake Koshkonong region, in Jefferson County, WI. Lawton later sold these human remains to the Hoard Historical Museum, along with a Late Woodland (A.D. 900 to 1300) projectile point that had been glued to one of the vertebrae. In 2003, the collection was transferred to the UWM. The one associated funerary object is a Madison-style projectile point.

In 1929, human remains representing, at minimum, one individual were removed by T.M.N. Lewis from an unknown location in Jefferson County, WI. On an unknown date, these human remains were transferred to the McClung Museum at the University of Tennessee, and in July of 2009, they were transferred to the UWM. No associated funerary objects are present.

Cultural Affiliation

The human remains and associated funerary object in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following type of information was used to reasonably trace the relationship: geographical.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, UWM has determined that:

• The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.

• The one object described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• There is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary object described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Otoe-Missouria Tribe of Indians, Oklahoma; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; The Osage Nation; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary object in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary object in this notice to a requestor may occur on or after March 6, 2023. If competing requests for repatriation are received, UWM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary object are considered a single request and not competing requests. UWM is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, and 10.14.

Dated: January 27, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02282 Filed 2–2–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035252; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin-Milwaukee, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin-Milwaukee (UWM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice. The human remains were removed from Door County, WI.

DATES: Repatriation of the human remains in this notice may occur on or after March 6, 2023.

ADDRESSES: Jennifer R. Haas, NAGPRA Coordinator, University of Wisconsin-Milwaukee, P.O. Box 413, Milwaukee, WI 53201, telephone (414) 229–3078, email *haasjr@uwm.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWM. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by UWM.

Description

In 1968, human remains representing, at minimum, two individuals were removed from the Gibson site on Washington Island, in Door County, WI, during a UWM field school under the direction of G. Richard Peske. The site dates to the Middle Woodland North Bay Tradition (A.D. 0 to 600) and Mero Oneota (A.D. 1100 to 1600) periods. Upon completion of the field school, the collection was transferred to UWM. No associated funerary objects are present.

Cultural Affiliation

The human remains in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: geographical, archeological, and expert opinion.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, UWM has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a relationship of shared group identity that can be reasonably traced between the human remains described in this notice and the Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Menominee Indian Tribe of Wisconsin; Otoe–Missouria Tribe of Indians, Oklahoma; and the Winnebago Tribe of Nebraska.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after March 6, 2023. If competing requests for repatriation are received, UWM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. UWM is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, and 10.14.

Dated: January 27, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02275 Filed 2–2–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035253; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin-Milwaukee, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin-Milwaukee (UWM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice. The human remains and associated funerary objects were removed from Door, Marathon, and Pierce Counties, WI.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after March 6, 2023.

ADDRESSES: Jennifer R. Haas, NAGPRA Coordinator, University of Wisconsin-Milwaukee, P.O. Box 413, Milwaukee, WI 53201, telephone (414) 229–3078, email *haasjr@uwm.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWM. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by the UWM.

Description

In 1968 and 1971, human remains representing, at minimum, nine individuals were removed during UWM field school excavations at the Richter site (47–DR–80) in Door County, WI. The site dates to the Middle Woodland, North Bay Tradition (A.D. 0 to 600). After each field season, the collection was transferred to the UWM. The six associated funerary objects are one copper awl, one bear tarsal bone, one bear phalanx bone, one lot of cultural items including minimal amounts of shell fragments, small pottery sherds, and lithic debitage, one beaver incisor, and one copper fragment.

On an unknown date, human remains representing, at minimum, five individuals were removed by unknown individual(s) from a mound at the Maine site (47–MR–22) in Marathon County, WI. The site and the human remains date to the Late Woodland period (A.D. 900 to 1300). These human remains were transferred to collector Steve Rosenbalm, a student at the University of Wisconsin Center-Marathon County—today the University of Wisconsin-Stevens Point at Wausau—who transferred them to his professor, John Forde. In 1990, Forde gave the human remains to the UWM. The two associated funerary objects are one white-tail deer antler fragment and one white-tail deer bone fragment.

In the mid-1970s, human remains representing, at minimum, six individuals were removed during UWM field school excavations at the Diamond Bluff site (47–PI–0002) in Pierce County, WI. The site dates to the Late Woodland (A.D. 900 to 1300)/Mississippian (A.D. 1100 to 1300) periods. On an unknown date, this collection was transferred to the UWM. The one associated funerary object is a lot of faunal remains.

Cultural Affiliation

The human remains and associated funerary objects in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following type of information was used to reasonably trace the relationship: geographical, archaeological, and expert opinion.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, UWM has determined that:

- The human remains described in this notice represent the physical remains of 20 individuals of Native American ancestry.
- The nine objects described in this notice are reasonably believed to have been placed with or near individual

human remains at the time of death or later as part of the death rite or ceremony.

• There is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after March 6, 2023. If competing requests for repatriation are received, UWM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UWM is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, and 10.14.

Dated: January 27, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02280 Filed 2–2–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035254; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin-Milwaukee, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin-Milwaukee (UWM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice. The human remains and associated funerary objects were removed from Brown County, WI.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after March 6, 2023.

ADDRESSES: Jennifer R. Haas, NAGPRA Coordinator, University of Wisconsin-Milwaukee, P.O. Box 413, Milwaukee, WI 53201, telephone (414) 229–3078, email *haasjr@uwm.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWM. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by UWM.

Description

Human remains representing, at minimum, one individual were removed from Brown County, WI, during the 1978 and 1979 investigations at the McGuire/Beaumier Farm site (47–BR–60) by a private cultural resource management firm as part of a survey project of the Green Bay coastal corridor. The site dates to the Late Woodland (A.D. 900 to 1300), Oneota (A.D. 1100 to 1600), and/or Historic Native American periods. This collection was transferred to UWM sometime between 2000 and 2010. No associated funerary objects are present.

Human remains representing, at minimum, two individuals were removed from Brown County, WI,

during the 1978 and 1979 investigations at the Bordeleau site (47–BR–222) by a cultural resource management firm as part of a survey project of the Green Bay coastal corridor. The site dates to the Woodland (500 BC to A.D. 1300), Oneota (A.D. 1100 to 1600), and/or Historic Native American periods. This collection was transferred to UWM sometime between 2000 and 2010. The one associated funerary object is one rolled copper bead.

In October of 1988, human remains representing, at minimum, five individuals were removed from the Astor site (47–BR–0243) in Brown County, WI, during Great Lakes Archaeological Research Center excavations for the South Adams Street Development Project. The site dates to the Middle to Late Archaic (4500 to 500 BC) and/or Oneota (A.D. 1100 to 1600) periods. (The site also has Middle Woodland (A.D. 0 to 400) and Late Woodland (A.D. 900 to 1300) components, but the burials are believed to be associated with the site's Oneota and/or Middle to Late Archaic occupation.) This collection was transferred to UWM in the early 2000s. The two associated funerary objects are two lots containing shell-tempered pottery sherds, lithic debitage, fire-cracked rock, faunal material, and historic items.

Cultural Affiliation

The human remains and associated funerary objects in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: geographical, archeological, and expert opinion.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, UWM has determined that:

- The human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- The three objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects described in this notice and the Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Menominee Indian Tribe of Wisconsin; Otoe-Missouria Tribe of Indians, Oklahoma; and the Winnebago Tribe of Nebraska.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after March 6, 2023. If competing requests for repatriation are received, UWM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UWM is responsible for sending a copy of this notice to the Indian Tribes in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, and 10.14.

Dated: January 27, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02276 Filed 2–2–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035259; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin-Milwaukee, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin-Milwaukee (UWM) has completed an inventory of human remains and associated funerary objects and has determined that there is no cultural affiliation between the human remains and any Indian Tribe. The human remains were removed from unknown locations in WI.

DATES: Disposition of the human remains in this notice may occur on or after March 6, 2023.

ADDRESSES: Jennifer R. Haas, NAGPRA Coordinator, University of Wisconsin-Milwaukee, P.O. Box 413, Milwaukee, WI 53201, telephone (414) 229–3078, email *haasjr@uwm.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWM. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by the UWM.

Description

Human remains representing, at minimum, one individual were removed from an unknown location in WI, by Paul Turney, and donated to UWM in 1990 after his death. No associated funerary objects are present.

Human remains representing, at minimum, nine individuals were removed from an unknown location in WI, by unknown individual(s). At an unknown date, these human remains were transferred to the UWM, where they became part of the Neal Tappen teaching collection. No associated funerary objects are present.

Aboriginal Land

The human remains in this notice were removed from unknown geographic locations in Wisconsin, all of which is the aboriginal land of one or more Indian Tribes. The following information was used to identify the aboriginal land: a final judgment of the Indian Claims Commission or the United States Court of Claims, a treaty, an Act of Congress, and an Executive Order.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes, the UWM has determined that:

• The human remains described in this notice represent the physical remains of 10 individuals of Native American ancestry.

• No relationship of shared group identity can be reasonably traced between the human remains and any Indian Tribe.

• The human remains described in this notice were removed from the aboriginal land of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cayuga Nation; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Otoe-Missouria Tribe of Indians, Oklahoma; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Saint Regis Mohawk Tribe; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians; Seneca-Cayuga Nation; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Stockbridge Munsee Community, Wisconsin; The Osage Nation; Tonawanda Band of Seneca; Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Disposition

Written requests for disposition of the human remains in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for disposition may be submitted by:

1. Any one or more of the Indian Tribes identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization, or who shows that the requestor is an aboriginal land Indian Tribe.

Disposition of the human remains described in this notice to a requestor may occur on or after March 6, 2023. If competing requests for disposition are received, UWM must determine the most appropriate requestor prior to disposition. Requests for joint disposition of the human remains are considered a single request and not competing requests. UWM is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9 and 10.11.

Dated: January 27, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02281 Filed 2–2–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035255; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin-Milwaukee, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin-Milwaukee (UWM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice. The human remains and associated funerary object were removed from Crawford County, WI.

DATES: Repatriation of the human remains and associated funerary object in this notice may occur on or after March 6, 2023.

ADDRESSES: Jennifer R. Haas, NAGPRA Coordinator, University of Wisconsin-Milwaukee, P.O. Box 413, Milwaukee, WI 53201, telephone (414) 229–3078, email *haasjr@uwm.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWM. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by UWM.

Description

In 1990, human remains representing, at minimum, one individual were removed from Crawford County, WI, during archeological excavations at the DEET Thinker site (47–CR–467), a site that dates to the Middle Woodland (A.D. 0 to 400) period. The fragmentary human remains of this individual were found disarticulated at the bottom of a pit feature. On an unknown date, the

collection was later transferred to UWM. The one associated funerary object is a lot of cultural items comprised of pottery, lithic flakes, burned and unburned animal bone, lithic tools (core, scraper, biface fragment), and wood charcoal.

Cultural Affiliation

The human remains and associated funerary objects in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following type of information was used to reasonably trace the relationship: geographical.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, UWM has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The one object described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Otoe-Missouria Tribe of Indians, Oklahoma; Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; The Osage Nation; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary object in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary object in this notice to a requestor may occur on or after March 6, 2023. If competing requests for repatriation are received, UWM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary object are considered a single request and not competing requests. UWM is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, and 10.14.

Dated: January 27, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02278 Filed 2–2–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035251; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Emory University, Michael C. Carlos Museum, Atlanta, GA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Emory University, Michael C. Carlos Museum (Emory) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice. The cultural items were removed from Bartow County, GA.

DATES: Repatriation of the cultural items in this notice may occur on or after March 6, 2023.

ADDRESSES: Todd Lamkin, Michael C. Carlos Museum, 571 S Kilgo Circle, Atlanta, GA 30322, telephone (404) 727–4456, email *tlamkin@emory.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The

determinations in this notice are the sole responsibility of Emory. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records held by Emory.

Description

Between 1925 and 1928, seven cultural items were removed from the Etowah site (Mound C or nearby), in Bartow County, GA, under the direction of Warren K. Moorehead of Phillips Academy, Andover, MA. Sometime prior to 1931, Phillips Academy donated the objects to the Michael C. Carlos Museum. The seven unassociated funerary objects are two shell gorgets (X.0232.007, X.0232.008); two sets of beads (X.0233.003, X.0233.004); and three bowls (X.0232.005, X.0232.006, X.0232.029).

Cultural affiliation

The cultural items in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: archeological, historical, oral traditional, and expert opinion.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, Emory University, Michael C. Carlos Museum has determined that:

- The seven cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- There is a relationship of shared group identity that can be reasonably traced between the cultural items and The Muscogee (Creek) Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after March 6, 2023. If competing requests for repatriation are received, Emory must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Emory is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.8, 10.10, and 10.14.

Dated: January 27, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02274 Filed 2–2–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035258; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin-Milwaukee, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin-Milwaukee (UWM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice. The human remains and associated funerary objects were removed from Kenosha County, Milwaukee County, and Waukesha County, WI.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after March 6, 2023.

ADDRESSES: Jennifer R. Haas, NAGPRA Coordinator, University of Wisconsin-Milwaukee, P.O. Box 413, Milwaukee, WI 53201, telephone (414) 229–3078, email *haasjr@uwm.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWM. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by the UWM.

Description

In the 1920s, human remains representing, at minimum, one individual were removed by Frank Lyman from a sand dune south of Kenosha in Kenosha County, WI. In 1936, Dr. B.A. Becker donated these human remains to the Kenosha Historical Society Museum, and in 1988, the collection was transferred to the UWM. No associated funerary objects are present.

In the 1920s, human remains representing, at minimum, one individual were removed by Frank Lyman from an unknown location in Kenosha County, WI. A projectile point had been glued into the frontal bone. (This projectile point has since been removed from the frontal bone but has been kept with the human remains.) In 1936, Dr. B.A. Becker donated the human remains and projectile point to the Kenosha Historical Society Museum, and in 1988, the collection was transferred to the UWM. The human remains date to the Middle Woodland (A.D. 0 to 400)/Late Woodland (A.D. 900 to 1300) periods. The one associated funerary object is a projectile point.

In 1897, human remains representing, at minimum, one individual were removed by an unknown individual from the Julius Peter Farm in West Allis, Milwaukee County, WI, which is today the site of Nathan Hale High School. In 1967, Emil Peter donated these human remains to the West Allis Historic Society, and in 1991, the human remains to the UWM. The one associated funerary object is a lot of faunal bone.

In 1980, human remains representing, at minimum, one individual were removed from one of the mounds at the Barforth-Blood Mound Group (47–WK–0063) in Waukesha County, WI, as part of an archeological survey and limited test excavations. This site dates to the Middle Woodland period (A.D. 0 to 400). In 2006, these human remains and an associated funerary object were

donated to the UWM. The one associated funerary object is a lot of lithics comprised of a biface fragment and debitage.

Cultural Affiliation

The human remains and associated funerary objects in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following type of information was used to reasonably trace the relationship: geographical.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, the UWM has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- The three objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Otoe-Missouria Tribe of Indians, Oklahoma; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after March 6, 2023. If competing requests for repatriation are received, the UWM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The UWM is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, and 10.14.

Dated: January 27, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02279 Filed 2–2–23; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–560–561 and 731–TA–1317–1328 (Review)]

Carbon and Alloy Steel Cut-to-Length Plate From Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, South Africa, South Korea, Taiwan, and Turkey

Determination

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the countervailing duty orders on carbon and alloy steel cut-to-length plate from China and South Korea and the antidumping duty orders on carbon and alloy steel cut-to-length plate from Austria, Belgium, China, France, Germany, Italy, Japan, South Africa, South Korea, Taiwan, and Turkey would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. The Commission further determines that revocation of the antidumping duty

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

order on carbon and alloy steel cut-to-length plate from Brazil would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted these reviews on December 1, 2021 (86 FR 68269) and determined on March 7, 2022 that it would conduct full reviews (87 FR 19121, April 1, 2022). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on July 19, 2022 (87 FR 43057). The Commission conducted its hearing on November 15, 2022. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on January 31, 2023. The views of the Commission are contained in USITC Publication 5399 (January 2023), entitled *Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, South Africa, South Korea, Taiwan, and Turkey: Investigation Nos. 701–TA–560–561 and 731–TA–1317–1328 (Review).*

By order of the Commission.

Issued: January 31, 2023.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2023–02339 Filed 2–2–23; 8:45 am]

BILLING CODE 7020–02–P

[2] Commissioners Rhonda K. Schmidtlein and Randolph J. Stayin determine that revocation of the countervailing duty orders on carbon and alloy steel cut-to-length plate from China and South Korea and the antidumping duty orders on carbon and alloy steel cut-to-length plate from Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, South Africa, South Korea, Taiwan, and Turkey would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–1351]

Certain Active Matrix Organic Light-Emitting Diode Display Panels and Modules for Mobile Devices, and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 28, 2022, under section 337 of the Tariff Act of 1930, as amended, on behalf of Samsung Display Co., Ltd. of the Republic of Korea. A supplement to the complaint was filed on January 17, 2023. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain active matrix organic light-emitting diode display panels and modules for mobile devices, and components thereof by reason of the infringement of certain claims of U.S. Patent No. 9,818,803 (''the '803 patent''); U.S. Patent No. 10,854,683 (''the '683 patent''); U.S. Patent No. 7,414,599 (''the '599 patent''); and U.S. Patent No. 9,330,593 (''the '593 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained 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 at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2022).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 27, 2023, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–5 and 19–21 of the '803 patent; claims 1, 2, 4–10, and 13 of the '683 patent; claims 1–18 of the '599 patent; and claims 1–3, 6–8, and 14–22 of the '593 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''active matrix organic light-emitting diode ('AMOLED') display panels and modules used as replacement displays for mobile devices comprising organic pixel elements for presenting information to a viewer which infringe one or more claims of the Asserted Patents, and components thereof, where AMOLED display module refers to the assembly of an AMOLED display panel (containing light-emitting materials, pixel circuitry, and encapsulation layers on a substrate) with additional components such as a connector cable, one or more polarizing layers, window glass, and/or housing materials around the AMOLED display panel'';

(3) Pursuant to Commission Rule 210.50(b)(l), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the

statutory public interest factors set forth in 19 U.S.C. l337(d)(l), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Samsung Display Co., Ltd., #1, Samsung-ro, Giheung-gu, Yongin-si, Gyeonggi-do, 17113, Republic of Korea

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Apt-Ability LLC d/b/a MobileSentrix, 4315–D Walney Road, Chantilly, VA 20151
Mobile Defenders, LLC, 6155 East Paris SE, Suite 130, Caledonia, MI 49316
Injured Gadgets, LLC, 6141 Crooked Creek Road, Norcross, GA 30092
Group Vertical, LLC, 678 Front Ave. NW, Suite 135, Grand Rapids, MI 49504
Electronics Universe, Inc., d/b/a *Fixez.com*, 6000 S Eastern Ave., Suite 6A, Las Vegas, NV 89119
Electronics Universe, Inc., d/b/a Repairs Universe, Inc., 6000 S Eastern Ave., Suite 6A, Las Vegas, NV 89119
LCTech International Inc., d/b/a *SEGMobile.com*, 20615 Valley Boulevard, City of Industry, CA 91789
Sourcely Plus, LLC, 549 S 48th Street, Suite 107, Tempe, AZ 85281
eTech Parts Plus LLC, 2380 Dean Way #160, Southlake, TX 76092
Parts4Cells Inc., 5750 Bintliff Drive, Suite 220, Houston, TX 77036
Wholesale Gadget Parts, Inc., 12820 S Memorial Drive, Suite 112, Bixby, OK 74008
Captain Mobile Parts, Inc., 11293 N Stemmons Freeway, Dallas, TX 75229
DFW Imports LLC, d/b/a DFW Cellphone and Parts, 11500 Harry Hines Boulevard, Suite 112, Dallas, TX 75229–8135
Phone LCD Parts LLC, 32 Riverview Dr., Wayne, NJ 07470
Parts4LCD, 32 Riverview Dr., Wayne, NJ 07470
Mengtor Inc., 3612 Arden Dr, #E, El Monte, CA 91731
Gadgetfix Corp., 15041 Bake Parkway, Unit C, Irvine, CA 92618

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 27, 2023.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2023–02246 Filed 2–2–23; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before March 6, 2023.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2023–0005 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2023–0005.

2. *Fax:* 202–693–9441.

3. *Email: petitioncomments@dol.gov.*

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, 30 CFR 44.10 and 44.11 establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2022–038–C.

Petitioner: Greenbrier Minerals LLC, 119 Rich Creek Rd., Lyburn, West Virginia 25632.

Mines: Eagle No. 1 Mine, MSHA ID No. 46–09563, located in Logan County, West Virginia.

Lower War Eagle, MSHA ID No. 46–09319, located in Wyoming County, West Virginia.

Muddy Bridge, MSHA ID No. 46–09514, located in Logan County, West Virginia.

North Fork Winifrede Deep, MSHA ID No. 46–09583, located in Logan County, West Virginia.

Powellton #1 Mine, MSHA ID No. 46–09217, located in Logan County, West Virginia.

Toney Fork Surface Mine, MSHA ID No. 46–09101, located in Logan County, West Virginia.

Elklick Surface, MSHA ID No. 46–09564, located in Logan County, West Virginia.

Saunders Preparation Plant, MSHA ID No. 46–02140, located in Logan County, West Virginia.

Elk Lick Tipple, MSHA ID No. 46–04315, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.500(d), Permissible electric equipment.

Modification Request: The petitioner requests a modification of 30 CFR 75.500(d) to permit the use of the CleanSpace EX Powered Respirator, a nonpermissible battery powered air-purifying respirator (PAPR), taken into or inby the last open crosscut.

The petitioner states that:

(a) Currently, there are no PAPRs that are approved by MSHA as permissible. PAPRs provide a constant flow of filtered air and offer respiratory protection and comfort in hot working environments.

(b) The CleanSpace EX Powered Respirator (CleanSpace EX) is UL certified to the ANSI/UL 60079–11 standard and can be used in hazardous locations because it meets the ANSI/UL 60079–11 standard's intrinsic safety protection level. It is accepted in other jurisdictions for use in mines with the potential for methane accumulation. The product is not MSHA approved, and the manufacturer is not pursuing approval. The ANSI/UL 60079–11 standard for the certification of these respirators is an accepted alternative to MSHA's standards and provides the same level of protection to miners as such standards.

(c) The CleanSpace EX uses lithium-ion polymer battery that is neither accessible nor removable. The lithium-ion polymer battery and motor/blower assembly are both contained within the sealed power pack assembly. It charges as a complete unit.

The petitioner proposes the following alternative method:

(a) Affected mine employees shall be trained in the proper use and maintenance of the CleanSpace EX in accordance with the established manufacturer guidelines. Mine employees shall also be trained to inspect the unit before each use to determine if there is any damage or defect to the unit that would negatively impact intrinsic safety. This inspection shall include all associated wiring and connections and shall take place prior to the equipment being taken underground.

(b) If it is determined that there is damage that may negatively impact intrinsic safety, the PAPR shall be immediately removed from service.

(c) CleanSpace EX units shall be charged outby the last open crosscut and shall utilize the manufacturer-approved battery charger. CleanSpace EX charging stations located underground shall be enclosed in a properly constructed steel box designed for such purpose.

(d) A qualified person under 30 CFR 75.151 shall monitor for methane as is required by the standard in the affected areas of the mine.

(e) The operator shall comply with all requirements of 30 CFR 75.323. The CleanSpace EX shall not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while the CleanSpace EX is being used, the equipment shall be deenergized immediately. When 1.5 percent or more methane is detected, the CleanSpace EX shall be withdrawn from the affected area outby the last open crosscut.

(f) Employees shall be trained all stipulations of the Decision and Order. Qualified miners shall receive training regarding the information in the Decision and Order before using equipment in the relevant part of the mine. A record of training shall be kept and made available upon request.

(g) Within 60 days of the Decision and Order becoming finalized, the petitioner shall submit proposed revisions to the mine ventilation plan per 30 CFR 75.370, to be approved under the 30 CFR part 48 training plan by the District Manager. The revisions shall specify initial and refresher training. When the training is conducted, an MSHA Certificate of Training (Form 5000–23) shall be completed, with comments on the certificate noting non-permissible testing equipment training.

The petitioner asserts that the alternative method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2023–02266 Filed 2–2–23; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before March 6, 2023.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2023–0007 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2023–0007.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and title 30 of the Code of Federal Regulations (CFR) part

44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, 30 CFR 44.10 and 44.11 establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2022–040–C.

Petitioner: Greenbrier Minerals LLC, 119 Rich Creek Rd, Lyburn, West Virginia 25632.

Mines: Eagle No. 1 Mine, MSHA ID No. 46–09563, located in Logan County, West Virginia, Lower War Eagle, MSHA ID No. 46–09319, located in Wyoming County, West Virginia, Muddy Bridge, MSHA ID No. 46–09514, located in Logan County, West Virginia, North Fork Winifrede Deep, MSHA ID No. 46–09583, located in Logan County, West Virginia, Powellton #1 Mine, MSHA ID No. 46–09217, located in Logan County, West Virginia, Toney Fork Surface Mine, MSHA ID No. 46–09101, located in Logan County, West Virginia, Elklick Surface, MSHA ID No. 46–09564, located in Logan County, West Virginia, Saunders Preparation Plant, MSHA ID No. 46–02140, located in Logan County, West Virginia, Elk Lick Tipple, MSHA ID No. 46–04315, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a), Installation of electrical equipment and conductors; permissibility.

Modification Request: The petitioner requests a modification of 30 CFR 75.1002(a) to permit the use of the CleanSpace EX Powered Respirator, a nonpermissible battery power air-purifying respirator (PAPR), within 150 feet of pillar workings and longwall faces.

The petitioner states that:

(a) Currently, there are no PAPRs that are approved by MSHA as permissible. PAPRs provide a constant flow of filtered air and offer respiratory protection and comfort in hot working environments.

(b) The CleanSpace EX Powered Respirator (CleanSpace EX) is UL certified to the ANSI/UL 60079–11 standard and can be used in hazardous locations because it meets the ANSI/UL 60079–11 standard's intrinsic safety protection level. It is accepted in other jurisdictions for use in mines with the potential for methane accumulation. The product is not MSHA approved, and the manufacturer is not pursuing approval. The ANSI/UL 60079–11 standard for the certification of these respirators is an accepted alternative to MSHA's standards and provides the same level of protection to miners as such standards.

(c) The CleanSpace EX uses lithium-ion polymer battery that is neither accessible nor removable. The lithium-ion polymer battery and motor/blower assembly are both contained within the sealed power pack assembly. It charges as a complete unit.

The petitioner proposes the following alternative method:

(a) Affected mine employees shall be trained in the proper use and maintenance of the CleanSpace EX in accordance with the established manufacturer guidelines. Mine employees shall also be trained to inspect the unit before each use to determine if there is any damage or defects to the unit that would negatively impact intrinsic safety. This inspection shall include all associated wiring and connections and shall take place prior to the equipment being taken underground.

(b) If it is determined that there is damage that may negatively impact intrinsic safety, the PAPR shall be immediately removed from service.

(c) CleanSpace EX units shall be charged outby the last open crosscut and shall utilize the manufacturer-approved battery charger. CleanSpace EX charging stations located underground shall be enclosed in a properly constructed steel box designed for such purpose.

(d) A qualified person under 30 CFR 75.151 shall monitor for methane as is required by the standard in the affected areas of the mine.

(e) The operator shall comply with all requirements of 30 CFR 75.323. The CleanSpace EX shall not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while the CleanSpace EX is being used, the equipment shall be deenergized immediately. When 1.5 percent or more methane is detected, the CleanSpace EX shall be withdrawn from the affected area outby the last open crosscut.

(f) Employees shall be trained all stipulations of the Decision and Order. Qualified miners shall receive training regarding the information in the Decision and Order before using equipment in the relevant part of the mine. A record of training shall be kept and made available upon request.

(g) Within 60 days of the Decision and Order becoming finalized, the petitioner shall submit proposed revisions to the mine ventilation plan per 30 CFR 75.370, to be approved under the 30 CFR part 48 training plan by the District Manager. The revisions shall specify initial and refresher training. When the training is conducted, an MSHA Certificate of Training (Form 5000–23) shall be completed, with comments on the certificate noting non-permissible testing equipment training.

The petitioner asserts that the alternative method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2023–02272 Filed 2–2–23; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before March 6, 2023.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2023–0006 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2023–0006.

2. *Fax:* 202–693–9441.

3. *Email: petitioncomments@dol.gov.*

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th

Street South, Suite 4E401, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, 30 CFR 44.10 and 44.11 establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2022–039–C

Petitioner: Greenbrier Minerals LLC, 119 Rich Creek Rd., Lyburn, West Virginia 25632.

Mines: Eagle No. 1 Mine, MSHA ID No. 46–09563, located in Logan County, West Virginia

Lower War Eagle, MSHA ID No. 46–09319, located in Wyoming County, West Virginia

Muddy Bridge, MSHA ID No. 46–09514, located in Logan County, West Virginia

North Fork Winifrede Deep, MSHA ID No. 46–09583, located in Logan County, West Virginia

Powellton #1 Mine, MSHA ID No. 46–09217, located in Logan County, West Virginia

Toney Fork Surface Mine, MSHA ID No. 46–09101, located in Logan County, West Virginia

Elklick Surface, MSHA ID No. 46–09564, located in Logan County, West Virginia

Saunders Preparation Plant, MSHA ID No. 46–02140, located in Logan County, West Virginia

Elk Lick Tipple, MSHA ID No. 46–04315, located in Logan County, West Virginia

Regulation Affected: 30 CFR 75.507–1(a), Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements.

Modification Request: The petitioner requests a modification of 30 CFR 75.507–1(a) to permit the use of the CleanSpace EX Powered Respirator, a nonpermissible battery powered air-purifying respirator (PAPR), in return airway.

The petitioner states that:

(a) Currently, there are no PAPRs that are approved by MSHA as permissible. PAPRs provide a constant flow of filtered air and offer respiratory protection and comfort in hot working environments.

(b) The CleanSpace EX Powered Respirator (CleanSpace EX) is UL certified to the ANSI/UL 60079–11 standard and can be used in hazardous locations because it meets the ANSI/UL 60079–11 standard's intrinsic safety protection level. It is accepted in other jurisdictions for use in mines with the potential for methane accumulation. The product is not MSHA approved, and the manufacturer is not pursuing approval. The ANSI/UL 60079–11 standard for the certification of these respirators is an accepted alternative to MSHA's standards and provides the same level of protection to miners as such standards.

(c) The CleanSpace EX uses lithium-ion polymer battery that is neither accessible nor removable. The lithium-ion polymer battery and motor/blower assembly are both contained within the sealed power pack assembly. It charges as a complete unit.

The petitioner proposes the following alternative method:

(a) Affected mine employees shall be trained in the proper use and maintenance of the CleanSpace EX in accordance with the established manufacturer guidelines. Mine employees shall also be trained to inspect the unit before each use to determine if there is any damage or defects to the unit that would negatively impact intrinsic safety. This inspection shall include all associated wiring and connections and shall take place prior to the equipment being taken underground.

(b) If it is determined that there is damage that may negatively impact intrinsic safety, the PAPR shall be immediately removed from service.

(c) CleanSpace EX units shall be charged outby the last open crosscut and shall utilize the manufacturer-approved battery charger. CleanSpace EX charging stations located underground shall be enclosed in a properly constructed steel box designed for such purpose.

(d) A qualified person under 30 CFR 75.151 shall monitor for methane as is required by the standard in the affected areas of the mine.

(e) The operator shall comply with all requirements of 30 CFR 75.323. The CleanSpace EX shall not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while the CleanSpace EX is being used, the equipment shall be deenergized immediately. When 1.5 percent or more methane is detected, the CleanSpace EX shall be withdrawn from the affected area outby the last open crosscut.

(f) Employees shall be trained all stipulations of the Decision and Order. Qualified miners shall receive training regarding the information in the Decision and Order before using equipment in the relevant part of the mine. A record of training shall be kept and made available upon request.

(g) Within 60 days of the Decision and Order becoming finalized, the petitioner shall submit proposed revisions to the mine ventilation plan per 30 CFR 75.370, to be approved under the 30 CFR part 48 training plan by the District Manager. The revisions shall specify initial and refresher training. When the training is conducted, an MSHA Certificate of Training (Form 5000–23) shall be completed, with comments on the certificate noting non-permissible testing equipment training.

The petitioner asserts that the alternative method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2023–02271 Filed 2–2–23; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Affirmative Decisions on Petitions for Modification Granted in Whole or in Part

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice.

SUMMARY: The Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations govern the application, processing, and disposition of petitions for modification of mandatory safety standards. Any mine operator or representative of miners may petition for an alternative method of complying with an existing safety standard. MSHA reviews the content of each submitted petition, assesses the mine in question, and ultimately issues a decision on the petition. This notice includes a list of petitions for modification that were granted after MSHA's review and investigation, between July 1, 2022, and December 31, 2022.

ADDRESSES: Copies of the final decisions are posted on MSHA's website at *https://www.msha.gov/regulations/rulemaking/petitions-modification.* The public may inspect the petitions and final decisions in person at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except federal holidays. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Noe.Song-Ae.A@dol.gov* (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Introduction

Under section 101(c) of the Federal Mine Safety and Health Act of 1977, any mine operator or representative of miners may petition to use an alternative approach to comply with a mandatory safety standard. In response, the Secretary of Labor (Secretary) or his or her designee may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision. In other instances, MSHA may deny, dismiss, or revoke a petition for modification. In accordance with 30 CFR 44.5, MSHA publishes every final action granting a petition for modification.

II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA granted or partially granted the petitions for modification below. Since the previous **Federal Register** notice (87 FR 42503) included petitions granted through June 30, 2022, the following are petitions granted between July 1, 2022, and December 31, 2022. The granted petitions are shown in the order that MSHA received them.

• *Docket Number:* M–2021–003–M.
FR Notice: 86 FR 32065 (6/16/2021).
Petitioner: Tata Chemicals Soda Ash Partners, P.O. Box 551, Green River, Wyoming 82935.
Mine: Tata Chemicals Mine, MSHA ID No. 48–00155, located in Sweetwater County, Wyoming.
Regulation Affected: 30 CFR 57.22305 (Approved equipment (III mines)).

• *Docket Number:* M–2021–005–M.
FR Notice: 87 FR 8610 (2/15/2022).
Petitioner: U.S. Silica Company, Pacific Plant, 819 Osage Street, Missouri 63039.
Mine: Pacific Plant, MSHA ID No. 23–00544, located in Franklin County, Missouri.
Regulation Affected: 30 CFR 56.13020 (Use of compressed air).

• *Docket Number:* M–2021–006–C.
FR Notice: 86 FR 24896 (5/10/2021).
Petitioner: Patton Mining, LLC., P.O. Box 457, Hillsboro, Illinois, 62049.
Mine: Deer Run Mine, MSHA I.D. No. 11–03182, located in Montgomery County, Illinois.
Regulations Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance); and 18.35(a)(5)(i) (Portable (trailing) cables and cords).

• *Docket Number:* M–2021–025–C.
FR Notice: 86 FR 40081 (7/26/2021).
Petitioner: Wolf Run Mining Company, 21550 Barbour County Highway, Philippi, West Virginia 26416.
Mine: Leer South Mine, MSHA ID No. 46–04168, located in Barbour County, West Virginia.
Regulation Affected: 30 CFR 75.1904(b)(6) (Underground diesel fuel tanks and safety cans).

• *Docket Number:* M–2021–027–C.
FR Notice: 86 FR 46021 (8/17/2021).
Petitioner: Emery County Coal Resources, Inc., P.O. Box 910, East Carbon, Utah 84520.
Mine: Lila Canyon Mine, MSHA ID No. 42–02241, located in Carbon County, Utah.
Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

• *Docket Number:* M–2021–028–C.
FR Notice: 86 FR 46021 (8/17/2021).
Petitioner: Emery County Coal Resources, Inc., P.O. Box 910, East Carbon, Utah 84520.
Mine: Lila Canyon Mine, MSHA ID No. 42–02241, located in Carbon County, Utah.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

• *Docket Number:* M–2021–029–C.
FR Notice: 86 FR 46021 (8/17/2021).
Petitioner: Emery County Coal Resources, Inc., P.O. Box 910, East Carbon, Utah 84520.
Mine: Lila Canyon Mine, MSHA ID No. 42–02241, located in Carbon County, Utah.
Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

• *Docket Number:* M–2021–32–C.
FR Notice: 86 FR 59430 (10/27/2021).
Petitioner: Consol Pennsylvania Coal Company LLC, 192 Crabapple Road, Wind Ridge, Pennsylvania 15380.
Mine: Bailey Mine, MSHA ID No. 36–07230, located in Greene County, Pennsylvania.
Regulation Affected: 30 CFR 75.312(c) and (d) (Main mine fan examinations and records).

• *Docket Number:* M–2021–033–C.
FR Notice: 86 FR 59428 (10/27/2021).
Petitioner: Consol Pennsylvania Coal Company LLC, 685 Patterson Creek Road, Sycamore, Pennsylvania 15364.
Mine: Harvey Mine, MSHA ID No. 36–10045, located in Greene County, Pennsylvania.
Regulation Affected: 30 CFR 75.312(c) and (d) (Main mine fan examinations and records).

• *Docket Number:* M–2021–041–C.
FR Notice: 86 FR 72630 (12/22/2021).
Petitioner: Bronco Utah Operations LLC, Hwy 10 South 550 West Consol Road, P.O. Box 527, Emery, Utah 84522.
Mine: Emery Mine, MSHA ID No. 42–00079, located in Emery County, Utah.

Regulation Affected: 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment; design and performance requirements).

• *Docket Number:* M–2021–043–C.
FR Notice: 87 FR 10254 (02/23/2022).
Petitioner: Century Mining, LLC, 7004 Buckhannon Road, Volga, West Virginia 26238.
Mine: Longview Mine, MSHA ID No. 46–09447, located in Barbour County, West Virginia.
Regulation Affected: 30 CFR 75.1904(b)(6) (Underground diesel fuel tanks and safety cans).

• *Docket Number:* M–2021–046–C.
FR Notice: 87 FR 9644 (2/22/2022).
Petitioner: Prairie State Generating Company, LLC, 4274 County Highway 12, Marissa, Illinois, 62257.
Mine: Lively Grove Mine, MSHA ID No. 11–03193, located in St. Clair County, Illinois.
Regulation Affected: 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment; design and performance requirements).

• *Docket Number:* M–2022–006–C.
FR Notice: 87 FR 24591 (4/26/2022).
Petitioner: ICG Beckley, LLC, P.O. Box 49, Eccles, West Virginia 25836.
Mine: Beckley Pocahontas Mine, MSHA ID No. 46–05252, located in Raleigh County, West Virginia.
Regulation Affected: 30 CFR 75.312(c) (Mine Fan Examination and Records).

• *Docket Number:* M–2022–006–M.
FR Notice: 87 FR 14297 (3/14/2022).
Petitioner: Nevada Gold Mines, LLC, 1655 Mountain City Highway, Elko, Nevada 89801.
Mine: Turquoise Ridge Mine, MSHA ID No. 26–02286, located in Humboldt County, Nevada.
Regulation Affected: 30 CFR 57.11052(d) (Refuge areas).

• *Docket Number:* M–2022–009–C.
FR Notice: 87 FR 38188 (6/27/2022).
Petitioner: American Consolidated Natural Resources, Inc., 46226 National Road, St. Clairsville, Ohio 43950.
Mines: Ohio County Mine, MSHA ID No. 46–01436, located in Marshall County, West Virginia; Marshall County Mine, MSHA ID No. 46–01437, located in Marshall County, West Virginia; Marion County Mine, MSHA ID No. 46–01433, located in Marion County, West Virginia; and Harrison County Mine, MSHA ID No. 46–01318, located in Harrison County, West Virginia.
Regulation Affected: 30 CFR 75.507–l(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

• *Docket Number:* M–2022–010–C.
FR Notice: 87 FR 38187 (6/27/2022).
Petitioner: American Consolidated Natural Resources, Inc., 46226 National Road, St. Clairsville, Ohio 43950.
Mines: Ohio County Mine, MSHA ID No. 46–01436, located in Marshall County, West Virginia; Marshall County Mine, MSHA ID No. 46–01437, located in Marshall County, West Virginia; Marion County Mine, MSHA ID No. 46–01433, located in Marion County, West Virginia; and Harrison County Mine, MSHA ID No. 46–01318, located in Harrison County, West Virginia.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Song-ae Aromie Noe,
Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2023–02265 Filed 2–2–23; 8:45 am]
BILLING CODE 4520–43–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0022]

Environmental Assessment and Finding of No Significant Impact of Independent Spent Fuel Storage Facilities Decommissioning Funding Plans

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is publishing this notice regarding the issuance of a final environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the updated decommissioning funding plans (DFPs) submitted by independent spent fuel storage installation (ISFSI) licensees for the ISFSIs listed in the ''Discussion'' section of this document.

DATES: The EA and FONSI referenced in this document are available on February 3, 2023.

ADDRESSES: Please refer to Docket ID NRC–2023–0022 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0022. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tilda Liu, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 404–997–4730, email: *Tilda.Liu@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the updated DFPs submitted by ISFSI licensees. The NRC staff has prepared a final EA and FONSI determination for each of the updated ISFSI DFPs in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35511). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation requires each holder of, or applicant for, a license

under 10 CFR part 72 to submit a DFP for the NRC's review and approval. The DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff will later publish its financial analyses of the DFP submittals which will be available for public inspection in ADAMS.

II. Discussion

The table in this notice includes the plant name, docket number, licensee, and ADAMS accession number for the final EA and FONSI determination for each of the individual ISFSIs. The table also includes the ADAMS accession numbers for other relevant documents, including the initial and updated DFP submittals. For further details with respect to these actions, see the NRC staff's final EA and FONSI determinations which are available for public inspection in ADAMS and at *https://www.regulations.gov* under Docket ID NRC–2023–0022. For additional direction on accessing information related to this document, see the **ADDRESSES** section of this document.

FINDING OF NO SIGNIFICANT IMPACT

Haddam Neck Plant	
Docket No	72–39.
Licensee	Connecticut Yankee Atomic Power Company.
Proposed Action	The NRC's review and approval of Connecticut Yankee Atomic Power Company's updated DFPs submitted in accordance with 10 CFR 72.30(c).
Environmental Impact of Proposed Action	The NRC staff has determined that the proposed action, the review and approval of Connecticut Yankee Atomic Power Company's updated DFPs, submitted in accordance with 10 CFR 72.30(c), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the updated DFPs will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment.
Finding of No Significant Impact	The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Connecticut Yankee Atomic Power Company's updated DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of the Haddam Neck Plant. Therefore, the NRC staff determined that approval of the updated DFPs for the Haddam Neck Plant ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement is not required.
Available Documents	**Federal Register** notice. Final Rule ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions and Related Conforming Amendments,'' dated March 12, 1984 (49 FR 9381). **Federal Register** notice. Final Rule ''Decommissioning Planning,'' dated June 17, 2011 (76 FR 35512). **Federal Register** notice. Environmental assessment and finding of no significant impact; issuance, dated March 6, 2019 (84 FR 8122). U.S. Nuclear Regulatory Commission. 2003/08/31–NUREG–1748, ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, Final Report.'' August 2003. ADAMS Accession No. ML032540811. U.S. Nuclear Regulatory Commission. ''Environmental Assessment for Final Rule—Decommissioning Planning'' (10 CFR parts 20, 30, 40, 50, 70, and 72; RIN 3150–AI55). February 2009. ADAMS Accession No. ML090500648. U.S. Nuclear Regulatory Commission. ''Nuclear Regulatory Commission's Analysis of Connecticut Yankee Atomic Power Company's Initial and Updated Decommissioning Funding Plans for the Haddam Neck Plant Independent Spent Fuel Storage Installation,'' dated February 20, 2019. ADAMS Accession No. ML19070A033. U.S. Nuclear Regulatory Commission. ''Review of the Draft Environmental Assessment and Finding of No Significant Impact for Haddam Neck Plant Independent Spent Fuel Storage Installation Decommissioning Funding Plans,'' dated November 3, 2022. ADAMS Accession No. ML22294A025. Connecticut Yankee Atomic Power Company. ''Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated December 17, 2012. ADAMS Accession No. ML12363A024. Connecticut Yankee Atomic Power Company. ''Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated December 14, 2015. ADAMS Accession No. ML16020A209. Connecticut Yankee Atomic Power Company. ''Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated December 10, 2018. ADAMS Accession No: ML21362A132. Connecticut Yankee Atomic Power Company. ''Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated December 10, 2021. ADAMS Accession No: ML18354A741.

FINDING OF NO SIGNIFICANT IMPACT—Continued

	Connecticut Yankee Atomic Power Company. ''Supplemental Information for the Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated August 3, 2022. ADAMS Accession No. ML22237A077.
Maine Yankee	
Docket No	72–30.
Licensee	Maine Yankee Atomic Power Company.
Proposed Action	The NRC's review and approval of Maine Yankee Atomic Power Company's updated DFPs submitted in accordance with 10 CFR 72.30(c).
Environmental Impact of Proposed Action	The NRC staff has determined that the proposed action, the review and approval of Maine Yankee Atomic Power Company's updated DFPs, submitted in accordance with 10 CFR 72.30(c), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the updated DFPs will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment.
Finding of No Significant Impact	The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Maine Yankee Atomic Power Company's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Maine Yankee. Therefore, the NRC staff determined that approval of the updated DFPs for the Maine Yankee ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement is not required.
Available Documents	**Federal Register** notice. Final Rule ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions and Related Conforming Amendments,'' dated March 12, 1984(49 FR 9381). **Federal Register** notice. Final Rule ''Decommissioning Planning,'' dated June 17, 2011 (76 FR 35512). **Federal Register** notice. Environmental Assessment and Finding of No Significant Impact of Independent Spent Fuel Storage Facilities Decommissioning Funding Plans, dated May 21, 2019 (84 FR 23072). U.S. Nuclear Regulatory Commission. 2003/08/31–NUREG–1748, ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, Final Report.'' August 2003. ADAMS Accession No. ML032540811. U.S. Nuclear Regulatory Commission. ''Environmental Assessment for Final Rule—Decommissioning Planning'' (10 CFR parts 20, 30, 40, 50, 70, and 72; RIN 3150–AI55). February 2009. ADAMS Accession No. ML090500648. U.S. Nuclear Regulatory Commission. ''Nuclear Regulatory Commission's Analysis of Maine Yankee Atomic Power Company's Initial and Updated Decommissioning Funding Plans for the Maine Yankee Independent Spent Fuel Storage Installation,'' dated May 24, 2019. ADAMS Accession No. ML19148A416. U.S. Nuclear Regulatory Commission. ''Review of the Draft Environmental Assessment and Finding of No Significant Impact for Maine Yankee Atomic Power Company Independent Spent Fuel Storage Installation Decommissioning Funding Plans,'' dated November 3, 2022. ADAMS Accession No. ML22290A223. Maine Yankee Atomic Power Company. ''Revised Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated January 8, 2013. ADAMS Package Accession No. ML130460347. Maine Yankee Atomic Power Company. ''Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated December 14, 2015. ADAMS Accession No. ML16020A016. Maine Yankee Atomic Power Company. ''Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated December 10, 2018. ADAMS Accession No. ML18354A736. Maine Yankee Atomic Power Company. ''Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated December 10, 2021. ADAMS Accession No. ML21362A159. Maine Yankee Atomic Power Company. ''Supplemental Information for the Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated July 28, 2022. ADAMS Accession No. ML22216A068.
Yankee Nuclear Power Station (Yankee Rowe)	
Docket No	72–31.
Licensee	Yankee Atomic Electric Company.
Proposed Action	The NRC's review and approval of Yankee Atomic Electric Company's updated DFPs submitted in accordance with 10 CFR 72.30(c).

FINDING OF NO SIGNIFICANT IMPACT—Continued

Environmental Impact of Proposed Action	The NRC staff has determined that the proposed action, the review and approval of Yankee Atomic Electric Company's updated DFPs, submitted in accordance with 10 CFR 72.30(c), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the updated DFPs will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment.
Finding of No Significant Impact	The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Yankee Atomic Electric Company's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of the Yankee Rowe. Therefore, the NRC staff determined that approval of the updated DFPs for the Yankee Rowe ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement is not required.
Available Documents	**Federal Register** notice. Final Rule ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions and Related Conforming Amendments,'' dated March 12, 1984 (49 FR 9381). **Federal Register** notice. Final Rule ''Decommissioning Planning,'' dated June 17, 2011 (76 FR 35512). **Federal Register** notice. Environmental Assessments and Findings of No Significant Impact of Independent Spent Fuel Storage Facilities Decommissioning Funding Plans, dated April 14, 2021 (86 FR 19644). U.S. Nuclear Regulatory Commission. 2003/08/31–NUREG–1748, ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, Final Report.'' August 2003. ADAMS Accession No. ML032540811. U.S. Nuclear Regulatory Commission. ''Environmental Assessment for Final Rule—Decommissioning Planning'' (10 CFR parts 20, 30, 40, 50, 70, and 72; RIN 3150–AI55). February 2009. ADAMS Accession No. ML090500648. U.S. Nuclear Regulatory Commission. ''U.S. Nuclear Regulatory Commission Analysis of Yankee Atomic Electric Company, LLC's Initial and Updated Decommissioning Funding Plans for the Yankee Rowe Independent Spent Fuel Storage Installations,'' dated April 7, 2021. ADAMS Accession No. ML21062A247. U.S. Nuclear Regulatory Commission. ''Review of the Draft Environmental Assessment and Finding of No Significant Impact for Yankee Nuclear Power Station Independent Spent Fuel Storage Installation Decommissioning Funding Plans,'' dated November 3, 2022. ADAMS Accession No. ML22291A449. Yankee Atomic Electric Company. ''Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated December 17, 2012. ADAMS Package Accession No. ML123630169. Yankee Atomic Electric Company. ''Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated December 14, 2015. ADAMS Accession No. ML16020A016. Yankee Atomic Electric Company. ''Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated December 10, 2018. ADAMS Accession No. ML18354A738. Yankee Atomic Electric Company. ''Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated December 10, 2021. ADAMS Accession No. ML22010A012. Yankee Atomic Electric Company. ''Supplemental Information for the Three-Year Update to the Independent Spent Fuel Storage Installation Decommissioning Funding Plan,'' dated August 3, 2022. ADAMS Accession No. ML22237A063.

Dated: January 31, 2023.

For the Nuclear Regulatory Commission.

Yoira K. Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2023–02347 Filed 2–2–23; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of February 6, 13, 20, 27, March 6, 13, 2023. 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.*

PLACE: 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.

STATUS: Public and closed.

Members of the public may request to receive the information in these notices 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 *Wendy.Moore@nrc.gov* or *Tyesha.Bush@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of February 6, 2023

Tuesday, February 7, 2023

10:00 a.m. Briefing on Security Issues (Closed Ex. 1)

Thursday, February 9, 2023

9:00 a.m. Advanced Reactor Licensing Under 10 CFR parts 50 and 52 (Public Meeting) (Contact: Omid Tabatabai: 301–415–6616)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—*https://video.nrc.gov/.*

Week of February 13, 2023—Tentative

There are no meetings scheduled for the week of February 13, 2023.

Week of February 20, 2023—Tentative

There are no meetings scheduled for the week of February 20, 2023.

Week of February 27, 2023—Tentative

There are no meetings scheduled for the week of February 27, 2023.

Week of March 6, 2023—Tentative

There are no meetings scheduled for the week of March 6, 2023.

Week of March 13, 2023—Tentative

There are no meetings scheduled for the week of March 13, 2023.

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 NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: February 1, 2023.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2023–02472 Filed 2–1–23; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7027; NRC–2022–0209]

TRISO–X, LLC; TRISO-X Special Nuclear Material License

AGENCY: Nuclear Regulatory Commission.

ACTION: License application; opportunity to request a hearing and to petition for leave to intervene; order imposing procedures.

SUMMARY: The United States Nuclear Regulatory Commission (NRC) received a license application, by letters dated April 5, 2022, and September 23, 2022, from TRISO–X, LLC to possess and use special nuclear material for the manufacture of high-assay low-enriched uranium fuel at a fuel fabrication facility, to be located in Roane County, Tennessee. TRISO–X, LLC seeks a special nuclear material license for a term of 40 years to manufacture fuel, consisting of coated uranium particles enriched to less than 20 weight percent uranium-235 (Uranium-235) for use in advanced commercial reactors. Because the license application contains Sensitive Unclassified Non-Safeguards Information and Safeguards Information, an order imposes procedures to obtain access to this type of information for contention preparation.

DATES: A request for a hearing or petition for leave to intervene must be filed by April 4, 2023. Any potential party as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information (SUNSI) or Safeguards Information (SGI) is necessary to respond to this notice must request document access by February 13, 2023.

ADDRESSES: Please refer to Docket ID NRC–2022–0209 when contacting the NRC about the availability of information regarding this action. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for NRC–2022–0209. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. In addition, for the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Matthew Bartlett, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7154, email: *Matthew.Bartlett@nrc.gov.*

I. Introduction

TRISO–X, LLC (TRISO–X), a wholly owned subsidiary of X-Energy, LLC, notified the NRC via letter dated August 9, 2018 (ADAMS Accession No. ML18226A091) of its plans to submit an application for a specific license under 10 CFR part 70, ''Domestic Licensing of Special Nuclear Material,'' to possess and use special nuclear material for processing and fuel fabrication at a facility to be located in Oakridge, Tennessee. Prior to submission of the application, TRISO–X submitted an exemption request via letter dated February 4, 2022 (ML22039A050). The requested exemption sought relief from the requirements in 10 CFR 51.60(a), ''Environmental report—materials licenses'' and 10 CFR 70.21(f), ''Filing'' to allow TRISO–X to submit the safety and safeguards analysis report (SAR) in advance of the environmental report (ER). The NRC staff approved the exemption request via letter dated March 17, 2022 (ML22055A560).

TRISO–X submitted the SAR on April 5, 2022 (ML22101A200) and supplemented the submittal via letters

dated October 13, 2022 (ML22286A144) and November 4, 2022 (ML22308A251). The ER was submitted via letter dated September 23, 2022 (ML22266A269). The application was accepted for a detailed technical review on November 18, 2022 (ML22320A110).

TRISO–X seeks a special nuclear material license for a term of 40 years to manufacture high-assay low-enriched uranium (HALEU) fuel for the next generation of nuclear reactors. TRISO–X's proposed manufacturing operations consist of (1) receiving HALEU in the form of triuranium octoxide (U3O8) powder enriched to less than 20 weight percent Uranium-235; (2) converting the U3O8 into a uranyl nitrate solution, into gel spheres, and then into fuel kernels; and (3) processing the fuel kernels through coating, overcoating, fuel form pressing, and high temperature carbonization. These operations are supported by shipping and receiving, laboratory, quality control, research and development, uranium recovery, and waste disposal processes. The target production capacity is 16 metric tons uranium per year.

TRISO–X plans to locate its fuel fabrication facility in Oak Ridge, Roane County, Tennessee. The facility would encompass approximately 110 acres (ac.) (44.6 ha). The project layout consists of the main fuel process building, administration building, associated equipment yards, stormwater detention basin, internal roadways, stormwater ditches, permanent parking, and construction laydown area. Section 2.1.2 of the ER provides additional details.

Prior to reaching a decision on the proposed action, the NRC will conduct both a safety and environmental review. The safety review will be documented in a safety evaluation report. The environmental review will be conducted in accordance with the National Environmental Policy Act of 1969, and will be documented in an environmental impact statement (EIS). The NRC published in the **Federal Register** a notice of intent to conduct a scoping process and to prepare an EIS, and a request for comment (87 FR 77146). The NRC anticipates completing review of the license application by mid-2025.

II. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS.

Document description	ADAMS accession number or **Federal Register** notice
Submittal of the TRISO–X Fuel Facility Licensing Regulatory Engagement Plan, dated August 9, 2018	ML18226A091.
Request for an Exemption Pursuant to 10 CFR 70.17 and 10 CFR 51.6, dated February 4, 2022	ML22039A050.
Approval of the TRISO–X Exemption Request to Support Submittal of the Safety and Safeguards Analysis Report in Advance of the Environmental Report, dated March 17, 2022.	ML22055A560.
TRISO–X Fuel Fabrication Facility License Application Submittal, dated April 5, 2022	ML22101A200 *(package)*.
TRISO–X License Application and ISA Summary Changes Associated with Responses to Requests for Supplemental Information for the Acceptance Review of the TRISO–X Fuel Fabrication Facility License Application Submittal, dated November 4, 2022.	ML22308A251 *(package)*.
TRISO–X Fuel Fabrication Facility Environmental Report Submittal, dated September 23, 2022	ML22266A269 *(package)*.
Response to Requests for Supplemental Information for the Acceptance Review of the TRISO–X Fuel Fabrication Facility License Application Submittal, dated October 13, 2022.	ML22286A144 *(package)*.
Acceptance of the TRISO–X License Application for a Fuel Fabrication Facility, dated November 18, 2022	ML22320A110.
TRISO–X Environmental Impact Statement Notice of Intent **Federal Register** Notice Final, dated December 16, 2022.	**Federal Register** Vol. 87 No. 241, 12/16/2022, Pg. 77146–77148.
Content of Petition to Intervene	ML20340A053.
Guidance for Electronic Submissions to the NRC, dated August 6, 2021	ML13031A056.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315 (ML20340A053) and on the NRC's public website at *https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate*.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ML13031A056) and on the NRC's

public website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1). Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing sensitive unclassified information (including Sensitive Unclassified Non-Safeguards Information (SUNSI) and Safeguards Information (SGI)). Requirements for access to SGI are primarily set forth in 10 CFR parts 2 and 73. Nothing in this Order is intended to conflict with the SGI regulations.

B. Within 10 days after publication of this notice of hearing or opportunity for hearing, any potential party who believes access to SUNSI or SGI is necessary to respond to this notice may request access to SUNSI or SGI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI or SGI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI, SGI, or both to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Licensing, Hearings, and Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email addresses for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1);

(3) If the request is for SUNSI, the identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention; and

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI and/or SGI under these procedures should be submitted as described in this paragraph.

(4) If the request is for SGI, the identity of each individual who would have access to SGI if the request is granted, including the identity of any expert, consultant, or assistant who will aid the requestor in evaluating the SGI. In addition, the request must contain the following information:

(a) A statement that explains each individual's ''need to know'' the SGI, as required by 10 CFR 73.2 and 10 CFR 73.22(b)(1). Consistent with the definition of ''need to know'' as stated in 10 CFR 73.2, the statement must explain:

(i) Specifically, why the requestor believes that the information is necessary to enable the requestor to proffer and/or adjudicate a specific contention in this proceeding; [2] and

(ii) The technical competence (demonstrable knowledge, skill, training or education) of the requestor to effectively utilize the requested SGI to provide the basis and specificity for a proffered contention. The technical competence of a potential party or its counsel may be shown by reliance on a qualified expert, consultant, or assistant who satisfies these criteria.

(b) A completed Form SF–85, ''Questionnaire for Non-Sensitive Positions,'' for each individual who would have access to SGI. The completed Form SF–85 will be used by the Office of Administration to conduct the background check required for access to SGI, as required by 10 CFR part 2, subpart C, and 10 CFR 73.22(b)(2), to determine the requestor's trustworthiness and reliability. For security reasons, Form SF–85 can only be submitted electronically through the National Background Investigation Services e-App system, a secure website that is owned and operated by the Defense Counterintelligence and Security Agency (DCSA). To obtain online access to the form, the requestor should contact the NRC's Office of Administration at 301–415–3710.[3]

(c) A completed Form FD–258 (fingerprint card), signed in original ink, and submitted in accordance with 10 CFR 73.57(d). Copies of Form FD–258 will be provided in the background check request package supplied by the Office of Administration for each individual for whom a background check is being requested. The fingerprint card will be used to satisfy the requirements of 10 CFR part 2, subpart C, 10 CFR 73.22(b)(1), and section 149 of the Atomic Energy Act of 1954, as amended, which mandates that all persons with access to SGI must be fingerprinted for an FBI identification and criminal history records check.

(d) A check or money order payable in the amount of $388.00 [4] to the U.S. Nuclear Regulatory Commission for each individual for whom the request for access has been submitted.

(e) If the requestor or any individual(s) who will have access to SGI believes they belong to one or more of the categories of individuals that are exempt from the criminal history records check and background check requirements in 10 CFR 73.59, the requestor should also provide a statement identifying which exemption the requestor is invoking and explaining the requestor's basis for believing that the exemption applies. While processing the request, the Office of Administration, Personnel Security Branch, will make a final determination whether the claimed exemption applies. Alternatively, the requestor may contact the Office of Administration for an evaluation of their exemption status prior to submitting their request. Persons who are exempt from the background check are not required to complete the SF–85 or Form FD–258; however, all other requirements for access to SGI, including the need to know, are still applicable.

Note: Copies of documents and materials required by paragraphs C.(4)(b), (c), and (d) of this Order must be sent to the following address:

U.S. Nuclear Regulatory Commission, Office of Administration, ATTN: Personnel Security Branch, Mail Stop: TWFN–07D04M, 11555 Rockville Pike, Rockville, MD 20852

These documents and materials should *not* be included with the request letter to the Office of the Secretary, but the request letter should state that the forms and fees have been submitted as required.

D. To avoid delays in processing requests for access to SGI, the requestor should review all submitted materials for completeness and accuracy (including legibility) before submitting them to the NRC. The NRC will return incomplete packages to the sender without processing.

E. Based on an evaluation of the information submitted under paragraphs C.(3) or C.(4), as applicable, the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI or need to know the SGI requested.

F. For requests for access to SUNSI, if the NRC staff determines that the requestor satisfies both E.(1) and E.(2), the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.[5]

G. For requests for access to SGI, if the NRC staff determines that the requestor has satisfied both E.(1) and E.(2), the Office of Administration will then determine, based upon completion of the background check, whether the proposed recipient is trustworthy and reliable, as required for access to SGI by 10 CFR 73.22(b). If the Office of Administration determines that the individual or individuals are trustworthy and reliable, the NRC will promptly notify the requestor in writing. The notification will provide the names of approved individuals as well as the conditions under which the SGI will be provided. Those conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order [6] by each individual who will be granted access to SGI.

H. Release and Storage of SGI. Prior to providing SGI to the requestor, the NRC staff will conduct (as necessary) an

[2] Broad SGI requests under these procedures are unlikely to meet the standard for need to know; furthermore, NRC staff redaction of information from requested documents before their release may be appropriate to comport with this requirement. These procedures do not authorize unrestricted disclosure or less scrutiny of a requestor's need to know than ordinarily would be applied in connection with an already-admitted contention or non-adjudicatory access to SGI.

[3] The requestor will be asked to provide the requestor's full name, social security number, date and place of birth, telephone number, and email address. After providing this information, the requestor usually should be able to obtain access to the online form within one business day.

[4] This fee is subject to change pursuant to DCSA's adjustable billing rates.

[5] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[6] Any motion for Protective Order or draft Non-Disclosure Agreement or Affidavit for SGI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 180 days of the deadline for the receipt of the written access request.

inspection to confirm that the recipient's information protection system is sufficient to satisfy the requirements of 10 CFR 73.22. Alternatively, recipients may opt to view SGI at an approved SGI storage location rather than establish their own SGI protection program to meet SGI protection requirements.

I. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI or SGI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.

J. Review of Denials of Access.

(1) If the request for access to SUNSI or SGI is denied by the NRC staff either after a determination on standing and requisite need, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) Before the Office of Administration makes a final adverse determination regarding the trustworthiness and reliability of the proposed recipient(s) for access to SGI, the Office of Administration, in accordance with 10 CFR 2.336(f)(1)(iii), must provide the proposed recipient(s) any records that were considered in the trustworthiness and reliability determination, including those required to be provided under 10 CFR 73.57(e)(1), so that the proposed recipient(s) have an opportunity to correct or explain the record.

(3) The requestor may challenge the NRC staff's adverse determination with respect to access to SUNSI or with respect to standing or need to know for SGI by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(4) The requestor may challenge the Office of Administration's final adverse determination with respect to trustworthiness and reliability for access to SGI by filing a request for review in accordance with 10 CFR 2.336(f)(1)(iv).

(5) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

K. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[7]

L. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI or SGI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated: January 31, 2023.

For the Nuclear Regulatory Commission.

Brooke P. Clark,

Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of hearing or opportunity for hearing, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding; demonstrating that access should be granted (*e.g.,* showing technical competence for access to SGI); and, for SGI, including application fee for fingerprint/background check.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows (1) need for SUNSI or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (preparation of redactions or review of redacted documents), and readiness inspections.

[7] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012, 78 FR 34247, June 7, 2013) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI/SGI request submitted to the NRC staff under these procedures.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION AND SAFEGUARDS INFORMATION IN THIS PROCEEDING—Continued

Day	Event/activity
25	If NRC staff finds no ''need,'' no ''need to know,'' or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Agreement or Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement or Affidavit for SUNSI.
190	(Receipt +180) If NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-Disclosure Agreement or Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). Note: Before the Office of Administration makes a final adverse determination regarding access to SGI, the proposed recipient must be provided an opportunity to correct or explain information.
205	Deadline for petitioner to seek reversal of a final adverse NRC staff trustworthiness or reliability determination under 10 CFR 2.336(f)(1)(iv).
A	If access granted: Issuance of a decision by a presiding officer or other designated officer on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Agreements or Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI or SGI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2023–02335 Filed 2–2–23; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0163]

Information Collection: NRC Controlled Unclassified Information Program Information-Sharing Agreement

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this proposed information collection. The information collection is entitled, ''NRC Controlled Unclassified Information Program Information-Sharing Agreement.''

DATES: Submit comments by April 4, 2023. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0163. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David C. Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0163 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0163. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2022–0163 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML22249A154. The supporting statement is available in ADAMS under Accession No. ML22251A084.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–

4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2022–0163, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the Office of Management and Budget's (OMB) approval for the information collection summarized below.

1. *The title of the information collection:* NRC Controlled Unclassified Information Program Information-Sharing Agreement.

2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.

3. *Type of submission:* New.

4. *The form number, if applicable:* N/A.

5. *How often the collection is required or requested:* On occasion.

6. *Who will be required or asked to respond:* Non-executive branch entities (*i.e.,* licensees, applicants, vendors, etc.) that the NRC intends to share controlled unclassified information (CUI) with, in hard copy or electronic form.

7. *The estimated number of annual responses:* 1,286.

8. *The estimated number of annual respondents:* 1,311.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 16.

10. *Abstract:* This proposed information collection provides the NRC CUI information-sharing agreement. Any non-executive branch entity (*i.e.,* licensees, applicants, vendors, etc.) that the NRC intends to share CUI with, in any form (hard copy or electronic), will be asked to voluntarily sign the CUI information-sharing agreement. This agreement contains a reporting requirement for non-executive branch entities to report any non-compliance when handling CUI to the NRC. This agreement satisfies the requirements in 32 CFR 2002.16(a)(5)(i), ''Information-sharing agreements.''

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.

2. Is the estimate of the burden of the information collection accurate? Please explain your answer.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: January 31, 2023.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2023–02320 Filed 2–2–23; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–608; NRC–2023–0029]

SHINE Technologies, LLC; SHINE Medical Isotope Production Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Construction Permit No. CPMIF–001, issued to SHINE Technologies, LLC (SHINE, the licensee), for the construction of the SHINE Medical Isotope Production Facility. The proposed amendment would allow the receipt and possession of contained special nuclear material for the continued construction of the SHINE Medical Isotope Production Facility.

DATES: A request for a hearing or petition for leave to intervene must be filed by April 4, 2023.

ADDRESSES: Please refer to Docket ID NRC–2023–0029 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0029. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The SHINE request to amend Construction Permit No. CPMIF–001 is available in ADAMS under Accession No. ML22279A951.

• *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Balazik, Office of Nuclear Reactor Regulation, U.S. Nuclear

Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2856; email: *Michael.Balazik@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of an amendment to Construction Permit No. CPMIF–001, issued to SHINE, for the construction of the SHINE Medical Isotope Production Facility, located in Rock County, Wisconsin. SHINE requested the amendment by letter dated October 6, 2022, in accordance with section 50.90 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Application for amendment of license, construction permit, or early site permit.'' The proposed amendment would allow the receipt and possession of special nuclear material contained in the form of neutron detectors necessary for the continued construction of the SHINE Medical Isotope Production Facility.

Before any issuance of the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and on the NRC's public website at *https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate.*

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056) and on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov*, or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9:00 a.m. and 6:00 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding

officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

For further details with respect to this action, see the application for amendment dated October 6, 2022 (ADAMS Accession No. ML22279A951).

Attorney for licensee: Nathan Schleifer, General Counsel, SHINE Technologies, LLC, 3400 Innovation Court, Janesville, WI 53546.

NRC Branch Chief: Joshua M. Borromeo.

Dated: January 31, 2023.

For the Nuclear Regulatory Commission.

Joshua M. Borromeo,

Chief, Non-Power Production and Utilization Facilities Licensing Branch, Division of Advanced Reactors and Non-Power Production and Utilization Facilities, Office of Nuclear Reactor Regulation.

[FR Doc. 2023–02283 Filed 2–2–23; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 11006549; NRC–2023–0024]

Eastern Technologies, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Export license application; opportunity to provide comments, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering issuing an export license (XW031), requested by Eastern Technologies, Inc. (ETI) by application dated November 28, 2022. The application seeks the NRC's approval to return residual radioactive waste to the Barakah Nuclear Power Plant in the United Arab Emirates (UAE) after treatment at an ETI facility in Ashford, Alabama. The NRC is providing notice of the opportunity to comment, request a hearing, and petition to intervene on ETI's application.

DATES: Submit comments by March 6, 2023. A request for a hearing or petition for leave to intervene must be filed by March 6, 2023.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0024. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Hearing.Docket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Andrea Jones, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 404–997–4443, email: *Andrea.Jones2@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to NRC–2023–0024 or Docket No. 11006549 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0024.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The export license application is available in ADAMS under Accession No. ML23005A300.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include NRC–2023–0024 or Docket No. 11006549 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

On November 28, 2022, ETI submitted an application to the NRC for a license to export radioactive waste. ETI states that it has entered into commercial agreements with the Barakah Nuclear Power Plant in the UAE to provide dissolvable protective clothing and related products. Following their use, contaminated dissolvable protective clothing and other related items will be transported to ETI for dissolving and decontamination at the ETI facility

located in Ashford, Alabama, which is licensed by the state of Alabama. ETI seeks a specific license from the NRC to export residual radioactive waste to the generator in UAE. Resultant contaminants to be exported will include cobalt-60 (Co-60), cobalt-58 (Co-58), and manganese-54 (Mn-54) in the form of solid particulate metal oxides, not to exceed 0.0037 TBq. ETI requests an expiration date of December 31, 2028.

In accordance with section 110.70 paragraph (b) of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC is providing notice of the receipt of the application; providing the opportunity to submit written comments concerning the application; and providing the opportunity to request a hearing or petition for leave to intervene, for a period of 30 days after publication of this notice in the **Federal Register**.

A hearing request or petition for leave to intervene must include the information specified in 10 CFR 110.82(b). Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner in accordance with 10 CFR 110.89(a), either by delivery, by mail, or filed with the NRC electronically in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056) and on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

The information concerning this application for an export license is as follows.

NRC EXPORT LICENSE APPLICATION

Application Information	
Name of Applicant	Eastern Technologies, Inc. (ETI).
Date of Application	November 28, 2022.
Date Received	January 3, 2023.
Application No.	XW031.
Docket No.	11006549.
ADAMS Accession No.	ML23005A300.

Description of Material	
Material Type	Low-level radioactive waste in the form of small, solid particulate metal oxides consisting of cobalt-60, cobalt-58, and manganese-54 resulting from the decontamination of dissolvable protective clothing and other related items.
Total Quantity	Not to exceed 0.0037 TBq per shipment.
End Use	Storage and ultimate disposal of low-level radioactive waste.
Country of Destination	United Arab Emirates.

Dated: January 30, 2023.

For the Nuclear Regulatory Commission.

Peter J. Habighorst,

Acting Deputy Director, Office of International Programs.

[FR Doc. 2023–02260 Filed 2–2–23; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Termination of Single-Employer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval of information collection with modifications.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, with modifications, under the Paperwork Reduction Act, of a collection of information under PBGC's regulation on Termination of Single-Employer Plans and its Missing Participants regulation in effect before 2018. This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

DATES: Comments must be submitted on or before March 6, 2023.

ADDRESSES: 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. All comments received will be posted without change to PBGC's website, *http://www.pbgc.gov,* including any personal information provided. Do not submit comments that include any personally identifiable information or confidential business information.

A copy of the request will be posted on PBGC's website at *https://www.pbgc.gov/prac/laws-and-regulation/federal-register-notices-open-for-comment.* It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC, 445 12th Street SW, Washington, DC 20024–2101; or, calling 202–229–4040 during normal business hours. If you are deaf or hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

FOR FURTHER INFORMATION CONTACT: Melissa Rifkin (*rifkin.melissa@pbgc.gov*), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC

20024–2101, 202–229–6563. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under section 4041 of the Employee Retirement Income Security Act of 1974 (ERISA), a single-employer pension plan may terminate voluntarily only if it satisfies the requirements for either a standard or a distress termination. Pursuant to section 4041(b) of ERISA (for standard terminations), section 4041(c) of ERISA (for distress terminations), and PBGC's termination regulation (29 CFR part 4041), a plan administrator wishing to terminate a plan is required to submit specified information to PBGC in support of the proposed termination and to provide specified information regarding the proposed termination to third parties (participants, beneficiaries, alternate payees, and employee organizations).

The collection of information has been approved under OMB control number 1212–0036 (expires March 31, 2023). On November 15, 2022, PBGC published in the **Federal Register** a notice at 87 FR 68524 informing the public of its intent to request an extension of this collection of information and solicited public comment. No comments were received. PBGC intends to request that OMB extend its approval, with modifications, for another 3 years. PBGC is modifying the Standard Termination Filing Instructions to make clear that certain documents, already mentioned in the instructions, must be included with the submission of these forms. In addition, PBGC is making other editorial and clarifying changes to the instructions. 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.

PBGC estimates that annually 1,654 plan administrators will be subject to the collection of information requirements in PBGC's regulations and the implementing forms and instructions, and that the total estimated annual burdens of complying with these requirements are 41,735 hours and $8,509,740.

Issued in Washington, DC.

Stephanie Cibinic,

Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2023–02305 Filed 2–2–23; 8:45 am]

BILLING CODE 7709–02–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2023–110 and CP2023–111; MC2023–111 and CP2023–112]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 7, 2023.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2023–110 and CP2023–111; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 13 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* January 30, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* February 7, 2023.

2. *Docket No(s).:* MC2023–111 and CP2023–112; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 230 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* January 30, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* February 7, 2023.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2023–02334 Filed 2–2–23; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96773; File No. SR–MEMX–2023–01]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Exchange's Post-Market Session To End at 8:00 p.m. Eastern Time

January 30, 2023.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 17, 2023, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 is filing with the Commission a proposed rule change to amend Exchange Rule 1.5(w), which defines the Post-Market Session, to allow trading until 8:00 p.m. Eastern Time. The text of the proposed rule change is provided in Exhibit 5.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange offers three distinct trading sessions during in which the Exchange accepts orders from Users[5] for potential execution: (1) the ''Pre-Market Session,'' which begins at 7:00 a.m. Eastern Time (''ET'') and continues until 9:30 a.m. ET,[6] (2) ''Regular Trading Hours,'' which begin at 9:30 a.m. ET and continue until 4:00 p.m. ET,[7] and (3) the ''Post-Market Session,'' which begins at 4:00 p.m. ET and continues until 5:00 p.m. ET.[8] Members may designate when their orders are eligible for execution by selecting their desired Time-in-Force instruction.[9]

The purpose of the proposed rule change is to extend the length of the Exchange's after-hours trading session by amending Exchange Rule 1.5(w), which defines Post-Market Session, to allow trading until 8:00 p.m. ET. The Exchange notes that it allowed trading in the Post-Market Session until 8:00 p.m. ET under the Exchange's initial rules[10] when it commenced trading operations in September 2020 until the Exchange modified its operating hours to end trading in the Post-Market Session at 5:00 p.m. ET in October 2020.[11] The Exchange shortened its operating hours to end trading in the Post-Market Session at 5:00 p.m. ET, instead of 8:00 p.m. ET, because it was a new entrant to the market at that time and did not believe that the trading volume it was experiencing during those hours justified the costs to the Exchange to operate during those hours; however, the Exchange noted in its proposal to shorten the Post-Market Session to end at 5:00 p.m. ET that ''[t]o the extent the Exchange in the future believes there is adequate demand to justify operating a longer after-hours trading session, it will consider again extending its hours to accommodate such demand.''[12] The Exchange now believes that there is adequate demand to justify operating the Post-Market Session until 8:00 p.m. ET.

As proposed, orders entered for participation in the Post-Market Session will continue to be handled in the same manner as today, with the exception that the Exchange will now accept those orders until 8:00 p.m. ET, thereby providing additional time for market participants to source liquidity outside of Regular Trading Hours. The Exchange therefore believes that amending Rule 1.5(w) to extend the Exchange's trading hours will benefit market participants, which will now be able to trade on the Exchange later in the day. The Exchange also notes that having a Post-Market Session that lasts from 4:00 p.m. ET until 8:00 p.m. ET, as proposed, is consistent with the after-hours sessions currently available on several other exchanges, including each of the equity exchanges operated by Cboe Global Markets, Inc.[13]

In connection with the change described above, the Exchange also proposes to make conforming changes to Exchange Rules 1.5(k) and 11.1(a) to reflect the Post-Market Session ending at 8:00 p.m. ET. Specifically, the Exchange proposes to amend Exchange Rule 1.5(k), which defines ''Exchange Operating Hours'' or ''Exchange Hours,'' to reflect that the Exchange's daily trading hours, comprised of all three trading sessions offered by the Exchange, would begin at 7:00 a.m. ET and continue until 8:00 p.m. ET. The Exchange also proposes to amend Exchange Rule 11.1(a) to update the hours of operations referenced in that Rule consistent with the changes described above.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) of the Act,[14] in general, and furthers the objectives of Sections and 6(b)(5) of the Act,[15] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirement that the rules of an

[5] *See* Exchange Rule 1.5(jj).

[6] *See* Exchange Rule 1.5(x).

[7] *See* Exchange Rule 1.5(bb).

[8] *See* Exchange Rule 1.5(w).

[9] *See* Exchange Rule 11.6(o).

[10] *See* Securities Exchange Act Release No. 88806 (May 4, 2020), 85 FR 27451 (May 8, 2020).

[11] *See* Securities Exchange Act Release No. 90119 (October 7, 2020), 85 FR 64536 (October 13, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Shorten the Exchange's Post-Market Session To End at 5:00 p.m. Eastern Time).

[12] *See id.* at 64537.

[13] *See e.g.,* Cboe BZX Rule 1.5(c); Cboe BYX Rule 1.5(c); Cboe EDGX Rule 1.5(r); Cboe EDGA Rule 1.5(r).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Specifically, the Exchange believes that the proposed rule change will benefit market participants by providing additional opportunities to transact on the Exchange later in the trading day. As described above, the Exchange currently accepts orders in its Post-Market Session until 5:00 p.m. ET, while several other exchanges currently have after-hours sessions that end at 8:00 p.m. ET.[16] The Exchange believes that market participants would benefit from a longer Post-Market Session on the Exchange too, and it is therefore proposing to extend its Post-Market Session to allow trading until 8:00 p.m. ET. The Exchange believes that this change will provide additional opportunities for firms to source liquidity for their orders on the Exchange later in the trading day and will enable the Exchange to better compete with other exchanges that offer trading in after-hours sessions until 8:00 p.m. ET. For the reasons set forth above, the Exchange believes the proposal would promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

The Exchange also believes that the proposed rule change would not permit unfair discrimination between customers, issuers, brokers, or dealers because it would affect all Members and market participants in the same way and to the same extent, in that all Members would be allowed to submit orders to the Exchange in the Post-Market Session until 8:00 p.m. ET, and it is therefore consistent with Section 6(b)(5) of the Act. Moreover, as described above, the Exchange previously operated the Post-Market Session until 8:00 p.m. ET under its initial rules,[17] other exchanges allow trading in after-hours sessions from 4:00 p.m. ET until 8:00 p.m. ET,[18] and there is precedent for an exchange extending the end of its after-hours trading session from 5:00 p.m. ET to 8:00 p.m. ET,[19] so this aspect of the proposed rule change does not raise any new or novel issues that have not previously been considered by the Commission.

In addition, the Exchange believes the proposed amendments to Exchange Rules 1.5(k) and 11.1(a) are consistent with the Act because such amendments would update those rules to reference the proposed 8:00 p.m. ET time as the time until which the Exchange would accept orders in the Post-Market Session. No further substantive changes to those rules are proposed. The Exchange believes that it is appropriate to update all of its rules that specifically reference the Exchange's operating hours so that the Exchange's rules properly reflect the change to the Post-Market Session to be implemented with this proposed rule change.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the Act. The Exchange does not believe that the proposed rule change would have any significant impact on intermarket competition, as there are other equity exchanges that already allow after-hours trading until 8:00 p.m. ET, and other markets are free to provide similar trading hours. Furthermore, the Exchange does not believe that the proposed rule change would have any significant impact on intramarket competition, as all Members would be subject to the modified hours of the Post-Market Session.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[20] and Rule 19b–4(f)(6) thereunder.[21] 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 Act[22] and Rule 19b–4(f)(6)[23] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[24] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[25] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange asked that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states the proposed rule change extends the Post-Market Session on the Exchange to provide additional opportunities for market participants to source liquidity later in the day and that its Members would benefit from the same after-hours trading hours available on other exchanges (including each of the equity exchanges operated by Cboe Global Markets, Inc.), which already offer after-hours trading until 8:00 p.m. ET.[26] For these reasons, and because the proposed rule change does not raise any novel regulatory issues,[27] the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[28]

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.

[16] *See supra* note 13.

[17] *See supra* note 10.

[18] *See supra* note 13.

[19] *See* Securities Exchange Act Release No. 83809 (August 9, 2018), 83 FR 40599 (August 15, 2018) (notice of filing and immediate effectiveness of a proposed rule change by Cboe BZX Exchange, Inc. to extend the end of its After Hours Trading Session from 5:00 p.m. to 8:00 p.m.).

[20] 15 U.S.C. 78s(b)(3)(A)(iii).

[21] 17 CFR 240.19b–4(f)(6).

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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 satisfied this requirement.

[24] 17 CFR 240.19b–4(f)(6).

[25] 17 CFR 240.19b–4(f)(6)(iii).

[26] *See supra* note 13.

[27] *See* Securities Exchange Act Release No. 88806 (May 4, 2020), 85 FR 27451 (May 8, 2020) at note 155 (noting that MEMX's initial rulebook when the Commission granted MEMX's registration as a national securities exchange provided for a Post-Market Session that ran until 8:00 p.m. ET).

[28] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–MEMX–2023–01 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–MEMX–2023–01. 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–MEMX–2023–01 and should be submitted on or before February 24, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–02237 Filed 2–2–23; 8:45 am]

BILLING CODE 8011–01–P

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–409, OMB Control No. 3235–0467]

Proposed Collection; Comment Request; Extension: Rule 102

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 102 of Regulation M (17 CFR 242.102), 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 102—Activities by Issuers and Selling Security Holders During a Distribution—prohibits distribution participants, issuers, and selling security holders from purchasing activities at specified times during a distribution of securities. Persons otherwise covered by this rule may seek to use several applicable exceptions such as exclusion for actively traded reference securities and the maintenance of policies regarding information barriers between their affiliates.

There are approximately 1,361 respondents per year that require an aggregate total of 2,261 hours to comply with this rule. Each respondent makes an estimated 1 annual response. Each response takes on average approximately 1.661 hours to complete. Thus, the total hour burden per year is approximately 2,261 hours. The total internal compliance cost for all respondents is approximately $183,141.00, resulting in an internal cost of compliance per respondent of approximately $134.56 (*i.e.,* $183,141.00/1,361 respondents).

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 by April 4, 2023.

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: January 30, 2023.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–02261 Filed 2–2–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–411, OMB Control No. 3235–0465]

Proposed Collection; Comment Request; Extension: Rule 104

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 104 of Regulation M (17 CFR 242.104), 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 104—Stabilizing and Other Activities in Connection with an Offering—permits stabilizing by a distribution participant during a distribution so long as the distribution participant discloses information to the market and investors. This rule requires

disclosure in offering materials of the potential stabilizing transactions and that the distribution participant inform the market when a stabilizing bid is made. It also requires the distribution participants (*i.e.,* the syndicate manager) to maintain information regarding syndicate covering transactions and penalty bids and disclose such information to the Self-Regulatory Organization (SRO).

There are approximately 1,211 respondents per year that require an aggregate total of approximately 242 hours per year to comply with this rule. Each respondent makes an estimated 1 annual response. Each response takes approximately 0.20 hours (12 minutes) to complete. Thus, the total hour burden per year is approximately 242 hours. The total estimated internal labor cost of compliance for the respondents is approximately $19,618.20 per year, resulting in an estimated internal cost of compliance for each respondent per response of approximately $16.20 (*i.e.,* $19,618.20/1,211 respondents).

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 by April 4, 2023.

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: January 30, 2023.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–02262 Filed 2–2–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96775; File No. SR–MEMX–2023–02]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule To Adopt Market Data Fees

January 30, 2023.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 17, 2023, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III 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 is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members [3] and non-Members (the ''Fee Schedule'') pursuant to Exchange Rules 15.1(a) and (c). The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal immediately.

The text of the proposed rule change is provided in Exhibit 5.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1.5(p).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

The purpose of the proposed rule change is to amend the Fee Schedule to adopt fees the Exchange will charge to Members and non-Members for each of its three proprietary market data feeds, namely MEMOIR Depth, MEMOIR Top, and MEMOIR Last Sale (collectively, the ''Exchange Data Feeds''). The Exchange is proposing to implement the proposed fees immediately.

The Exchange previously filed the proposal on March 24, 2022 (SR–MEMX–2022–03) (the ''Initial Proposal''). The Exchange withdrew the Initial Proposal and replaced the proposal with SR–MEMX–2022–14 (the ''Second Proposal''). The Exchange withdrew the Second Proposal and replaced the proposal with SR–MEMX–2022–19 (the ''Third Proposal''). The Exchange withdrew the Third Proposal and replaced the proposal with SR–MEMX–2022–28 (the ''Fourth Proposal''). The Exchange withdrew the Fourth Proposal and replaced the proposal with SR–MEMX–2022–32 (the ''Fifth Proposal''). The Exchange recently withdrew the Fifth Proposal and is replacing it with the current proposal (SR–MEMX–2023–02).

The Exchange notes that it has previously included a cost analysis in connection with the proposed fees for the Exchange Data Feeds, however, the prior cost analysis coupled costs related to operating its trading system, or transaction services, with costs of producing market data. As described more fully below, in the Fifth Proposal and this filing, the Exchange provides an updated cost analysis that focuses solely on costs related to the provision of the Exchange Data Feeds (the ''Cost Analysis''). Although the baseline Cost Analysis used to justify the fees was made with the Fifth Proposal, the fees themselves have not changed since the Initial Proposal and the Exchange still proposes fees that are intended to cover the Exchange's cost of producing the Exchange Data Feeds with a reasonable mark-up over those costs. Before setting forth the additional details regarding the proposal as well as the updated Cost Analysis conducted by the Exchange, immediately below is a description of the proposed fees.

Proposed Market Data Pricing

The Exchange offers three separate data feeds to subscribers—MEMOIR

Depth, MEMOIR Top and MEMOIR Last Sale. The Exchange notes that there is no requirement that any Firm subscribe to a particular Exchange Data Feed or any Exchange Data Feed whatsoever, but instead, a Firm may choose to maintain subscriptions to those Exchange Data Feeds they deem appropriate based on their business model. The proposed fee will not apply differently based upon the size or type of Firm, but rather based upon the subscriptions a Firm has to Exchange Data Feeds and their use thereof, which are in turn based upon factors deemed relevant by each Firm. The proposed pricing for each of the Exchange Data Feeds is set forth below.

MEMOIR Depth

The MEMOIR Depth feed is a MEMX-only market data feed that contains all displayed orders for securities trading on the Exchange (*i.e.,* top and depth-of-book order data), order executions (*i.e.,* last sale data), order cancellations, order modifications, order identification numbers, and administrative messages.[4] The Exchange proposes to charge each of the fees set forth below for MEMOIR Depth.

1. *Internal Distribution Fee.* For the receipt of access to the MEMOIR Depth feed, the Exchange proposes to charge $1,500 per month. This proposed access fee would be charged to any data recipient that receives a data feed of the MEMOIR Depth feed for purposes of internal distribution (*i.e.,* an ''Internal Distributor''). The Exchange proposes to define an Internal Distributor as ''a Distributor that receives an Exchange Data product and then distributes that data to one or more data recipients within the Distributor's own organization.'' [5] The proposed access fee for internal distribution will be charged only once per month per subscribing entity (''Firm''). The Exchange notes that it has proposed to use the phrase ''own organization'' in the definition of Internal Distributor and External Distributor because a Firm will be permitted to share data received from an Exchange Data product to other legal entities affiliated with the Firm that have been disclosed to the Exchange without such distribution being considered external to a third party. For instance, if a company has multiple affiliated broker-dealers under the same holding company, that company could have one of the broker-dealers or a non-broker-dealer affiliate subscribe to an Exchange Data product and then share the data with other affiliates that have a need for the data. This sharing with affiliates would not be considered external distribution to a third party but instead would be considered internal distribution to data recipients within the Distributor's own organization.

2. *External Distribution Fee.* For redistribution of the MEMOIR Depth feed, the Exchange proposes to establish an access fee of $2,500 per month. The proposed redistribution fee would be charged to any External Distributor of the MEMOIR Depth feed, which would be defined to mean ''a Distributor that receives an Exchange Data product and then distributes that data to a third party or one or more data recipients outside the Distributor's own organization.'' [6] The proposed access fee for external distribution will be charged only once per month per Firm. As noted above, while a Firm will be permitted to share data received from an Exchange Data product to other legal entities affiliated with the Firm that have been disclosed to the Exchange without such distribution being considered external to a third party, if a Firm distributes data received from an Exchange Data product to an unaffiliated third party that would be considered distribution to data recipients outside the Distributor's own organization and the access fee for external distribution would apply.

3. *Non-Display Use Fees.* The Exchange proposes to establish separate non-display fees for usage by Trading Platforms and other Users (*i.e.,* not by Trading Platforms).[7] Non-Display Usage would be defined to mean ''any method of accessing an Exchange Data product that involves access or use by a machine or automated device without access or use of a display by a natural person or persons.'' [8] For Non-Display Usage of the MEMOIR Depth feed not by Trading Platforms, the Exchange proposes to establish a fee of $1,500 per month.[9] For Non-Display Usage of the MEMOIR Depth feed by Trading Platforms, the Exchange proposes to establish a fee of $4,000 per month. The proposed fees for Non-Display Usage will be charged only once per category per Firm.[10] In other words, with respect to Non-Display Usage Fees, a Firm that uses MEMOIR Depth for non-display purposes but does not operate a Trading Platform would pay $1,500 per month, a Firm that uses MEMOIR Depth in connection with the operation of one or more Trading Platforms (but not for other purposes) would pay $4,000 per month, and a Firm that uses MEMOIR Depth for non-display purposes other than operating a Trading Platform and for the operation of one or more Trading Platforms would pay $5,500 per month.

4. *User Fees.* The Exchange proposes to charge a Professional User [11] Fee (per User) of $30 per month and a Non-Professional User [12] Fee (per User) of $3 per month. The proposed User fees would apply to each person that has access to the MEMOIR Depth feed for displayed usage. Thus, each Distributor's count will include every individual that accesses the data regardless of the purpose for which the individual uses the data. Internal

[4] *See* MEMX Rule 13.8(a).

[5] *See* Market Data Definitions under the proposed MEMX Fee Schedule. The Exchange also proposes to adopt a definition for ''Distributor'', which would mean any entity that receives an Exchange Data product directly from the Exchange or indirectly through another entity and then distributes internally or externally to a third party.

[6] *See* Market Data Definitions under the proposed MEMX Fee Schedule.

[7] The Exchange proposes to define a Trading Platform as ''any execution platform operated as or by a registered National Securities Exchange (as defined in Section 3(a)(1) of the Exchange Act), an Alternative Trading System (as defined in Rule 300(a) of Regulation ATS), or an Electronic Communications Network (as defined in Rule 600(b)(23) of Regulation NMS).'' *See* Market Data Definitions under the proposed MEMX Fee Schedule.

[8] *See* Market Data Definitions under the proposed MEMX Fee Schedule.

[9] Non-Display Usage not by Trading Platforms would include trading uses such as high frequency or algorithmic trading as well as any trading in any asset class, automated order or quote generation and/or order pegging, price referencing for smart order routing, operations control programs, investment analysis, order verification, surveillance programs, risk management, compliance, and portfolio management.

[10] The Exchange proposes to adopt note 1 to the proposed Market Data fees table, which would make clear to subscribers that use of the data for multiple non-display purposes or operate more than one Trading Platform would only be charged once per category per month. Thus, the footnote makes clear that each fee applicable to Non-Display Usage is charged per subscriber (*e.g.,* a Firm) and that each of the fees represents the maximum charge per month per subscriber regardless of the number of non-display uses and/or Trading Platforms operated by the subscriber, as applicable.

[11] As proposed, a Professional User is any User other than a Non-Professional User. *See infra* note 12.

[12] As proposed, a Non-Professional User is a natural person or qualifying trust that uses Exchange Data only for personal purposes and not for any commercial purpose and, for a natural person who works in the United States, is not: (i) registered or qualified in any capacity with the Securities and Exchange Commission, the Commodities Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in Section 202(a)(11) of the Investment Advisors Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt; or, for a natural person who works outside of the United States, does not perform the same functions as would disqualify such person as a Non-Professional User if he or she worked in the United States.

Distributors and External Distributors of the MEMX Depth feed must report all Professional and Non-Professional Users in accordance with the following:

• In connection with a Distributor's distribution of the MEMOIR Depth feed, the Distributor must count as one User each unique User that the Distributor has entitled to have access to the MEMOIR Depth feed.

• Distributors must report each unique individual person who receives access through multiple devices or multiple methods (*e.g.,* a single User has multiple passwords and user identifications) as one User.

• If a Distributor entitles one or more individuals to use the same device, the Distributor must include only the individuals, and not the device, in the count. Thus, Distributors would not be required to report User device counts associated with a User's display use of the data feed.

5. *Enterprise Fee.* Other than the Digital Media Enterprise Fee described below, the Exchange is not proposing to adopt an Enterprise Fee for the MEMOIR Depth feed at this time.

6. *Digital Media Enterprise Fee.* As an alternative to User fees, a recipient Firm may purchase a monthly Digital Media Enterprise license to receive MEMOIR Depth for distribution to an unlimited number of Users for viewing via television, websites, and mobile devices for informational and non-trading purposes only. The Exchange proposes to establish a fee of $5,000 per month for a Digital Media Enterprise license to the MEMOIR Depth feed.

MEMOIR Top

The MEMOIR Top feed is a MEMX-only market data feed that contains top of book quotations based on equity orders entered into the System as well as administrative messages.[13] The Exchange proposes to charge each of the fees set forth below for MEMOIR Top.

1. *Internal Distribution Fee.* For the receipt of access to the MEMOIR Top feed, the Exchange proposes to charge $750 per month. This proposed access fee would be charged to any data recipient that receives a data feed of the MEMOIR Top feed for purposes of internal distribution (*i.e.,* an Internal Distributor). The proposed access fee for internal distribution will be charged only once per month per Firm.

2. *External Distribution Fee.* For redistribution of the MEMOIR Top feed, the Exchange proposes to establish an access fee of $2,000 per month. The proposed redistribution fee would be charged to any External Distributor of the MEMOIR Top feed. The proposed access fee for external distribution will be charged only once per month per Firm.

3. *Non-Display Use Fees.* The Exchange does not propose to establish non-display fees for usage by Trading Platforms or other Users with respect to MEMOIR Top.

4. *User Fees.* The Exchange proposes to charge a Professional User Fee (per User) of $0.01 per month and a Non-Professional User Fee (per User) of $0.01 per month. The proposed User fees would apply to each person that has access to the MEMOIR Top feed that is provided by an External Distributor for displayed usage. The Exchange does not propose any per User fees for internal distribution of the MEMOIR Top feed. Each External Distributor's count will include every individual that accesses the data regardless of the purpose for which the individual uses the data. External Distributors of the MEMOIR Top feed must report all Professional and Non-Professional Users[14] in accordance with the following:

• In connection with an External Distributor's distribution of the MEMOIR Top feed, the Distributor must count as one User each unique User that the Distributor has entitled to have access to the MEMOIR Top feed.

• External Distributors must report each unique individual person who receives access through multiple devices or multiple methods (*e.g.,* a single User has multiple passwords and user identifications) as one User.

• If an External Distributor entitles one or more individuals to use the same device, the Distributor must include only the individuals, and not the device, in the count. Thus, Distributors would not be required to report User device counts associated with a User's display use of the data feed.

5. *Enterprise Fee.* As an alternative to User fees, a recipient Firm may purchase a monthly Enterprise license to receive MEMOIR Top for distribution to an unlimited number of Professional and Non-Professional Users. The Exchange proposes to establish a fee of $10,000 per month for an Enterprise license to the MEMOIR Top feed.

6. *Digital Media Enterprise Fee.* As an alternative to User fees, a recipient Firm may purchase a monthly Digital Media Enterprise license to receive MEMOIR Top for distribution to an unlimited number of Users for viewing via television, websites, and mobile devices for informational and non-trading purposes only. The Exchange proposes to establish a fee of $2,000 per month for a Digital Media Enterprise license to the MEMOIR Top feed.

MEMOIR Last Sale

The MEMOIR Last Sale feed is a MEMX-only market data feed that contains only execution information based on equity orders entered into the System as well as administrative messages.[15] The Exchange proposes to charge each of the fees set forth below for MEMOIR Last Sale.

1. *Internal Distribution Fee.* For the receipt of access to the MEMOIR Last Sale feed, the Exchange proposes to charge $500 per month. This proposed access fee would be charged to any data recipient that receives a data feed of the MEMOIR Last Sale feed for purposes of internal distribution (*i.e.,* an Internal Distributor). The proposed access fee for internal distribution will be charged only once per month per Firm.

2. *External Distribution Fee.* For redistribution of the MEMOIR Last Sale feed, the Exchange proposes to establish an access fee of $2,000 per month. The proposed redistribution fee would be charged to any External Distributor of the MEMOIR Last Sale feed. The proposed access fee for external distribution will be charged only once per month per Firm.

3. *Non-Display Use Fees.* The Exchange does not propose to establish separate non-display fees for usage by Trading Platforms or other Users with respect to MEMOIR Last Sale.

4. *User Fees.* The Exchange proposes to charge a Professional User Fee (per User) of $0.01 per month and a Non-Professional User Fee (per User) of $0.01 per month. The proposed User fees would apply to each person that has access to the MEMOIR Last Sale feed that is provided by an External Distributor for displayed usage. The Exchange does not propose any per User fees for internal distribution of the MEMOIR Last Sale feed. Each External Distributor's count will include every individual that accesses the data regardless of the purpose for which the individual uses the data. External Distributors of the MEMOIR Last Sale feed must report all Professional and Non-Professional Users[16] in accordance with the following:

• In connection with an External Distributor's distribution of the MEMOIR Last Sale feed, the Distributor

[13] *See* MEMX Rule 13.8(b).

[14] The Exchange notes that while it is not differentiating Professional and Non-Professional Users based on fees (in that it is proposing the same fee for such Users) for this data feed, and thus will not audit Firms based on this distinction, it will request reporting of each distinct category for informational purposes.

[15] *See* MEMX Rule 13.8(c).

[16] *See supra* note 14.

must count as one User each unique User that the Distributor has entitled to have access to the MEMOIR Last Sale feed.

• External Distributors must report each unique individual person who receives access through multiple devices or multiple methods (*e.g.,* a single User has multiple passwords and user identifications) as one User.

• If an External Distributor entitles one or more individuals to use the same device, the Distributor must include only the individuals, and not the device, in the count. Thus, Distributors would not be required to report User device counts associated with a User's display use of the data feed.

5. *Enterprise Fee.* As an alternative to User fees, a recipient Firm may purchase a monthly Enterprise license to receive MEMOIR Last Sale for distribution to an unlimited number of Professional and Non-Professional Users. The Exchange proposes to establish a fee of $10,000 per month per Firm for an Enterprise license to the MEMOIR Last Sale feed.

6. *Digital Media Enterprise Fee.* As an alternative to User fees, a recipient Firm may purchase a monthly Digital Media Enterprise license to receive MEMOIR Last Sale for distribution to an unlimited number of Users for viewing via television, websites, and mobile devices for informational and non-trading purposes only. The Exchange proposes to establish a fee of $2,000 per month per Firm for a Digital Media Enterprise license to the MEMOIR Last Sale feed.

Additional Discussion—Background

In two years, MEMX has grown from 0% to monthly market share ranging between 3–4% of consolidated trading volume. During that same period, the Exchange has had a steady increase in the number of subscribers to Exchange Data Feeds. Until April of 2022, MEMX did not charge fees for market data provided by the Exchange. The objective of this approach was to eliminate any fee-based barriers for Members when MEMX launched as a national securities exchange in 2020, which the Exchange believes has been helpful in its ability to attract order flow as a new exchange. The Exchange also did not initially charge for market data because MEMX believes that any exchange should first deliver meaningful value to Members and other market participants before charging fees for its products and services. As discussed more fully below, the Exchange recently calculated its annual aggregate costs for providing the Exchange Data Feeds at approximately $3 million. In order to establish fees that are designed to recover the aggregate costs of providing the Exchange Data Feeds plus a reasonable mark-up, the Exchange is proposing to modify its Fee Schedule, as described above. In addition to the Cost Analysis, described below, the Exchange believes that its proposed approach to market data fees is reasonable based on a comparison to competitors.

Additional Discussion—Comparison With Other Exchanges

The proposed fee structure is not novel but is instead comparable to the fee structure currently in place for the equities exchanges operated by Cboe Global Markets, Inc., in particular BZX.[17] As noted above, in January 2022, MEMX had 4.2% market share; for that same month, BZX had 5.5% market share.[18] The Exchange is proposing fees for its Exchange Data Feeds that are similar in structure to BZX and rates that are equal to, or in most cases lower, than the rates data recipients pay for comparable data feeds from BZX.[19] The Exchange notes that other competitors maintain fees applicable to market data that are considerably higher than those proposed by the Exchange, including NYSE Arca[20] and Nasdaq.[21] However, the Exchange has focused its comparison on BZX because it is the closest market in terms of market share and offers market data at prices lower than several other incumbent exchanges.[22]

The fees for the BZX Depth feed—which like the MEMOIR Depth feed, includes top of book, depth of book, trades, and security status messages—consist of an internal distributor access fee of $1,500 per month (the same as the Exchange's proposed rate), an external distributor access fee of $5,000 per month (two times the Exchange's proposed rate), a non-display usage fee for non-Trading Platforms of $2,000 per month ($500 more than the Exchange's proposed rate), a non-display usage fee

[17] *See* BZX Fee Schedule, available at: *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/* (the ''BZX Fee Schedule'').

[18] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[19] The Exchange notes that although no fee proposed by the Exchange is higher than the fee charged for BZX for a comparable data product, under certain fact patterns a BZX data recipient could pay a lower rate than that charged by the Exchange. For instance, while the Exchange has proposed to adopt identical fees to those charged for internal distribution of MEMOIR Top as compared to BZX Top ($750 per month) and for internal distribution of MEMOIR Last Sale as compared to BZX Last Sale ($500 per month), BZX permits a data recipient who takes both feeds to pay only one fee and, upon request, to receive the other data feed free of charge. *See* BZX Fee Schedule, *supra* note 17. Because the Exchange has not proposed such a discount, a data recipient taking both MEMOIR TOP and MEMOIR Last Sale would pay more ($1,250 per month) than they would to take comparable data feeds from BZX ($750 per month).

[20] Fees for the NYSE Arca Integrated Feed, which is the comparable product to MEMOIR Depth, are $3,000 for access (internal use) and $3,750 for redistribution (external distribution), compared to the Exchange's proposed fees of $1,500 and $2,500, respectively. In addition, for its Integrated Feed, NYSE Arca charges for three different categories of non-display usage, each of which is $10,500 and each of which can be charged to the same firm more than one time (*e.g.,* a customer operating a Trading Platform would pay $10,500 compared to the Exchange's proposed fee of $4,000 but would also pay for each Trading Platform, up to three, if they operate more than one, instead of the single fee proposed by the Exchange; if that customer also uses the data for the other categories of non-display usage they would also pay $10,500 for each other category of usage, whereas the Exchange would only charge $1,500 for any non-display usage other than operating a Trading Platform). Finally, the NYSE Arca Integrated Feed user fee for pro devices is $60 compared to the proposed Professional User fee of $30 for MEMOIR Depth and the NYSE Arca Integrated user fee for non-pro devices is $20 compared to the proposed Non-Professional User fee of $3 for MEMOIR Depth. *See* NYSE Proprietary Market Data Pricing list, available at: *https://www.nyse.com/publicdocs/nyse/data/NYSE_Market_Data_Pricing.pdf.*

[21] Fees for the Nasdaq TotalView data feed, which is the comparable product to MEMOIR Depth, are $1,500 for access (internal use) and $3,750 for redistribution (external distribution), compared to the Exchange's proposed fees of $1,500 and $2,500, respectively. In addition, for TotalView, Nasdaq charges Trading Platforms $5,000 compared to the Exchange's proposal of $4,000, and, like NYSE Arca, charges customers per Trading Platform, up to three, if they operate more than one, instead of the single fee proposed by the Exchange. Nasdaq also requires users to report and pay usage fees for non-display access at levels of from $375 per subscriber for smaller firms with 39 or fewer subscribers to $75,000 per firm for a larger firm with over 250 subscribers. The Exchange does not require counting of devices or users for non-display purposes and instead has proposed flat fee of $1,500 for non-display usage not by Trading Platforms. Finally, the Nasdaq TotalView user fee for professional subscribers is $76 compared to the proposed Professional User fee of $30 for MEMOIR Depth and the Nasdaq TotalView user fee for non-professional subscribers is $15 compared to the proposed Non-Professional User fee of $3 for MEMOIR Depth. *See* Nasdaq Global Data Products pricing list, available at: *http://www.nasdaqtrader.com/TraderB.aspx?id=MDDPricingALLN.*

[22] *See supra* notes 20–21.

for Trading Platforms of $5,000 per month ($1,000 more than the Exchange's proposed rate), a Professional User fee (per User) of $40 per month ($10 more than the Exchange's proposed rate), and a Non-Professional User fee (per User) of $5 per month ($2 more than the Exchange's proposed rate).[23]

The comparisons of the MEMOIR Last Sale feed and MEMOIR Top feed to the BZX Last Sale feed and BZX Top feed, respectively, are similar in that BZX generally maintains the same fee structure proposed by the Exchange and BZX charges fees that are comparable to, but in most cases higher than, the Exchange's proposed fees. Notably, the User fees proposed by the Exchange for External Distributors of MEMOIR Last Sale and MEMOIR Top ($0.01 for both Professional Users and Non-Professional Users) are considerably lower than those charged by BZX for BZX Top and BZX Last Sale ($4 for Professional Users and $0.10 for Non-Professional Users).

By charging the same low rate for all Users of MEMOIR Top and MEMOIR Last Sale the Exchange believes it is proposing a structure that is not only lower cost but that will also simplify reporting for subscribers who externally distribute these data feeds to Users, as the Exchange believes that categorization of Users as Professional and Non-Professional is not meaningful for these products and requiring such categorization would expose Firms to unnecessary audit risk of paying more for mis-categorization. However, the Exchange does not believe this is equally true for MEMOIR Depth, as most individual Users of MEMOIR Depth are likely to be Professional Users and the Exchange has proposed pricing for such Users that the Exchange believes is reasonable given the value to Professional Users (*i.e.,* since Professional Users use data to participate in the markets as part of their full-time profession and earn compensation based on their employment). While the Exchange would prefer the simplicity of a single fee, similar to that imposed for Professional Users and Non-Professional Users of the MEMOIR Top and MEMOIR Last Sale feeds, as that would reduce audit risk and simplify reporting, the proposed fee for Professional Users of the MEMOIR Depth feed if also applied to Non-Professional Users of such feed would be significantly higher than other exchanges charge. The Exchange reiterates that it does not anticipate many Non-Professional Users to subscribe to MEMOIR Depth. In fact, the Exchange is only aware of a single Non-Professional User (*i.e.,* one User) that is reported to receive MEMOIR Depth.

Additional Discussion—Cost Analysis

In general, the Exchange believes that exchanges, in setting fees of all types, should meet very high standards of transparency to demonstrate why each new fee or fee increase meets the Exchange Act requirements that fees be reasonable, equitably allocated, not unfairly discriminatory, and not create an undue burden on competition among members and markets. In particular, the Exchange believes that each exchange should take extra care to be able to demonstrate that these fees are based on its costs and reasonable business needs. Accordingly, in proposing to charge fees for market data, the Exchange has sought to be especially diligent in assessing those fees in a transparent way against its own aggregate costs of providing the related service, and also carefully and transparently assessing the impact on Members—both generally and in relation to other Members, *i.e.,* to assure the fee will not create a financial burden on any participant and will not have an undue impact in particular on smaller Members and competition among Members in general. The Exchange does not believe it needs to otherwise address questions about market competition in the context of this filing because the proposed fees are so clearly consistent with the Act based on its Cost Analysis. The Exchange also believes that this level of diligence and transparency is called for by the requirements of Section 19(b)(1) under the Act,[24] and Rule 19b–4 thereunder,[25] with respect to the types of information self-regulatory organizations (''SROs'') should provide when filing fee changes, and Section 6(b) of the Act,[26] which requires, among other things, that exchange fees be reasonable and equitably allocated,[27] not designed to permit unfair discrimination,[28] and that they not impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[29] This rule change proposal addresses those requirements, and the analysis and data in this section are designed to clearly and comprehensively show how they are met.[30]

As noted above, MEMX has conducted and recently updated a study of its aggregate costs to produce the Exchange Data Feeds—the Cost Analysis. The Cost Analysis required a detailed analysis of MEMX's aggregate baseline costs, including a determination and allocation of costs for core services provided by the Exchange—transactions, market data, membership services, physical connectivity, and application sessions (which provide order entry, cancellation and modification functionality, risk functionality, ability to receive drop copies, and other functionality). MEMX separately divided its costs between those costs necessary to deliver each of these core services, including infrastructure, software, human resources (*i.e.,* personnel), and certain general and administrative expenses (''cost drivers''). Next, MEMX adopted an allocation methodology with various principles to guide how much of a particular cost should be allocated to each core service. For instance, fixed costs that are not driven by client activity (*e.g.,* message rates), such as data center costs, were allocated more heavily to the provision of physical connectivity (75%), with smaller allocations to logical ports (2.6%), and the remainder to the provision of transaction execution and market data services (22.4%). The allocation methodology was decided through conversations with senior management familiar with each area of the Exchange's operations. After adopting this allocation methodology, the Exchange then applied an estimated allocation of each cost driver to each core service, resulting in the cost allocations described below.

By allocating segmented costs to each core service, MEMX was able to estimate by core service the potential margin it might earn based on different

[23] *See* BZX Fee Schedule, *supra* note 17. The Exchange notes that there are differences between the structure of BZX Depth fees and the proposed fees for MEMOIR Depth, including that the Exchange has proposed a Digital Media Enterprise License for MEMOIR Depth but a comparable license is not available from BZX. Additionally, BZX maintains a general enterprise license for User fees, similar to that proposed by the Exchange for MEMOIR Top and MEMOIR Last Sale, but the Exchange has not proposed adding a general Enterprise license at this time.

[24] 15 U.S.C. 78s(b)(1).

[25] 17 CFR 240.19b–4.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(4).

[28] 15 U.S.C. 78f(b)(5).

[29] 15 U.S.C. 78f(b)(8).

[30] In 2019, Commission staff published guidance suggesting the types of information that SROs may use to demonstrate that their fee filings comply with the standards of the Exchange Act (''Fee Guidance''). While MEMX understands that the Fee Guidance does not create new legal obligations on SROs, the Fee Guidance is consistent with MEMX's view about the type and level of transparency that exchanges should meet to demonstrate compliance with their existing obligations when they seek to charge new fees. *See* Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019) available at *https://www.sec.gov/tm/staff-guidancesro-rule-filings-fees.*

fee models. The Exchange notes that as a non-listing venue it has four primary sources of revenue that it can potentially use to fund its operations: transaction fees, fees for connectivity services, membership and regulatory fees, and market data fees. Accordingly, the Exchange generally must cover its expenses from these four primary sources of revenue.

Through the Exchange's extensive Cost Analysis, which was again recently updated to focus solely on the provision of the Exchange Data Feeds, the Exchange analyzed every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the provision of the Exchange Data Feeds, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the provision of the Exchange Data Feeds, and thus bears a relationship that is, ''in nature and closeness,'' directly related to the Exchange Data Feeds. Based on its analysis, MEMX calculated its aggregate annual costs for providing the Exchange Data Feeds, at $3,014,348. This results in an estimated monthly cost for providing Exchange Data Feeds of $251,196. In order to cover operating costs and earn a reasonable profit on its market data, the Exchange has determined it necessary to charge fees for its proprietary data products, and, as such, the Exchange is proposing to modify its Fee Schedule, pursuant to MEMX Rules 15.1(a) and (c), as set forth above.

Costs Related to Offering Exchange Data Feeds

The following chart details the individual line-item (annual) costs considered by MEMX to be related to offering the Exchange Data Feeds to its Members and other customers as well as the percentage of the Exchange's overall costs that such costs represent for such area (*e.g.,* as set forth below, the Exchange allocated approximately 6.9% of its overall Human Resources cost to offering Exchange Data Feeds).

Costs drivers	Costs	% of all
Human Resources	$1,729,856	6.9
Network Infrastructure (*e.g.,* servers, switches)	232,452	8.8
Data Center	318,456	9.8
Hardware and Software Licenses	246,864	9.8
Depreciation	399,911	18.0
Allocated Shared Expenses	86,809	1.8
Total	$3,014,348	6.5

Human Resources

For personnel costs (Human Resources), MEMX calculated an allocation of employee time for employees whose functions include directly providing services necessary to offer the Exchange Data Feeds, including performance thereof, as well as personnel with ancillary functions related to establishing and providing such services (such as information security and finance personnel). The Exchange notes that it has fewer than eighty (80) employees and each department leader has direct knowledge of the time spent by each employee with respect to the various tasks necessary to operate the Exchange. The estimates of Human Resources cost were therefore determined by consulting with such department leaders, determining which employees are involved in tasks related to providing the Exchange Data Feeds, and confirming that the proposed allocations were reasonable based on an understanding of the percentage of their time such employees devote to tasks related to providing the Exchange Data Feeds. The Exchange notes that senior level executives were allocated Human Resources costs to the extent the Exchange believed they are involved in overseeing tasks related to providing the Exchange Data Feeds. The Exchange's cost allocation for employees who perform work in support of generating and disseminating the Exchange Data Feeds arrive at a full time equivalent (''FTE'') of 5.2 FTEs. The Human Resources cost was calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions.

Network Infrastructure

The Network Infrastructure cost includes cabling and switches required to generate and disseminate the Exchange Data Feeds. The Network Infrastructure cost was narrowly estimated by focusing on the servers used at the Exchange's primary and back-up data centers specifically for the Exchange Data Feeds. Further, as certain servers are only partially utilized to generate and disseminate the Exchange Data Feeds, only the percentage of such servers devoted to generating and disseminating the Exchange Data Feeds was included (*i.e.,* the capacity of such servers allocated to the Exchange Data Feeds). From this analysis, the Exchange determined that 9.8% of its servers are used to generate and disseminate the Exchange Data Feeds. When combined with the applicable switches used for Exchange Data Feeds, the Exchange has determined that approximately 8.8% of its overall Network Infrastructure costs are attributable to the Exchange Data Feeds.

Data Center

Data Center costs includes an allocation of the costs the Exchange incurs to provide the Exchange Data Feeds in the third-party data centers where the Exchange maintains its equipment as well as related costs (the Exchange does not own the Primary Data Center or the Secondary Data Center, but instead, leases space in data centers operated by third parties). As the Data Center costs are primarily for space, power, and cooling of servers, the Exchange applied the same percentage calculated above with respect to servers, *i.e.,* 9.8%, to allocate the applicable Data Center costs for the Exchange Data Feeds. The Exchange believes it is reasonable to apply the same proportionate percentage of Data Center costs to that of Network Infrastructure.

Hardware and Software Licenses

Hardware and Software Licenses includes hardware and software licenses used to operate and monitor physical assets necessary to offer the Exchange Data Feeds. Because the hardware and software license fees are correlated to the servers used by the Exchange, the Exchange again applied an allocation of 9.8% of its costs for Hardware and Software Licenses to the Exchange Data Feeds.

Depreciation

The vast majority of the software the Exchange uses with respect to its operations, including the software used to generate and disseminate the Exchange Data Feeds has been

developed in-house and the cost of such development is depreciated over time. Accordingly, the Exchange included Depreciation cost related to depreciated software used to generate and disseminate the Exchange Data Feeds. The Exchange also included in the Depreciation costs certain budgeted improvements that the Exchange intends to capitalize and depreciate with respect to the Exchange Data Feeds in the near-term. As with the other allocated costs in the Exchange's updated Cost Analysis, the Depreciation cost was therefore narrowly tailored to depreciation related to the Exchange Data Feeds.

Allocated Shared Expenses

Finally, certain general shared expenses were allocated to the Exchange Data Feeds. However, contrary to its prior cost analysis, rather than taking the whole amount of general shared expenses and applying an allocated percentage, the Exchange has narrowly selected specific general shared expenses relevant to the Exchange Data Feeds. The costs included in general shared expenses allocated to the Exchange Data Feeds include office space and office expenses (*e.g.,* occupancy and overhead expenses), utilities, recruiting and training, marketing and advertising costs, professional fees for legal, tax and accounting services (including external and internal audit expenses), and telecommunications costs. The cost of paying individuals to serve on the Exchange's Board of Directors or any committee was not allocated to providing Exchange Data Feeds.

Cost Analysis—Additional Discussion

In conducting its Cost Analysis, the Exchange did not allocate any of its expenses in full to any core service and did not double-count any expenses. Instead, as described above, the Exchange identified and allocated applicable cost drivers across its core services and used the same approach to analyzing costs to form the basis of a separate proposal to adopt fees for connectivity services (the ''Connectivity Filing'') [31] and this filing proposing fees for Exchange Data Feeds. Thus, the Exchange's allocations of cost across core services were based on real costs of operating the Exchange and were not double-counted across the core services or their associated revenue streams.

The Exchange anticipates that the proposed fees for Exchange Data Feeds will generate approximately $262,500 monthly ($3,150,000 annually) based on billing and reporting that has taken place since the Exchange commenced billing for such data feeds. The proposed fees for Exchange Data Feeds are designed to permit the Exchange to cover the costs allocated to providing Exchange Data Feeds with a mark-up that the Exchange believes is modest (approximately 4%), which the Exchange believes is fair and reasonable after taking into account the costs related to creating, generating, and disseminating the Exchange Data Feeds and the fact that the Exchange will need to fund future expenditures (increased costs, improvements, etc.). The Exchange also reiterates that prior to April of 2022 the Exchange has not previously charged any fees for Exchange Data Feeds and its allocation of costs to Exchange Data Feeds was part of a holistic allocation that also allocated costs to other core services without double-counting any expenses.

The Exchange like other exchanges is, after all, a for-profit business. Accordingly, while the Exchange believes in transparency around costs and potential margins, as well as periodic review of revenues and applicable costs (as discussed below), the Exchange does not believe that these estimates should form the sole basis of whether or not a proposed fee is reasonable or can be adopted. Instead, the Exchange believes that the information should be used solely to confirm that an Exchange is not earning supra-competitive profits, and the Exchange believes its Cost Analysis and related projections demonstrate this fact.

As a general matter, the Exchange believes that its costs will remain relatively similar in future years. It is possible however that such costs will either decrease or increase. To the extent the Exchange sees growth in use of Exchange Data Feeds it will receive additional revenue to offset future cost increases. However, if use of Exchange Data Feeds is static or decreases, the Exchange might not realize the revenue that it anticipates or needs in order to cover applicable costs. Accordingly, the Exchange is committing to conduct a one-year review after implementation of these fees. The Exchange expects that it may propose to adjust fees at that time, to increase fees in the event that revenues fail to cover costs and a reasonable mark-up of such costs.[32] Similarly, the Exchange expects that it would propose to decrease fees in the event that revenue materially exceeds current projections. In addition, the Exchange will periodically conduct a review to inform its decision making on whether a fee change is appropriate (*e.g.,* to monitor for costs increasing/decreasing or subscribers increasing/decreasing, etc. in ways that suggest the then-current fees are becoming dislocated from the prior cost-based analysis) and expects that it would propose to increase fees in the event that revenues fail to cover its costs and a reasonable mark-up, or decrease fees in the event that revenue or the mark-up materially exceeds current projections. In the event that the Exchange determines to propose a fee change, the results of a timely review, including an updated cost estimate, will be included in the rule filing proposing the fee change. More generally, the Exchange believes that it is appropriate for an exchange to refresh and update information about its relevant costs and revenues in seeking any future changes to fees, and the Exchange commits to do so.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) [33] of the Act in general, and furthers the objectives of Section 6(b)(4) [34] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. Additionally, the Exchange believes that the proposed fees are consistent with the objectives of Section 6(b)(5) [35] of the Act in that they are designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to a free and open market and national market system, and, in general, to protect investors and the public interest, and, particularly, are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange notes prior to addressing the specific reasons the Exchange believes the proposed fees and fee structure are reasonable, equitably allocated and not unreasonably discriminatory, that the proposed definitions and fee structure

[31] *See* SR–MEMX–2022–26, filed September 15, 2022, available at: *https://info.memxtrading.com/rules-and-filings/.*

[32] The Exchange notes that it does not believe that a 4% mark-up is necessarily competitive, and instead that this is likely significantly below the mark-up many businesses place on their products and services.

[33] 15 U.S.C. 78f.

[34] 15 U.S.C. 78f(b)(4).

[35] 15 U.S.C. 78f(b)(5).

described above are consistent with the definitions and fee structure used by most U.S. securities exchanges, and Cboe BZX in particular. As such, the Exchange believes it is adopting a model that is easily understood by Members and non-Members, most of which also subscribe to market data products from other exchanges. For this reason, the Exchange believes that the proposed definitions and fee structure described above are consistent with the Act generally, and Section 6(b)(5) [36] of the Act in particular.

As noted above, the Exchange's executed trading volume has grown from 0% market share to approximately 3–4% market share in two years and the Exchange believes that it is reasonable to begin charging fees for the Exchange Data Feeds. One of the primary objectives of MEMX is to provide competition and to reduce fixed costs imposed upon the industry. Consistent with this objective, the Exchange believes that this proposal reflects a simple, competitive, reasonable, and equitable pricing structure, with fees that are discounted when compared to comparable data products and services offered by competitors.[37]

Reasonableness

Overall. With regard to reasonableness, the Exchange understands that the Commission has traditionally taken a market-based approach to examine whether the SRO making the fee proposal was subject to significant competitive forces in setting the terms of the proposal. The Exchange understands that in general the analysis considers whether the SRO has demonstrated in its filing that (i) there are reasonable substitutes for the product or service; (ii) ''platform'' competition constrains the ability to set the fee; and/or (iii) revenue and cost analysis shows the fee would not result in the SRO taking supracompetitive profits. If the SRO demonstrates that the fee is subject to significant competitive forces, the Exchange understands that in general the analysis will next consider whether there is any substantial countervailing basis to suggest the fee's terms fail to meet one or more standards under the Exchange Act. The Exchange further understands that if the filing fails to demonstrate that the fee is constrained by competitive forces, the SRO must provide a substantial basis, other than competition, to show that it is consistent with the Exchange Act, which may include production of relevant revenue and cost data pertaining to the product or service.

The Exchange has not determined its proposed overall market data fees based on assumptions about market competition, instead relying upon a cost-plus model to determine a reasonable fee structure that is informed by the Exchange's understanding of different uses of the products by different types of participants. In this context, the Exchange believes the proposed fees overall are fair and reasonable as a form of cost recovery plus the possibility of a reasonable return for Exchange's aggregate costs of offering the Exchange Data Feeds. The Exchange believes the proposed fees are reasonable because they are designed to generate annual revenue to recoup some or all of Exchange's annual costs of providing market data with a reasonable mark-up. As discussed in the Purpose section, the Exchange estimates this fee filing will result in annual revenue of approximately $3.15 million, representing a potential mark-up of just 4% over the cost of providing market data. Accordingly, the Exchange believes that this fee methodology is reasonable because it allows the Exchange to recoup some or all of its expenses for providing market data products (with any additional revenue representing no more than what the Exchange believes to be a reasonable rate of return). The Exchange also believes that the proposed fees are reasonable because they are generally less than the fees charged by competing equities exchanges for comparable market data products, notwithstanding that the competing exchanges may have different system architectures that may result in different cost structures for the provision of market data.

The Exchange believes the proposed fees for the Exchange Data Feeds are reasonable when compared to fees for comparable products, such as the BZX Depth feed, BZX Top feed, and BZX Last Sale feed, compared to which the Exchange's proposed fees are generally lower, as well as other comparable data feeds priced significantly higher than the Exchange's proposed fees for the Exchange Data Feeds.[38] Specifically with respect to the MEMOIR Depth feed, the Exchange believes that the proposed fees for such feed are reasonable because they represent not only the value of the data available from the MEMOIR Top and MEMOIR Last Sale data feeds, which have lower proposed fees, but also the value of receiving the depth-of-book data on an order-by-order basis. The Exchange believes it is reasonable to have pricing based, in part, upon the amount of information contained in each data feed and the value of that information to market participants. The MEMOIR Top and Last Sale data feeds, as described above, can be utilized to trade on the Exchange but contain less information than that is available on the MEMOIR Depth feed (*i.e.,* even for a subscriber who takes both feeds, such feeds do not contain depth-of-book information). Thus, the Exchange believes it reasonable for the products to be priced as proposed, with MEMOIR Last Sale having the lowest price, MEMOIR Top the next lowest price, and MEMOIR Depth the highest price (and more than MEMOIR Last Sale and MEMOIR Top combined).

Internal Distribution Fees. The Exchange believes that it is reasonable to charge Fees to access the Exchange Data Feeds for Internal Distribution because of the value of such data to subscribers in their profit-generating activities. The Exchange also believes that the proposed monthly Internal Distribution fees for MEMOIR Depth, MEMOIR Top, and MEMOIR Last Sale are reasonable as they are the same amounts charged by at least one other exchange of comparable size for comparable data products,[39] and are lower than the fees charged by several other exchanges for comparable data products.[40]

External Distribution Fees. The Exchange believes that it is reasonable to charge External Distribution fees for the Exchange Data Feeds because vendors receive value from redistributing the data in their business products provided to their customers. The Exchange believes that charging External Distribution fees is reasonable because the vendors that would be charged such fees profit by re-transmitting the Exchange's market data to their customers. These fees would be charged only once per month to each vendor account that redistributes any Exchange Data Feed, regardless of the number of customers to which that vendor redistributes the data. The Exchange also believes the proposed monthly External Distribution fee for the MEMOIR Depth Feed is reasonable because it is half the amount of the fee charged by at least one other exchange of comparable size for a comparable

[36] 15 U.S.C. 78f(b)(5).

[37] *See supra* notes 20–21; *see supra* note 23 and accompanying text.

[38] *See supra* notes 20–21; *see supra* note 23 and accompanying text.

[39] *See* BZX Fee Schedule, *supra* note 17.

[40] *See, e.g.,* NYSE Proprietary Market Data Pricing list, available at: *https://www.nyse.com/publicdocs/nyse/data/NYSE_Market_Data_Pricing.pdf* (''NYSE Fee Schedule''); Nasdaq Global Data Products pricing list, available at: *http://www.nasdaqtrader.com/TraderB.aspx?id=MDDPricingALLN* (''Nasdaq Fee Schedule'').

data product,[41] and significantly less than the amount charged by several other exchanges for comparable data products.[42] Similarly, the Exchange believes the proposed monthly External Distribution fees for the MEMOIR TOP and MEMOIR Last Sale feeds are reasonable because they are discounted compared to same amounts charged by at least one other exchange of comparable size for comparable data products,[43] and significantly less than the amount charged by several other exchanges for comparable data products.[44]

User Fees. The Exchange believes that having separate Professional and Non-Professional User fees for the MEMOIR Depth feed is reasonable because it will make the product more affordable and result in greater availability to Professional and Non-Professional Users. Setting a modest Non-Professional User fee is reasonable because it provides an additional method for Non-Professional Users to access the Exchange Data Feeds by providing the same data that is available to Professional Users. The proposed monthly Professional User fee and monthly Non-Professional User fee are reasonable because they are lower than the fees charged by at least one other exchange of comparable size for comparable data products,[45] and significantly less than the amounts charged by several other exchanges for comparable data products.[46]

The Exchange also believes it is reasonable to charge the same low per User fee of $0.01 for both Professional Users and Non-Professional Users receiving the MEMOIR Top and MEMOIR Last Sale feeds, as this is not only pricing such data at a much lower cost than other exchanges charge for comparable data feeds [47] but doing so will also simplify reporting for subscribers who externally distribute these data feeds to Users, as the Exchange believes that categorization of Users as Professional and Non-Professional is not meaningful for these products and that requiring such categorization would expose Firms to unnecessary audit risk of paying more for mis-categorization. The Exchange also believes that the proposal to require reporting of individual Users, but not devices, is reasonable as this too will eliminate unnecessary audit risk that can arise when recipients are required to apply complex counting rules such as whether or not to count devices or whether an individual accessing the same data through multiple devices should be counted once or multiple times. In addition, the Exchange believes it is reasonable to charge User fees only for External Distribution of the MEMOIR Top and MEMOIR Last Sale feeds, and not charge User fees for Internal Distribution of such market data feeds, because vendors receive additional value from being able to redistribute such data to their customers and can recoup associated expenses by passing on such fees either directly to those customers or indirectly by using the data to facilitate other revenue-generating activity.

The Exchange further believes that its proposal to adopt a Digital Media Enterprise Fee for each of the Exchange Data Feeds is reasonable because it would allow a market participant that wishes to disseminate information from the Exchange Data Feeds through a digital media platform such as a public website without determining the number of Users, which would be practically impossible. The Exchange further believes it is reasonable for the Digital Media Enterprise Fee to be higher for MEMOIR Depth than MEMOIR Top or MEMOIR Last Sale because of the additional information that is contained in MEMOIR Depth, and in turn, the potential additional value to data recipients.

The Exchange also believes it is reasonable to adopt an Enterprise Fee for MEMOIR Top and MEMOIR Last Sale because this would allow a market participant to disseminate such data feeds to an unlimited number of Users without the necessity of counting such Users. As this is an optional subscription, a data recipient is able to determine whether it prefers to count Users and report such Users to the Exchange or not, and also whether it is more economically advantageous to count and pay for specific Users or to subscribe to the Enterprise Fee. The Exchange also notes that given the low cost proposed per User, only a market participant with a substantial number of Users would likely choose to subscribe for and pay the Enterprise Fee. The Exchange also believes it is reasonable not to adopt an Enterprise Fee for MEMOIR Depth at this time as the Exchange does not believe there is sufficient demand for an Enterprise Fee given relatively low User counts for subscribers of MEMOIR Depth. While MEMOIR Top and MEMOIR Last Sale also currently have relatively low User counts, the Exchange does believe that there is potential demand for a market data recipient that wishes to disseminate top of book and last sale information to a large subscriber base, and thus again believes it is reasonable to offer an Enterprise Fee option for such a market data recipient.

Non-Display Use Fees. The Exchange believes the proposed Non-Display Usage fees for the MEMOIR Depth feed are reasonable, because they reflect the value of the data to the data recipients in their profit-generating activities and do not impose the burden of counting non-display devices.

The Exchange believes that the proposed Non-Display Usage fees for the MEMOIR Depth feed reflect the significant value of the non-display data use to data recipients, most of whom purchase such data on a voluntary basis. Non-display data can be used by data recipients for a wide variety of profit-generating purposes, including proprietary and agency trading and smart order routing, as well as by data recipients that operate Trading Platforms that compete directly with the Exchange for order flow. The data also can be used for a variety of non-trading purposes that indirectly support trading, such as risk management and compliance. Although some of these non-trading uses do not directly generate revenues, they can nonetheless substantially reduce a recipient's costs by automating such functions so that they can be carried out in a more efficient and accurate manner and reduce errors and labor costs, thereby benefiting recipients. The Exchange believes that charging for non-trading uses is reasonable because data recipients can derive substantial value from such uses, for example, by automating tasks so that can be performed more quickly and accurately and less expensively than if they were performed manually.

Previously, the non-display use data pricing policies of many exchanges required customers to count, and the exchanges to audit the count of, the number of non-display devices used by a customer. As non-display use grew more prevalent and varied, however, exchanges received an increasing number of complaints about the impracticality and administrative burden associated with that approach. In response, several exchanges developed a non-display use pricing structure that does not require non-display devices to be counted or those counts to be audited, and instead categorizes different types of use. The Exchange proposes to distinguish

[41] *See* BZX Fee Schedule, *supra* note 17.

[42] *See, e.g.,* NYSE Fee Schedule, *supra* note 40; Nasdaq Fee Schedule, *supra* note 40.

[43] *See* BZX Fee Schedule, *supra* note 17.

[44] *See, e.g.,* NYSE Fee Schedule, *supra* note 40; Nasdaq Fee Schedule, *supra* note 40.

[45] *See* BZX Fee Schedule, *supra* note 17.

[46] *See, e.g.,* NYSE Fee Schedule, *supra* note 40; Nasdaq Fee Schedule, *supra* note 40.

[47] *See id.*

between non-display use for the operation of a Trading Platform and other non-display use, which is similar to exchanges such as BZX and EDGX,[48] while other exchanges maintain additional categories and in many cases charge multiple times for different types of non-display use or the operation of multiple Trading Platforms.[49]

The Exchange believes that it is reasonable to segment the fee for non-display use into these two categories. As noted above, the uses to which customers can put the MEMOIR Depth feed are numerous and varied, and the Exchange believes that charging separate fees for these separate categories of use is reasonable because it reflects the actual value the customer derives from the data, based upon how the customer makes use of the data.

The Exchange believes that the proposed fees for non-display use other than operation of a Trading Platform is reasonable. These fees are comparable to, and lower than, the fees charged by at least one other exchange of comparable size for a comparable data product,[50] and significantly less than the amounts charged by several other exchanges for comparable data products.[51] The Exchange believes that the proposed fees directly and appropriately reflect the significant value of using data on a non-display basis in a wide range of computer-automated functions relating to both trading and non-trading activities and that the number and range of these functions continue to grow through innovation and technology developments. Further, the Exchange benefits from other non-display use by market participants (including the fact that the Exchange receives orders resulting from algorithms and routers) and both the Exchange and other participants benefit from other non-display use by market participants when such use is to support more broadly beneficial functions such as risk management and compliance. Based on the Exchange's desire to encourage other non-display use by market participants, the Exchange believes it is reasonable to provide data for non-display use other than operation of a Trading Platform at a price that is discounted when compared to that for non-display use for operation of a Trading Platform.

The Exchange also believes, regarding non-display use for operation of a Trading Platform, it is reasonable to charge a higher monthly fee than for other non-display use because such use is optional for Trading Platforms and because a similar fee structure is in place on other exchanges. With respect to alternative trading systems, or ATSs, such platforms can utilize the Exchange Data Feeds to form prices for trading on such platforms but are not required to do so and can instead utilize SIP data. Approximately two-thirds of the ATSs approved to trade NMS stocks do not currently subscribe to the Exchange Data Feeds.[52] With respect to other exchanges, which may choose to use the Exchange Data Feeds for Regulation NMS compliance and order routing, the Exchange notes that several exchange competitors of the Exchange have not subscribed to any Exchange Data Feeds and instead utilize SIP data for such purposes.[53] Accordingly, both ATSs and other exchanges clearly have a choice whether to subscribe to the Exchange Data Feeds. The Exchange also believes that it is reasonable to charge the proposed fees for non-display use for operation of a Trading Platform because the proposed fees are comparable to, and lower than, the fees charged at least one other exchange of comparable size for a comparable data product,[54] and significantly less than the amounts charged by several other exchanges for comparable data products, which also charge per Trading Platform operated by a data subscriber subject to a cap in most cases, rather than charging per Firm, as proposed by the Exchange.[55]

The proposed Non-Display Usage fees for the MEMOIR Depth feed are also reasonable because they take into account the extra value of receiving the data for Non-Display Usage that includes a rich set of information including top of book quotations, depth-of-book quotations, executions and other information. The Exchange believes that the proposed fees directly and appropriately reflect the significant value of using the MEMOIR Depth feed on a non-display basis in a wide range of computer-automated functions relating to both trading and non-trading activities and that the number and range of these functions continue to grow through innovation and technology developments.[56] For the same reasons, the Exchange believes it is reasonable to provide other data feeds, namely MEMOIR Top and MEMOIR Last Sale, free of charge for Non-Display Usage. The Exchange does not believe that either MEMOIR Top or MEMOIR Last Sale has the same value to market participants with respect to non-display usage as MEMOIR Depth, as neither of MEMOIR Top or MEMOIR Last Sale contains the amount of information that the Exchange expects market participants need for typical trading and non-trading non-display applications.

For all of the foregoing reasons, the Exchange believes that the proposed fees for the Exchange Data Feeds are reasonable.

Equitable Allocation

Overall. The Exchange believes that its proposed fees are reasonable, fair, and equitable, and not unfairly discriminatory because they are designed to align fees with services provided. The Exchange believes the proposed fees for the Exchange Data Feeds are allocated fairly and equitably among the various categories of users of the feeds, and any differences among categories of users are justified and appropriate.

The Exchange believes that the proposed fees are equitably allocated because they will apply uniformly to all data recipients that choose to subscribe to the Exchange Data Feeds. Any subscriber or vendor that chooses to subscribe to one or more Exchange Data Feeds is subject to the same Fee Schedule, regardless of what type of business they operate, and the decision to subscribe to one or more Exchange Data Feeds is based on objective differences in usage of Exchange Data Feeds among different Firms, which are still ultimately in the control of any particular Firm. The Exchange believes the proposed pricing between Exchange Data Feeds is equitably allocated because it is based, in part, upon the amount of information contained in each data feed and the value of that information to market participants. The MEMOIR Top and Last Sale data feeds, as described above, can be utilized to

[48] *See* BZX Fee Schedule, *supra* note 17; EDGX Fee Schedule, available at: *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/.*

[49] *See supra* notes 20–21.

[50] *See* BZX Fee Schedule, *supra* note 17.

[51] *See, e.g.,* NYSE Fee Schedule, *supra* note 40; Nasdaq Fee Schedule, *supra* note 40.

[52] MEMX internal data regarding non-display use by Trading Platforms; as of December 31, 2022, there were 33 ATSs that had filed an effective Form ATS–N with the Commission to trade NMS stocks.

[53] *See, e.g.,* NYSE Arca Rule 7.37–E.(d), Order Execution and Routing, and BZX Rule 11.21, each of which discloses the data feeds used by each respective exchange and state that SIP products are used with respect to MEMX.

[54] *See* BZX Fee Schedule, *supra* note 17.

[55] *See supra* notes 20–21.

[56] *See also* Exchange Act Release No. 69157, March 18, 2013, 78 FR 17946, 17949 (March 25, 2013) (SR–CTA/CQ–2013–01) (''[D]ata feeds have become more valuable, as recipients now use them to perform a far larger array of non-display functions. Some firms even base their business models on the incorporation of data feeds into black boxes and application programming interfaces that apply trading algorithms to the data, but that do not require widespread data access by the firm's employees. As a result, these firms pay little for data usage beyond access fees, yet their data access and usage is critical to their businesses.''

trade on the Exchange but contain less information than that is available on the MEMOIR Depth feed (*i.e.,* even for a subscriber who takes both feeds, such feeds do not contain depth-of-book information). Thus, the Exchange believes it is an equitable allocation of fees for the products to be priced as proposed, with MEMOIR Last Sale having the lowest price, MEMOIR Top the next lowest price, and MEMOIR Depth the highest price (and more than MEMOIR Last Sale and MEMOIR Top combined).

Internal Distribution Fee. The Exchange believes the proposed monthly fees for Internal Distribution of the Exchange Data Feeds are equitably allocated because they would be charged on an equal basis to all data recipients that receive the Exchange Data Feeds for internal distribution, regardless of what type of business they operate.

External Distribution Fees. The Exchange believes the proposed monthly fees for External Distribution of the Exchange Data Feeds are equitably allocated because they would be charged on an equal basis to all data recipients that receive the Exchange Data Feeds that choose to redistribute the feeds externally. The Exchange also believes that the proposed monthly fees for External Distribution are equitably allocated when compared to lower proposed fees for Internal Distribution because data recipients that are externally distributing Exchange Data Feeds are able to monetize such distribution and spread such costs amongst multiple third party data recipients, whereas the Internal Distribution fee is applicable to use by a single data recipient (and its affiliates).

User Fees. The Exchange believes that the fee structure differentiating Professional User fees from Non-Professional User fees for display use of the MEMOIR Depth feed is equitable. This structure has long been used by other exchanges and the SIPs to reduce the price of data to Non-Professional Users and make it more broadly available.[57] Offering the MEMOIR Depth feed to Non-Professional Users at a lower cost than Professional Users results in greater equity among data recipients, as Professional Users are categorized as such based on their employment and participation in financial markets, and thus, are compensated to participate in the markets. While Non-Professional Users too can receive significant financial benefits through their participation in the markets, the Exchange believes it is reasonable to charge more to those Users who are more directly engaged in the markets. The Exchange also believes it may be unreasonable to charge a Non-Professional User the same fee that it has proposed for Professional Users, as this fee would be higher than any other U.S. equities exchange charges to Non-Professional Users for receipt of a comparable data product. These User fees would be charged uniformly to all individuals that have access to the MEMOIR Depth feed based on the category of User.

The Exchange also believes the proposed User fees for MEMOIR Top and MEMOIR Last Sale are equitable because the Exchange has proposed to charge Professional Users and Non-Professional Users the same low rate of $0.01 per month. In addition, the Exchange believes it is equitable to charge User fees only for External Distribution of the MEMOIR Top and MEMOIR Last Sale feeds, and not charge User fees for Internal Distribution of such market data feeds, because vendors receive additional value from being able to redistribute such data to their customers and can recoup associated expenses by passing on such fees either directly to those customers or indirectly by using the data to facilitate other revenue-generating activity.

Finally, the Exchange believes it is equitable to adopt User fees for the Memoir Depth feed that are significantly higher than the User fees for the MEMOIR Top and MEMOIR Last Sale feeds because, as described above, MEMOIR Depth contains significantly more data than such data feeds. The Exchange believes it is equitable to have pricing based, in part, upon the amount of information contained in each data feed and the value of that information to market participants.

The Exchange further believes that its proposal to adopt a Digital Media Enterprise Fee for each of the Exchange Data Feeds is equitable because it would allow a market participant that wishes to disseminate information from the Exchange Data Feeds through a digital media platform such as a public website without determining the number of Users, which would be practically impossible. The Exchange further believes it is equitable for the Digital Media Enterprise Fee to be higher for MEMOIR Depth than MEMOIR Top or MEMOIR Last Sale because of the additional information that is contained in MEMOIR Depth, and in turn, the potential additional value to data recipients.

The Exchange also believes it is equitable to adopt an Enterprise Fee for MEMOIR Top and MEMOIR Last Sale because this would allow a market participant to disseminate such data feeds to an unlimited number of Users without the necessity of counting such Users. As this is an optional subscription, a data recipient is able to determine whether it prefers to count Users and report such Users to the Exchange or not, and also whether it is more economically advantageous to count and pay for specific Users or to subscribe to the Enterprise Fee. The Exchange also believes it is equitable not to adopt an Enterprise Fee for MEMOIR Depth at this time as the Exchange does not believe there is sufficient demand for an Enterprise Fee given relatively low User counts for subscribers of MEMOIR Depth, as described above.

Non-Display Use Fees. The Exchange believes the proposed Non-Display Usage fees are equitably allocated because they would require subscribers to pay fees only for the uses they actually make of the data. As noted above, non-display data can be used by data recipients for a wide variety of profit-generating purposes (including trading and order routing) as well as purposes that do not directly generate revenues (such as risk management and compliance) but nonetheless substantially reduce the recipient's costs by automating certain functions. The Exchange believes that it is equitable to charge non-display data subscribers that use MEMOIR Depth data for purposes other than operation of a Trading Platform as proposed because all such subscribers would have the ability to use such data for as many non-display uses as they wish for one low fee. As noted above, this structure is comparable to that in place for the BZX Depth feed but several other exchanges charge multiple non-display fees to the same client to the extent they use a data feed in several different trading platforms or for several types of non-display use.[58]

In contrast to non-display use for operation of a Trading Platform, the Exchange benefits from other non-display use by market participants (including the fact that the Exchange receives orders resulting from algorithms and routers) and both the Exchange and other participants benefit from other non-display use by market

[57] *See, e.g.,* Securities Exchange Act Release No. 59544 (March 9, 2009), 74 FR 11162 (March 16, 2009) (SR–NYSE–2008–131) (establishing the $15 Non-Professional User Fee (Per User) for NYSE OpenBook); Securities Exchange Act Release No. 20002, File No. S7–433 (July 22, 1983), 48 FR 34552 (July 29, 1983) (establishing Non-Professional fees for CTA data); NASDAQ BX Equity 7 Pricing Schedule, Section 123.

[58] *See supra* notes 20–21.

participants when such use is to support more broadly beneficial functions such as risk management and compliance. Based on the Exchange's desire to encourage other non-display use by market participants, the Exchange believes it is equitable to charge a lower rate for non-display not by Trading Platforms than it does for non-display by Trading Platforms. With respect to ATSs and other exchanges, the Exchange reiterates that approximately two-thirds of ATSs and several exchange competitors of the Exchange have not subscribed to any Exchange Data Feeds.[59] Accordingly, ATSs and other exchanges clearly have a choice whether to subscribe to the Exchange Data Feeds. The Exchange also notes that, as described above, other exchanges have similar fee structures in place that charge a higher rate for non-display use by a Trading Platform than for a non-Trading Platform.[60] As such, with respect to other exchanges, the Exchange also believes it is equitable to adopt a similar fee structure because it is the same fee structure that the Exchange is subject to when subscribing to data feeds from such other exchanges (*i.e.,* paying a higher rate than that paid by non-Trading Platforms).

The Exchange believes that it is equitable to charge a single fee per Firm rather than multiple fees for a Firm that operates more than one Trading Platform because operators of Trading Platforms are many times viewed as a single competing venue or group, even if there are multiple liquidity pools operated by the same competitor.

For all of the foregoing reasons, the Exchange believes that the proposed fees for the Exchange Data Feeds are equitably allocated.

The Proposed Fees Are Not Unfairly Discriminatory

The Exchange believes the proposed fees for the Exchange Data Feeds are not unfairly discriminatory because any differences in the application of the fees are based on meaningful distinctions between customers, and those meaningful distinctions are not unfairly discriminatory between customers.

Overall. The Exchange believes that the proposed fees are not unfairly discriminatory because they would apply to all data recipients that choose to subscribe to the same Exchange Data Feed(s). Any vendor or subscriber that chooses to subscribe to the Exchange Data Feeds is subject to the same Fee Schedule, regardless of what type of business they operate. Because the proposed fees for MEMOIR Depth are higher, vendors and subscribers seeking lower cost options may instead choose to receive data from the SIPs or through the MEMOIR Top and/or MEMOIR Last Sale feed for a lower cost. Alternatively, vendors and subscribers can choose to pay for the MEMOIR Depth feed in order to receive data in a single feed with depth-of-book information if such information is valuable to such vendors or subscribers. The Exchange notes that vendors or subscribers can also choose to subscribe to a combination of data feeds for redundancy purposes or to use different feeds for different purposes. In sum, each vendor or subscriber has the ability to choose the best business solution for itself. The Exchange does not believe it is unfairly discriminatory to base pricing upon the amount of information contained in each data feed and the value of that information to market participants. As described above, the MEMOIR Top and Last Sale data feeds, can be utilized to trade on the Exchange but contain less information than that is available on the MEMOIR Depth feed (*i.e.,* even for a subscriber who takes both feeds, such feeds do not contain depth-of-book information). Thus, the Exchange believes it is not unfairly discriminatory for the products to be priced as proposed, with MEMOIR Last Sale having the lowest price, MEMOIR Top the next lowest price, and MEMOIR Depth the highest price (and more than MEMOIR Last Sale and MEMOIR Top combined).

Internal Distribution Fees. The Exchange believes the proposed monthly fees for Internal Distribution of the Exchange Data Feeds are not unfairly discriminatory because they would be charged on an equal basis to all data recipients that receive the same Exchange Data Feed(s) for internal distribution, regardless of what type of business they operate.

External Distribution Fees. The Exchange believes the proposed monthly fees for redistributing the Exchange Data Feeds are not unfairly discriminatory because they would be charged on an equal basis to all data recipients that receive the same Exchange Data Feed(s) that choose to redistribute the feed(s) externally. The Exchange also believes that having higher monthly fees for External Distribution than Internal Distribution is not unfairly discriminatory because data recipients that are externally distributing Exchange Data Feeds are able to monetize such distribution and spread such costs amongst multiple third party data recipients, whereas the Internal Distribution fee is applicable to use by a single data recipient (and its affiliates).

User Fees. The Exchange believes that the fee structure differentiating Professional User fees from Non-Professional User fees for display use of the MEMOIR Depth feed is not unfairly discriminatory. This structure has long been used by other exchanges and the SIPs to reduce the price of data to Non-Professional Users and make it more broadly available.[61] Offering the Exchange Data Feeds to Non-Professional Users with the same data as is available to Professional Users, albeit at a lower cost, results in greater equity among data recipients. These User fees would be charged uniformly to all individuals that have access to the Exchange Data Feeds based on the category of User. The Exchange also believes the proposed User fees for MEMOIR Depth are not unfairly discriminatory, with higher fees for Professional Users than Non-Professional Users, because Non-Professional Users may have less ability to pay for such data than Professional Users as well as less opportunity to profit from their usage of such data. The Exchange also believes the proposed User fees for MEMOIR Depth are not unfairly discriminatory, even though substantially higher than the proposed User fees for MEMOIR Top and MEMOIR Last Sale, because, as described above, MEMOIR Depth has significantly more information than the other Exchange Data Feeds and is thus potentially more valuable to such Users. The Exchange also believes the proposed User fees for MEMOIR Top and MEMOIR Last Sale are not unfairly discriminatory because the Exchange has proposed to charge Professional Users and Non-Professional Users the same low rate of $0.01 per month.

The Exchange further believes that its proposal to adopt a Digital Media Enterprise Fee for each of the Exchange Data Feeds and an Enterprise Fee for MEMOIR Top and MEMOIR Last Sale is not unfairly discriminatory because these optional alternatives to counting and paying for specific Users will provide market participants the ability to provide information from the Exchange Data Feeds to large numbers of Users without counting and paying for such Users. The Exchange also believes it is not unfairly discriminatory not to adopt an Enterprise Fee for MEMOIR Depth at this time as the Exchange does not believe there is sufficient demand for an Enterprise Fee given relatively low User counts for

[59] *See supra* note 52 and accompanying text; *see* also, *supra* note 53.

[60] *See, e.g., supra* note 48.

[61] *See supra* note 56.

subscribers of MEMOIR Depth, as described above.

Non-Display Use Fees. The Exchange believes the proposed Non-Display Usage fees for the MEMOIR Depth feed are not unfairly discriminatory because they would require subscribers for non-display use to pay fees depending on their use of the data, either for operation of a Trading Platform or not, but would not impose multiple fees to the extent a Firm operates multiple Trading Platforms or has multiple different types of non-display use. As noted above, non-display data can be used by data recipients for a wide variety of profit-generating purposes as well as purposes that do not directly generate revenues but nonetheless substantially reduce the recipient's costs by automating certain functions. This segmented fee structure is not unfairly discriminatory because no subscriber of non-display data would be charged a fee for a category of use in which it did not actually engage.

In contrast to non-display use for operation of a Trading Platform, the Exchange benefits from other non-display use by market participants (including the fact that the Exchange receives orders resulting from algorithms and routers) and both the Exchange and other participants benefit from other non-display use by market participants when such use is to support more broadly beneficial functions such as risk management and compliance. The Exchange believes that, regarding non-display use other than for operation of a Trading Platform, it is not unreasonably discriminatory to charge a lower rate than that which is charged to a Firm operating a Trading Platform based on the Exchange's desire to encourage other non-display use by market participants. With respect to other ATSs and other exchanges, the Exchange reiterates that approximately two-thirds of registered ATSs and several exchange competitors of the Exchange have not subscribed to any Exchange Data Feeds.[62] Accordingly, ATSs and other exchanges clearly have a choice whether to subscribe to the Exchange Data Feeds.

The Exchange believes that it is not unreasonably discriminatory to charge a single fee for an operator of Trading Platforms that operates more than one Trading Platform because operators of Trading Platforms are many times viewed as a single competing venue or group, even if there a multiple liquidity pools operated by the same competitor. The Exchange again notes that certain competitors to the Exchange charge for non-display usage per Trading Platform,[63] in contrast to the Exchange's proposal. In turn, to the extent they subscribe to Exchange Data Feeds, these same competitors will benefit from the Exchange's pricing model to the extent they operate multiple Trading Platforms (as most do) by paying a single fee rather than paying for each Trading Platform that they operate that consumes Exchange Data Feeds.

For all of the foregoing reasons, the Exchange believes that the proposed fees for the Exchange Data Feeds are not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[64] the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intra-Market Competition

The Exchange does not believe that the proposed fees for Exchange Data Feeds place certain market participants at a relative disadvantage to other market participants because, as noted above, the proposed fees are associated with usage of Exchange Data Feeds by each market participant based on the type of business they operate, and the decision to subscribe to one or more Exchange Data Feeds is based on objective differences in usage of Exchange Data Feeds among different Firms, which are still ultimately in the control of any particular Firm, and such fees do not impose a barrier to entry to smaller participants. Accordingly, the proposed fees for Exchange Data Feeds do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation of the proposed fees reflects the types of Exchange Data Feeds consumed by various market participants and their usage thereof.

Inter-Market Competition

The Exchange does not believe the proposed fees place an undue burden on competition on other SROs that is not necessary or appropriate. In particular, market participants are not forced to subscribe to any of the Exchange Data Feeds, as described above. Additionally, other exchanges have similar market data fees in place for their participants, but with comparable and in many cases higher rates for market data feeds.[65] The proposed fees are based on actual costs and are designed to enable the Exchange to recoup its applicable costs with the possibility of a reasonable profit on its investment as described in the Purpose and Statutory Basis sections. Competing equities exchanges are free to adopt comparable fee structures subject to the SEC rule filing process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[66] and Rule 19b–4(f)(2)[67] thereunder.

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–MEMX–2023–02 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–MEMX–2023–02. This file number should be included on the subject line if email is used. To help the Commission process and review your

[62] *See supra* note 52 and accompanying text; *see also supra* note 53.

[63] *See supra* notes 20–21.

[64] 15 U.S.C. 78f(b)(8).

[65] *See supra* notes 20–21; *see supra* note 23 and accompanying text.

[66] 15 U.S.C. 78s(b)(3)(A)(ii).

[67] 17 CFR 240.19b–4(f)(2).

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 submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MEMX–2023–02 and should be submitted on or before February 24, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[68]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–02238 Filed 2–2–23; 8:45 am]

BILLING CODE 8011–01–P

[68] 17 CFR 200.30–3(a)(12).

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36661]

Willamette Valley Railway Company—Lease and Operation Exemption—Line of Union Pacific Railroad Company

Willamette Valley Railway Company (WVR), a Class III carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from Union Pacific Railroad Company (UP) and to operate the following lines of railroad extending approximately 32 miles: the West Stayton Branch between milepost 708.11 at Stayton, Or., and milepost 737.76 at Woodburn, Or., and the Geer Branch between milepost 719.16 at Geer, Or., and milepost 721.10 at or near the Geer Station, Or. (collectively, the Lines).

According to WVR, it has operated the Lines pursuant to a longstanding lease agreement with UP and its predecessor, dated February 16, 1993, and it has recently entered into a replacement lease agreement with UP, governing the continued use, management, and operation of the Lines.[1] WVR states that it will continue to operate and provide all rail common carrier service to shippers on the Lines.

WVR certifies that its projected annual freight revenues will not exceed those that would qualify it as a Class I or Class II rail carrier and will not exceed $5 million. WVR also certifies that the proposed transaction does not include an interchange commitment.

The transaction may be consummated on or after February 17, 2023, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than February 10, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36661, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on WVR's representative, Peter A. Pfohl, Slover & Loftus LLP, 1224 Seventeenth Street NW, Washington, DC 20036.

According to WVR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: January 31, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2023–02336 Filed 2–2–23; 8:45 am]

BILLING CODE 4915–01–P

[1] Notice of the 1993 lease was given in *Willamette Valley Railway—Acquisition, Lease & Operation Exemption—Southern Pacific Transportation Co.,* FD 32249 (ICC served Mar. 5, 1993). Subsequently, WVR obtained authority to acquire the Line. *Willamette Valley Ry.—Acquis. Exemption—Certain Lines of S. Pac. Transp. Co.,* FD 32684 (STB served Aug. 22, 1996). WVR states that it never consummated its authority to acquire the Lines and the 1993 lease agreement remained in effect.

SURFACE TRANSPORTATION BOARD

[Docket No. EP 526 (Sub-No. 16)]

Notice of Railroad-Shipper Transportation Advisory Council Vacancies

AGENCY: Surface Transportation Board (Board).

ACTION: Notice of vacancies on the Railroad-Shipper Transportation Advisory Council (RSTAC) and solicitation of nominations.

SUMMARY: The Board hereby gives notice of vacancies on RSTAC for one small shipper representative and one large railroad representative. The Board seeks nominations for candidates to fill these vacancies.

DATES: Nominations are due on March 6, 2023.

ADDRESSES: Nominations may be submitted via e-filing on the Board's website at *www.stb.gov.* Submissions will be posted to the Board's website under Docket No. EP 526 (Sub-No. 16).

FOR FURTHER INFORMATION CONTACT: Gabriel Meyer at (202) 245–0150. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The Board, created in 1996 to take over many of the functions previously performed by the Interstate Commerce Commission, exercises broad authority over transportation by rail carriers, including regulation of railroad rates and service (49 U.S.C. 10701–47, 11101–24), the construction, acquisition, operation, and abandonment of rail lines (49 U.S.C. 10901–07), as well as railroad line sales, consolidations, mergers, and common control arrangements (49 U.S.C. 10902, 11323–27).

The ICC Termination Act of 1995 (ICCTA), enacted on December 29, 1995, established RSTAC to advise the Board's Chair; the Secretary of Transportation; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives with respect to rail transportation policy issues RSTAC considers significant. RSTAC focuses on issues of importance to small shippers and small railroads, including car supply, rates, competition, and procedures for addressing claims. ICCTA instructs RSTAC to endeavor to develop private-sector mechanisms to prevent, or identify and address, obstacles to the most effective and efficient transportation system practicable. The members of RSTAC

also prepare an annual report concerning RSTAC's activities. RSTAC is not subject to the Federal Advisory Committee Act.

RSTAC's 15 appointed members consist of representatives of small and large shippers, and small and large railroads. These members are appointed by the Chair. In addition, members of the Board and the Secretary of Transportation serve as ex officio members. Of the 15 appointed members, nine are voting members and are appointed from senior executive officers of organizations engaged in the railroad and rail shipping industries. At least four of the voting members must be representatives of small shippers as determined by the Chair, and at least four of the voting members must be representatives of Class II or III railroads. The remaining six members to be appointed— three representing Class I railroads and three representing large shipper organizations—serve in a nonvoting, advisory capacity, but may participate in RSTAC deliberations.

Meetings of RSTAC are required by statute to be held at least semi-annually. RSTAC typically holds meetings quarterly at the Board's headquarters in Washington, DC, although some meetings are held virtually or in other locations.

The members of RSTAC receive no compensation for their services and are required to provide for the expenses incidental to their service, including travel expenses. Currently, RSTAC members have elected to submit annual dues to pay for RSTAC expenses.

RSTAC members must be citizens of the United States and represent as broadly as practicable the various segments of the railroad and rail shipper industries. They may not be full-time employees of the United States Federal Government. According to revised guidance issued by the Office of Management and Budget, it is permissible for federally registered lobbyists to serve on advisory committees, such as RSTAC, as long as they do so in a representative capacity, rather than an individual capacity. *See Revised Guidance on Appointment of Lobbyists to Fed. Advisory Comms., Bds., & Comm'ns,* 79 FR 47,482 (Aug. 13, 2014). Members of RSTAC are appointed to serve in a representative capacity.

Each RSTAC member is appointed for a term of three years. No member will be eligible to serve in excess of two consecutive terms. However, a member may serve after the expiration of his or her term until a successor has taken office.

Due to the expiration of the second term of a small shipper and a large railroad representative, the Board is seeking to fill those two RSTAC positions. Nominations for candidates to fill the vacancies should be submitted in letter form, identifying the name of the candidate, providing a summary of why the candidate is qualified to serve on RSTAC, and containing a representation that the candidate is willing to serve as an RSTAC member effective immediately upon appointment. Candidates may nominate themselves. The Chair is committed to having a committee reflecting diverse communities and viewpoints and strongly encourages the nomination of candidates from diverse backgrounds. RSTAC candidate nominations should be filed with the Board by March 6, 2023. Members selected to serve on RSTAC are chosen at the discretion of the Board Chair. Please note that submissions will be posted on the Board's website under Docket No. EP 526 (Sub-No. 16) and can also be obtained by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at *RCPA@stb.gov* or (202) 245–0238.

Authority: 49 U.S.C. 1325.

Decided: January 31, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2023–02342 Filed 2–2–23; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2022–1032]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Flight Operations Quality Assurance (FOQA) Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 29, 2022. The collection involves the voluntary submission of information gained through the Flight Operations Quality Assurance (FOQA) Program. FOQA is a voluntary safety program designed to improve aviation safety through the proactive use of flight-recorded data. The information collected will allow operators to use this data to identify and correct deficiencies in all areas of flight operations.

DATES: Written comments should be submitted by March 6, 2023.

ADDRESSES: 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.

FOR FURTHER INFORMATION CONTACT: John Lusk by email at: *john.lusk@faa.gov;* phone: 303–342–1211.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0660.

Title: Flight Operations Quality Assurance (FOQA) Program.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 29, 2022(87 FR 45847). Flight Operations Quality Assurance (FOQA) is a voluntary safety program designed to improved aviation safety through the proactive use of flight-recorded data. Operators will use this data to identify and correct deficiencies in all areas of flight operations. Properly used, FOQA data can reduce or eliminate safety risks, as well as minimize deviations from regulations. Through access to de-identified aggregate FOQA data, the Federal Aviation Administration (FAA) can identify and analyze national trends and target resources to reduce operational risks in the National Airspace System (NAS), air traffic control (ATC), flight operations and airport operations.

The FAA and the air transportation industry have sought additional means for addressing safety problems and identifying potential safety hazards. Based on the experiences of foreign air carriers, the results of several FAA-sponsored studies, and input received from government/industry safety forums, the FAA concluded that wide implementation of FOQA programs could have significant potential to reduce air carrier accident rates below current levels. The value of FOQA programs is the early identification of adverse safety trends, which, if uncorrected, could lead to accidents. A key element in FOQA is the application of corrective action and follow-up to ensure that unsafe conditions are effectively remediated.

Respondents: 72 Air Carriers (57 with existing programs and 15 with new programs).

Frequency: Once for certificate holders requesting a new program, monthly for certificate holders with an existing program.

Estimated Average Burden per Response: 100 hours for new respondents, 30 hours for annually for existing respondents.

Estimated Total Annual Burden: 100 hours for new respondents, 30 hours annually for each existing respondent.

Issued in Washington, DC on January 31, 2023.

Sandra L. Ray,

Aviation Safety Inspector, AFS–260.

[FR Doc. 2023–02302 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2022–0641]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Employee Assault Prevention and Response Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 1, 2022.

DATES: Written comments should be submitted by March 6, 2023.

ADDRESSES: 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.

FOR FURTHER INFORMATION CONTACT: Sandra L. Ray by email at: *Sandra.ray@faa.gov;* phone: 412–329–3088.

SUPPLEMENTARY INFORMATION: The collection involves submission of Employee Assault Prevention and Response Plans (EAPRP) for customer service agents of certificate holders conducting operations under title 14 of the Code of Federal Regulations (CFR) part 121. The certificate holders will submit the information to be collected to the FAA for review and acceptance as required by section 551 of Public Law 115–254, the FAA Reauthorization Act of 2018.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0787.

Title: Employee Assault Prevention and Response Plan.

Form Numbers: There are no forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 1, 2022 (87 FR 39589). On October 5, 2018, Congress enacted Public Law 115–254, the FAA Reauthorization Act of 2018 (''the Act''). Section 551 of the Act required air carriers operating under 14 CFR part 121 to submit to the FAA for review and acceptance an Employee Assault Prevention and Response Plan (EAPRP) related to the customer service agents of the air carrier that is developed in consultation with the labor union representing such agents. Section 551(b) of the Act contains the required contents of the EAPRP, including reporting protocols for air carrier customer service agents who have been the victim of a verbal or physical assault.

Respondents: Nine Part 121 Air Carriers.

Frequency: Once for submission or revision of the plan.

Estimated Average Burden per Response: 22 hours.

Estimated Total Annual Burden: $5,594.00.

Issued in Washington, DC, on January 30, 2023.

Sandra L. Ray,

Aviation Safety Inspector, AFS–260.

[FR Doc. 2023–02210 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2022–1204]

Draft FAA Policy Regarding Air Carrier Incentive Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed policy; request for comments.

SUMMARY: This notice announces a proposed update of FAA policy regarding incentives offered by airport sponsors to air carriers for improved air service. It is longstanding practice for airport operators to offer incentives to air carriers to promote new air service at an airport, including both new air carriers serving the airport and new destinations served.

DATES: The FAA will accept public comments on the proposed policy statement for 60 days. Comments must be submitted on or before April 4, 2023. The FAA will consider comments on the proposed policy statement. In response to comments received, the FAA will consider appropriate revisions to the policy and publish a subsequent policy statement in the **Federal Register**.

ADDRESSES: You may send comments identified by Docket Number FAA–2022–1204 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Bring comments to Docket Operations in

Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at 202–493–2251.

For more information on the process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: In accordance with 5 U.S.C. 553(c), the Department of Transportation (DOT) solicits comments from the public to better inform its process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/*privacy.

Docket: To read background documents or comments received, go to *http://www.regulations.gov* and follow the online instructions for accessing the docket. Or, go to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kevin C. Willis, Director, Office of Airport Compliance and Management Analysis, ACO, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, telephone (202) 267–3085; facsimile: (202) 267–4629.

SUPPLEMENTARY INFORMATION: Airports obligated under the terms of an Airport Improvement Program grant agreement include virtually all commercial airports in the United States. At each of these airports, the airport sponsor must ensure that an air carrier incentive program is consistent with the sponsor's FAA grant agreements, including standard Grant Assurances relating to economic discrimination, reasonable fees, and use of airport revenue. In the 1999 *Policy and Procedures Regarding the Use of Airport Revenue,* the FAA provided that certain costs of activities promoting new air service and competition at an airport are permissible as a tool for commercial airports to establish or retain scheduled air service. In the 2010 *Air Carrier Incentive Program Guidebook,* the FAA provided more detailed guidance on both the use of airport revenue and the temporary reduction or waiver of airport fees as an incentive for carriers to begin serving an airport or begin service on a route not currently served from the airport. A number of U.S. airport sponsors have used air carrier incentive programs in recent years, and the agency had the opportunity to review many of these programs for consistency with the sponsor's grant agreements, Grant Assurances, and other Federal obligations. Based on that experience, the FAA is proposing a restatement of agency policy on air carrier incentive programs. This notice publishes and requests public comment on the proposed revised policy statement.

Availability of Documents

You can get an electronic copy of this policy and all other documents in this docket using the internet by:

(1) Searching the Federal eRulemaking portal (*http://www.faa.gov/regulations/search);*

(2) Visiting FAA's Regulations and Policies web page at (*https://www.faa.gov/regulations_policies;* or

(3) Accessing the Government Printing Office's web page at (*https://www.gpoaccess.gov/index.html.*

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Airport Compliance and Management Analysis, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–3085. Make sure to identify the docket number, notice number, or amendment number of this proceeding.

Authority for the Policy

This notice is published under the authority described in Title 49 of the United States Code, Subtitle VII, part B, chapter 471, section 47122(a). The policy proposed under this notice will not have the force and effect of law and is not meant to bind the public in any way, and the notice is intended only to provide information to the public regarding existing requirements under the law and agency policies. Mandatory terms such as ''must'' in this notice describe established statutory or regulatory requirements.

Background

Air Carrier Incentive Programs

Airports and communities of all sizes use air carrier incentives in order to attract new air service. Incentives may be offered to new entrant carriers to begin service at an airport or to incumbent carriers at an airport to add new routes. Incentives may apply to international or domestic service. Air carrier incentive programs (ACIP) can be divided into two primary categories: programs funded by the airport itself (''airport-sponsored incentives'') and those funded by the local community (''community-sponsored incentives''). The primary distinction between these two groups relates to the funding used for an incentive. For airport-sponsored incentives using airport funds, the use of the funds must comply with the requirements of Federal law and FAA grant agreements for use of airport revenue. In contrast, community-sponsored incentives using non-airport funds may be used in a broader set of ways. Community-sponsored incentives have been funded by various community groups, including local governments, local chambers of commerce and tourism organizations and local businesses. Airport-sponsored incentives largely involve a reduction or waiver of landing fees and other airport fees. Airport sponsors may also contribute to marketing programs, provided the marketing focuses on the airport rather than destination marketing. Community-sponsored incentives can include more direct financing of routes, including minimum revenue guarantees, travel banks, and marketing funding that may include destination marketing. Another important distinction is the role played by the airport sponsor. The sponsor may have a direct management role of the airport-sponsored incentive program, or a limited role advising the non-airport entity responsible for the community-sponsored incentive program.

Federal Obligations

Airport sponsors that have accepted grants under the Airport Improvement Program (AIP) have agreed to comply with certain Federal requirements included in each AIP grant agreement as sponsor assurances. The Airport and Airway Improvement Act of 1982 (AAIA) (Pub. L. 97–248), as amended and recodified at 49 U.S.C. 47101 *et seq.,* requires that the FAA obtain certain assurances from an airport sponsor as a condition of receiving an AIP grant. Several of these standard Grant Assurances relate to the extent to which an airport sponsor can provide incentives to an air carrier in return for new air service at the airport.

Grant Assurance 22: Economic discrimination. Grant Assurance 22, paragraph 22.a. requires the airport sponsor to allow access by aeronautical operators and services on reasonable terms and without unjust discrimination. Paragraph 22.e. of Grant Assurance 22 further requires:

Each air carrier using such airport . . . shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing

air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers.

The FAA has determined that a carrier starting new service at an airport is temporarily not similarly situated to carriers with established route service at the same airport. Accordingly, an airport sponsor may offer a waiver or reduction of fees and jointly market new service, for a fixed time and within certain limits, without unjustly discriminating against carriers not offering new service and not participating in the air carrier incentive program.

Grant Assurance 22 also serves to prohibit an airport sponsor from charging carriers and other operators not participating in an incentive program for any costs of an air carrier incentive program. Charging non-participating operators for the costs of an incentive would be a cross-subsidy of the incentive program, and therefore not a reasonable fee component for non-participating operators.

Grant Assurance 24, Fee and Rental Structure: Grant Assurance 24 generally requires that an airport sponsor maintain an airport rate structure that makes the airport as self-sustaining as possible. For purposes of planning and implementing an ACIP, the airport sponsor must assure that a marketing program to promote increases in air passenger service does not adversely affect the airport's self-sustainability and the existing resources needed for the operation and maintenance of the airport.

Grant Assurance 25, Airport Revenues: Grant Assurance 25, which implements 49 U.S.C. 47107(b), generally requires that airport revenues be used for the capital and operating costs of the airport or local airport system. Title 49 U.S.C. 47133 imposes the same requirement directly on obligated airport sponsors. The FAA *Policy and Procedures Regarding the Use of Airport Revenue,* in section V.A.2, provides that expenditures for the promotion of an airport, promotion of new air service and competition at the airport, and marketing of airport services are legitimate costs of an airport's operation. Air carrier operations are not a capital or operating cost of an airport; therefore, use of airport revenue for a carrier's operations is a prohibited use of airport revenue. Accordingly, while an airport sponsor can assume certain marketing costs relating to service at the airport, the sponsor may not make payments in any form from airport revenue to a carrier for operating at the airport, including for providing air service at the airport.

Related Federal Programs

Essential Air Service Program. Following deregulation of the airline industry, the Essential Air Service (EAS) program was put into place to guarantee that communities that were served by certificated air carriers before airline deregulation maintain a minimal level of scheduled air service. The United States Department of Transportation (the Department) implements this program by subsidizing at least a minimum of daily flights from each designated EAS community/airport, usually to a large- or medium-hub airport, except for within Alaska. As of late 2022, the Department subsidizes commuter and air carriers, and air taxis to serve 61 communities in Alaska and 111 communities in the 48 contiguous states and Puerto Rico that otherwise would not receive any passenger air transportation. Because the EAS program largely involves Federal payments to air carriers, the [EAS] program does not affect the responsibilities of an airport sponsor for use of airport revenue or compliance with other AIP Grant Assurances. Eleven (11) communities receive funding, via grant agreements, through the Alternate Essential Air Service (AEAS) program. Those 11 communities obtain their own air service, currently all from a commuter air carrier, operating all flights as public charters under DOT Part 380 regulations.

Small Community Air Service Development Program. The Small Community Air Service Development Program (SCASDP) is a Federal grant program designed to provide financial assistance to small communities to help them enhance their air service. The program is managed by the Associate Director, Small Community Air Service Development Program, under the Office of Aviation Analysis, in the Office of the Secretary of Transportation. Grantees must be public entities and can include local governments and airport operators. Grant funds may be used for a variety of measures to promote air service and are dispersed on a reimbursable basis. SCASDP grant funds are not airport revenue and may be used for purposes for which airport revenue is prohibited, including direct subsidy of air carrier operations. Holding a SCASDP grant does not affect an airport sponsor's obligations under its AIP grant agreements. The Department's order awarding SCASDP grants states that a SCASDP grant does not relieve the airport sponsor from the obligation to use airport revenues only for purposes permitted by the AIP Grant Assurances and Federal law. Accordingly, if airport revenues are used as local match funds for a SCASDP grant, those funds remain subject to Grant Assurance 25, however this would not prevent an airport sponsor using airport revenue as a local match to SCASDP grants similar to airport revenue being used as a local match to AIP grants. This permits airport sponsors to pursue reasonable strategies to promote the airport and provide incentives to encourage new air service.

The 2010 Air Carrier Incentive Guidebook

FAA policy on air carrier incentive programs is currently published in the *Air Carrier Incentive Program Guidebook,* issued in September 2010 (and referred to below as ''the Guidebook'' or ''the 2010 Guidebook''). The Guidebook is available on the FAA Airports website at: *https://www.faa.gov/airports/airport_compliance/media/air-carrier-incentive-2010.pdf.* While the Guidebook has served as a useful description of FAA policy on ACIPs since 2010, the agency is considering a policy grounded more in basic principles rather than in a detailed list of prohibited practices. The intention is to provide more flexibility for airport sponsors to design particular incentive programs while remaining in compliance with Federal obligations regarding economic discrimination, reasonable fees, and use of airport revenue.

FAA Experience With ACIPs

In the last 20 years, and particularly since the publication of the 2010 Guidebook, there has been a proliferation of ACIPs. ACIPs have been implemented at more than 250 U.S. commercial service airports. Some airport sponsors have used ACIPs on occasion or intermittently, while others have maintained ACIPs on a recurring and renewable annual basis. ACIPs have been used at smaller airports seeking to acquire and maintain any level of air carrier service, while sponsors of larger hub airports have also used ACIPs to add to existing service patterns.

While most ACIPs have complied with Federal obligations as outlined in the 2010 Guidebook, several practices have raised issues of compliance:

- There have been cases where an airport sponsor has sought service from a specific air carrier and tailored its ACIP for that purpose, which can present an issue of unjust discrimination.

• While sponsors have avoided direct cash subsidies to carriers, some ACIPs have included incentives that could be seen as efforts to circumvent the clear prohibition on the use of airport revenue for subsidy of carrier operations.

• Sponsors have made direct cash payments to carriers for marketing costs under a joint marketing program.

• Use of a sponsor's community funds for practices such as airline subsidies and revenue guarantees for a carrier may be inconsistent with the sponsor's Grant Assurances.

• Sponsors have entered into incentive arrangements with a carrier with no notice to the public or other carriers of the terms of the incentive program. Non-participating carriers may have no means of determining whether and how the incentive program affects aeronautical fees at the airport.

In consideration of agency experience with the oversight of ACIPs in recent years, the FAA is proposing a restatement of the agency policy on ACIPs.

Guiding General Principles

The framework of Federal statutes and grant agreements in which an ACIP can be implemented can be summarized in five basic principles. The proposed restatement of policy on ACIPs includes a statement of each of these principles, as the agency interpretation of what Federal statutes and grant agreements allow. While the policy statement describes in more detail whether certain elements of an ACIP are acceptable, FAA determinations of whether an ACIP is consistent with Federal obligations will ultimately be based on application of the general principles. The proposed principles and the authorities on which they are based are as follows:

• *Discrimination between carriers participating in an ACIP and non-participating carriers must be justified and time-limited.* Grant Assurance 22 prohibits unjust discrimination among air carriers at an airport. Discrimination in the form of fee reductions for a participating carrier is only justified until the carrier has had a reasonable opportunity to market the new service. After that time the carrier is considered similarly situated to other carriers at the airport, and must operate under the same terms and fees as other carriers.

• *A sponsor may not use airport revenues to subsidize air carriers.* 49 U.S.C. 47133 and Grant Assurance 25, *Airport Revenues,* prohibit use of airport revenue for purposes other than those listed in U.S.C. 47107(b) and 47133. Payments to an air carrier to operate at an airport are not considered a capital or operating cost of the airport, and are prohibited by 49 U.S.C. 47107 and 47133, and Grant Assurance 25.

• *A sponsor may not cross-charge non-participating carriers or other aeronautical users to subsidize ACIP carriers.* Grant Assurance 22 requires that aeronautical fees be reasonable and not unjustly discriminatory. FAA policy on aeronautical fees, in the *Policy Regarding Airport Rates and Charges,* provides that the portion of allocated costs among aeronautical users, which includes air carriers, should not exceed an amount that reflects the proportionate aeronautical use. A carrier not participating in an ACIP may be charged an appropriate amount for its own proportionate use of the airport, but not any additional amount to cover the shortfall in total collections resulting from a fee reduction or waiver for a carrier participating in an ACIP. The same policy extends to other aeronautical users of the airport, such as general aviation tenants and operators.

• *The terms of an ACIP should be made public.* The *Policy Regarding Airport Rates and Charges* provides that airport sponsors should advise aeronautical users well in advance of a change in airport charges, and provide adequate information to permit aeronautical users to evaluate the change and the justification for the change. An ACIP that reduces or waives fees for a participating carrier is a change in airport fee methodology, and carriers and other aeronautical users of the airport should be advised of a proposed ACIP incentive in advance. While notice of an ACIP to airport users is not expressly required in the AIP Grant Assurances, the planning and implementation of an ACIP without notice to all eligible carriers substantially increases the likelihood that the incentives will be considered unjustly discriminatory. Similarly, adoption of an ACIP without notice to carriers and other aeronautical users at the airport, or the opportunity for those users to review the proposed ACIP terms, leaves the airport sponsor vulnerable to a complaint that the ACIP adversely affects the fees charged to non-participating users.

• *Use of airport funds for an incentive program must not adversely affect the resources needed for operation and maintenance of the airport.* As required by Grant Assurance 24, a sponsor adopting an ACIP must maintain a self-sustaining rate structure that continues to provide adequate funds for required operations and maintenance responsibilities, without increasing rates charged to non-participating operators or otherwise violating Grant Assurance 22.

Summary of Key Provisions

Federal law and standard Grant Assurance language affecting ACIPs have not changed since 2010, and FAA policy on ACIPs remains substantially the same as stated in the 2010 Guidebook. However, the FAA had the opportunity to review compliance with AIP Grant Assurances under the 2010 guidance, and to consider whether a revised policy statement could provide additional clarity in problem areas to prevent potential noncompliance. For this reason, the proposed policy differs to some extent from the 2010 guidance on certain elements of an ACIP. This could affect the planning and implementation of new ACIPs and the continuation of existing programs, and the agency is seeking industry and public comment on the proposed guidance.

In addition to the statement of general guiding principles, key provisions of the new policy that differ from the 2010 Guidebook are:

Definition of new service. The 2010 Guidebook defined new service as:

(a) service to an airport destination not currently served, (b) nonstop service where no nonstop service is currently offered, (c) new entrant carrier, and/or (d) increased frequency of flights to a specific destination.

The proposed policy defines new service as:

Any nonstop service to an airport destination not currently served with nonstop service, or any service to an airport by a new entrant carrier.

Only new nonstop service to a destination or any service by a new entrant carrier qualifies as new service for the purposes of the policy. Note that service is not considered new if any frequency of service is provided in that market, even if the existing service is less than 7 days a week. An increase in frequency to a destination already served, *i.e.,* (d) of the current definition, therefore would no longer be considered new service, on the basis that such an increase would not justify incentives to a carrier offering only the increased frequency. The FAA particularly requests comments on how the proposed definition would affect existing and planned ACIPs.

Seasonal service. The 2010 Guidebook does not recognize repeated seasonal service as new service. Some airport sponsors in resort and similar destinations, with service offered only in certain months of the year, have commented to FAA that a carrier may not have sufficient time to market and

develop passenger business in one season. Accordingly, the proposed policy defines seasonal service as service offered for less than 6 months a year. The proposed policy permits incentives for seasonal service for 3 seasons, up to 3 years from the start of the service.

Aircraft size/upgauging. The proposed policy would continue the general policy stated in the 2010 Guidebook prohibiting an incentive based on the type or size of aircraft. In 2011, the Clark County Department of Aviation petitioned the FAA to permit the County to implement an ACIP at Las Vegas McCarran Airport that would ''induce increases in landed weight'' of air carrier aircraft, or ''upgauging.'' The County requested that the agency's definition of ''new service'' be amended to include ''increases in landed weight.'' The FAA granted the petition in part (77 FR 21146; April 9, 2012), with several conditions. A carrier receiving the incentive could not contract its schedule, to operate fewer flights with the larger aircraft or cancel other routes at the airport. Also, upgauging could not be the only incentive in the sponsor's ACIP. The FAA requests comment on whether or not the proposed policy should be revised to exclude a conditional upgauging element similar to that allowed for Clark County in 2012.

Air cargo incentives. The policy clarifies that an ACIP may be offered for new cargo service, separate from any ACIP offered for new passenger service.

Per Passenger and per seat-mile incentives. Incentives offered for specific aircraft types or number of seats continues to be unacceptable, because they are so easily adapted to directing incentives to particular carriers at an airport. However, the FAA recognizes that incentives have been offered that are related to the number of passengers actually carried, which rewards the success of the new service, or the seat-miles of the new service, which rewards longer routes without limitation to particular destinations. The proposed policy would allow both kinds of incentives, although on condition that the incentives be structured to avoid unjust discrimination. Also, the resulting reduction in fees could not exceed the amount of the standard fees the carrier would have been charged without the incentive.

Transparency. The 2010 Guidebook stated that it was advisable for airport sponsors to consult with incumbent air carriers before initiating an incentive program, but not required. In practice, the FAA is aware that some airport sponsors have adopted an ACIP without disclosing the terms or even the existence of the ACIP to other carriers or airport users. Failure to consult with or even notify other carriers of an incentive provided to one carrier has the very real potential of unjust discrimination against carriers that would have been eligible for the incentive but were not advised of it. This discriminatory effect could apply to potential new entrant carriers not currently serving the airport as well as the airport's current tenant carriers. Failure to notify other carriers of an ACIP also raises a question of whether the incentives will adversely affect the rates of non-participating carriers, since there will be no independent review of the funding of the incentives. There are costs to an ACIP, including marketing costs and the replacement of standard fees that would have been paid by a participating carrier if that carrier were not receiving a fee reduction. An ACIP may not increase the rates charged non-participating carriers to cover these costs, since any increase would be a prohibited cross-subsidy of the carrier receiving the incentive. If the terms of an ACIP are not disclosed to non-participating carriers, there may be no way for those carriers to determine whether their fees are affected by the ACIP.

Accordingly, the proposed policy includes stronger direction on disclosure of proposed ACIPs and incentives. Specifically, the FAA expects an airport sponsor:

- To disclose, as a core element of an acceptable ACIP, the availability and details of a planned ACIP to both incumbent carriers and the carrier industry, and to periodically post the incentives actually granted.
- To provide advance notice of the execution of an ACIP agreement.
- To issue the ACIP as a separate document, rather than as a provision in a participating carrier's lease and use agreement.
- To provide financial information on the costs and funding of an ACIP to all aeronautical users of the airport.

Sponsor assistance to non-sponsor ACIPs. The 2010 Guidebook effectively prohibited airport sponsor staff from assisting or advising a non-airport entity on an ACIP that used general community funds, not airport funds, and was not subject to the terms of the sponsor's AIP grant agreements. However, in many cities the airport staff is often the best source of expertise on the airport's air service needs and the airline industry in general. The FAA acknowledges that this prohibition was impractical and probably not observed in practice. Accordingly, the proposed policy would permit an airport sponsor to participate in the use of non-airport funds for an ACIP, with certain limitations:

- An airport sponsor may use general government funds (*i.e.,* non-airport revenue) for uses that would be prohibited by Grant Assurance 25 for airport funds, including subsidy of air carrier operations. However, the sponsor would remain subject to Grant Assurance obligations for unjust discrimination in the use of the non-airport funds.
- A non-sponsor entity may use its funds for an ACIP without limitation by the airport sponsor's Grant Assurances, on two general conditions:
  - The funds may not be commingled with airport funds. If the non-airport entity's funds are added to an airport account, the funds will be considered airport revenues and subject to Grant Assurance 25.
  - The airport sponsor may provide technical advice on airport and air carrier matters to the non-airport entity, *i.e.,* the local chamber of commerce, but may not participate in the entity's decision-making process on the use of the funds or the handling of funds. If airport sponsor staff take any responsibility for allocation of the funds, the use of the funds becomes subject to the sponsor's obligations under Grant Assurance 22, prohibiting unjust discrimination.

Payments for marketing new service. The 2010 Guidebook *recommended* that an airport sponsor pay marketing and advertising costs to the entity providing the market services, rather than to the carrier. However, on further reconsideration of this guidance as a recommendation only, the FAA has concluded that placing any airport funds at the disposal of a carrier is inconsistent with the prohibition on use of airport funds for a carrier subsidy. Payment to the carrier directly is also entirely unnecessary for an ACIP marketing program, since all acceptable services will normally be provided by a third-party contractor who can be paid directly by the sponsor as well as the carrier. Accordingly, the proposed policy makes clear, consistent with the revenue use statutes, that payments to a carrier will be considered a prohibited diversion of airport revenue, and allows payments of airport revenue for marketing only to the entity providing the marketing services.

Limited budget for an ACIP. The 2010 Guidebook made a distinction between small airports and larger airports, without defining the distinction. Small airports with a limited budget that would support incentives for only one

carrier were encouraged to select the carrier through an RFP process, although not required to do so. Larger airports were advised to budget enough funds for incentives to all interested carriers. The FAA recognizes that airports of all sizes may have reasons to limit the budget for an ACIP, and the proposed policy does not make a distinction among airports based on size. Similarly, the proposed policy no longer includes a preference for use of an RFP to select a carrier for incentives, since other processes can be acceptable. However, to avoid undisclosed dealings with a favored carrier, for example, the FAA expects an airport sponsor implementing an ACIP limited to one carrier to publish information on the ACIP at least 30 days prior to entering into a carrier agreement for incentives.

Restart of service. As a result of the 2020–21 COVID 19 pandemic, air carriers canceled a number of U.S. routes due to the falloff in demand for air travel. Both air carriers and airport sponsors have since asked the FAA for guidance on the use of incentives for service that was subject to a prior ACIP but then cancelled during the pandemic. Since the circumstances can vary, the proposed policy leaves discretion to the airport sponsor on the use of incentives to restart service previously subject to an incentive but canceled. This provision is not to be used to extend an incentive beyond the limits otherwise applicable under the policy, however.

Applicability to existing ACIPs. The FAA recognizes that some ACIPs and carrier incentives are currently in effect based on guidance in the 2010 Guidebook, and that some terms of those ACIPs may not be consistent with the policy statement proposed in this Notice. Accordingly, carrier incentives initiated prior to the issuance date of this policy, under programs that complied with the FAA's previous policy guidance, would be permitted to continue as implemented until they expire. All such incentives will necessarily expire within 2 years of the issuance date of a final policy statement. Regardless of the terms of an existing ACIP, incentives initiated on or after the issuance date of the final policy must conform to the guidance in the final policy statement for compliance with sponsor Grant Assurances.

The Proposed Policy

For the above reasons, the FAA is proposing the following statement of policy on air carrier incentive programs, to supersede the *Air Carrier Incentive Program Guidebook* issued in 2010.

Air Carrier Incentive Programs

Many U.S. airport sponsors have found it beneficial to encourage new air service and new carriers at their airports by offering air carrier incentive programs (ACIPs), in the form of reductions or waivers of airport charges, and/or support for marketing new service.

ACIPs represent a limited exception to the general rule stated in Grant Assurance 22 paragraph 22.e., guaranteeing all carriers non-discriminatory and equivalent rates and charges for each carrier's category. FAA has reconciled this exception with the general rule on the understanding that a new carrier operating at an airport, or a carrier starting a new route, operates at a disadvantage with established carriers until the new service becomes known and accepted. In that sense, the carrier operating new service is not similarly situated to established carriers, and a sponsor may reduce charges to the new service carrier in some circumstances, for a limited time, without violating Grant Assurances 22, 23, 24, or 25.

In considering whether an ACIP complies with a sponsor's Federal grant agreements, the FAA will apply these general principles to the particular elements of the ACIP:

- *Discrimination between carriers participating in an ACIP and non-participating carriers must be justified and time-limited.* Differences in airport charges for carriers under an ACIP from those charged to other carriers at an airport must not be unjustly discriminatory. Differences in charges must be justified by differences in the carriers' costs of starting and marketing new service at the airport and must be temporary.
- *A sponsor may not use airport revenues to subsidize air carriers.* Using airport revenue for cash payments and other forms of subsidy for a carrier providing new service is considered revenue diversion and is therefore prohibited by grant agreements and Federal law.
- *A sponsor may not cross-charge non-participating carriers or other aeronautical users to subsidize ACIP carriers.* Carriers not participating in an ACIP may not be charged for the costs of the ACIP or for airport costs left uncovered as a result of the reduction or waiver of charges for an ACIP carrier, unless all non-participating carriers agree.
- *The terms of an ACIP should be made public.* Publishing the intent to implement an ACIP, as well as information on how the ACIP is being used, ensures all eligible carriers are aware of the program, allows non-participating operators to review the potential effect of the ACIP on standard airport rates and charges, and minimizes the grounds for complaints of unjust discrimination.
- *Use of airport funds for an ACIP must not adversely affect airport operations or maintenance.* A sponsor adopting an ACIP must maintain a self-sustaining rate structure that continues to provide funds for necessary operations and maintenance responsibilities, without increasing rates charged to non-participating operators.

Guidance on particular program elements in this policy applies generally to each of those elements. For variations on those elements, or program elements not specifically addressed in this guidance, the above five principles will govern the agency's ultimate determination of whether a particular ACIP is consistent with the sponsor's AIP Grant Assurances.

Definitions

- *New Service:* Any nonstop service to an airport destination not currently served with nonstop service, or any service to an airport by a new entrant carrier.
- *Seasonal Service:* Nonstop service that is offered for less than 6 months of the calendar year.
- *New Entrant Carrier:* An air carrier that was not previously providing any air service to an airport.
- *Incumbent Carrier:* An air carrier already actively providing service to an airport.
- *Preexisting service:* Service to any airport destination that is currently served nonstop.

An ACIP May Contain Any of Several Elements That Do Not Unjustly Discriminate Against Non-Participating Carriers, Consistent With Grant Assurances 22 and 23

I. New Service v. Preexisting Service

a. Limiting an incentive to new service is not in itself unjust discrimination. Incentives for flights to a destination not currently served with nonstop service may be provided for up to two years.

b. New seasonal services (to a destination not currently served) are allowed to receive incentives for 3 seasons of service, up to 3 years from the start of the incentive.

c. Generally, new service incentives must be available to all carriers offering new service on the same basis but are subject to the distinctions permitted under Section II of this policy.

i. However, an airport sponsor is allowed to restrict incentives for new service if they have a limited budget. An airport sponsor is allowed to restrict incentives to one carrier if they have disclosed to all carriers that they are limiting incentives to only the first air carrier that establishes new service.

ii. Airport sponsors are expected to provide public notification of the availability of an ACIP and post their planned incentives, including any limits on availability, for a minimum of 30 days before signing a contract with a carrier.

II. New Entrant Carriers

a. Incentives for a new entrant carrier on a route not currently served can be provided for up to two years.

b. Incentives can be offered to new entrant carriers for providing service to a destination already flown with nonstop service, while excluding incumbent air carriers. In that case, the new entrant incentives are limited to no more than one year. After one year, the new entrant would be considered an incumbent air carrier, and similarly situated to other carriers at the airport. This applies to new entrants providing seasonal service as well as those providing year-round service.

c. Generally, new entrant incentives must be available to all new carriers on the same basis. The ACIP may not select one new entrant and deny the program to another new entrant.

i. However, if an airport sponsor has a limited budget and has disclosed to all carriers that they are restricting incentives to only the first new entrant that enters the market, then the airport sponsor is allowed to limit incentives to one carrier.

ii. Airport sponsors are expected to provide public notification of the availability of an ACIP and post their planned incentives, including any limits on availability, for a minimum of 30 days before signing a contract with a carrier.

III. Service Frequency

a. It is not unjustly discriminatory to offer different levels of incentives for different frequencies of service (*i.e.,* daily vs less than daily). For example, incentives typically offered for 5 days a week service can be discounted 40% for 3 days a week service.

IV. Cargo Carriers

a. It is not unjustly discriminatory for incentives to distinguish between passenger and cargo carriers.

V. Per-Passenger and Per-Seat Mile Incentives

a. Incentives on a per passenger or per seat-mile basis are not inherently unjustly discriminatory, but the airport sponsor should ensure that the incentives offered would not be considered a subsidy or would result in unjust discrimination against non-participating carriers.

b. The total value of fee reductions offered as an incentive on a per passenger or per seat-mile basis cannot exceed the amount of the fees that otherwise would have been incurred by a carrier for its operations at the airport.

VI. Aircraft Type

a. Incentives based on aircraft type are unjustly discriminatory because this could unreasonably exclude certain carriers that do not operate the type of aircraft identified. Incentives for upgauging, to the extent they are allowed, must be structured to avoid limitation to a particular aircraft type or types.

VII. Legacy v. Low-Cost Carriers

a. Incentives cannot target carriers with particular types of business models (*e.g.,* legacy, low-cost carriers), nor should they be designed for a preferred carrier.

VIII. ACIP Transparency

a. The FAA expects airport sponsors to provide effective notification of the availability and implementation of ACIPs to both incumbent and potential new entrant carriers (*e.g.,* posting on an airport sponsor's public website; notification to industry trade groups). Information posted for the public should include the incentives offered; the program eligibility criteria; identification of the targeted or desired new service; and for incentives awarded, a periodic listing of all carriers benefiting from the ACIP, the incentives received, and identification of the incentivized service.

b. An airport sponsor is expected to provide effective public notice of an ACIP at least 30 days before signing an agreement with a carrier to implement an incentive.

c. To ensure transparency, an ACIP agreement should be a standalone document, consistent with the published ACIP information, and not embedded with any other agreement the airport sponsor and the carrier may enter into, such as a lease or operating agreement.

d. Airport sponsors should make information on funding for any ACIP available to all aeronautical users at the airport, and sponsors should be ready to provide the necessary financial documentation to demonstrate that there is no cross-charging and that the program has no effect on rates and charges of other aeronautical users.

An ACIP May Not Include Direct or Indirect Subsidies of Air Carriers, as Prohibited by 49 U.S.C. 47133 and 49 U.S.C. 47107, and Grant Assurance 25

I. Incentives v. Subsidies

a. A subsidy occurs when airport funds flow, under all circumstances or conditionally, to a carrier with no goods or services being provided to the airport in return. For this purpose, air service is not considered a ''service'' provided to the airport. Any incentives where airport funds or assets (*e.g.,* fuel) are transferred to a carrier, directly or indirectly (*e.g.,* revenue or loan guarantees) would be regarded as prohibited subsidies.

b. A waiver of costs that an airport sponsor would otherwise charge a carrier (*e.g.,* landing fees or terminal rents) is not considered a subsidy, if for a limited duration consistent with the policies above. However, a waiver or assumption of costs that would normally be charged by a third party (ground handling, fuel, etc.) would be considered a subsidy and is not permissible for an ACIP. Incentives tied to specific customer service metrics (on-time performance, luggage delivery, etc.) are also not permissible.

II. Airport v. Non-Airport Revenues and Application to Subsidies and Other Revenue Guarantees

a. Airport sponsors are prohibited from using airport funds to subsidize air carrier operations.

b. A sponsor local government may use non-airport funds for subsidies and other uses that would be prohibited if airport funds were used. However, any use of funds would still need to meet Grant Assurance obligations prohibiting unjust discrimination.

c. Local governments and community organizations not party to an AIP grant agreement, however, can use non-airport funds for incentives that would not be permissible for an obligated airport sponsor, including directing incentives toward a specific carrier and using their non-airport funds for revenue guarantees.

i. If a local government or community organization chooses to fund a program to support new air service using non-airport funds, those funds may not be commingled with airport funds. Any funds placed in an airport's account are treated as airport revenues. As long as community incentives are kept separate

from airport funds, the community organization's funding would not be considered airport revenue and therefore not subject to its special requirements.

ii. Airport staff can provide technical assistance to non-airport entities regarding ACIPs that do not use airport revenue, where the non-airport entity, and not the airport sponsor, is the agency responsible for decisions on expenditure of the funds. The role of airport staff can be advisory, but the airport staff cannot be involved in the decision-making process or handle non-airport funds. The airport staff's assistance may include:

1. Guidance on the economic viability of prospective markets.
2. Understanding of carrier business models and aircraft performance characteristics.
3. Information on the availability of the airport sponsor's ACIP to support the new service within the limits described in this policy.

III. Marketing Incentives

a. Airport sponsors are permitted to contribute to the marketing of new service, but funds must flow directly to the marketing provider; transferring funds to a carrier is considered a prohibited subsidy.

b. A marketing program must promote use of the airport. Use of airport funds for general economic development or for marketing and promotional activities unrelated to the airport is prohibited by 49 U.S.C. 47107(k)(2)(B).

IV. Incentives for Individual Travelers

a. Airport sponsors are prohibited from offering cash incentives to travelers for flying a route, as this indirectly subsidizes the carrier serving that route.

b. However, airport sponsors are allowed to offer coupons for food, parking or other benefits tied to general use of the airport, as long as the benefit is not restricted to passengers who fly a specific carrier or route.

An ACIP May Not Result in an Increase in Charges for Non-Participating Carriers or Other Aeronautical Users of the Airport

I. An ACIP may not increase fees charged to non-participating carriers or other aeronautical users and tenants of the airport subject to the requirement for reasonable fees under 49 U.S.C. 47107(a)(1) and Grant Assurance 22.

a. The costs of an ACIP may not be passed on to non-participating carriers or other aeronautical users in any form. The costs of an ACIP include direct costs, such as marketing, and the general costs of airport operation and maintenance that are not covered by the carrier in an ACIP as a result of a reduction or waiver of fees.

b. An acceptable ACIP will not result in an increase in the sponsor charges to non-participating carriers, *i.e.,* on the charges that carriers would have paid in the absence of the incentivized service.

c. For an airport sponsor with a residual fee methodology, an ACIP may not reduce the residual payment to non-participating carriers each year.

An ACIP May Not Adversely Affect an Airport's Self-Sustaining Rate Structure, as Required by Grant Assurance 24

I. An ACIP must be funded from a source that not only does not increase rates for non-participating parties, but also does not involve the use of funds necessary for the proper operation and maintenance of the airport.

FAA Oversight/Administration

I. Restart of Previous Service

a. Airport sponsors can use their own discretion when choosing whether to offer incentives for a carrier to re-start service that the same carrier had offered previously but cancelled either due to significant external circumstances (*e.g.,* an extreme natural, manmade, or public health crisis, such as hurricanes, terrorism, pandemic) or poor route performance in past years.

b. In any event, discretion for service re-start may not be used to extend an incentive beyond the limits provided in this policy.

II. FAA Review

a. At an airport sponsor's request, the FAA will review an ACIP for compliance with the sponsor's Federal obligations. The FAA does not approve ACIPs.

III. Existing Incentives

a. Existing carrier incentives initiated prior to the issuance date of this policy, under programs that complied with the FAA's previous policy guidance, may continue as implemented until they expire. All such incentives will expire within 2 years of the issuance date of this policy statement. Incentives provided on or after the issuance date of this policy must conform to the guidance in this policy statement.

Issued in Washington, DC.

Kevin C. Willis,

Director, Office of Airport Compliance and Management Analysis.

[FR Doc. 2023–01611 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0369]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Human Space Flight Requirements for Crew/Space Flight Participants (Correction)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves information demonstrating that a launch or reentry operation involving human participants will meet the risk criteria and requirement to ensure public safety.

DATES: Written comments should be submitted by April 4, 2023.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Charles Huet, 800 Independence Avenue SW, Room 331, Washington, DC 20591.

By fax: 202–267–5463.

FOR FURTHER INFORMATION CONTACT: Charles Huet by email at: *charles.huet@faa.gov* or; phone: (202) 267–7427.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0720.

Title: Human Space Flight Requirements for Crew/Space Flight Participants.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period

soliciting comments on the following collection of information was published on June 12, 2019 (84 FR 27391). There were no comments. The FAA established requirements for human space flight and space flight participants required by the Commercial Launch Amendment of 2004. The information collected is used by the FAA, A licensee or permittee, a space flight participant.

Respondents: All commercial space entities that propose to conduct a launch or reentry with flight crew or space flight participants on board must comply with this collection.

Frequency: On occasion.

Estimated Average Burden per Response: 4 Hours.

Estimated Total Annual Burden: 632 Hours.

Issued in Washington, DC.

James A. Hatt,

Space Policy Division Manager, Office of Commercial Space Transportation.

[FR Doc. 2023–02332 Filed 2–2–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FRA–2022–0923]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Part 142, Certificated Training Centers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 11, 2022. The collection involves Certificated Training Centers. Operators pay Certificated Training Centers to provide training to their employees, typically pilots, on different types of equipment if training is not done in house. The information to be collected is necessary because it allows aviation safety inspectors (operations) to review and to provide surveillance to training centers to ensure compliance with airman training, testing, and certification requirements specified in other parts of the regulations. If the information were not collected, inspectors would not be able to determine if airmen who are clients are being trained, checked or tested to meet the safety standards established in other parts of the regulations. To date, FAA inspectors have used the information collected to determine and assess regulatory compliance during routine program surveillance.

DATES: Written comments should be submitted by March 6, 2023.

ADDRESSES: 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.

FOR FURTHER INFORMATION CONTACT: Sandra Ray by email at: *Sandra.ray@faa.gov;* phone: 412–329–3088.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0570.

Title: Part 142, Certificated Training Centers.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 11, 2022 (87 FR 41162). Part 142 Flight Schools are subject to several collection requirements. 14 CFR part 142 is one of several Federal Regulation parts that implement the Public Law. Section 142.11 provides that application for a training center certificate and training specifications shall be made in a form and manner prescribed by the Administrator, shall provide specific information about each management, instructor position, and evaluator position, and contain certain other administrative information.

Section 142.37 provides that application for approval of training programs must be in a form and manner acceptable to the Administrator, and must provide specific information about curriculum and courses of the training program.

Chapter 447, section 44701 of title 49, United States Code, provides, in pertinent part, that the Administrator may find, after investigation, that a person found to possess proper qualifications for a position as an airman may be issued such certificate. That certificate shall contain such terms, conditions, and limitations as to duration thereof, as well as periodic or special examinations, and other matters as the Administrator may determine to be necessary to assure safety in air commerce.

Section 142.73 requires that training centers maintain records for a period of one year to show trainee qualifications for training, testing, or checking, training attempts, training checking, and testing results, and for one year following termination of employment the qualification of instructors and evaluators providing those services.

The respondents may be the part 142 schools, part 121 or 135 air carriers who utilize these schools or new applicants seeking part 142 certification. The information may be collected in electronic forms. No specific forms are required. Information reporting may be done in accordance with the individual FAA office.

Respondents: Part 142 schools, Part 121 and 135 carriers and new certifications.

Frequency: On occasion.

Estimated Average Burden per Response: Varies per requirement.

Estimated Total Annual Burden: 87,112 hours.

Issued in Washington, DC, on January 30, 2023.

Sandra L. Ray,

Aviation Safety Inspector, AFS–260.

[FR Doc. 2023–02209 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2021–0011]

Improving Road Safety for All Users on Federal-Aid Projects

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

ACTION: Notice; request for information (RFI).

SUMMARY: Our priority at DOT and FHWA is to make our transportation system safe for all people. Right now, we face a crisis on our roadways. In 2021, an estimated 42,915 people across the Nation—117 people per day—lost their lives in motor vehicle crashes.

This represents the highest number of fatalities since 2005. Every transportation project, whether the project's purpose is safety-related or not, is an opportunity to improve safety. The street network including on-road and off-road facilities should provide safe, equitable, accessible, and comfortable transportation for everyone. Part of the work that DOT proposes to significantly reduce fatalities and serious injuries on our Nation's highways, roads, and streets is to develop a National Roadway Safety Strategy (NRSS). The NRSS, adopts the Safe System Approach principles to guide our safety actions, and identifies critical and significant actions DOT will take now in pursuit of five core objectives: Safer People, Safer Roads, Safer Vehicles, Safer Speeds, and Post-Crash Care. As part of the actions to address the national crisis of fatalities and serious injuries on our roadways, FHWA requests comments on what strategies, programmatic adjustments or regulatory changes could help improve safety on U.S. highways. Requests for comments include but are not limited to whether changes to the FHWA Design Standards regulation or other FHWA regulations are needed to facilitate the development of Complete Streets and Complete Networks that serve all users, how the safety performance of Federal-aid projects should be assessed, how funding could be optimized for safety improvements, and how to include measures and collection of more data that can improve safety performance across Federal-aid projects.

DATES: Comments must be received on or before March 20, 2023.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit comments by only one of the following means:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001;
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329;
- *Instructions:* You must include the agency name and docket number or the Regulatory Identification Number (RIN) for the rulemaking at the beginning of your comments. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, contact: Phillip Bobitz, FHWA Office of Safety Technologies, (717) 221–4574, *Phillip.Bobitz@dot.gov,* or Elizabeth Hilton, Office of Preconstruction, Construction and Pavements, (202) 924–8618, *Elizabeth.Hilton@dot.gov;* for legal questions contact Lev Gabrilovich, FHWA Office of the Chief Counsel, (202) 366–3813, *Lev.Gabrilovich@dot.gov.* FHWA is located at 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Office hours are from 8:00 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of this notice, all comments received on this notice, and all background material may be viewed online at *http://www.regulations.gov* using the docket number listed above. Electronic retrieval help and guidelines are also available at *http://www.regulations.gov.* An electronic copy of this document also may 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

In 2021, an estimated 42,915 people across the Nation—117 people per day—lost their lives in motor vehicle crashes. This represents the highest number of fatalities since 2005 and is a result of increases on rural Interstates and urban roads, among younger and older drivers, pedestrians and bicyclists, and in other crash types.[1] In January, DOT unveiled the NRSS.[2] The NRSS commits DOT and FHWA to respond to the current crisis in traffic fatalities by ''taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation's roadways,'' in pursuit of the goal of achieving zero highway deaths. To achieve this goal, the Department has adopted the ''Safe System Approach,'' which acknowledges both human mistakes and human vulnerability, and designs a redundant system to protect everyone by preventing crashes and ensuring that if they do occur, they do not result in serious injury or death. The Department will use a five-pronged model to address safety: safer people, safer roads, safer vehicles, safer speeds and post-crash care. Under the NRSS, FHWA committed to launching a Complete Streets initiative, to implement policies that prioritize the safety of all users in transportation network planning, design, construction, and operations. An important area of focus for the NRSS is the disproportionate, adverse safety impacts that affect certain groups on our roadways. Fatalities due to traffic crashes disproportionately affect communities of color, people living in rural areas, people with disabilities, and older adults. For example, fatalities among Black people increased by 23 percent between 2019 and 2020 compared to an overall increase of 7.2 percent.[3] People who are American Indian and Alaska Native have roadway fatality rates more than double the national rate on a per population basis.[4] Although men consistently represent more than 70 percent of drivers involved in fatal crashes, when comparable crashes are analyzed and risk taking differences are accounted for, studies have shown that motor vehicle fatality risk is, on average, 17 percent higher for a female than for a male of the same age.[5] The disproportionate safety impacts are especially true in underserved communities, where people face heightened exposure to risk. The 40 percent of counties with the highest poverty rates in 2019 experienced a fatality rate 35 percent higher than the national average on a per population basis.[6]

Traffic deaths among people who walk or bike have also become a higher proportion of fatalities. This highlights the need for a Safe System approach that not only addresses safety on roadways but also the multimodal aspect of how our infrastructure works. More information can be found about

[1] Newly Released Estimates Show Traffic Fatalities Reached a 16-year High in 2021 *https://www.nhtsa.gov/press-releases/early-estimate-2021-traffic-fatalities#:~:text=The%20National%20Highway%20Traffic%20Safety,the%2038%2C824%20fatalities%20in%202020.*

[2] DOT National Roadway Safety Strategy, January 2022, available at *https://www.transportation.gov/sites/dot.gov/files/2022-02/USDOT-National-Roadway-Safety-Strategy.pdf.*

[3] NHTSA Early Estimates of Motor Vehicle Traffic Fatalities And Fatality Rate by Sub-Categories in 2020, June 2021, available at *https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813118.*

[4] NHTSA Fatality Analysis Reporting System (FARS) 2018 Final File; Population—Census Bureau.

[5] NHTSA Injury Vulnerability and Effectiveness of Occupant Protection Technologies for Older Occupants and Women, May 2013, available at *https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/811766.*

[6] FARS 2019 data publication, 1st release; Poverty rates and Population data by County, U.S. Census. The fatality rate for the top 40 percent of counties by poverty rate was 14.9 per 100,000 population versus 11.0 for the country.

the specific commitments of the NRSS at *https://www.transportation.gov/NRSS.*

Funding

The Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117–58, Nov. 15, 2021), provides a historic opportunity for FHWA to work closely with State, local and Tribal partners to put increased transportation funding to work incorporating safety for all users into every federally-funded road project. FHWA encourages States and other funding recipients to prioritize safety in all Federal highway investments and in all appropriate projects, using relevant Federal-aid funding. This notice and the actions that follow are part of the solution in achieving the vision of zero fatalities.

The FHWA provides financial aid (Federal-aid) to States for the improvement of Federal-aid highways through the Federal-aid highway program (FAHP). A Federal-aid highway is a public highway eligible for assistance under Chapter 1, of title 23, United States Code (U.S.C.), other than a highway functionally classified as a local road or rural minor collector (23 U.S.C. 101(a)(6)).

Between 2016 and 2020, 85 percent [7] of all public highway fatalities occurred on Federal-aid highways, which represent 25 percent [8] of the entire public highway network. The Highway Safety Improvement Program (HSIP), legislated under 23 U.S.C. 148, is the core funding program administered by FHWA under FAHP for safety, and HSIP funds are eligible for use on all public highways. State, local, and Tribal agencies mainly use HSIP funds when addressing safety; however, this dedicated source of safety funds is relatively small compared to other Federal-aid funding programs, representing only about 6 percent of the total FAHP.[9] FHWA recognizes that the funding available through HSIP alone will not achieve the goal of zero fatalities on the Nation's highways and is seeking comments through this notice on how to include measures that improve safety performance across Federal-aid projects. Examples of other FHWA formula funds that can be used for safety improvements include the National Highway Performance Program, and the Surface Transportation Block Grant program, which includes the Transportation Alternatives Set Aside funds which authorize funding for programs and projects including Safe Routes to Schools projects. The FAHP funds also may be used for any pedestrian and bicycle facility, whether on or off-road.

Regulations

States that receive Federal-aid under the FAHP for their Federal-aid highways must adhere to applicable Federal statutes and regulations. Among the requirements included in these statutes and regulations are requirements pertaining to the consideration of safety. For example, States and metropolitan planning organizations (MPO) establish and implement planning processes that provide for the consideration and implementation of projects, strategies, and services that will address the safety of the transportation system for motorized and nonmotorized users. See 23 U.S.C. 134 and 135. In addition, 23 U.S.C. 109 requires that each Federal-aid project provide facilities that are conducive to safety and specifies that the Secretary must consider the American Association of State Highway and Transportation Officials (AASHTO) Highway Safety Manual (HSM) in developing design criteria. See 23 U.S.C. 109(a)(1) and 109(c)(2)(D). This statute also requires that the design of a highway on the National Highway System (NHS), other than a highway also on the Interstate System, consider access for other modes of transportation. 23 U.S.C. 109(c)(1)(D). The FHWA's Design Standards regulations codified in Part 625 of Title 23 of the Code of Federal Regulations (CFR) (23 CFR part 625 or part 625) note in 23 CFR 625.2(c) that an important goal of FHWA is to provide the highest practical and feasible level of safety for people and property associated with the Nation's highway transportation systems.

Safety Beyond Roadways

Starting with the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–240), Federal transportation laws and policies have placed increasing emphasis on improving the safety and comfort of pedestrian and bicycle travel. The DOT and FHWA have sought to provide travelers with a choice of transportation modes and increase the percentage of trips made by nonmotorized modes of travel. Statutory changes have established broad eligibility of bicycle and pedestrian facilities for Federal-aid funding. See 23 U.S.C. 133(h), 206, 208, and 217. However, an increasing portion of highway fatalities are people outside of automobiles, primarily pedestrians, motorcyclists, and bicyclists, and in 2021 these modes made up more than one-third of all traffic fatalities.[10]

The House Report accompanying the DOT, Housing and Urban Development, and Related Agencies Appropriations Bill for 2021 requested a report from FHWA reviewing its current policies, rules, and procedures to determine their impact on safety for road users, particularly those outside of automobiles. FHWA delivered this report, ''Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges,'' in March 2022.[11] Potential solutions proposed in the report include the issuance of guidance to help ensure that FHWA design standards are interpreted and applied to better consider safety for all users, and the identification of methods to increase the assessment of safety outcomes across all types of Federal-aid projects to improve safety performance. Specific actions under these solutions include requesting information from stakeholders.

Accordingly, FHWA requests comments on two specific areas of the FAHP: (1) the design of roads on the NHS; and (2) how the safety performance of Federal-aid projects should be assessed and how to include measures that improve safety performance across Federal-aid projects.

Design Standards for the NHS

The FHWA requests information to inform efforts to develop road designs for all users that can reduce motor vehicle-related crashes, pedestrian and bicyclist risk, and encourage walking and bicycling for transportation by incorporating well-designed multimodal infrastructure. The BIL defines ''Complete Streets standards or policies'' as those which ''ensure the safe and adequate accommodation of all users of the transportation system,

[7] NHTSA Fatality Analysis Reporting System (FARS) 2016–2019 Final and 2020 Annual Report File (ARF) Fatalities in motor vehicle traffic crashes by year and Federal highway status. Federal-aid highways include all Land Use and Functional System attributes in FARS except: Land Use attribute 1 (rural) and Functional System attributes 06 (minor collector) and 07 (local), Land Use attribute 2 (Urban) and Functional System attribute 07 (local), and unknowns from Land Use and Functional System.

[8] FHWA Highway Statistics 2019 (*https://www.fhwa.dot.gov/policyinformation/statistics/2019/hm16.cfm*).

[9] Federal-aid apportioned programs under the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58, also known as the ''Bipartisan Infrastructure Law'') (*https://www.fhwa.dot.gov/bipartisan-infrastructure-law/funding.cfm*).

[10] NHTSA Early Estimates of Motor Vehicle Traffic Fatalities And Fatality Rate by Sub-Categories in 2021, May 2022, available at *https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813298.*

[11] Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges (*dot.gov*).

including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles.'' [12] Complete Streets prioritize safety, comfort, and connectivity to destinations for people who use the surface transportation network and reduce motor vehicle-related crashes and pedestrian and bicyclist risk by incorporating well-designed multimodal infrastructure. They also can promote walking and bicycling by providing safer places to achieve physical activity through transportation.[13] Many State and local governments have adopted Complete Streets policies, ordinances, or laws to integrate people and place in the planning, design, construction, operation, and maintenance of our transportation networks.[14]

The FHWA Design Standards regulations in Part 625 govern design standards and standard specifications applicable to new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, and rehabilitation projects on the NHS. The NHS consists of roadways important to the Nation's economy, defense, and mobility, including all Interstate highways, other principal arterials, as well as other highways and city streets. Part 625 impacts the design of city streets that are on the NHS, regardless of ownership or project funding.[15] Part 625 incorporates several publications by reference, including AASHTO publication, *A Policy on Geometric Design Highways and Streets* (Green Book). The Green Book provides a range of acceptable values for geometric features, allowing for flexibility that best suits the context and vision of the community while satisfying the purpose for the project and needs of all users. When the design standards in Part 625 are not met, FHWA, or a State department of transportation (State DOT) that has assumed the responsibility through a Stewardship and Oversight agreement, may consider design exceptions.

Traffic Control Device standards are not covered by Part 625, but by the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD). The MUTCD is incorporated by reference in 23 CFR 655, and is not a design standard. A Notice of Proposed Amendments to the MUTCD was issued for public comment [16] as part of a rulemaking. Development of a Final Rule to issue a new edition of the MUTCD is underway and this request is not seeking comments on the MUTCD.

Data-Driven Safety Assessments

Many State DOTs have developed tools, policies, and procedures to assess and analyze the safety performance of their existing facilities and projects, and to determine project alternatives and countermeasures that yield optimal safety performance, thus contributing to reduced fatalities and serious injuries on their transportation systems. These tools, policies and procedures include the use of Data-Driven Safety Analysis (DDSA) techniques that inform State DOTs' and local agencies' decisionmaking and target investments that improve safety and equity. DDSA is the application of the latest evidence-based tools and approaches to assess an existing or proposed transportation facility's future safety performance, including the use of AASHTO's HSM.[17]

Accordingly, safety is a required consideration in the development of a highway project for funding under the FAHP. Also, FHWA has taken various steps to further the consideration of safety in project development. However, in the wake of the recent trends related to fatalities and serious injuries on our roadways, more needs to be done. Therefore, FHWA is interested in hearing from the public on a range of questions related to whether changes to Part 625 or other regulations codified in Title 23 of the CFR are needed, how the safety performance of Federal-aid projects should be assessed, and how to include measures that improve safety performance across Federal-aid projects. The FHWA may use the information gathered through the public comments to consider future rulemaking options related to the design standards for projects on the NHS or for safety performance assessments on Federal-aid projects, or to develop resources (*i.e.,* case studies, informational briefs, etc.) that can assist agencies with improving safety for all users when developing projects regardless of funding source.

For purposes of this RFI and as referenced throughout the questions, a safety performance assessment involves the application of analytical tools and techniques for quantifying the potential effects of transportation investment decisions in terms of crash frequency and severity.

Request for Comments and Information

The FHWA requests comments on the following questions. Please indicate in your written comments which question(s) you are answering.

Improving Road Safety for All Users

1. What steps are being taken by your agency (if you are commenting on behalf of an agency) or an agency you are familiar with to improve safety for all roadway users, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles? How are equity and demographic data considered?

2. For agencies that have adopted Complete Streets standards or policies (or similar policies), what benefits does your agency see in developing Complete Streets? Provide examples and citations to relevant regulations, policies, procedures, performance measures, or other materials where possible.

3. For agencies that have adopted Complete Streets standards or policies (or similar policies), what challenges has your agency experienced when implementing your Complete Streets policy?

4. For agencies that have adopted Complete Streets standards or policies (or similar policies), but have not adopted an alternative classification system, how do you identify the appropriate context(s) for the application of a complete streets design model? Under what types of circumstances have you found the development of Complete Streets to be inappropriate?

5. To inform decisions on street design, some agencies [18] have adopted modal hierarchies, or alternative street classification systems, that prioritize pedestrians, bicyclists, or others on certain street types based on context.[19] Has your agency incorporated such a hierarchy, or classification into agency policies, and if so, what benefits have

[12] U.S. Congress. ''H.R. 3684—Infrastructure Investment and Jobs Act.'', Section 11206(a), Accessed November 2021.

[13] Centers for Disease Control and Prevention Community Guide to Preventative Services, accessed December 23, 2021, available at *https://www.thecommunityguide.org/resources/one-pager-built-environment-approaches-increase-physical-activity.*

[14] Smart Growth America website, accessed on November 3, 2021, available at *https://smartgrowthamerica.org/program/national-complete-streets-coalition/.*

[15] FHWA website on the NHS, including maps in each State, accessed on November 3, 2021, available at *https://www.fhwa.dot.gov/planning/national_highway_system/nhs_maps/.*

[16] 85 FR 80898, December 14, 2020.

[17] AASHTO HSM, 1st ed. Washington, DC: AASHTO, 2010, is available at *http://www.highwaysafetymanual.org/Pages/default.aspx.*

[18] Example: Portland, Oregon, uses the prioritization of modes shown on p. 4 at *https://www.portland.gov/sites/default/files/2020-05/tsp-101-two-pager-03-21-2019.pdf.*

[19] Example: Florida DOT Context Classification Guide, Figure 15. *https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/completestreets/files/fdot-context-classification.pdf?sfvrsn=12be90da_4.*

been realized? Please provide a link to your documents for reference.

Design Standards for the NHS

6. How could the FHWA regulations governing Design Standards for Highways (Part 625) be revised to consistently support prioritization of the safety of all users across all project types?

7. What changes to other FHWA regulations codified at Title 23, CFR are needed to equitably improve safety for people of all ages and abilities who use urban and suburban streets?

8. What changes to other FHWA regulations codified at Title 23, CFR are needed to equitably improve safety for people of all ages and abilities who use rural roadways, including in rural towns?

9. What, if any, elements of design are not adequately covered by the existing design standards in Part 625?

10. What specific provisions of Part 625 present an obstacle to equitably improving safety for people outside of vehicles, and why?

11. Are there additional documents that FHWA should incorporate by reference in Part 625 to better facilitate the context-sensitive design of streets that safely serve all users? Please identify the documents and describe why they should be referenced in the regulation.

12. Does Part 625 create any impediments to developing projects that meet the goals of your agency? If so, what goals are impeded, what are the impediments, and how would you suggest the regulation be revised?

Safety Performance Assessment Applicability

13. For which current projects (*i.e.,* by improvement type, funding program/level, facility type, etc.) are safety performance assessments or analyses conducted in your State?

14. To what extent is the safety performance assessed on non-HSIP funded projects?

15. What policies or procedures on conducting project-specific safety performance assessments and analyses does your agency have? Provide examples and citations to relevant laws, regulations, policies, procedures, or other materials where possible.

Conducting a Safety Performance Assessment

16. What methods, tools, and types of safety performance assessments are used to analyze project-specific safety performance? What are the minimum data and analysis requirements that should be considered on how to conduct a safety performance assessment?

17. With whom do States engage (*i.e.* counties, cities, MPOs, rural planning organizations, and other political subdivisions) when assessing safety performance? How do States engage the public or use the safety performance assessment results to communicate to the public using inclusive and representative processes?

18. How are safety performance assessments integrated into the overall project development cycle? At which stage(s) of the project development process (*e.g.,* planning and programming, environmental analysis, design, operations and maintenance) are project-specific safety performance assessments conducted? Are evaluations conducted after the project has been implemented? Responses may include examples of projects where safety performance assessments were conducted and how they informed the final project deliverables.

19. How is safety performance assessed or considered at the system level planning or early transportation project identification/prioritization stage? How is network screening used to inform project decisionmaking?

Safety Performance Assessment Process Evaluation and Outcomes

20. What indicators or measures have been used to determine the effectiveness of safety performance assessments?

21. To what extent is the safety performance assessment or analysis used to inform project decisionmaking? How is safety performance weighted in relation to factors such as environmental impact or traffic congestion? Are there requirements to include countermeasures or evaluation of alternative designs that are expected to improve safety performance? If yes, please provide examples of the requirements or projects where the safety performance assessment led to the implementation of countermeasures and strategies that improved safety performance.

22. How is safety performance evaluated after the project is implemented? To what extent are countermeasures, alternative designs, or strategies to improve safety performance replicated on other projects, based on past project evaluations?

Safety Performance Assessment Implementation Considerations

23. What challenges or concerns does your agency see with possible Federal requirements for safety performance assessments on certain Federal-aid projects?

24. What challenges or concerns does your agency see with possible Federal requirements for implementing cost-effective safety improvements resulting from safety performance assessments?

25. What benefits does your agency see with possible Federal requirements for safety performance assessments on certain Federal-aid projects where safety may not be the sole motivation for the project? What benefits does your agency see for any Federal requirements for cost-effective safety improvements resulting from the assessments?

26. What criteria, thresholds, characteristics, or other factors should States consider when determining when to conduct a project-specific safety performance assessment or analysis for projects on the Federal-aid highway system?

27. What additional resources (*i.e.,* staff, guidance, tools, budget, etc.) would be necessary to adequately assess the expected safety performance of Federal-aid projects?

Authority: 23 U.S.C. 103, 109, 134, 135 and 402; Sec. 1404 of Pub. L. 114–94, 129 Stat. 1312; 49 CFR 1.85; 23 CFR part 625.

Signed in Washington, DC.

Gloria M. Shepherd,

Executive Director, Federal Highway Administration.

[FR Doc. 2023–02285 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0133]

Agency Information Collection Activities; Renewal of an Approved Information Collection: 391.41 CMV Driver Medication Form

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the renewal Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval and invites public comment. FMCSA requests approval to renew an ICR titled, ''391.41 CMV Driver Medication Form.'' This Information Collection (IC) is voluntary and may be utilized by Medical Examiners (MEs) responsible for issuing Medical Examiner's

Certificates (MECs) to commercial motor vehicle (CMV) drivers. MEs that choose to use this IC do so to communicate with treating healthcare professionals who are responsible for prescribing certain medications, so that the ME fully understands the reasons the medications have been prescribed. The information obtained by the ME when utilizing this IC assists the ME in determining if the driver is medically qualified and ensures that there are no disqualifying medical conditions or underlying medical conditions and prescribed medications that could adversely affect their safe driving ability or cause incapacitation constituting a risk to the public. FMCSA received one comment in response to the **Federal Register** notice published on September 8, 2022.

DATES: Comments on this notice must be received on or before March 6, 2023.

ADDRESSES: Written comments and recommendations for the proposed IC should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Medical Programs Division, DOT, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–0421; *christine.hydock@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: 391.41 CMV Driver Medication Form.

OMB Control Number: 2126–0064.

Type of Request: Renewal of a currently approved collection.

Respondents: Prescribing healthcare professionals.

Estimated Number of Respondents: Up to 1,163,160 (total number of prescribing healthcare providers in the U.S.).

Estimated Time per Response: 8 minutes.

Expiration Date: April 30, 2023.

Frequency of Response: Other (use of this IC is optional so there is no required collection frequency).

Estimated Total Annual Burden: 279,465 hours.

Background

FMCSA's primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. The Secretary of Transportation has delegated to FMCSA its responsibility under 49 U.S.C. 31136 and 31502 to prescribe regulations that ensure CMVs are operated safely. As part of this mission, the Agency's Medical Programs Division works to ensure that CMV drivers engaged in interstate commerce are physically qualified and able to safely perform their work.

The public interest in, and right to have, safe highways requires the assurance that drivers of CMVs can safely perform the increased physical and mental demands of their duties. FMCSA's physical qualification standards provide this assurance by requiring drivers to be examined and medically certified as physically and mentally qualified to drive.

The purpose for this voluntary IC is to assist the ME in determining if the driver is medically qualified under § 391.41 and to ensure that there are no disqualifying medical conditions that could adversely affect their safe driving ability or cause incapacitation constituting a risk to the public. Under § 391.41(b)(12), a person is physically qualified to drive a CMV if that person does not use any drug or substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or other habit-forming drug; and does not use any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 except when the use is prescribed by a *licensed medical practitioner,* as defined in § 382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV.

The use of this IC is at the discretion of the ME and facilitates communication with treating healthcare professionals who are responsible for prescribing certain medications so that the ME fully understands the reasons the medications have been prescribed. This information assists the ME in determining whether the underlying medical condition and the prescribed medication will impact the driver's safe operation of a CMV. Therefore, there is no required collection frequency.

The ''391.41 CMV Driver Medication Form, MCSA–5895,'' may be downloaded from the FMCSA website. Prescribing healthcare providers are also able to fax or scan and email the report to the certified ME. Consistent with OMB's commitment to minimizing respondents' recordkeeping and paperwork burdens and the increased use of secure electronic modes of communication, the Agency believes that approximately 50 percent of the ''391.41 CMV Driver Medication Forms, MCSA–5895,'' are transmitted electronically.

The information collected from the ''391.41 CMV Driver Medication Form, MCSA–5895,'' is used by the certified ME that requested the completion of the form. The ''391.41 CMV Driver Medication Form, MCSA–5895,'' is attached to the ''Medical Examination Report Form, MCSA–5875,'' which becomes part of the CMV driver's record maintained by the certified ME. The information is not available to the public. The Federal Motor Carrier Safety Regulations covering driver physical qualification records are found at § 391.43, which specify that a medical examination be performed on CMV drivers subject to part 391 who operate in interstate commerce. The results of the examination must be recorded in accordance with the requirements set forth in that section. MEs are required to maintain records of the CMV driver medical examinations they conduct.

Discussion of Comment Received

FMCSA received one comment from the National Transportation Safety Board (NTSB) in response to the 60-day **Federal Register** notice published on September 8, 2022 (87 FR 55077). The NTSB's comments are outlined below, along with FMCSA's response.

The NTSB supports the renewal of the IC, but suggested FMCSA revise the IC to make it a significantly more effective evaluation tool. It specifically recommended the following:

- Revise the ''391.41 CMV Driver Medication Form, MCSA–5895,'' to include all medications (prescriptions, non-prescriptions, supplements) that the provider is aware the driver uses and all medical conditions that the provider is aware the driver has, regardless of whether those conditions are treated with medications.
- Do not limit the IC to cases with known potentially impairing medications by removing the sentence on the form that states, ''During the medical evaluation, it was determined this individual is taking medication(s) that may impair his/her ability to safely operate a CMV.''
- Clarify what is being asked of responding providers by removing all reference to regulations from the instructions and clarifying that the responding provider is expected only to list medications/medical conditions and to give a medical opinion on safety, not to apply medical certification standards, which is the responsibility solely of the ME.
- Enable responding providers to give complete medical opinions by revising item 4 to ask the responding provider's medical opinion about whether any of the driver's known medications or medical conditions pose a risk to safe CMV operation, to provide the item

with a third response option (''yes/no/unsure''), and to include a field for any clarifying comments.

FMCSA Response

FMCSA considered the NTSB's comments but does not believe its recommendations would enhance the quality, usefulness, and clarity of the form based on the purpose for which the form was intended to be used. The ''391.41 CMV Driver Medication Form, MCSA–5895,'' was developed and intended to be used as a tool to supplement the information obtained from the ''Medical Examination Report Form, MCSA–5875,'' from the driver during the ME's review of the driver's health history, and from the physical examination conducted by the ME. The ''Medical Examination Report Form, MCSA–5875,'' already provides the ME with a complete health history for the driver including all current medications (prescriptions, non-prescriptions, supplements) and medical conditions as reported by the driver.

The ''391.41 CMV Driver Medication Form, MCSA–5895,'' specifically addresses medication(s) that may impair the driver's ability to safely operate a CMV so that the ME fully understands the reasons the medications have been prescribed and can consider the impact the medication(s) and medical conditions for which the medication(s) has been prescribed may have on the driver. This information combined with the information obtained from the ''Medical Examination Report Form, MCSA–5875,'' from the driver during the ME's review of the driver's health history, and from the physical examination conducted by the ME, is used by the ME when making a physical qualification determination.

The ''391.41 CMV Driver Medication Form, MCSA–5895,'' contains information regarding the driver's role and regulation in § 391.41(b)(12) as a reference for healthcare professionals and does not indicate that the healthcare professional must interpret the regulation. The ''391.41 CMV Driver Medication Form, MCSA–5895,'' clearly states what is and is not expected of the healthcare professional completing the form by requesting the healthcare professional review the regulation provided, complete the form, and return it to the ME. The form explains that the final determination as to whether the individual listed on the form is physically qualified to drive a CMV will be made by the certified ME. Question 4 was specifically intended to obtain the medical opinion of the healthcare professional completing the form regarding the specific medication(s) they have prescribed to the driver for a particular medical condition(s). It is the responsibility of the ME to use the information provided by the healthcare professional completing the ''391.41 CMV Driver Medication Form, MCSA–5895,'' as a tool to assist them in making a physical qualification determination.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2023–02236 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0136]

Agency Information Collection Activities; Renewal of an Information Collection Request: Transportation of Hazardous Materials; Highway Routing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the information collection request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. FMCSA requests approval to renew an ICR titled, ''Transportation of Hazardous Materials, Highway Routing.'' The information reported by States and Indian Tribes is necessary to identify designated/restricted routes and restrictions or limitations affecting how motor carriers may transport certain hazardous materials on highways, including dates that such routes were established and information on subsequent changes or new hazardous materials routing designations. FMCSA did not receive any comments in response to the 60-day **Federal Register** Notice published on September 8, 2022.

DATES: Comments on this notice must be received on or before March 6, 2023.

ADDRESSES: 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 information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Williams, General Engineer, Office of Safety/Hazardous Materials Division, DOT, FMCSA, 6th Floor, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; 202–366–4163; *melissa.williams@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Transportation of Hazardous Materials, Highway Routing.

OMB Control Number: 2126–0014.

Type of Request: Renewal of a currently approved ICR.

Respondents: The reporting burden is shared by 50 States, the District of Columbia, Indian Tribes with designated routes, and U.S. Territories including Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.

Estimated Number of Respondents: 57 [36 States + the District of Columbia, with designated hazardous materials highway routes + 19 States/U.S. Territories without designated hazardous materials highway routes + 1 Indian Tribe with a designated route = 57].

Estimated Time per Response: 15 minutes.

Expiration Date: April 30, 2023.

Frequency of Response: Once every 2 years.

Estimated Total Annual Burden: 7 hours [57 annual respondents × 1 response per 2 years × 15 minutes per response/60 minutes per response = 7.125 hours rounded to 7 hours].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2023–02241 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Funding Opportunity for the Federal-State Partnership for Intercity Passenger Rail Grants Program for Projects Not Located on the Northeast Corridor

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Funding Opportunity (NOFO or notice); Extension and Supplemental Funding Notice.

SUMMARY: FRA is adding funding and extending the application submittal period for its Fiscal Year (FY) 2022 NOFO for the Federal-State Partnership for Intercity Passenger Rail Program (FSP Program) for projects not located on the Northeast Corridor published on December 7, 2022. The basis for the funding increase and extension is the appropriation of additional amounts for the FSP Program from the Consolidated Appropriations Act, 2023, together with the government's goal of efficiently administering such funds.

DATES: The original due date was March 7, 2023. The period for submitting applications to the NOFO published on December 7, 2022, is extended. Applications must now be submitted by 5 p.m. EDT on April 21, 2023.

FOR FURTHER INFORMATION CONTACT: For further information concerning this Notice, please contact the FRA NOFO Support program staff via email at *FRA-NOFO-Support@dot.gov*.

Amendment

FRA amends its FY 2022 NOFO for the Federal-State Partnership for Intercity Passenger Rail Program (FSP Program) for projects not located on the Northeast Corridor published December 7, 2022 (87 FR 75119) *https://www.govinfo.gov/content/pkg/FR-2022-12-07/pdf/2022-26610.pdf.* by: (1) adding up to an additional $2,283,150,000 for a total of up to $4,566,300,000 and (2) extending the period for submitting applications to April 21, 2023.

Section B.1. Federal Award Information/Available Award Amount is deleted in its entirety, and the following is substituted therefore:

B. Federal Award Information

1. Available Award Amount

The total funding available for awards under this NOFO is up to $4,566,300,000 made available by IIJA supplemental appropriations, the Appropriations Act, and the Consolidated Appropriations Act, 2023 (Pub. L. 117–328, December 29, 2022), as follows:

a. Up to $4,464,000,000 in IIJA supplemental appropriations: Title VIII of Division J of IIJA provided $36,000,000,000 in supplemental appropriations for the FSP Program, with not more than $24,000,000,000 made available for projects for the NEC and thus at least $12,000,000,000 of such funds made available for FSP-National ($2,400,000,000 made available per year for fiscal years 2022 through 2026). After the funding set aside for FRA award and project management oversight and the planning and development activities authorized at 49 U.S.C. 24911(k), up to $4,464,000,000 in funding made available for fiscal year 2022 and fiscal year 2023 is made available for FSP Program awards under this FSP-National NOFO.

b. Up to $102,300,000 in fiscal year 2022 and fiscal year 2023 annual appropriations: The appropriations acts for fiscal year 2022 and fiscal year 2023 provided $200,000,000 for the FSP Program. Consistent with 49 U.S.C. 24911(d)(3), a minimum of 45 percent and a maximum of 55 percent of this amount is for FSP-National, of which not less than 20 percent (a minimum of $16,740,000) shall be for projects that benefit (in whole or in part) a long-distance route. After the funding set aside for FRA award and project management oversight and the planning and development activities authorized at 49 U.S.C. 24911(k), at least $83,700,000 and up to $102,300,000 in fiscal year 2022 and fiscal year 2023 annual funding is made available for FSP Program awards under this FSP-National NOFO.

Should additional FSP-National funds become available after the release of this NOFO, FRA may elect to award such additional funds to applications received under this NOFO. Any selection and award under this NOFO is subject to the availability of appropriated funds.

Issued in Washington, DC.

Amitabha Bose,

Administrator.

[FR Doc. 2023–02346 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0013]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: WANDERLUST (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0013 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0013 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0013, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in

nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel WANDERLUST is:

—*Intended Commercial Use of Vessel:* ''Occasional short day dinner cruise for charter and or charity events.''
—*Geographic Region Including Base of Operations:* ''Washington.'' (Base of Operations: Tacoma, WA)
—*Vessel Length and Type:* 72′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0013 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0013 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02234 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0012]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ELEVATE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0012 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0012 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0012, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the

intended service of the vessel ELEVATE is:

—*Intended Commercial Use of Vessel:* ''For commercial use.''

—*Geographic Region Including Base of Operations:* ''Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, New Hampshire, Massachusetts, Maine.'' (Base of Operations: Hollywood, FL)

—*Vessel Length and Type:* 47.93′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0012 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0012 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02226 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0022]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: GIGI (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0022 by any one of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0022 and follow the instructions for submitting comments.

• *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0022, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel GIGI is:

—*Intended Commercial Use of Vessel:* ''Hourly, local day charters with up to 6 passengers for hire.''

—*Geographic Region Including Base of Operations:* ''Florida, South Carolina, Virginia, Maryland, New Jersey, New

York, Rhode Island, Connecticut, Massachusetts, Maine.'' (Base of Operations: Palm Beach, FL)

—*Vessel Length and Type:* 70.9′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0022 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0022 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02227 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0020]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: LIBERTY (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0020 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0020 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0020, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel LIBERTY is:

—*Intended Commercial Use of Vessel:* ''Captain charters for sunset cruises, day trips, multi-day charters.''

—*Geographic Region Including Base of Operations:* ''New York, Connecticut, Rhode Island, Massachusetts.'' (Base of Operations: Montauk, NY)

—*Vessel Length and Type:* 41.8′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0020 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or

businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0020 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02232 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0003]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: VOYAGER (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0003 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0003 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0003, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel VOYAGER is:

—*Intended Commercial Use of Vessel*: ''Passenger charter, 12 or fewer guests.''
—*Geographic Region Including Base of Operations:* ''Alaska.'' (Base of Operations: Seattle, WA)
—*Vessel Length and Type:* 90′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0003 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments

should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0003 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02233 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0018]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ATLAS (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0018 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0018 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0018, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ATLAS is:

—*Intended Commercial Use of Vessel:* ''Private vessel charters, passengers only.''

—*Geographic Region Including Base of Operations:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York (excluding waters in New York Harbor), New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, California, Oregon, Washington, and Alaska (excluding waters in Southeastern Alaska).'' (Base of Operations: Ft. Lauderdale, FL)

—*Vessel Length and Type:* 83.7′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0018 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given

in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0018 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02220 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0027]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: BLUE FINN (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0027 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0027 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0027, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel BLUE FINN is:

—*Intended Commercial Use of Vessel:* ''Day charters for paying groups of 6 or less passengers. Take paying passengers out for day cruises around the harbor or short trips around the area.''

—*Geographic Region Including Base of Operations:* ''North Carolina, South Carolina, Georgia, Florida.'' (Base of Operations: Charleston, SC)

—*Vessel Length and Type:* 74′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0027 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above

heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0027 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02222 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0019]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: KAI LANI (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0019 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0019 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0019, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel KAI LANI is:

—*Intended Commercial Use of Vessel:* ''Multi-day private charters.''
—*Geographic Region Including Base of Operations:* ''Hawaii.'' (Base of Operations: Lahaina, HI)
—*Vessel Length and Type:* 45′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2023–0019 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0019 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02230 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0024]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: LADY SADIE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0024 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0024 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0024, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel LADY SADIE is:

—*Intended Commercial Use of Vessel:* ''Operation of charters of no more than six passengers with an uninspected passenger vessel designation.''

—*Geographic Region Including Base of Operations:* ''Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida.'' (Base of Operations: Charleston, SC)

—*Vessel Length and Type:* 75.8′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0024 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0024 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02240 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0026]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ATLANTIC SAGITTARIUS (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0026 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0026 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0026, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ATLANTIC SAGITTARIUS is:

—*Intended Commercial Use of Vessel:* ''Charter, transporting paid customers.''

—*Geographic Region Including Base of Operations:* ''Maine, New Hampshire, Massachusetts, Rhode Island, New York (excluding New York Harbor), New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida.'' (Base of Operations: Philadelphia, PA)

—*Vessel Length and Type:* 31′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0026 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0026 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2023–02219 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0028]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: COWBOY (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0028 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0028 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0028, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel COWBOY is:

—*Intended Commercial Use of Vessel:* ''Charleston harbor cruises max of 12 pax, Charleston area fishing charters no more than 50 miles offshore.''
—*Geographic Region Including Base of Operations:* ''North Carolina, South Carolina, Georgia, Florida.'' (Base of Operations: Charleston, SC)
—*Vessel Length and Type:* 74′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0028 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0028 or visit the Docket

Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02224 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0023]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: HAKUNA MATATA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0023 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0023 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0023, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel HAKUNA MATATA is:

—*Intended Commercial Use of Vessel:* ''Skippered charter.''
—*Geographic Region Including Base of Operations:* ''Washington.'' (Base of Operations: Shilshole Marina, Seattle WA)
—*Vessel Length and Type:* 56′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0023 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0023 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that

you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02239 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0011]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: GRAND MARINER (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0011 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0011 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0011, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel GRAND MARINER is:

—*Intended Commercial Use of Vessel:* ''Carrying passengers for hire.''

—*Geographic Region Including Base of Operations:* ''Alabama, Florida, Georgia, South Carolina, North Carolina.'' (Base of Operations: West Palm Beach, FL)

—*Vessel Length and Type:* 60′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0011 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0011 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02228 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0016]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: BEST YET (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0016 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0016 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0016, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel BEST YET is:

—*Intended Commercial Use of Vessel:* ''Charter fishing on Lake Michigan.''
—*Geographic Region Including Base of Operations:* ''Wisconsin, Michigan, Indiana.'' (Base of Operations: Port Washington, WI)
—*Vessel Length and Type:* 38′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0016 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0016 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible,

please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02221 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0014]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ANIRAM (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0014 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0014 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0014, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ANIRAM is:

—*Intended Commercial Use of Vessel:* ''Carrying passengers for hire.''
—*Geographic Region Including Base of Operations:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York.'' (Base of Operations: Boston, MA)
—*Vessel Length and Type:* 49.2′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2023–0014 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFRpart 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0014 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential

under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02218 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0015]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: IMPROMPTU (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0015 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0015 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0015, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel IMPROMPTU is:

—*Intended Commercial Use of Vessel:* ''Event rental yacht business.''

—*Geographic Region Including Base of Operations:* ''California.'' (Base of Operations: Marina del Rey, CA)

—*Vessel Length and Type:* 84.4′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0015 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0015 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02229 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0017]

Coastwise Endorsement Eligibility Determination for a Foreign-built Vessel: DUCHESS (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0017 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0017 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0017, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel DUCHESS is:

—*Intended Commercial Use of Vessel:* ''OUPV 6-pack charter fishing boat.''
—*Geographic Region Including Base of Operations:* ''Washington.'' (Base of Operations: Bremerton, WA)
—*Vessel Length and Type:* 38.8′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0017 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0017 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02225 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0021]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: LADY A (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0021 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0021 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0021, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel LADY A is:

—*Intended Commercial Use of Vessel:* ''Day Charters.''
—*Geographic Region Including Base of Operations:* ''Florida and New York.'' (Base of Operations: Palm Beach, FL)
—*Vessel Length and Type:* 72′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2023–0021 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0021 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02231 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2023–0025]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: COCO (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 6, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2023–0025 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2023–0025 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2023–0025, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel COCO is:

—*Intended Commercial Use of Vessel:* ''Passenger charter.''
—*Geographic Region Including Base of Operations:* ''California.'' (Base of Operations: Marina Village Yacht Harbor, Alameda, CA)
—*Vessel Length and Type:* 38′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2023–0025 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2023–0025 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–02223 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Submission for OMB Review; Comment Request

AGENCY: Bureau of Transportation Statistics (BTS) Office of the Assistant Secretary for Research and Technology (OST–R), DOT.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: BTS within the Department of Transportation has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** on November 16, 2022 and no comments were received. BTS is forwarding the proposed Data Security Requirements for Accessing

Confidential Data information collection to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

DATES: Comments regarding this information collection are best assured of having their full effect if received by March 6, 2023.

FOR FURTHER INFORMATION CONTACT: Clara Reschovsky, BTS Confidentiality Officer, BTS, OST–R, Department of Transportation, 1200 New Jersey Ave. SE, Room E36–324, Washington, DC 20590, (202) 768–4994, Office hours are from 8 a.m. to 5:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: BTS may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Comments: Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of BTS, including whether the information will have practical utility; (b) the accuracy of BTS estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information to be collected, including through the use of automated collection techniques or other forms of information technology; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated or other forms of information technology should be addressed to the points of contact in the **FOR FURTHER INFORMATION CONTACT** section.

Title of Collection: Data Security Requirements for Accessing Confidential Data.

OMB Control Number: DOT–OST–2022–0130.

Summary of Collection: Title III of the Foundations for Evidence-Based Policymaking Act of 2018 (44 U.S.C. 3583; hereafter referred to as the Evidence Act) mandates that OMB establish a Standard Application Process (SAP) for requesting access to certain confidential data assets. While the adoption of the SAP is required for statistical agencies and units designated under the Confidential Information Protection and Statistical Efficiency Act of 2018 (CIPSEA), it is recognized that other agencies and organizational units within the Executive Branch may benefit from the adoption of the SAP to accept applications for access to confidential data assets. The SAP is to be a process through which agencies, the Congressional Budget Office, State, local, and Tribal governments, researchers, and other individuals, as appropriate, may apply to access confidential data assets held by a federal statistical agency or unit for the purposes of developing evidence. With the Interagency Council on Statistical Policy (ICSP) as advisors, the entities upon whom this requirement is levied are working with the SAP Project Management Office (PMO) and with OMB to implement the SAP.

The SAP Portal is to be a single web-based common application designed to collect information from individuals requesting access to confidential data assets from federal statistical agencies and units. When an application for confidential data is approved through the SAP Portal, BTS will collect information to fulfill its data security requirements. This is a required step before providing the individual with access to restricted use microdata for the purpose of evidence building. BTS data security agreements and other paperwork, along with the corresponding security protocols, allow BTS to maintain careful controls on confidentiality and privacy, as required by law. BTS's collection of data security information will occur outside of the SAP Portal.

The following bullets outline the major components and processes in and around the SAP Portal, leading up to BTS's collection of security requirements.

- *SAP Policy:* At the recommendation of the ICSP, the SAP Policy establishes the SAP to be implemented by statistical agencies and units and incorporates directives from the Evidence Act. The SAP Policy may be found in OMB Memorandum 23–04.
- *The SAP Portal:* The SAP Portal is an application interface connecting applicants seeking data with a catalog of metadata for data assets owned by the federal statistical agencies and units. The SAP Portal is not a new data repository or warehouse; confidential data assets will continue to be stored in secure data access facilities owned and hosted by the federal statistical agencies and units. The Portal provides a streamlined application process across agencies, reducing redundancies in the application process.
- *Data Discovery:* Individuals begin the process of accessing restricted use data by discovering confidential data assets through the SAP metadata catalog, maintained by federal statistical agencies at *www.researchdatagov.org.*
- *SAP Portal Application Process:* Individuals who have identified and wish to access confidential data assets apply through the SAP Portal. Applicants must create an account and follow all steps to complete the application. Applicants enter personal, contact, and institutional information for the research team and provide summary information about their proposed project.
- *Submission for Review:* Agencies approve or reject an application within a prompt timeframe. Agencies may also request applicants to revise and resubmit their application.
- *Access to Confidential Data:* Approved applicants are notified through the SAP Portal that their proposal has been accepted. This concludes the SAP Portal process. Agencies will contact approved applicants to initiate completion of their security documents. The completion and submission of the agency's security requirements will take place outside of the SAP Portal.
- *Collection of Information for Data Security Requirements:* In the instance of a positive determination for an application requesting access to a BTS-owned confidential data asset, BTS will contact the applicant(s) to initiate the process of collecting information to fulfill its data security requirements. This process allows BTS to place the applicant(s) in a trusted access category.

Estimate of Burden: The amount of time to complete the agreements and other paperwork that comprise BTS's security requirements will vary based on the confidential data assets requested. To obtain access to BTS confidential data assets, it is estimated that the average time to complete and submit BTS's data security agreements and other paperwork is 90 minutes. This estimate does not include the time needed to complete and submit an application within the SAP Portal. All efforts related to SAP Portal applications occur prior to and separate from BTS's effort to collect information related to data security requirements.

The expected number of applications in the SAP Portal that receive a positive determination from BTS in a given year may vary. Overall, per year, BTS estimates it will collect data security information for five application submissions that received a positive determination within the SAP Portal. BTS estimates that the total burden for the collection of information for data security requirements over the course of the three-year OMB clearance will be

about 22.5 hours and, as a result, an average annual burden of 7.5 hours.

Comments: As required by 5 FR 1320.8(d), comments on the information collection activities as part of this study were solicited through the publication of a 60-Day Notice in the **Federal Register** on November 16, 2022. BTS received no comments.

Issued in Washington, DC, on the 31st of January 2023.

Cha-Chi Fan,

Director, Office of Data Development and Standards, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology.

[FR Doc. 2023–02294 Filed 2–2–23; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Recordkeeping Requirements for Securities Transactions

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Recordkeeping Requirements for Securities Transactions.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: You should submit comments by March 6, 2023.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0142, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 293–4835.

Instructions: You must include ''OCC'' as the agency name and ''1557–0142'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* You can find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0142'' or ''Recordkeeping Requirements for Securities Transactions.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests and/or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks the OMB to extend its approval of the collection in this notice.

Title: Recordkeeping Requirements for Securities Transactions.

OMB Number: 1557–0142.

Abstract: The information collection requirements in 12 CFR parts 12 and 151 are designed to ensure that national banks and Federal savings associations comply with the banking and securities laws and improve the protections afforded to persons who purchase and sell securities through these financial institutions. Parts 12 and 151 establish recordkeeping and confirmation requirements applicable to certain securities transactions effected by national banks and Federal savings associations for customers. The transaction confirmation information required by these regulations ensures that customers receive a record of each securities transaction and that both financial institutions and the OCC have the records necessary to monitor compliance with the banking and securities laws and regulations. The OCC uses the required information in the course of its examinations to evaluate, among other things, an institution's compliance with the antifraud provisions of the Federal securities laws.

The information collection requirements contained in 12 CFR parts 12 and 151 are as follows:

- Twelve CFR 12.3 requires a national bank effecting securities transactions for customers to maintain certain records for at least three years. The records required by this section must clearly and accurately reflect the information required and provide an adequate basis for audit of the information. Section 12.3(b) permits the use of a third-party service provider for records maintenance.
- Twelve CFR 151.50 requires a Federal savings association effecting securities transactions for customers to maintain certain records for at least three years. Twelve CFR 151.60 provides that the records required by § 151.50 must clearly and accurately reflect the information required and provide an adequate basis for audit of the information. Section 151.60(b)

permits the use of a third-party service provider for records maintenance.

• Twelve CFR 12.4 requires a national bank effecting a securities transaction for a customer to give or send to the customer either a written notification of the transaction at or before completion of the transaction, or a copy of a registered broker-dealer's confirmation relating to the transaction within one business day from the bank's receipt of such confirmation. Section 12.4 also establishes disclosures that must be included in the bank's written notification or the broker-dealer confirmation. Section 12.4(b) provides that national banks may direct a broker-dealer to send confirmations to customers directly without requiring a duplicate to be sent by the bank.

• Twelve CFR 151.70 requires a Federal savings association effecting a securities transaction for a customer to give or send the customer either the registered broker-dealer confirmation described at 12 CFR 151.80, or the written notice described at 12 CFR 151.90. If the Federal savings association is complying with § 151.70 by using a broker-dealer confirmation, § 151.80 establishes when and how the Federal savings association must provide the broker-dealer confirmation, and establishes disclosures that must be included in that confirmation. Section 151.80(a) also provides that a Federal savings association may have a broker-dealer send confirmations to customers directly without requiring a duplicate to be sent by the Federal savings association. If the Federal savings association is complying with § 151.70 by using a written notice, § 151.90 establishes when and how the Federal savings association must provide the written notice, and establishes disclosures that must be included in that notice.

• Twelve CFR 12.5(a), (b), (c), and (e) describe notification procedures that a national bank may elect to use, as an alternative to complying with § 12.4, to notify customers of certain transactions in which the bank does not exercise investment discretion; trust transactions; agency transactions; and periodic plan transactions.

• Twelve CFR 151.100 describes the notification procedures a Federal savings association may elect to use, as an alternate means of satisfying § 151.70, if the Federal savings association effects a securities transaction for or with the account of a customer under a periodic plan, sweep account, or investment company plan; for or with the account of a customer in shares of certain open-ended management companies; for certain accounts for which the Federal savings association does not exercise investment discretion; for certain accounts for which the Federal savings association exercises investment discretion other than in an agency capacity; for an account in which the Federal savings association exercises investment discretion in an agency capacity; and for a common or collective investment fund.

• Twelve CFR 12.7(a)(1) through (a)(3) require national banks effecting securities transactions for customers to maintain and adhere to policies and procedures that assign responsibility for supervision of employees who perform securities trading functions, provide for the fair and equitable allocation of securities and prices to accounts for certain similarly-situated orders, and provide for crossing of buy and sell orders on a fair and equitable basis.

• Twelve CFR 151.140 requires Federal savings associations effecting securities transactions for customers to maintain and follow policies and procedures that assign responsibility for the supervision of employees who perform securities trading functions, provide for the fair and equitable allocation of securities and prices to accounts for certain similarly-situated orders, and provide for crossing of buy and sell orders on a fair and equitable basis.

• Twelve CFR 12.7(a)(4) requires certain national bank officers and employees involved in the securities trading process to report to the bank all personal transactions in securities made by them or on their behalf in which they have a beneficial interest.

• Twelve CFR 151.150 requires certain Federal savings association officers and employees involved in the securities trading process to report to the Federal savings association all personal transactions in securities made by them or on their behalf in which they have a beneficial interest.

• Twelve CFR 12.8 requires a national bank seeking a waiver of one or more of the requirements of §§ 12.2 through 12.7 to file a written request for waiver with the OCC.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 307.

Estimated Frequency of Response: On occasion.

Estimated Total Annual Burden: 1501.5 Hours.

On October 7th, 2022, the OCC published a notice for 60 days of comment concerning this collection, 87 FR 61144. No comments were received. Comments continue to be solicited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2023–02303 Filed 2–2–23; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

On January 31, 2023, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. AUNG, Htun (a.k.a. AUNG, Tun), Burma; DOB 1967; nationality Burma; Gender Male; Commander-in-Chief (Air) (individual) [BURMA–EO14014].

Designated pursuant to section 1(a)(iii)(A) of Executive Order 14014 of February 10, 2021, ''Blocking Property With Respect to the Situation in Burma'' (''E.O. 14014'') for being or having been a leader or official of the military or security forces of Burma, or any successor entity to any of the foregoing.

2. SWE, Hla, Burma; DOB 28 Sep 1960; POB Chauk, Magway, Burma; nationality Burma; citizen Burma; Gender Male; National ID No. 8/GaGaNa N 085996 (Burma) (individual) [BURMA–EO14014].

Designated pursuant to section 1(a)(ii)(B) of E.O. 14014 for being responsible for or complicit in, or having directly or indirectly engaged in or attempted to engage in, actions or policies that threaten the peace, security, or stability of Burma.

3. TAY ZA, Htoo Htwe (a.k.a. TAY ZA, Rachel; a.k.a. TAYZA, Htoo Htwe; a.k.a. TAYZA, Rachel), Burma; DOB 14 Sep 1996; nationality Burma; Gender Female (individual) [BURMA–EO14014] (Linked To: ZA, Tay).

Designated pursuant to section 1(a)(v) of E.O. 14014 for being a spouse or adult child of TAY ZA, a person whose property and interests in property are blocked pursuant to this Order.

4. MIN, Aung, Burma; DOB 27 Oct 1962; POB Burma; nationality Burma; Gender Male (individual) [BURMA–EO14014].

Designated pursuant to section 1(a)(iii)(B) of E.O. 14014 for being or having been a leader or official of the Government of Burma on or after February 2, 2021.

5. OO, Myo Myint, Burma; DOB 23 Jun 1960; POB Yangon, Burma; nationality Burma; Gender Male; Passport DM002422 (Burma) issued 19 Mar 2014 expires 18 Mar 2024; National ID No. 12DAGATA024453 (Burma); Union Minister of Energy (individual) [BURMA–EO14014].

Designated pursuant to section 1(a)(iii)(B) of E.O. 14014 for being or having been a leader or official of the Government of Burma on or after February 2, 2021.

6. MIN, Than, Burma; DOB 23 Nov 1956; POB Myinmu, Burma; Gender Male; National ID No. 12 LAMANA 062661 (Burma) (individual) [BURMA–EO14014].

Designated pursuant to section 1(a)(iii)(B) of E.O. 14014 for being or having been a leader or official of the Government of Burma on or after February 2, 2021.

Entities

1. MINING ENTERPRISE NO 1 (a.k.a. MINING ENTERPRISE NUMBER ONE; a.k.a. MYANMA MINING ENTERPRISE NUMBER 1; a.k.a. MYANMAR MINING ENTERPRISE NUMBER 1; a.k.a. NO. 1 MINING ENTERPRISE), Bu Tar Street, Forest Street, Monywa, Sagaing Region, Burma; Organization Type: Mining and Quarrying [BURMA–EO14014].

Designated pursuant to section 1(a)(iv) of E.O. 14014 for being a political subdivision, agency, or instrumentality of the Government of Burma.

2. MINING ENTERPRISE NO 2 (a.k.a. MYANMA MINING ENTERPRISE NUMBER 2; a.k.a. MYANMAR MINING ENTERPRISE NUMBER 2; a.k.a. NO. 2 MINING ENTERPRISE; a.k.a. NUMBER 2 MINING ENTERPRISE), Myay Myint Quarter, Pyi Htaung Su Road, Myitkyina, Kachin State, Burma; Organization Type: Mining and Quarrying [BURMA–EO14014].

Designated pursuant to section 1(a)(iv) of E.O. 14014 for being a political subdivision, agency, or instrumentality of the Government of Burma.

3. UNION ELECTION COMMISSION, Office No. 22, Zeyahtani 2 Street, Nay Pyi Taw, Burma; Organization Type: General public administration activities [BURMA–EO14014].

Designated pursuant to section 1(a)(iv) of E.O. 14014 for being a political subdivision, agency, or instrumentality of the Government of Burma.

Authority: E.O. 14014, 86 FR 9429.

Dated: January 31, 2023.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2023–02327 Filed 2–2–23; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Actions

On January 30, 2023, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. RIVERA ZAZUETA, Jose Angel (a.k.a. RIVERA SALAS, Miguel Angel), Mexico; DOB 15 Aug 1987; POB Sinaloa, Mexico; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. RIZA870815HSLVZN00 (Mexico) (individual) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(a)(i) of Executive Order 14059 of December 15, 2021, ''Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,'' 86 FR 71549 (December 17, 2021) (E.O. 14059) for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

2. SANTISO AGUILA, Nelton, Mexico; DOB 20 Aug 1970; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. SAAN700820HNENGL04 (Mexico) (individual) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

3. YANG LOPEZ, Jason Antonio, Guatemala; DOB 29 Mar 1981; POB Mazatenango, Guatemala; nationality Guatemala; citizen Guatemala; Gender Male (individual) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

Dated: January 30, 2023.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2023–02244 Filed 2–2–23; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Funding Opportunity: Homeless Providers Grant and Per Diem (GPD) Program Case Management Grant

AGENCY: Department of Veterans Affairs.

ACTION: Notice of funding opportunity (NOFO).

SUMMARY: VA is announcing the availability of approximately $15 million per year for up to 2 years, pending availability of funding and grantee performance, in new grants under the case management component of the VA Homeless Providers GPD program.

Applications for grants are being accepted from eligible entities to support case management services. These time-limited case management services will improve retention of housing by Veterans who are at risk of becoming homeless or who were previously homeless and are transitioning to permanent housing from programs such as VA's Homeless Providers GPD program or VA's Health Care for Homeless Veterans (HCHV) Contracted Residential Services (CRS) program.

VA anticipates that the grants will be for a period of 2 years, starting in fiscal year (FY) 2024 on October 1, 2023, and ending on September 30, 2025. VA anticipates awarding approximately 100 grants for up to a total of approximately 150 full-time equivalent case (FTE) manager positions nationwide. Awards may be up to $300,000 total costs per FTE case manager position, with funding requests broken out by year 1 and year 2.

This NOFO contains information concerning the program, application process, available funding, selection criteria and award process.

DATES: Applications for grants must be received by the GPD National Program Office no later than 4:00 p.m. Eastern Time on Thursday, May 4, 2023.

In the interest of fairness to all, this deadline is firm as to date and hour. VA will treat any application received after the deadline as ineligible. Applicants should take this practice into account and submit their materials early to avoid the risk of unanticipated delays, computer service outages or other submission-related problems that might result in ineligibility.

ADDRESSES: Instructions for accessing the application are available at *www.va.gov/homeless/gpd.asp.* The required documentation for applications is outlined under the Content and Form of the Application section of this NOFO. Standard forms, which must be included as part of a complete application package, may be downloaded directly from VA's GPD program website at *www.va.gov/homeless/gpd.asp.* Questions may be referred to the GPD National Program Office at *GPDGrants@va.gov.* For detailed GPD program information and requirements, see 38 CFR part 61.

Application Submission: Applications must be submitted by following the instructions at *www.va.gov/homeless/gpd.asp.* Applications must be received by the GPD National Program Office no later than 4:00 p.m. Eastern Time on the date of the application deadline. Applications must be submitted as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected or not funded.

In the event of certain errors, such as duplicate applications or multiple applications per Employer Identification Number (EIN), per VA medical center catchment area, VA reserves the right to select which application to consider based on the submission dates and times or based on other factors.

Applicants are advised to refer to this NOFO when completing the online application. NOFO content provides supplementary guidance for completing the online application.

Technical Assistance: Information regarding how to obtain technical assistance with the preparation of a grant application is available on the GPD website at *www.va.gov/homeless/gpd.asp.*

FOR FURTHER INFORMATION CONTACT: Chelsea Watson, Director, VA Homeless Providers GPD Program Office, *GPDGrants@va.gov* or 727–273–5619 (This is not a toll-free telephone number).

SUPPLEMENTARY INFORMATION:

Funding Opportunity Title: GPD Case Management Grant.

Announcement Type: Initial.

Funding Opportunity Number: VA–GPD–CM–FY2024.

Assistance Instrument: Grant.

Assistance Listing: 64.024, VA Homeless Providers Grant and Per Diem Program.

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I. Funding Opportunity Description

A. Purpose

Ending and preventing homelessness among Veterans is a priority for VA. VA Homeless Programs Office constitutes the Nation's largest integrated network of homelessness, housing, prevention and rehabilitation services for Veterans. These programs are designed to help Veterans live as self-sufficiently and independently as possible. The

foundation for these programs is based on Housing First principles combined with supportive services to ensure Veterans are able to end the cycle of homelessness.

Since 1994, the GPD program has provided Veterans who are experiencing homelessness with community-based transitional housing, supportive services such as case management, and more. These services assist Veterans in attaining or retaining permanent residence. Several types of grants are offered under the umbrella of the GPD program. The grants are designed to meet Veterans at various stages as they move to housing stability. The community organizations who receive these grants offer focused housing stability services through a variety of service models. The GPD program plays a vital role in the continuum of homeless services.

B. Background

Ending Veteran homelessness requires multifaceted approaches. This NOFO represents one such approach. In response to the mounting need in communities to prevent homelessness, this NOFO focuses on upstream prevention approaches to reduce the risk of housing instability. Grants funded from this NOFO will increase housing stability for Veterans.

VA is committed to supporting community-based organizations as they transform projects to meet the challenge of ending homelessness among Veterans.

C. Definitions

The regulations for the GPD program are codified in 38 CFR part 61. Definitions of terms used in the GPD program and in Federal grant programs that are applicable to this NOFO are available in 38 CFR part 61 and 2 CFR part 200. See 38 CFR 61.1 for the definitions. Selected and additional definitions are highlighted here for purposes of this NOFO:

- *By-name list:* A comprehensive list of every person in a community experiencing homelessness updated in real time.
- *Case management:* A collaborative client-driven process whereby a range of services are provided to assist individuals in developing their skills to gain or maintain access to needed housing, medical, behavioral health, employment, social, educational and other essential services. Case management activities include housing navigation and providing linkages and training related to the use of basic community resources. Interventions may occur at both the Veteran and system levels. This may include progressive engagement strategies that tailor resources to each Veteran's needs and flexes up supports as greater needs are identified. Case management supports the client's achievement of safe, realistic and reasonable goals within a complex health, social and fiscal environment.
- *Case manager:* One who provides case management and other services. For purposes of this NOFO, the role generally is not a clinical role. An appropriate candidate might have any of a variety of titles, clinical or non-clinical, as long as they are qualified and able to fill the minimum expectations of the role as described in the NOFO and in the grant application. The case manager routinely assesses the needs of the Veteran and arranges, coordinates, monitors, evaluates and advocates for a package of multiple services to meet the specific client's complex needs.
- *Caseload:* The average monthly number of Veterans an FTE case manager is engaged with in housing navigation and in housing retention services.
- *Continuum of Care (CoC):* According to the Department of Housing and Urban Development (HUD), a CoC is a program designed to promote community-wide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers and state or local governments to quickly rehouse individuals and families experiencing homelessness while minimizing the trauma and dislocation caused to individuals, families and communities by homelessness; promote access to and effect utilization of mainstream programs by individuals and families experiencing homelessness; and optimize self-sufficiency among individuals and families experiencing homelessness.
- *Coordinated entry process:* A process through which people experiencing homelessness can access the crisis response system and housing in a streamlined way, have their strengths and needs quickly assessed and connect to tailored housing and mainstream services within the community.
- *Critical Time Intervention (CTI):* An evidence-based, structured and time-limited case management practice that mobilizes support for vulnerable populations during transition periods. This phased case management approach bolsters substantial supports in the early months of transition with these supports gradually tapering over time.
- *Encounter:* An initial engagement with a Veteran that may or may not lead to initiating case management services. Encounters are part of a case manager's overall workload but are not counted toward caseload.
- *Full-time equivalent (FTE):* A full-time case management position is defined as an average of 40 hours per week. Workload may be shared among multiple staff. Therefore, ''FTE'' refers to the number of full-time equivalent positions regardless of how many case managers contribute to completing the hours. Half-time equivalent positions of 20 hours per week may be requested.
- *Homeless Management Information System (HMIS):* A locally administered web-based data system used to record and analyze both project and client information at the local CoC level. HMIS is used by Federal partners, including VA, to measure project performance and participate in benchmarking of the national effort to end homelessness. Currently, using HMIS is required for GPD case management grantees.
- *Housing Navigation:* Services provided to help Veteran participants locate and obtain or retain permanent, stable residence. It may include activities such as outreach to property owners, connecting to legal services, landlord mediation, education, providing information on landlord and tenant issues or identifying local community resources.
- *Supplemental Security Income/Social Security Disability Insurance (SSI/SSDI) Outreach, Access and Recovery (SOAR):* A non-VA, Federal resource that can substantially assist Veterans experiencing or at risk for homelessness by providing them with consistent income that often promotes permanent housing stability, self-sustainment, functional independence and ongoing care for Veterans with disabling conditions.
- *Workload:* Activities performed during the 40-hour work week. Case manager workload includes caseload (for example, housing navigation and housing retention services for Veterans) and outreach (for example, encounters with Veterans). Associated administrative responsibilities also are included in workload.

D. Approach

Goals and Objective

The goals of projects under assistance listing 64.024, VA Homeless Providers Grant and Per Diem program, are to provide transitional housing and supportive services to Veterans experiencing homelessness as they move toward and retain permanent

housing. To achieve these goals, the objective of this NOFO is to provide funds for case management services. Grants awarded under this NOFO will contribute to the achievement of the goals and objective by increasing the availability of case management services available to Veterans and by increasing permanent housing retention by Veterans. Program performance and project performance will be indicated by the average monthly caseload of the FTE GPD-funded case managers and by the percentage of Veterans who retained permanent housing upon exiting from case management.

Applicants agree to meet the applicable requirements of 38 CFR part 61 as a part of the effort to end homelessness among the Nation's Veterans. Applicants agree to meet the applicable requirements of 2 CFR part 200 as part of the Federal-wide initiative to administer Federal financial assistance systematically and uniformly.

GPD Case Management

Case management services, as defined in this NOFO and as described in 38 CFR 61.90(b), may be provided to help overcome and troubleshoot barriers to acquiring, reacquiring and maintaining permanent housing. Case management, including housing navigation services, can help Veterans obtain permanent housing based on their unique needs, preferences and financial resources. Case managers may provide supports to address issues that may impede access to housing (such as credit history, arrears and legal issues), may negotiate manageable and appropriate lease agreements with landlords and may make appropriate and time-limited services available. Case managers also may monitor participants' housing stability after securing housing and during project participation, ideally through home visits and communication with landlords and may be available to resolve housing-related crises.

Examples of case management services that grantees can provide using these grant funds include, but are not limited to, the following:

- Supporting housing search and placement activities to facilitate transitions for Veterans into permanent housing.
- Making home visits by the case manager to monitor housing stability and assess the need for services or other supports.
- Providing or coordinating educational activities related to meal planning, tenant responsibilities, the use of public transportation, community resources, financial management and development of natural supports.
- Navigating resources provided by the Federal Government and State, local and Tribal governments.
- Making referrals to needed services, such as mental health, substance use disorder, medical and employment services.
- Participating in case conferencing with other service providers working with Veterans (*e.g.,* GPD transitional housing grantees, Supportive Services for Veteran Families (SSVF) grantees, other community-based organizations).
- Eviction diversion through the facilitation of landlord/tenant mediation.

Applicants should note that, when possible, case management services should occur in-person; however, virtual case management services (for example, conducting home visits remotely) may be necessary at times. In these cases, GPD encourages applicants to maximize use of technology that offers the richest possible interaction for the individuals involved, such as video and accessibility-friendly technology, and to have written procedures in place regarding the use of virtual case management services.

The minimum educational requirement for case managers funded by GPD case management grants is a bachelor's degree. Four years of case management or housing navigation experience may be substituted for the educational requirement. Grantees may consider lived experience when selecting Case Managers, but lived experience is not a substitute for the educational or work experience requirements. Applicants proposing to use staff who have not yet met the minimum local requirements for licensure and certification, may propose such individuals as staff under the grant as long as they: (1) demonstrate that the project is located in a geographic area where such staff are in high demand; and (2) confirm that the proposed individuals will have a master's degree in social work, will be undergoing training to meet the local licensure and certification requirements and will be under the supervision of a person who meets the local licensure and certification requirements. Within the application, applicants may establish more stringent minimum education, experience and training requirements (see Detailed Application Design section of the NOFO, *e.g.,* Ability). Applicants should carefully consider the minimum educational requirements established in their grant applications, because the GPD National Program Office will likely not honor reductions to minimum credentials after the grant is awarded. Grantees are responsible for complying with any local requirements for licensure or certification.

An FTE position is expected to manage an average monthly caseload of at least 16 Veterans in permanent housing or in housing navigation. Encounters with Veterans count toward the FTE's overall workload but do not count toward caseload. The majority of each FTE's overall workload must be dedicated to caseload. Applicants must have written procedures and position descriptions to implement these FTE workload and caseload requirements. Applicants who can demonstrate that the need in their community is sufficient to meet or exceed caseload expectations are encouraged to apply.

All grantees must participate in HMIS and in their local coordinated entry system. These systems rely on real-time, high-quality data entry. Precise and accurate data is expected to be entered into HMIS by grantees in a timely manner. Grantees are expected to conduct second-level reviews of entered data. Chart reviews of participant files in HMIS must be conducted monthly to ensure all required documentation of services. At a minimum, the following should be included in the HMIS file to the extent the local HMIS implementation allows for it: all HMIS Universal Data Elements, all applicable Program Specific Data Elements and all Federal Partner Program Data Elements. These elements are defined by the VA Data Guide and include participant identification information, household information, demographics, entry and exit data, income source data, health and health care information and updated release of information. Grantees also are expected to engage with their local CoCs and by-name list, case conferencing and general planning processes to the fullest extent possible. Applicants should plan staff time and position descriptions accordingly in order to fulfill HMIS responsibilities. Grantees must treat the data for activities funded from the GPD grant separate from that of activities funded by other programs. Grantees will be required to work with their HMIS Administrators to export client-level data for activities funded from the GPD grant to VA on at least a monthly basis. The completeness and quality of grantee uploads into HMIS will be factored into the evaluation of their grant performance.

The case management resource must not be used to duplicate or replace activities that are funded from another source (refer to 2 CFR 200.405(c)–(d) for details about allocable costs). Also, the case management resource must be maximized to provide case management

services to as many Veterans as possible, including those who are transitioning to permanent housing from programs such as GPD or HCHV CRS. One way to maximize the case management resource is to proactively develop strong collaborations to fill in service gaps left by other programs and to complement or enhance activities happening under other programs. Keeping carefully documented records can demonstrate how a grantee is distinguishing between duplication (unallowable) versus complementation or enhancement (allowable). The following are examples of how to collaborate with other programs to complement or enhance activities while avoiding duplication:

- GPD's Bridge Housing model provides short-term transitional housing for Veterans who have accepted a permanent housing intervention but are not able to immediately enter their permanent housing unit. Successful case management grants are deeply connected with community providers who use the Bridge Housing model and are prepared to provide housing navigation services (if not being provided under the Bridge Housing grant) and to facilitate a warm handoff as the Veteran enters permanent housing and becomes eligible for the case management services.
  - For example, case management grantees could begin engagement with Veterans discharged from Bridge Housing and placed in permanent, non-VA-supported housing (in other words, a Veteran in permanent housing that is not supported by the Department of Housing and Urban Development-Veteran Affairs Supportive Housing (HUD–VASH)).
- GPD's Transition in Place (TIP) housing model offers Veteran residents housing in which supportive services transition out of the residence over time, rather than the resident. This allows the Veteran to remain in the residence rather than being forced to find other housing while stabilizing. Successful case management grants are deeply connected with community providers who use the TIP housing model and are prepared to provide case management after the Veteran assumes the lease and completes the TIP services.
  - For example, case management grantees could begin engagement with Veterans discharged from TIP and in permanent, non-VA-supported housing.
- SSVF offers temporary financial assistance and supportive services to Veterans entering permanent housing or residing in permanent housing and at risk for homelessness. These Veterans are ideal candidates for rich, time-limited case management services to assist them in retaining stable housing. Successful case management grantees maintain strong connections to SSVF programs in their area to provide complementary (but not duplicative) case management services to Veterans, where appropriate and needed to ensure the Veteran can maintain permanent housing.
  - For example, case management grantees may potentially serve a Veteran receiving SSVF Temporary Financial Assistance only. Coordination with VA team members, such as the SSVF regional coordinator or GPD liaison, should occur to ensure appropriate use of the service.
- HUD–VASH provides supportive services to Veterans who have received a HUD voucher. The supportive services assist Veterans in retaining stable housing and in paying for permanent housing. GPD encourages case management grantees to maintain relationships with VA medical center Homeless Programs staff, to include HUD–VASH staff.
  - Typically, however, Veterans served by HUD–VASH have lifetime access to case management services and will not likely be eligible to be served by this grant. If the VA medical center HUD–VASH team is unable to provide case management services to a Veteran in need, grantees should reach out to their GPD liaison to discuss coordination and ability to serve a Veteran in this instance.
  - GPD case management grantees have the option of participating in the HUD–VASH GPD Collaborative Case Management (CCM) partnership if the partnering VA medical center agrees. CCM is an opportunity for GPD case managers to collaborate with their local VA medical facilities HUD–VASH program to provide housing navigation and time-limited case management services to lower acuity Veterans who are entering housing via a HUD–VASH enrollment. CCM enhances and expedites HUD–VASH voucher utilization by partnering with existing GPD case management services. Veterans served by this collaboration must be eligible to receive services through both programs. Much of the pre-housing work normally performed by VA HUD–VASH staff shifts to the GPD CCM case manager. CCM case managers may assist Veterans with searching for housing, obtaining housing placements, utilizing a HUD–VASH voucher and receiving time-limited case management services after placement in permanent housing. After a Veteran is successfully in permanent housing, the GPD CCM case manager provides 6 months of subsequent case management before transferring the Veteran to the local VA HUD–VASH team for ongoing case management services.
  - All applicants proposing to provide services through CCM must demonstrate this within their application. Also:
    - Current GPD case management grantees who already are approved to provide services through CCM, and who wish to continue participating in CCM during the new award period, must include in the application their Memorandum of Understanding (MOU) that was countersigned by the local VA medical facility director. For these applicants, if they are selected for funding under this NOFO, a signed grant agreement with a start date of October 1, 2023, constitutes approval for continuing CCM in the new award period.
    - Applicants who are not current GPD case management grantees, or who are not already approved to provide services through CCM, may request written approval from the GPD National Program Office to participate in CCM through the change of scope process after they are selected for a case management grant under this NOFO. A signed case management grant agreement, with a start date of October 1, 2023, does *not* constitute approval for initiating CCM services. However, GPD will use information provided in the application and through the change of scope process after the case management grant is awarded to provide written approvals for initiating CCM services.

A specific case management practice or model is not required for GPD grants. Applicants must fully articulate within their application any case management model they intend to employ and must demonstrate that the skills, experience and training of the case manager(s) align with the service delivery approach. For example, an applicant that proposes to use the CTI case management model would demonstrate within the application that their case manager(s) will have access to specific CTI training and describe how the CTI model will work for their specific project. Strong fidelity to the CTI model would include the case managers' supervisor having a master's level clinical degree. CTI resources are available online at *https://www.va.gov/HOMELESS/nchav/resources/interventions/critical-time-intervention.asp* and *https://www.criticaltime.org/cti-model/).* Examples of other models for case management are available at *https://www.va.gov/HOMELESS/nchav/resources/index.asp* under

Interventions. However, all applicants must offer a Housing First, low barrier, harm reduction approach to providing services to Veterans and must have policies and procedures for maintaining low barriers and high-quality engagement through the provision of case management service. All applicants must demonstrate an ability to maximize the case management resource at all stages of the housing retention process, from referral to housing navigation, through the six months of case management and including post-case management phasing out of services.

Required Minimum Performance Metrics/Targets

VA has established performance metrics and targets for all successful applicants. VA may, at its discretion, update these targets at any point before or during the award period. If any new metrics or targets come into effect, VA will notify grantees in writing.

- Caseload—A full-time equivalent position is expected to manage an average monthly caseload of at least 16 Veterans in permanent housing or in housing navigation.
- Permanent Housing—At least 90% of Veterans engaged in case management services are expected to have retained permanent housing at the time of exit from case management.

E. Authority

Funding applied for under this NOFO is authorized by 38 U.S.C. 2013.

F. Guidance for the Use of Funds

1. Funding applied for under this NOFO may be used to provide case management services. Funding may not be used for capital costs, per diem costs or the cost of operating transitional housing beds or service centers for Veterans.

2. There is a six-month time limit for Veterans to receive case management services (excluding housing navigation). However, VA may approve a request to extend services beyond the six-month period if an organization submits a request to VA in writing and if VA approves it before the six-month time limit expires.

3. Applications do not have to include coverage for the entire VA medical facility catchment area in the application. The coverage area must not exceed the catchment area identified in the application.

4. Case management grant funding may be used for the following purposes:

a. Providing funding for case management staff (for example, salary, fringe benefits, professional development).

b. Training, education, licensing costs for case management staff.

c. Incidental costs related to supervising or mentoring the case management staff (exclusive of supervisor salary costs).

d. Costs for organizational development related to case management (for example, accreditation).

e. Providing transportation for the case manager(s) or the Veterans they are working with to support housing navigation or other related case management activities.

f. Providing case manager(s) with cell phones, headsets, computers, tablets, printers and other incidentals needed to facilitate home visits and other case management activities associated with the grant.

g. Providing case manager(s) or the Veterans they are working with personal protective supplies, such as masks, gloves, hand sanitizer, disinfecting wipes and other incidentals for safety and health.

h. Providing office space and furniture for the use of the case management staff or other necessary supplies, software and utilities.

i. HMIS participation fees and related staffing costs associated with inputting data and monthly reporting (only if not available through other means at no cost to the grant).

j. Limited non-cash incentives of up to $500 per Veteran engaged in case management services are allowed for costs such as furniture, household items, moving costs, disposable phone, groceries, clothing or other items typically associated with independent living in permanent housing. Incentives may not include cash, gift cards or items purchased by the Veteran for reimbursement.

k. Costs for outreach activities directly related to the grant.

l. Indirect costs, as described in 2 CFR 200.412–415, are allowable if supported by a Federally Negotiated Indirect Cost Rate Agreement (NICRA) or if supported by a certification of de minimis indirect cost rate declaring a rate of up to 10% of modified total direct costs as described in 2 CFR 200.414. Otherwise, all requested costs must be direct costs.

5. Applicants should ensure their funding requests are based on a two-year total project period, divided into 1 year annual budget periods. Include good faith estimated costs considering all available information, such as reasonable cost of living increases, established salary scale adjustments and variations in the projected numbers of Veterans per year.

6. Funding restrictions:

a. Costs for temporary financial assistance or rent are not allowed under this grant.

b. Costs for any other salaries, such as supervisor salary costs, are not allowed.

c. Costs for capital improvements or to purchase vans or real property. Vehicles, however, may be leased to facilitate required transportation within the community. Costs for necessary gas, insurance and maintenance are allowable.

7. Funds provided through this NOFO must not duplicate funding provided by any other GPD or VA grants and must not duplicate or replace funds from any Federal, State or local government agency or program to assist homeless persons.

8. VA reserves the right to fund only those projects or portions of projects based on the percentage of use by VA and based on the actual need as determined by VA. Those activities deemed outside the scope of this NOFO will not be funded.

9. Allowable costs are described for all Federal grants in 2 CFR part 200 subpart E—Cost Principles. One factor affecting allowability of costs is that costs must be treated consistently with the grantee's normal written standards.

II. Award Information

A. Allocation of Funds

1. Under this NOFO approximately $15 million per year for 2 years is available for grants to support time-limited case management services to support Veterans in acquiring, reacquiring and maintaining permanent housing.

2. To facilitate geographic dispersion, each applicant, as defined by EIN, may submit no more than one application per VA medical facility catchment area. Additionally, VA will fund up to two case management grants per VA medical facility catchment area, in priority and rank order. Additional selections may be considered, at VA's discretion, if sufficient funding is available.

3. Funding is dependent upon factors such as need, geographic dispersion, funding availability, the recipient meeting the performance goals, statutory and regulatory requirements, as well as the results of VA inspections or audits.

4. Depending on the quantity and quality of applications received and the availability of funding, VA reserves the right to make additional rounds of conditional selections from this NOFO to the eligible pool of applicants. VA also reserves the right to negotiate with

applicants, at any point, including prior to award, an upward or downward adjustment to factors including but not limited to FTE positions per catchment area, FTE positions per grant, services, project period dates or dollars amounts including adjustments that exceed the limits stated in this NOFO if needed to accomplish the overall goals and objective.

5. All projects must be able to start serving Veterans as of October 1, 2023. Failure to initiate services to Veterans and to meet the minimum caseload requirements no later than 180 days after the start of the award start date may indicate a failure to comply with the terms and conditions of award. VA may impose specific conditions or remedies for noncompliance, including termination of the grant, at any point during the grant period (2 CFR 200.208, 200.339). Terminations and other performance matters may impact future award decisions (2 CFR 200.206).

B. Funding Priorities

VA has established the following funding priorities.

• *Priority 1:* VA will place in the first funding priority those applications from operational GPD-funded organizations that have provided a written commitment to give up per diem only or special need funding and convert their transitional housing to permanent housing. Successful priority 1 applicants who received a GPD capital grant that has met the minimum period of operation (refer to 38 CFR 61.67 for the minimum period of operation) will be considered to have complied with all terms of the grant, to include any applicable real property disposition requirements. In order to obtain this priority, organizations must provide documentation showing that their permanent housing meets the housing quality standards established under section 42 U.S.C. 1437f(o)(8)(B). Applicants wishing to be considered under funding priority 1 must submit with their application a signed letter on agency letterhead noting that, if selected for funding, the agency withdraws from their currently operational GPD project and understands that they will be held to normal closeout and post-closeout requirements (see 2 CFR 200.344–345). This letter of commitment must be provided as an attachment to the case management grant application. See External Attachments section of the NOFO. Applications will be ranked in score order within the funding priority.

• *Priority 2:* VA will place in the second funding priority those applications from organizations that demonstrate a capability to provide case management services, particularly organizations that are successfully providing GPD transitional housing services using per diem only or special need funding. Applications will be ranked in score order within the funding priority. These applicants do not have to submit a written commitment to give up per diem only or special need funding and convert their transitional housing to permanent housing.

• *Priority 3:* VA will place in the third funding priority those applications from other organizations without GPD transitional housing grant experience that seek to provide time limited case management to Veterans to support their acquiring, reacquiring and maintaining permanent housing.

Applications will be ranked in score order within the funding priority.

C. Award Period

VA anticipates that the grants will be for a period of up to two years starting in FY 2024 on October 1, 2023 and ending September 30, 2025.

III. Eligibility Information

A. Eligibility

Any eligible entity may apply for funding. Current GPD grantee organizations are eligible to apply. Applicants are not required to be a current GPD grantee. An application is eligible for consideration if it is complete, if it meets all the requirements stated in the NOFO and is submitted by the date and time on the NOFO from an eligible entity for eligible activities.

1. *Eligible entity:*

a. An entity is eligible to apply if it is a 501(c)(3) or 501(c)(19) nonprofit organization, State, local or Tribal government. For purposes of this program, the term ''Tribal government'' means an entity described in paragraph (2) of the definition of ''public entity'' in 38 CFR 61.1.

b. An entity that is religious or faith-based is eligible, on the same basis as any other organization to participate. Faith-based organizations should refer to 38 CFR 61.64(b)–(g) for grant compliance requirements.

c. Eligible entities may submit up to one application per EIN, per VA medical center catchment area.

d. Successful applicants must maintain their status as 501(c)(3) or 501(c)(19) nonprofit organization, State, local or Tribal government.

e. Eligible entities must have an active registration in the System for Award Management (SAM) and must maintain their active status throughout the grant award period.

2. *Eligible activities:*

a. Projects that propose to support case management services to assist Veterans in obtaining and retaining permanent housing are eligible. See Definitions section, GPD Case Management section and Guidance for the Use of Funds section of this NOFO for details about case management and services.

b. Each application must propose at least 0.5 FTE position (at least 20 hours on average per week). This NOFO does not establish a maximum number of hours. Applicants must propose the number of hours based on the number of Veterans estimated to be served, considering the minimum caseload requirements established in the NOFO.

c. Each applicant must propose a two-year project period.

Applicants must not be out of compliance with any reporting requirements or other requirements under any other GPD grant (for example, outstanding SF–425 Federal Financial Report or outstanding closeout requirements). Pursuant to 2 CFR 200.344(i), VA will publicly report to the Federal Award and Performance Integrity and Information System (FAPIIS) any organization whose reporting is not complete within one year from the grant end date. GPD may decide not to provide a grant under this NOFO to an organization who is out of compliance with requirements under other VA or GPD grants.

Refer to the Award Information section for funding priorities.

B. Cost Sharing or Matching

None.

IV. Application and Scoring Information

A. Content and Form of Application

The numbered questions below make up the Case Management application that all applicants must complete. VA is seeking to focus resources to assist Veterans with obtaining and retaining permanent housing. Applicants must include all required documents in their application submission. Submission of an incorrect, incomplete, inconsistent, unclear or incorrectly formatted application package may result in the application being rejected.

VA may make a reasonable effort to confirm or clarify information in the application. VA reserves the right to consider ineligible or to not select any application with inconsistent information or information that cannot be readily confirmed or that leads to an unclear understanding of the proposed project.

This NOFO cannot predict all potential circumstances. Applicants are expected to propose plans within the requirements and guidance of the NOFO. When a specific situation is not explicitly addressed in the NOFO, applicants must use their judgment to propose plans that meet the intent of the NOFO and may explain how their choices align with the intent. All applications will be evaluated against the requirements and guidance in the NOFO.

Organization Profile (Eligibility)

1. Unique Entity Identifier (UEI).
2. Employer Identification Number (EIN).
3. Organization Name.
4. Organization Address (including city, state, postal code and congressional district).
5. Indirect Cost Rate (percentage) and upload a copy of your agency's NICRA that supports this rate or upload a copy of your agency's certification of de minimis indirect cost rate. *Note:* Applicants not requesting indirect costs as described in 2 CFR 200.414 are not required to upload anything here.
6. System for Award Management (SAM) expiration date. *Note:* Applicants are required to be registered in SAM before submitting an application and must maintain an active SAM registration with current information at all times during which they have an active Federal award or an application under consideration by a Federal awarding agency. Refer to the Funding Actions section of the NOFO and 2 CFR part 25 for more details.

Overview

7. Identify the funding priority for which this application is being submitted (select one).
8. Amount requested (must match what is provided in the Budget table section):
a. Year 1 total amount.
b. Year 2 total amount.
c. Combined 2-year total amount (*i.e.,* 8a + 8b = 8c).
9. Station number of the VA medical facility whose catchment area includes the proposed area to be served in this application (select one).
10. Veterans Integrated Services Network (select one)
11. Continuum of Care (CoC) (select all that apply).

Application

12. Total number of hours per week grantee will provide services under the GPD case management grant (one FTE = 40 labor hours per week; minimum amount per application = 20 hours per week).
13. Number of case management staff members proposed to fill the hours requested above.
14. Average number of Veterans to be served per FTE case manager position per month (must be 16 or more Veterans).
15. Total number of Veterans to be served per FTE case manager position annually.
16. Site address(es), city, state, zip code + four-digit extension, county, congressional district (the location of the case manager(s) office and where project records will be retained).

Abstract

17. In approximately 500 words, provide a brief abstract introducing and summarizing the proposed project. Abstracts may elaborate on information provided elsewhere and may provide necessary context about the intent and impact of the project. As applicable, include a discussion of multiple positions, multiple CoCs and other information relevant to an understanding of the overall project.

Detailed Application Design

This is the portion of the application that describes the proposed project. VA reviewers will score the application based on how the detailed application design addresses the areas of need, project plan, ability and coordination in relation to assisting Veterans to obtain and retain permanent housing. VA expects successful applicants to propose high quality staff who will provide a milieu of services for Veterans. These sections are in compliance with 38 CFR part 61.

Reviewers will give consideration to how the application demonstrates plans to maximize the case management resource. All scores, including need and coordination scores, may be impacted by this consideration. For example, applications that propose to participate in CCM or that otherwise show access to a reliable referral stream of potential Veteran participants, will be considered more responsive to this NOFO than applications that do not demonstrate access to a reliable referral stream.

Need (See 38 CFR 61.92(e))

When providing information to support the need for case management services, keep in mind that case management services may not be duplicative of the services provided under other programs but may work in collaboration.

18. Need 1—In approximately 500 words, discuss the overall need for this grant in your community. Responses must include community level data and discussion that supports your assertions regarding need.
19. Need 2—In approximately 500 words, discuss how many eligible Veterans your organization commits to serving. Include:
a. Explain how you determined the average number of Veterans to be served per FTE case manager position per month and the total number of Veterans to be served per FTE case manager position annually, as stated in the Application section. (See GPD Case Management section for minimum average monthly caseload expectations.)
b. Current GPD case management grantees must discuss the average number of Veterans served per case manager under their current award and the total number of Veterans served from October 1, 2021, through September 30, 2022. Explain how this past experience informed the current declared need for this proposed new grant.

Project Plan (See 38 CFR 61.92(c))

20. Project Plan 1—In approximately 500 words describe the outreach, referral and acceptance process for case management services. Responses must include all of the following:
a. Strategies your agency will employ to outreach to local community providers (for example, HCHV, GPD) to engage Veterans in services.
b. Your organization's involvement with the local coordinated entry system and how this project fits into the system.
c. The minimum frequency and method of contact (home visit, video, phone, etc.) each Veteran will have with their case manager. (See GPD Case Management section for minimum average monthly caseload expectations.)
21. Project Plan 2—In approximately 250 words, describe the policies, procedures, admission criteria and strategies your organization employs to ensure equity and nondiscrimination. VA is committed to advancing equity and support for underserved and underrepresented communities. VA requires all projects to be nondiscriminatory and expects grantees to include strategies for nondiscrimination of any individuals based on factors including but not limited to race, color, religion, sex, gender identity, gender expression, sex characteristics, sexual orientation, pregnancy, national origin, disability, age, genetic information, marital status, parental status or political affiliation.
22. Project Plan 3—In approximately 750 words, describe your plans for how, when, and by whom the progress of participants who are receiving case

management services toward meeting their individual goals will be monitored, evaluated and documented. Responses would include the following:

a. Descriptions of the specific case management services that will be provided to Veterans, such as housing navigation, landlord engagement, home visits and financial management, and how these supports will be individualized to assist Veterans in acquiring, reacquiring and retaining housing.

b. A discussion of the case management model or approach your agency will employ to facilitate successful retention of housing. (Refer to the GPD Case Management section of the NOFO.)

c. How education will be provided to Veterans, as needed, in areas including but not limited to tenant rights and responsibilities, rental and lease agreements, landlord's rights and responsibilities, natural supports and budgeting.

d. How Veterans will receive support in areas including but not limited to increasing income, accessing benefits and gaining or retaining employment. GPD encourages applicants to demonstrate an awareness of and commitment to using the SSI/SSDI SOAR program.

e. How crisis intervention services will be used, as needed, to promote the maintenance of permanent housing, access to medical care, mental health or substance use disorder treatment.

23. Project Plan 4—For applicants not proposing to participate in HUD–VASH CCM, this question is not applicable and applicants should enter ''N/A.'' For applicants proposing to participate in HUD–VASH CCM, in approximately 500 words, describe all of the following:

a. How your organization will receive referrals to serve Veterans appropriate to this collaboration.

b. How your organization will ensure ongoing collaboration with the local VA medical center partners.

c. Your organization's experience with housing searches.

d. How Veterans will be assessed for acuity and appropriateness for this collaboration.

24. Project Plan 5—In approximately 500 words, describe your plans that will result in accomplishing the proposed case management grant project. Responses must include all of the following:

a. How your organization will incentivize Veteran engagement.

b. How Veterans will be periodically assessed to determine the need for reduced or increased case management services.

c. How case management for each Veteran will be phased out over time prior to termination of services. Reminder that according to 38 CFR 61.90(c), case management services are expected to be for up to six months. Case-by-case extensions may be available if VA receives and approves a written request for additional time before the six-month time limit expires.

d. How your organization will incentivize recruitment and retention of skilled case managers, for example through competitive salaries or professional development.

25. Project Plan 6—In approximately 250 words, if your agency plans to use any subrecipient(s) or contractor(s) for providing any of the project the plan services discussed in this section, describe the responsibilities of the subrecipient(s) or contractor(s). For each subrecipient or contractor, include the name, EIN, UEI and activity to be completed. Information provided here must align with that which is provided in the Budget section. For applicants not proposing to use subrecipients or contractors, this question is not applicable, and applicants should enter ''N/A.''

Ability (See 38 CFR 61.92(d))

26. Ability 1—In approximately 500 words, describe your agency's past performance with VA and non-VA projects. Responses must include (as applicable):

a. Current GPD case management grantees must discuss their performance under their case management award from October 1, 2021, through September 30, 2022. Include how many Veterans were served, the average length of time case management services were provided, percentage of permanent housing retention or other performance results.

b. All applicants must discuss any current and past projects pertaining to the activities proposed in this application, including VA, non-VA, Federal, state, local and private grants or contracts and how this experience demonstrates your agency's ability to successfully execute the proposed project.

c. Include an explanation of any corrective action plans or performance improvement activities your agency has undertaken and the outcome(s).

d. Any accreditations your organization has related to case management.

27. Ability 2—Complete the staffing plan table section of the application for this project (see Example 1). Successful applicants will be allowed to exceed the minimum standards during the grant period without the need for written prior approval from the GPD National Program Office, but they will not be allowed to reduce the standards. Position descriptions for up to two key positions may be attached. *Do not* include resumes.

Example 1:

Job title (do not name specific names) (agency, contractors, sub-contractors)	Brief (1–2 sentence) description of responsibilities	Minimum required educational level	Hours per week allocated to the GPD project (40 hours equals full-time)	Number of FTE	Amount of annual salary allocated to the GPD project per year	Amount of salary, per job title, for the full-time equivalent position(s) per year
Case manager	Responsible for working with the Veteran to develop and monitor an individual service plan and to adjust the plan as needed. Co-ordinates support with other community agencies.	Bachelor's degree	60	1.5	$90,000	$60,000

28. Ability 3—In approximately 250 words, describe your agency's ability to operationalize this project by October 1, 2023, in order to begin enrolling Veterans as quickly as possible. Responses must include:

a. A discussion of the start-up activities, the timing involved and when the project will be fully operational.

b. An explanation of how your agency has already secured, or will secure, the staffing and other resources needed for the proposed services. Applicants should demonstrate an ability to maximize the case management resources efficiently.

c. Your organization's experience working with landlords.

29. Ability 4—In approximately 750 words, provide information about the proposed case management position(s). Be sure to describe *only the minimum standards* that will be used for the position(s). Successful applicants will be allowed to exceed the minimum standards during the grant period, but they will not be allowed to reduce the standards. Responses must include all of the following:

a. The minimum education, training, skills and prior experience requirements. If identifying specific licenses or degrees required for the position(s), list all acceptable credentials. (See Funding Opportunity Description section for minimum requirements.

b. The resources that will be provided to the case manager(s) to facilitate engagement with Veterans, such as vehicle, cell phone, computer, or office space.

c. How the position(s) or hours will be adjusted if caseloads are less than the minimum cited in the project plan section of the application to ensure that caseloads return to average levels as soon as possible and to maximize the position(s) or hours for allowable activities during periods when caseloads are less than full.

d. The professional development that will be available to the case manager(s), including but not limited to training, licensing, supervision or mentoring.

e. How the case manager's knowledge and skills will be strengthened through staff training and development, including but not limited to suicide prevention, equity and inclusion.

f. How staff performance will be measured, reviewed and improved.

Coordination (See 38 CFR 61.92(g))

30. Coordination 1—In approximately 500 words, describe how your agency, prior to submitting the application, coordinated directly with relevant partners about the proposed project. Responses must include:

a. A description of coordination efforts with the VA medical facility Director (or the appropriate authorized representative per the local practice), with local SSVF and HUD–VASH grantees, with the local CoC and with HCHV and GPD providers in the community who would potentially be referring Veterans for case management services. Clearly identify the points of coordination and discuss the outcome of past coordination efforts.

b. How medical care, mental health and substance use care for Veterans will be coordinated with external partners as needed.

c. If proposing a HUD–VASH GPD CCM partnership, include how CCM has been or will be coordinated with the local VA medical facility HUD–VASH team and with medical center leadership. Describe ongoing meetings and communication plans that will ensure coordination between VA and your organization. Current GPD case management grantees who already are approved to provide services through CCM must include in the application their MOU, countersigned by the local VA medical facility, if they wish to continue participating in CCM during the new award period. Other applicants who are proposing CCM may attach a letter of coordination to demonstrate discussions prior to applying and if selected for a grant, full documentation will be required as part of the change of scope process prior to being approved for CCM participation. (CCM information is available on the GPD provider website at *https://www.va.gov/HOMELESS/GPD_Providerwebsite.asp.*)

Letters of coordination from the VA medical facility, CoC or other partners are not required but may be provided and may help substantiate information included in the application (see the External Attachments section at the end of the application). Applicants are strongly encouraged to allow as much time as possible, but no less than 30 days, for letters of coordination. All application materials must be submitted together in a single package by the due date and time indicated in this NOFO. Any materials arriving separately or late will not be accepted as part of the application.

Note: VA reserves the right to confirm with local VA medical facility staff or others any information related to an application. If information cannot be confirmed or if discrepancies are identified, VA reserves the right to adjust award decisions, to not select the application, to consider other application(s) in rank order or to make other remedies as appropriate.

Budget

In addition to the part of the application that is scored (the Detailed Application Design section), this part of the application (Budget) is not scored but is required for an application to be considered complete. Information provided may impact award decisions, for example award amounts or specific conditions of award. Applications that are not complete may be rejected at threshold and not be considered for award.

31. Budget Table—Applicants must complete the itemized detailed budget table section of the application.

Example 2:

	Year 1	Year 2	Total	Notes
Salary				
Fringe Benefits				
Transportation				
Phone, Computer, and misc IT				
Office Space				
HMIS				
Veteran Incentives (see limit)				
Other				
Indirect costs				
TOTAL				

Budget Narrative—In approximately 250 words, describe how you calculated the costs of services and staffing proposed in the application. The Budget Narrative must thoroughly and clearly describe every category of expense listed in the Budget Table. The narrative must be mathematically sound and correspond with the information and figures provided in the Budget Table and in the Application for Federal Assistance (SF–424). The narrative must explain how all costs are estimated and calculated and how they are relevant to the completion of the proposed project. As with the Budget Table, the Budget Narrative must be broken down by year. If applicable, identify the amount(s) and source(s) of other funding (aside from the funding requested in this application) that would be used to

support project costs. Explain how other funding, if any, impacted the cost calculations for the activities proposed in this application. The narrative must demonstrate an understanding of and compliance with the guidelines in the NOFO, 38 CFR part 61, Federal cost principles (2 CFR part 200 subpart E) and other applicable funding requirements.

a. If an applicant plans to provide pass-through funding to a subrecipient or to a contractor, the applicant must discuss cost calculations, including indirect costs, for each subrecipient or contractor. Applicants must comply with Subrecipient Monitoring and Management requirements in 2 CFR 200.331–333. Information provided here must align with that which is provided in the Project Plan section.

b. See the Guidance for the Use of Funds section for details about indirect costs. Information provided here must align with that which is provided in the Organization Profile section.

32. Assessment of Management Systems—In approximately 150 words, and as authorized under 2 CFR 200.206(b), provide a description of your organization's financial stability, the quality of management systems, your ability to meet the management standards described in 2 CFR 200.300–309 and 38 CFR 61.66 and your ability to effectively implement statutory, regulatory or other requirements imposed on non-Federal entities. Applicants who have received training on Federal grants management practices or who have registered for such training to happen in the near future may include the dates, titles and providers of the training.

Organization Leadership

33. Complete the organization leadership table. At minimum, this table must include the positions with the following titles or equivalent titles: Executive Director, Chief Financial Officer and Project Manager. The table also must include a complete list of the current Board of Directors. For each position, include name, title, phone number and email address. See also Conflicts of Interest section.

Example 3:

Name	Title	Phone number	Email address
Thi Nguyen	Executive Director	111–222–3333	*email@address.org.*
Anisa Osman	Chief Financial Officer	111–222–3333	*email@address.org.*
Marco Aguilar	Project Officer	111–222–3333	*email@address.org.*
Angel Banmeke	Chair, Board of Directors	111–222–3333	*email@address.org.*
Lei Yang	Treasurer, Board of Directors	111–222–3333	*email@address.org.*

External Attachments

When submitting an attachment in spreadsheet or table format, applicants are encouraged to convert to portable document format (PDF) prior to submission.Applicants who submit materials in PDF are encouraged to submit a native PDF (a machine-readable PDF, not an image only or a scanned PDF), if possible.

34. Applicants may provide required and optional materials as attachments, including:

a. SF–424. (required)

b. Letter(s) of coordination. (optional)

c. Position descriptions for up to two key positions may be attached. *Do not* include resumes. (optional)

d. Priority 1 letter. (required for those applying under priority 1)

e. CCM MOU. (required for CCM applicants who are current GPD grantees already approved for CCM)

f. Other. (optional)

Standard Form (SF)

Provide as an attachment the Office of Management and Budget (OMB) SF–424. The SF–424 must be signed by a person at the applicant organization who is authorized to make legal commitments on behalf of the organization. The signature on the SF–424 must be digital or must be a wet-ink signature. A blank signature field or a ''signature'' that is manually typed will not be accepted. VA reserves the right to communicate with an applicant, as needed, prior to making threshold decisions. A signature on the SF–424 indicates the applicant agrees to comply with all SF–424B Non-Construction Assurances and terms and conditions of award. Applicants do not need to submit the SF–424B with the application. Instead, the applicant agrees to the assurances by maintaining an active registration in SAM. Applicants must submit proof of SAM registration upon submission of their application and, if awarded the grant, applicants should maintain an active SAM account for the duration of the grant period as a continuing condition of eligibility. For awareness, however, applicants may refer to the GPD website for a list of assurances and for a sample standard terms and conditions of award.

Certifications

35. By signing and submitting this application for Federal assistance, I agree to the following:

a. The applicant commits to engaging in the local coordinated entry process and the by-name list, as appropriate.

b. The applicant commits to using HMIS to document GPD grant services.

c. The applicant commits to having written standard operating procedures on conflicts of interest (see Conflicts of Interest section).

d. The applicant commits to ensuring staff supported by grant funds are trained annually regarding suicide prevention and commits to having written standard operating procedures on suicide prevention developed in consultation with the local VA medical center.

e. The applicant commits to ensuring staff supported by grant funds are trained annually regarding equity and inclusion and commits to having written standard operating procedures on nondiscrimination of any individuals based on factors including but not limited to race, color, religion, sex, gender identity, gender expression, sex characteristics, sexual orientation, pregnancy, national origin, disability, age, genetic information, marital status, parental status or political affiliation.

f. The applicant organization commits to complying with all applicable requirements for the grant including but not limited to 38 CFR part 61, 2 CFR part 200, Federal cost principles, terms and conditions of award, requirements in the NOFO, performance measures and reporting requirements.

g. The applicant does not have any past due SF–425 Federal Financial Report (FFR) or any other outstanding requirement under any GPD grant.

B. Scoring

Applications will be scored according to the number of points available for each section as stated in 38 CFR 61.92.

V. Review and Selection Process

A. Application Review

An applicant must meet the initial threshold review requirements of 38 CFR 61.92(a). Applications must be submitted on time, in the correct format,

be complete, from an eligible entity and for eligible activities. Not meeting these criteria may result in the application being rejected at threshold and not being considered for award.

Applications that meet threshold will be scored. VA may use historical program documents of past performance, both VA and non-VA, including those from other Federal, State and local agencies as well as audits by private or public entities in determining scores. Applications will be ranked in score order by funding priority as described in 38 CFR 61.94. Applications in priority 1 that receive the minimum score to be eligible for selection will be considered in score order before applications in priority 2 are considered, etc. VA will select up to two case management grants per VA medical facility catchment area, in priority and rank order. Additional selections may be considered, at VA's discretion, until available funding is exhausted. If VA determines that an application was received under the wrong priority, VA reserves the right to consider the application ineligible. VA also reserves the right to consider such application under the correct priority, or under priority three, if the application otherwise meets the threshold criteria.

Reviewers will give consideration to how the application demonstrates plans to maximize the case management resource.

B. Application Selection

The rating and selection process may be found at 38 CFR 61.92–94. In case of a discrepancy between information provided by the applicant and other information available to VA, VA reserves the right to make funding decisions based on all available information or to not select an application as described earlier.

Depending on factors such as the quantity and quality of applications received and the availability of funding, VA reserves the right to make additional rounds of conditional selections from this NOFO to the eligible pool of applicants, to reduce the number of hours awarded or to take other actions as appropriate. VA reserves the right to negotiate with applicants as needed to accomplish the overall goals and objective. Consistent with 2 CFR 200.206(b), VA evaluates risk posed by applicants at any time pre-award or post-award. Special conditions, adjustments or remedies corresponding to the degree of risk may be applied to an award (2 CFR 200.206, 200.208, 200.339). Risk evaluations may include but are not limited to an evaluation of the applicant's eligibility, the quality of its application, the needs of the community, the organization's financial stability, management systems and standards, the history of performance, the status of Single Audit reports, an ability to effectively implement requirements, the status of any VA or other Federal debt and the findings of any VA fiscal reviews.

Tie Score

In the event of a tie score between applications, VA will determine at its discretion how to handle selection decisions (for example, selecting multiple applications for award, awarding for less than requested, or reducing hours). VA will consider the intent of this NOFO to fund case managers to assist vulnerable Veterans in retaining their permanent housing. VA's discretionary funding decisions are final.

Funding Actions

VA will provide funding to all eligible applicants in score order as described in this NOFO until eligible applications or funding is exhausted. Funding is not guaranteed. Conditionally selected applicants may be asked to submit additional information. Applicants will be notified of the deadline to submit such information. If an applicant is unable to meet any conditions for the grant award within the specified time, VA may non-select the applicant and may use the funding for another applicant(s). VA may negotiate arrangements with conditionally selected applicants and will incorporate any changes into the grant agreement. Prior to awarding a grant agreement, VA reserves the right to make upward or downward adjustments to factors including but not limited to hours, FTE positions, services, project period dates or dollars amounts, including adjustments that exceed the limits of the NOFO, as needed within the intent of this NOFO. Adjustments may be based on a variety of factors including the quantity and quality of applications, the needs of the community, geographic dispersion, as well as the availability of funding.

VA will consider any information that comes to its attention, including information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics and performance under Federal awards. VA may not make a Federal award to an applicant if the applicant has not complied with all applicable UEI and SAM requirements. Applicants may refer to 2 CFR part 200, 2 CFR part 25 and *www.sam.gov* for more information.

If an applicant has not fully complied by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and may use that determination as a basis for making an award to another applicant. VA may elect to negotiate an increase to another conditionally selected applicant(s), to award additional applications, to publish another funding opportunity or to take other actions based on factors such as the availability of funds and quality of applications. Signature of the grant agreement by the Secretary, or designated representative, indicates final selection is completed and the grant funds will be obligated for the funding period.

VI. Award Administration Information

A. Award Notice

Although subject to change, the GPD National Program Office expects to announce grant awards around the fourth quarter of FY 2023 (July–September 2023). The initial announcement will be made through a news release which will be posted on the GPD program website at *www.va.gov/homeless/gpd.asp.* VA anticipates that the grants will be for a period of two years. Continuation funding is not guaranteed. VA reserves the right in any year to make adjustments to funding levels, services, performance targets, dates or otherwise as needed within the intent of the NOFO based on a variety of factors including availability of funding and performance.

GPD will notify both successful and unsuccessful applicants. Only a grant agreement with a VA signature is evidence of an award and is an authorizing document allowing costs to be incurred against the grant award. Other notices, letters or announcements are not authorizing documents. Applicants may incur eligible project costs up to 90 calendar days before the start of the award without written prior approval (2 CFR 200.308(e)(1)). Any costs incurred before VA makes the award are at the applicant's risk. VA is not required to reimburse such costs if for any reason the applicant does not receive a Federal award, if the costs are determined to be unallowable or if the Federal award is less than anticipated or inadequate to cover such costs (see also 2 CFR 200.458).

The grant agreement includes terms and conditions of award. Sample terms and conditions are available on the GPD website at *https://www.va.gov/homeless/gpd.asp,* including

requirements such as prohibition on covered telecommunications and video surveillance services or equipment (2 CFR 200.216), debarment and suspension (2 CFR part 180), as well as integrity and performance reporting (2 CFR part 200 appendix XII).

The applicant's signature on the SF–424, including electronic signature, constitutes a binding offer by the applicant and constitutes agreement to the terms and conditions. VA may elect to award funds with or without discussions with the applicant. Applicants may review GPD's general terms and conditions of award at any time on the GPD website at *https://www.va.gov/homeless/gpd.asp.*

VA may obligate funding for the entire grant period at the time of award or may provide funding in annual increments. Conditionally selected applicants will be informed by way of the grant agreement. Monthly reimbursements will be issued to grantees based on costs incurred. Awards under this NOFO are dependent on funding availability and program authorization. Future years may be impacted by factors such as carry forward amounts, performance, caseloads, risk assessment or organizational financial stability and management standards. At any time during the grant, VA reserves the right to make upward or downward adjustments to factors including but not limited to FTE positions, services, project period dates or dollar amounts including adjustments that exceed the limits stated in this NOFO as appropriate to accomplish the overall goals and objective.

B. Administrative and National Policy

VA places great emphasis on responsibility and accountability. VA has procedures in place to monitor grants provided under this NOFO. Federal funding must be expended, and grant projects must be implemented, in full accordance with the U.S. Constitution, Federal law and public policy requirements, including, but not limited to, those protecting free speech, religious liberty, public welfare, the environment and prohibiting discrimination (2 CFR 200.300(a)).

Grantees are responsible for complying with all requirements of the Federal award. For all Federal awards this includes the provisions of the Federal Funding Accountability and Transparency Act, which includes requirements on executive compensation, and other requirements found at 2 CFR parts 25 and 170. Grantees and their employees also are subject to the whistleblower rights and remedies established in 41 U.S.C. 4712.

Conflicts of Interest

Consistent with 2 CFR 200.112, grantees must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity immediately and no less frequently than annually thereafter.

The conflict-of-interest guidance for general procurement standards (2 CFR 200.318) will be applied to other grant actions beyond procurement actions. Specifically, grantees must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees or other personnel engaged in activities funded from the GPD grant, such as the selection, award and administration of a contract supported by a Federal grant, if they have a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, agent, any member of the immediate family, a partner or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees and agents of the grantee organization may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts. However, grantees may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards.

Suicide Prevention

Grantees must ensure staff supported by grant funds are trained annually regarding suicide prevention and how to address situations in which Veterans demonstrate suicidal ideation. Standard operating procedures are to be developed on suicide prevention in consultation with your local VA medical facility. VA training is available at *https://www.va.gov/EMPLOYEE EDUCATION/ees_vha_train.asp.* Suicide Prevention Coordinator (for in-person training) locator is available at *https://www.veteranscrisisline.net/get-help/local-resources.*

Equity and Inclusion

Grantees must ensure staff supported by grant funds are trained annually regarding equity and inclusion. Standard operating procedures are to be developed on nondiscrimination of any individuals based on factors including but not limited to race, color, religion, sex, gender identity, gender expression, sex characteristics, sexual orientation, pregnancy, national origin, disability, age, genetic information, marital status, parental status or political affiliation. VA training is available at *https://www.va.gov/EMPLOYEEEDUCATION/ees_vha_train.asp.*

C. Payment

1. Under this NOFO, VA will make payments in a method consistent with VA policy and other Federal fiscal requirements. Payments are only for allowable costs, as specified under OMB cost principles for grants, for the activities outlined in this NOFO. All payment specifics will be given to the grantee at the time of award. Grantees are subject to requirements of this NOFO, 2 CFR part 200, 38 CFR part 61 and other Federal grant requirements. A full copy of the regulations governing the GPD program is available at the GPD website at *www.va.gov/homeless/gpd.asp.* Grantees are required to maintain internal records supporting their request for payments with adequate fiscal documentation, including caseload, program income and expenses. GPD reserves the right to review grantee's documentation as needed.

2. Grantees will receive payments electronically through the U.S. Department of Health and Human Services (HHS) Payment Management System. Grantees will have the ability to request payments as frequently as they choose subject to the following limitations:

a. During the first quarter of each annual budget period, the grantee's cumulative requests for funds may not exceed 35% of the annual grant award amount without written prior approval by VA.

b. By the end of the second quarter of each annual budget period, the grantee's cumulative requests for funds may not exceed 60% of the annual grant award amount without written prior approval by VA.

c. By the end of the third quarter of each annual budget period, the grantee's cumulative requests for funds may not exceed 80% of the annual grant award amount without written prior approval by VA.

d. By the end of the fourth quarter of each annual budget period, the grantee's cumulative requests for funds may not exceed 100% of the annual grant award.

3. If applicable, grantees with unobligated balances may, with approval from the GPD National Program Office, carry forward such unobligated balances. If applicable, at

VA's discretion, a future budget period amount may be subject to reductions. Reductions are permanent and not restorable. Reductions will be calculated based on the amount of the unobligated balance shown in the HHS Payment Management System by the third quarter of each year. VA may calculate reductions with or without input from grantees. Grantees are advised to stay current with reimbursements from the payment system in order to avoid the appearance of inaccurately high unobligated balances.

4. VA will make payments to reimburse amounts expended (38 CFR 61.61(b)). Advance payments are not provided to GPD grantees. Grantees must maintain written procedures to minimize the time elapsing between drawing down funds from the Federal government and disbursing the funds for grant costs. Also, grantees must maintain financial management systems that meet the standards for fund control and accountability as established in 2 CFR 200.305. Payments drawn must be limited to the minimum amounts needed and be timed in accordance with actual and immediate cash requirements of the grantee in carrying out the purpose of the approved project. The timing and amount of payments must be as close as is administratively feasible to the actual disbursements by the grantee for direct project costs and the proportionate share of any allowable indirect costs. Typically, ''immediate'' means within three business days, as articulated by HHS: *https://pms.psc.gov/grant-recipients/funding-request-formula.html.*

5. Per-item cost documentation:

a. At any time, including prior to payment, VA reserves the right to request documentation for any item of cost.

b. Grantees are advised to keep careful records, including documentation of cost calculations, such as itemized invoices, and of cost reasonableness.

c. Grantees are advised to keep documentation of having secured any voluntary leveraged funding from other sources if applicable.

D. Program Evaluation

1. Grantees will participate in VA's national project monitoring and evaluation to determine successful outcomes. Each grantee's performance will be measured against established performance targets. For the targets associated with each metric, refer to the Required Minimum Performance Targets/Metrics section of the NOFO.

2. Grantees that do not meet the performance measures or who otherwise perform or appear to perform less than satisfactorily (for example, as a result of a risk assessment or due to information regarding the organization's financial stability or management standards) may be subject to additional conditions of award. Additional conditions may include but are not limited to increased reporting or monitoring, reductions, withholding, suspension, termination or other remedies for non-compliance at VA's discretion.

3. VA reserves the right to add, remove or change, at any time prior to or during the award period the performance measures, targets, number of FTE positions, hours, services, caseload requirements, grant payment amounts, payment schedule or other grant requirements.

4. VA's overall performance for all grants funded from this NOFO will be measured against the same criteria and targets used for each grant.

E. Monitoring and Reporting

1. Monitoring

a. Grantees will work with a GPD liaison from a nearby VA medical facility who will provide oversight and monitoring.

b. The maximum length of time the Veteran is expected to be in the project is 6 months (excluding housing navigation). Grantees will consult with the liaison prior to the end of the 6-month period if considering an extension in exceptional cases. The liaison may consider approving extensions of up to six additional months at a time.

c. Grantees may not make significant changes to a project after a grant is awarded without prior approval from the GPD National Program Office.

d. Grantees may request prior written approval from GPD to participate in the CCM collaboration during the grant project period. Interested grantees must submit a change of scope request. (CCM information is available on the GPD provider website at *https://www.va.gov/HOMELESS/GPD_ProviderWebsite.asp*.) Grantees who were already approved for CCM under a previous GPD case management grant, and who demonstrated an intent to continue CCM in the FY 2024 application, do not need to request written prior approval through the change of scope process. Other grantees who proposed CCM participation in the FY 2024 application or who wish to propose participation after award, must receive prior written approval from the GPD National Program Office.

e. VA reserves the right to disallow costs for services provided by the grantee if VA determines that they are of unacceptable quality in which case grant funds may not be used to pay for them.

f. Grantees are responsible for monitoring and managing their subrecipients if applicable (2 CFR 200.331–333).

g. All grantees are subject to fiscal reviews and audits conducted by VA or its representative.

h. Monitoring may include a review of the agency's income and expenses as they relate to this project to ensure payment is accurate and to ensure compliance with program requirements.

2. Reporting

a. Performance reporting:

i. Monthly HMIS reports: Grantees will enter data into HMIS, such as information on participants served, types of services provided and participant outcomes. Client-level data for activities funded under this grant must be exported and provided to VA monthly.

ii. Quarterly reviews: Quarterly reviews will be conducted by VA of each grantee. At minimum, grantees will provide information on their performance and their progress helping Veterans maintain housing stability, adequate income support and self-sufficiency as identified in the application. Grantees also may be required to provide information on financial and management activities to ensure compliance with Federal and VA requirements. The grantee will be expected to demonstrate adherence to the proposed project concept, as described in the application, as well as requirements defined by the regulations and this NOFO.

b. Financial reporting:

i. Quarterly GPD Case Management Requirement: The quarterly requirement is a financial report that is required to be submitted 30 days after the end of each FY quarter via the online electronic grants management system (eGMS). Instructions are on the GPD provider website at *https://www.va.gov/HOMELESS/GPD_ProviderWebsite.asp.*

ii. Annual SF–425 FFR: An annual FFR is required to be submitted no later than 120 days of the end of each grant year (no later than January 31). Grantees who do not submit on time are subject to being withheld from receiving payments temporarily pending receipt of the report. An FFR form is available on the GPD provider website at *https://www.va.gov/HOMELESS/GPD_ProviderWebsite.asp* or on *www.grants.gov.* Instructions for submission also are on the GPD provider website.

c. Option year reporting: For any multi-year grants funded in annual increments, grantees will be given instructions about any annual reporting requirements prior to each option year. Annual reporting may include, but is not limited to:

i. A list of your organization's leadership, such as Board of Directors and Executive Officers, is updated in eGMS annually.

ii. An updated NICRA or de minimis certification is attached in eGMS annually (if needed).

iii. Your organization's SAM.gov registration is updated annually.

iv. Any conflicts of Interest are disclosed to GPD annually.

v. Training for staff regarding suicide prevention is provided annually.

vi. Training for staff regarding equity and inclusion is provided annually.

vii. Any required SF–425 FFRs have been submitted to VA for all GPD grants.

viii. Your organization is up to date on any actions required by an A–133 Single Audit or a VA-specific fiscal review (*e.g.,* a fiscal review of GPD or SSVF grants conducted by VA's Office of Business Oversight).

ix. Your organization does not have an outstanding GPD, VA or Federal debt.

x. Your organization continues to meet the management standards described in 2 CFR part 200 and 38 CFR part 61 and continues to be able to effectively implement statutory, regulatory and other requirements imposed on grantees (per requirements such as 2 CFR 200.206(b)(2)).

3. Closeout

a. A final SF–425 FFR is due within 120 days of the grant end date. Grantees who do not comply are subject to public reporting for material failure to comply with the terms of the award on the Federal websites, FAPIIS and SAM (per 2 CFR 200.344).

b. Grantees must promptly refund any balances of unobligated funding that are not authorized to be retained. Any funds paid to the grantee in excess of the amount to which the grantee is finally determined to be entitled under the terms of the Federal award constitute a debt to the Federal Government (2 CFR 200.346).

c. Refer to the terms and conditions of the grant agreement for other closeout requirements and ongoing requirements after closeout, to include audits and records retention. Applicants may refer to the GPD website for a sample of the standard terms and conditions of award.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on January 27, 2023, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2023–02341 Filed 2–2–23; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Dependency and Indemnity Compensation Cost of Living Adjustments

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As required by the Veterans' Compensation Cost-of-Living Adjustment Act of 2022, the Department of Veterans Affairs (VA) is hereby giving notice of Cost-of-Living Adjustments (COLA) in certain benefit rates. These COLAs affect the Dependency and Indemnity Compensation (DIC) program. The amount of the adjustment is tied to the increase in Social Security benefits, effective December 1, 2022, as announced by the Social Security Administration (SSA). SSA has announced an increase of 8.7%.

DATES: The Cost-of-Living Adjustments became effective December 1, 2022.

FOR FURTHER INFORMATION CONTACT: Eric Baltimore, Program Analyst, Pension and Fiduciary Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, 202–632–8862. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Under the provisions of Public Law 117–191, VA is required to increase, effective December 1, 2022, the benefit rates for surviving spouses and children under the DIC program by the same percentage as increases in the benefit amounts payable under title II of the Social Security Act. VA is required to publish notice of the increased rates in the **Federal Register**.

SSA has announced an 8.7% COLA increase in Social Security benefits, effective December 1, 2022. Therefore, applying the same percentage, the following increased rates for the DIC program became effective December 1, 2022:

Dependency and Indemnity Compensation Monthly Payment Rates

DIC Payable to a Surviving Spouse—Veteran Death on or After January 1, 1993

Basic Monthly Rate: $1,562.74.

If at the time of the Veteran's death, the Veteran was in receipt of or entitled to receive compensation for a service-connected disability rated totally disabling (including a rating based on individual unemployability) for a continuous period of at least 8 years immediately preceding death and the surviving spouse was married to the Veteran for those same 8 years, add: $331.84.

For each dependent child under the age of 18, add: $387.15.

If the surviving spouse is entitled to Aid and Attendance benefits, add $387.15.

If the surviving spouse is entitled to Housebound benefits, add $181.37.

If the surviving spouse has one or more children under the age of 18 on the award per 38 U.S.C. 1311(f), add the 2-year transitional benefit of $332.00.

DIC Payable to a Surviving Spouse—Veteran Death Prior to January 1, 1993

Veteran paygrade	Amount payable
E–1(f)	$1,562.74
E–2(f)	1,562.74
E–3(a,f)	1,562.74
E–4(f)	1,562.74
E–5(f)	1,562.74
E–6(f)	1,562.74
E–7(g)	1,616.75
E–8(g)	1,706.81
E–9(g)	1,780.11
E–9(b)	1,921.60
W–1(g)	1,650.22
W–2(g)	1,715.80
W–3(g)	1,765.96
W–4(g)	1,868.86
O–1(g)	1,650.22
O–2(g)	1,706.81
O–3(g)	1,823.83
O–4	1,933.15
O–5	2,127.39
O–6	2,398.79
O–7	2,589.11
O–8	2,843.81
O–9	3,041.87
O–10	3,336.41
O–10(c)	3,580.80

(a) Surviving spouse of Aviation Cadet or other service not covered by this table is paid the DIC rate for enlisted E–3.

(b) Veteran who served as Sergeant Major of the Army or Marine Corps, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard.

(c) Veteran who served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army or Air Force, Chief of Naval Operations, Commandant of the Marine Corps, or as Commandant of the Coast Guard.

(d) If surviving spouse entitled to Aid and Attendance, add $387.15; if entitled to Housebound, add $181.37.

(e) Add $387.15 for each child under 18.

(f) Add $331.84 if Veteran rated totally disabled for 8 continuous years prior to death and surviving spouse was married to Veteran those same 8 years.

(g) Base rate is $1,894.58 if Veteran rated totally disabled 8 continuous years prior to death and surviving spouse was married to Veteran those same 8 years.

DIC Payable to Children

Surviving Spouse Entitled

For each child over the age of 18 who is attending an approved course of education, the rate is $327.99.

For each child over the age of 18 who is helpless, the rate is $659.83.

No Surviving Spouse Entitled

Number of children	Total payable	Each child's share
1	$659.83	$659.83
2	949.21	474.61
3	$1,238.63	$412.88

For each additional child, add $235.38 to the total payable amount to be paid in equal shares to each child.

For each additional helpless child over 18, add $387.15 to the amount payable to the helpless child.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on January 25, 2023, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2023–02243 Filed 2–2–23; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0784]

Agency Information Collection Activity: Application for Pre-Need Determination of Eligibility for Burial

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the National Cemetery Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0784.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0784'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 2402.

Title: Application for Pre-Need Determination of Eligibility for Burial, VA Form 40–10007.

OMB Control Number: 2900–0784.

Type of Review: Extension of a currently approved collection.

Abstract: This information (VA Form 40–10007) is needed to collect information from Veterans and service members who wish to determine their eligibility for burial in a VA national cemetery prior to their time of need for planning purposes. The data will be used for this purpose.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 87 FR 74213, December 2, 2022.

Affected Public: Individuals or households.

Estimated Annual Burden: 15,800 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 47,400.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer (Alt), Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2023–02304 Filed 2–2–23; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board; Amended Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act (5 U.S.C. 10), that a meeting of the Rehabilitation Research and Development Service Scientific Merit Review Board (hereinafter the Board) will be held on Wednesday, March 8, 2023, via Webex. The meeting will be held between 1–1:30 p.m. EST. The meeting will be partially closed to the public from 1:10–1:30 p.m. EST for the discussion, examination and reference to the research applications and scientific review.

Discussions will involve reference to staff and consultant critiques of research proposals. Discussions will also deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals. As provided by Public Law 92–463 subsection 10(d), as amended by Public Law 94–409, closing the Board meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

The objective of the Board is to provide for the fair and equitable selection of the most meritorious research projects for support by VA research funds and to offer advice for research program officials on program priorities and policies. The ultimate objective of the Board is to ensure that the VA Rehabilitation Research and

Development program promotes functional independence and improves the quality of life for impaired and disabled Veterans.

Board members advise the Director, Rehabilitation Research and Development Service and the Chief Research and Development Officer on the scientific and technical merit, the mission relevance, and the protection of human and animal subjects of Rehabilitation Research and Development proposals. The Board does not consider grants, contracts or other forms of extramural research.

Members of the public who wish to attend the open portion of the Webex session from 1–1:10 p.m. EST may join by dialing the Webex USA Toll-free Number 1–833–558–0712 and entering the meeting number access code: 2762 842 7460. Written comments from the public must be sent prior to the meeting to Kristy Benton-Grover, Designated Federal Officer, Rehabilitation Research and Development Service, Department of Veterans Affairs (14RDR), 810 Vermont Avenue NW, Washington, DC 20420, or to *Kristy.Benton-Grover@va.gov.* Those who plan to attend the open portion of the meeting must contact Ms. Benton-Grover at least five (5) days before the meeting. For further information, please call Ms. Benton-Grover at 202–465–6537.

Dated: January 31, 2023.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2023–02295 Filed 2–2–23; 8:45 am]

BILLING CODE P

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