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The Code of Federal Regulations is sold by the Superintendent of Documents.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of the Intellectual Property Enforcement Coordinator

5 CFR Chapter CIV

RIN 0355–AA00

Freedom of Information Act and the Privacy Act

AGENCY: Office of the Intellectual Property Enforcement Coordinator, Executive Office of the President.

ACTION: Final rule.

SUMMARY: The Office of the Intellectual Property Enforcement Coordinator (IPEC) is issuing its implementing regulations for the Freedom of Information Act (FOIA) and the Privacy Act. The final rule describes how to make a FOIA request with IPEC and how IPEC processes requests for records. The final rule also states IPEC's Privacy Act Policies and Procedures. The final rule describes how individuals can find out if an IPEC system of records contains information about them and, if so, how to access or amend a record.

DATES: This final rule is effective on March 10, 2023.

FOR FURTHER INFORMATION CONTACT: Steven D. Aitken, Office of the Intellectual Property Enforcement Coordinator, Executive Office of the President, at (202) 395–4728 or *Steven.D.Aitken@ipec.eop.gov.* Questions concerning this notice may also be sent to *ipecfoia@ipec.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

During its first ten years of operation, following its establishment ''within the Executive Office of the President'' in Title III of the PRO IP Act of 2008 (Pub. L. 110–403; 15 U.S.C. 8111–8116), IPEC was located within the Office of Management and Budget (OMB). With the enactment of a separate appropriation for IPEC in the Financial Services and General Government Appropriations Act, 2020 (Pub. L. 116–93, Div. C), IPEC has moved out of OMB and become a stand-alone component of the Executive Office of the President. Accordingly, IPEC is issuing its implementing regulations on FOIA and the Privacy Act.

The FOIA, 5 U.S.C. 552 *et seq.,* provides a right of access to certain records and information that Federal agencies maintain and control. The FOIA requires each Federal agency to publish regulations describing how to submit a FOIA request and how people responsible for FOIA will process these requests. IPEC's final regulations on FOIA and the Privacy Act incorporate guidance from OMB and the U.S. Department of Justice, Office of Information Policy. The regulations also strive for consistency with FOIA and Privacy Act regulations among other agencies of the Executive Office of the President.

On September 22, 2022, IPEC issued a Notice of Proposed Rulemaking seeking comments on its proposed regulations for FOIA and the Privacy Act (87 FR 57840). In response, IPEC received seven public comments about the proposed rule, two of which suggested revisions to the proposed regulatory text. IPEC appreciates the commenters' focus on the proposed rule and the suggestions that they made.

In response to the comments (and based on a further review of the proposed rule, the FOIA statute, and the Justice Department's guidance on FOIA), IPEC has made several revisions to the regulatory text on FOIA, include the following: §§ 10400.3 (revised several of the definitions); 10400.4 (added a ''reading room'' reference); 10400.6 (deleted paragraph (i) as unnecessary in this regulation, and revised several paragraphs); 10400.7 (revised paragraph (a) and added new paragraphs (c) and (d)); 10400.8 (revised paragraph (a)(2) and paragraph (b)); 10400.9 (revised paragraph (c)); 10400.10 (revised paragraph (a)); 10400.12 (deleted paragraph (e) as duplicative of another provision in the regulation); 10400.13 (revised paragraph (b)); 10400.14 (revised paragraphs (b) and (d)); and 10400.18 (revised paragraph (j)). In addition, in response to a comment, IPEC has revised the regulatory text on the Privacy Act in paragraph (a) of § 10400.22; also, revisions have been made to paragraph (b) of § 10400.21 and paragraphs (b)(2) and (f)(2) of § 10400.23.

One commenter pointed out that, unless the disclosure of information is prohibited by law, the FOIA Improvements Act of 2016 directs agencies to apply the ''foreseeable harm'' standard in determining whether to withhold a record, in whole or in part, under an applicable FOIA exemption. The ''foreseeable harm'' standard is reiterated in the Attorney General's ''Freedom of Information Act Guidelines'' of March 15, 2022 (*https://www.justice.gov/media/1212566/dl?inline=*). In accordance with the statute and the Attorney General's Guidelines, IPEC will apply the ''foreseeable harm'' standard in determining whether to exercise its discretion to withhold a record, in whole or in part, under an applicable exemption. In addition, in accordance with the Attorney General's Guidelines, IPEC will confirm in its responses to a requester that it has applied this standard when reviewing records and applying FOIA exemptions.

II. Section-by-Section Analysis

Subpart A—Freedom of Information Act Policies and Procedures

Section 10400.1—Purpose and scope: This section describes the purpose of the regulation, which is to implement the FOIA.

Section 10400.2—IPEC: Organization and functions: This section describes the mission and leadership structure of the agency.

Section 10400.3—Definitions: This section defines the key terms used in the regulation.

Section 10400.4—Access to information: This section describes the types of information that IPEC will make available under FOIA.

Section 10400.5—Records requiring consultation, referral, and coordination. This section describes how IPEC will process records, in the custody of IPEC, for which another agency or other Federal Government office has an interest.

Section 10400.6—How to request records—form and content: This section explains what an individual must do to submit a valid FOIA request to IPEC and where a request should be sent. It also describes the information that

requesters must provide so that IPEC can identify the records sought and process their requests.

Section 10400.7—Responses—form and content: This section explains that IPEC will respond to a request in writing either with the requested records or an explanation of the reasons why all or portions of the requested records were not disclosed. IPEC also will provide information about the right of appeal and the mediation services offered by the Office of Government Information Services of the National Archives and Records Administration. The response will include any fees associated with the FOIA request.

Section 10400.8—Expedited and multi-track processing, and aggregation of requests for processing: This section describes the circumstances where expedited processing of a FOIA request may be granted; multi-track processing may be used; and requests may be aggregated.

Section 10400.9—Extension of time: This section describes and defines the ''unusual circumstances'' under which IPEC may extend the time limit for making a determination on a FOIA request.

Section 10400.10—Appeal procedures: This section describes when and how a requester may appeal a determination on a FOIA request, and how and within what period of time IPEC will make a determination on an appeal.

Section 10400.11—Fees to be charged—general: This section describes the general FOIA processing activities performed by IPEC staff, and the rates charged by IPEC to recoup the employee costs associated with responding to FOIA requests.

Section 10400.12—Fees to be charged—Miscellaneous provisions: This section contains miscellaneous FOIA fee provisions such as where payment should be sent, when advance payment is required, and rates of interest charged on late payments.

Section 10400.13—Fees to be charged—Categories of Requesters: This section describes the different categories of requesters, and the types and amounts of fees IPEC may assess to process and respond to a FOIA request.

Section 10400.14—Restrictions on charging fees. This section describes the circumstances under which IPEC is restricted in charging fees normally associated with processing a FOIA request, such as when IPEC does not meet time limits mandated by the FOIA.

Section 10400.15—Waiver or Reduction of Fees: This section describes the factors that IPEC may consider when deciding whether to waive or reduce the fees associated with processing FOIA requests.

Section 10400.16—Aggregation of requests for fees: This section describes the circumstances under which IPEC may aggregate a series or group of requests for purposes of fee assessment.

Section 10400.17—Markings on released documents: This section provides that IPEC will redact exempt information from its FOIA disclosures to the extent that exempt information can be segregated from other information subject to disclosure.

Section 10400.18—Confidential commercial information: This section explains when and how a person or entity that submits information to IPEC must identify confidential commercial information. It also describes how IPEC staff will handle such information.

Subpart B—Privacy Act Policies and Procedures

Section 10400.19—Definitions: This section defines the key terms used in this Subpart.

Section 10400.20—Purpose and scope: This section describes the purpose of the regulation, which is to implement the Privacy Act, and explains general policies and procedures for individuals requesting access to records, requesting amendments or corrections to records, and requesting an accounting of disclosures of records.

Section 10400.21—How do I make a Privacy Act request?: This section explains what an individual must do to submit a request to IPEC for access to records, to amend or correct records, or for an accounting of disclosures of records. It also describes the information an individual must provide so that IPEC can identify the records sought and determine whether the request can be granted.

Section 10400.22—How will IPEC respond to my Privacy Act request?: This section describes the period of time within which IPEC will respond to requests. It also explains that IPEC will grant or deny requests in writing, provide reasons if a request is denied in whole or in part, and explain the right of appeal.

Section 10400.23—What can I do if I am dissatisfied with IPEC's response to my Privacy Act request?: This section describes when and how an individual may appeal a determination on a Privacy Act request and how and within what time period IPEC will make a determination on an appeal.

Section 10400.24—What does it cost to get records under the Privacy Act?: This section explains that requesters are required to pay fees for the duplication of requested records.

III. Statutory and Executive Order Reviews

Regulatory Flexibility Act. IPEC has considered the impact of the final rule and determined that the final rule it is not likely to have a significant economic impact on a substantial number of small business entities. See 5 U.S.C. 601 *et seq.* Under the FOIA, agencies may recover only the direct costs of searching for, reviewing, and duplicating the records processed for requesters, and only for certain classes of requesters and when particular conditions are satisfied.

Paperwork Reduction Act. The final rule does not contain any information collection requirement that requires approval from the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12866 (Regulatory Planning and Review). This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

Unfunded Mandates Reform Act of 1995. This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments.

Congressional Review Act. As required by the Congressional Review Act (5 U.S.C. 801–808), IPEC will submit a report on the final rule to each House of the Congress and to the Comptroller General of the United States. This rule is not a major rule under 5 U.S.C. 804.

List of Subjects in 5 CFR Part 10400

Freedom of information. Privacy.

■ For the reasons stated in the preamble, the Office of the Intellectual Property Enforcement Coordinator is adding part 10400 of title 5 of the Code of Federal Regulations to read as follows:

PART 10400—PUBLIC AVAILABILITY OF INFORMATION

Subpart A—Freedom of Information Act Policies and Procedures

Sec.
10400.1 Purpose and scope.
10400.2 The Office of the Intellectual Property Enforcement Coordinator—organization and functions.
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10400.7 Responses—form and content.
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10400.10 Appeal procedures.
10400.11 Fees to be charged—general.
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10400.13 Fees to be charged—categories of requesters.
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10400.17 Markings on released documents.
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Subpart B—Privacy Act Policies and Procedures

10400.19 Definitions.
10400.20 Purpose and scope.
10400.21 How do I make a Privacy Act request?
10400.22 How will IPEC respond to my Privacy Act request?
10400.23 What can I do if I am dissatisfied with IPEC's response to my Privacy Act request?
10400.24 What does it cost to get records under the Privacy Act?

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

Subpart A—Freedom of Information Act Policies and Procedures

§ 10400.1 Purpose and scope.

The regulations in this part prescribe procedures by which individuals may obtain access to agency records of the Office of the Intellectual Property Enforcement Coordinator (IPEC) under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, as well as the procedures IPEC must follow in response to requests for records under the FOIA. The regulations should be read together with the FOIA and the ''Uniform Freedom of Information Fee Schedule and Guidelines'' issued by the Office of Management and Budget. All requests for access to information contained within a system of records pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, shall be processed in accordance with these regulations. Nothing in this part shall be construed to entitle any person to any service or to the disclosure of any record to which such person is not entitled under the FOIA or the Privacy Act.

§ 10400.2 The Office of the Intellectual Property Enforcement Coordinator—organization and functions.

The Office of the Intellectual Property Enforcement Coordinator was created by Title III of the Pro IP Act of 2008, 15 U.S.C. 8111 *et seq.* The mission of IPEC is to advise the President and coordinate with Cabinet departments and agencies on the development of the United States' overall intellectual property policy and strategy, to promote innovation and creativity, and to ensure effective intellectual property protection and enforcement, domestically and abroad. IPEC is headed by the Intellectual Property Enforcement Coordinator.

§ 10400.3 Definitions.

For the purpose of this part, all the terms defined in the Freedom of Information Act apply.

Commercial use request is a request that asks for information for a use or a purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation. IPEC's decision to place a requester in the commercial use category will be made on a case-by-case basis based on the requester's intended use of the information. IPEC will notify requesters of their placement in this category.

Direct costs means the expenses (excluding overhead) actually expended for searching, reviewing (for commercial-use requests), or duplicating in response to a FOIA request. Direct costs include 116% of the salary of the employee performing work (*i.e.,* the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners.

Disclose and *disclosure* refer to making records available, upon request, for examination and copying, or furnishing a copy of records.

Duplicate and *duplication* mean the process of making a copy of a document. Such copies may take the form of paper, microform, audio-visual materials, or machine-readable documentation.

Educational institution is any school that operates a program of scholarly research. A requester in this fee category must show that the request is made in connection with the requester's role at the educational institution. IPEC may seek verification from the requester that the request furthers scholarly research, and IPEC will advise requesters of their placement in this category.

Fee waiver means the waiver or reduction of processing fees if a requester can demonstrate that certain statutory standards are satisfied, including that the information is in the public interest and is not primarily in the commercial interest of the requester.

FOIA public liaison means a supervisory agency official who assists requesters in reducing processing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

Noncommercial scientific institution is an institution that is not operated on a ''commercial'' basis and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. A requester in this category must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are sought to further scientific research and are not for a commercial use. IPEC will advise requesters of their placement in this category.

OGIS means the Office of Government Information Services of the National Archives and Records Administration. OGIS offers FOIA dispute resolution services, which is a voluntary process. If IPEC agrees to participate in the dispute resolution services provided by OGIS, IPEC will actively engage as a partner to the process in an attempt to resolve the dispute.

Records and any other terms used in this part in reference to information includes any information that would be an agency record subject to the requirements of this part when maintained in any format, including electronic format.

Representative of the news media and *news media requester* is any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or information that would be of interest to the public. Examples of news media entities include television or radio stations that broadcast ''news'' to the public at large and publishers of periodicals that disseminate ''news'' and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the internet. A request for records supporting the news-dissemination function of the requester will not be considered to be for a commercial use. ''Freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity will be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; IPEC can also consider a requester's past publication record in making this determination. IPEC will advise requesters of their placement in this category.

Request means a letter or other written communication seeking records or information under FOIA.

Requester category means one of the four categories that IPEC will place requesters in for the purpose of determining whether a requester will be charged fees for search, review, and duplication. The categories are: commercial use requests; requests by non-commercial scientific or educational institutions; news media requesters; and all other requesters.

Review means the process of examining documents that are located during a search to determine if any portion should lawfully be withheld. It is the process of determining disclosability. Review time includes processing any record for disclosure, such as doing all that is necessary to prepare the record for disclosure, including the process of redacting the record and marking the appropriate exemptions. Review costs are properly charged even if a record ultimately is not disclosed. Review time also includes time spent both obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter under § 10400.18, but it does not include time spent resolving general legal or policy issues regarding the application of exemptions.

Search is the process of looking for, manually or by automated means, agency records for the purpose of locating those records responsive to a request.

Working day means a Federal working day, and thus does not include Saturdays, Sundays, and legal public holidays.

§ 10400.4 Access to information.

The Office of the Intellectual Property Enforcement Coordinator makes available information pertaining to matters issued, adopted, or promulgated by IPEC, that are within the scope of 5 U.S.C. 552(a)(2). Such ''reading room'' information is located at *https://www.whitehouse.gov/ipec.* Included in that information are IPEC's proactive disclosures. Proactive disclosures are records that have been requested three or more times, or that have been released to a requester and that IPEC determines have become, or are likely to become, the subject of subsequent requests for substantially the same records.

§ 10400.5 Records requiring consultation, referral, and coordination.

Requests for records that are in IPEC's custody, and for which other agencies (or other Federal Government offices) have an interest, shall be reviewed by IPEC. IPEC will then either consult with the other agencies or offices regarding the records; refer the records to the other agencies for further processing; or coordinate with the other agencies when a referral is not appropriate.

(a) *Consultation.* When records originated with IPEC, and contain within them information of interest to another agency or other Federal Government office, IPEC will consult with that agency or office prior to making a release determination.

(b) *Referral*—(1) *Determination.* When IPEC believes that a different agency is best able to determine whether to disclose the record, IPEC will refer to that agency the responsibility for responding to the request regarding that record. Ordinarily, the agency that originated the record is presumed to be the best agency to make the disclosure determination. However, if IPEC and the originating agency jointly agree that IPEC is in the best position to respond regarding the record, then the record may be handled as a consultation.

(2) *Documentation.* Whenever IPEC refers any part of the responsibility for responding to a request to another agency, IPEC must document the referral, maintain a copy of the record that it refers, and notify the requester of the referral, informing the requester of the name(s) of the agency to which the record was referred, including that agency's FOIA contact information.

(3) *Coordination.* The standard referral procedure is not appropriate where disclosure of the identity of the agency to which the referral would be made could harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests. In order to avoid harm to an interest protected by an applicable exemption, IPEC will coordinate with the originating agency to seek its views on the disclosability of the record. IPEC will convey, to the requester, the release determination for the record.

(c) *Classified information.* On receipt of any request involving classified information, IPEC must determine whether the information is currently and properly classified in accordance with applicable classification rules. Whenever a request involves a record containing information that has been classified or may be appropriate for classification by another agency under any applicable executive order concerning the classification of records, IPEC will refer the responsibility for responding to the request regarding that information to the agency that classified the information, or that should consider the information for classification. Whenever a record contains information that has been derivatively classified (for example, when it contains information classified by another agency), IPEC will refer the responsibility for responding to that portion of the request to the agency that classified the underlying information.

(d) *Timing of responses to consultations and referrals.* IPEC will handle all consultations and referrals received by IPEC according to the date that the (consulting or referring) agency received the perfected FOIA request.

(e) *Agreements regarding consultations and referrals.* IPEC may establish agreements with other agencies to eliminate the need for consultations or referrals with respect to particular types of records.

§ 10400.6 How to request records—form and content.

(a) A request for records must describe the records that it seeks in sufficient detail and in writing to enable IPEC to locate the records with a reasonable amount of effort. To the extent possible, each request must reasonably describe the record(s) sought, including by referencing the type of document; a specific event or action; the title or name, author, recipient, subject matter, date or time period, and/or location of the record; and any other pertinent data that would assist in identifying the record(s) sought. If after receiving a request IPEC determines that the request does not reasonably describe the record(s) sought, IPEC will inform the requester what additional information is needed or why the request is otherwise insufficient. Before or after submitting their requests, requesters may contact IPEC's FOIA contact or FOIA Public Liaison to discuss the record(s) they seek and for assistance in describing the record(s).

(b)(1) If an individual is making a request for records that are about the individual, the requester must comply with the verification of identity provision set forth in § 10400.21(f).

(2) If a request for records pertains to a third party, the requester may receive greater access by submitting either a notarized authorization signed by that individual or an unsworn declaration under 26 U.S.C. 1746 by that individual authorizing disclosure of the records to the requester. As an exercise of administrative discretion, IPEC may require the requester to provide additional information if necessary in order to verify that a particular individual has consented to disclosure. If the records that are requested pertain

to an individual who is deceased, the requester should submit proof of death such as a copy of the death certificate or an obituary.

(c) Requesters may specify the preferred form or format (including electronic formats) for the records they seek. IPEC will accommodate formatting requests if the record is readily reproducible in that form or format.

(d) Whenever it is appropriate to do so, IPEC automatically processes a Privacy Act request for access to records under both the Privacy Act and the FOIA, following the rules contained in this part. IPEC processes a request under both the FOIA and Privacy Act so that requesters will receive the maximum amount of information available by law.

(e) Requests must be received by IPEC through methods specified on the FOIA page of IPEC's website: *https://www.whitehouse.gov/ipec.* Requests may be emailed at any time to *ipecfoia@ipec.eop.gov* or mailed to Office of the Intellectual Property Enforcement Coordinator, Executive Office of the President, Washington, DC 20503, Attn: FOIA Officer. Emailed requests are strongly preferred.

(f) The words ''FOIA REQUEST'' or ''REQUEST FOR RECORDS'' should be clearly marked on all FOIA request communications.

(g) The requester must provide contact information, such as the requester's phone number, email address or mailing address, so that IPEC will be able to communicate with the requester about the request and provide released records. If IPEC cannot contact the requester, or the requester does not respond within 30 working days to our request for clarification, IPEC will close the request.

(h) To protect our computer systems, IPEC reserves the right to not open attachments to emailed requests. Please include the request within the body of the email, along with such additional information that is relevant, such as information in support of a request for expedited processing, for a fee categorization, or for a fee waiver. If after receiving a request IPEC determines that it does not include sufficient information on which to grant, or deny, a request for expedited process, a fee categorization, or a fee waiver, IPEC will so inform the requester and provide the requester an opportunity to submit additional information in support of such request.

§ 10400.7 Responses—form and content.

(a) *Determinations.* (1) In determining which records are responsive to a request, IPEC will include only records that were in its possession as of the date of the search. If any other date is used, IPEC will inform the requester of that date.

(2) Under the FOIA, an agency is to make an initial determination acknowledging and granting, partially granting, or denying a request for records within 20 working days after the agency receives a FOIA request (an agency may extend this period for ''unusual circumstances''; *see* § 10400.9). The FOIA Officer or designee will determine whether to grant the request and will provide written notification to the person making the request. The notification shall also advise the person making the request of any fees assessed under §§ 10400.11 through 10400.16. IPEC will inform the requester of the availability of its FOIA Public Liaison.

(b) *Tracking number.* IPEC will assign a request an individualized tracking number if it will take longer than 10 working days to process the request. IPEC may assign, at our discretion, such a tracking number for a request that will take less than 10 working days to process.

(c) *Estimated dates of completion and interim responses.* Upon request, IPEC will provide an estimated date by which IPEC expects to provide a response to the requester. If a request involves a voluminous amount of material, or searches in multiple locations, IPEC may provide interim responses, including on a rolling basis.

(d) *Use of record exclusions.* A record that is excluded from the requirements of the FOIA pursuant to 5 U.S.C. 552(c) is not considered responsive to a request. In the event that IPEC identifies records that may be subject to exclusion from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), IPEC will confer with the Department of Justice, Office of Information Policy (OIP), to obtain approval to apply the exclusion, and IPEC will maintain an administrative record of the process of invocation and approval of the exclusion by OIP.

(e) *Adverse determinations.* If IPEC makes an adverse determination denying a request in any respect, it must notify the requester of that determination in writing. Adverse determinations, or denials of requests, include decisions that: the requested record is exempt, in whole or in part; the request does not reasonably describe the records sought; the information requested is not a record subject to the FOIA; the requested record does not exist, cannot be located, or has been destroyed; or the requested record is not readily reproducible in the form or format sought by the requester. Adverse determinations also include denials involving fees or fee waiver matters or denials of requests for expedited processing.

(f) *Content of denial.* The denial must be signed by the FOIA Officer or designee and must include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reasons for the denial, including any FOIA exemption applied by the agency in denying the request;

(3) An estimate of the volume of any records or information withheld, such as the number of pages or some other reasonable form of estimation, although such an estimate is not required if the volume is otherwise indicated by deletions marked on records that are disclosed in part or if providing an estimate would harm an interest protected by an applicable exemption;

(4) A statement that the denial may be appealed to the FOIA Appeals Officer (the IPEC Legal Advisor or a designee) within 90 calendar days of the date of the response (the requirements for making an appeal are specified in § 10400.10); and

(5) A statement notifying the requester of the assistance available from the IPEC's FOIA Public Liaison and the dispute resolution services offered by OGIS.

§ 10400.8 Expedited and multi-track processing, and aggregation of requests for processing.

(a) *Expedited processing.* (1) A request for expedited processing may be made at any time. IPEC must process requests and appeals on an expedited basis whenever it is determined that they involve:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) An urgency to inform the public about an actual or alleged Federal Government activity, beyond the public's right to know about government activity generally, and the request is made by a person primarily engaged in disseminating information.

(2) A requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for requesting expedited processing. For example, under paragraph (a)(1)(ii) of this section, a requester who is not a full-time member of the news media must establish that the requester is a person who is primarily engaged in information dissemination, though it need not be the requester's sole

occupation. Such a requester also must establish a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity generally. The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an ''urgency to inform'' the public on the topic. The formality of certification may be waived as a matter of administrative discretion.

(3) Within 10 calendar days of IPEC's receipt of a request for expedited processing, IPEC will decide whether to grant it and will notify the requester of the decision. If a request for expedited processing is granted, the request will be given priority and will be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision will be acted on expeditiously.

(b) *Multi-track processing.* IPEC will ordinarily respond to requests in order of their receipt. However, IPEC may use multi-track processing in responding to requests. Multi-track processing means placing requests in a track based on the estimated amount of work or time involved in processing the request. Thus, simple requests that require a limited review would be placed in one processing track, and more voluminous and complex requests would be placed in other processing tracks. Requests in each track are processed on a first-in, first-out basis and, if a request is placed in a track, IPEC will inform the requester of the track placement. Track one is for requests that have received expedited processing under this section. Track two is for requests of simple-to-moderate complexity that do not involve voluminous records and do not require consultation or coordination with other entities or submitter review under § 10400.18. Track three is for complex requests that involve voluminous records, require lengthy or numerous consultations or coordination, raise unique or novel legal questions, or require submitter review under § 10400.18. In the case of requests in tracks two and three, IPEC may provide requesters the opportunity to limit the scope of their requests in order to qualify for faster processing. IPEC will do so by contacting the requester by letter, telephone, email, or facsimile (whichever is more efficient in each case). When providing a requester with the opportunity to limit the scope of a request, IPEC shall also advise the requester of IPEC's FOIA Public Liaison to aid in the resolution of any dispute arising between the requester and IPEC as well as the requester's right to seek dispute resolution services from the Office of Government Information Services.

(c) *Aggregating requests.* IPEC may aggregate requests in cases where it reasonably appears that multiple requests, submitted either by a requester or by a group of requesters acting in concert, involve related matters and constitute a single request that otherwise would involve ''unusual circumstances'' under § 10400.9. For example, IPEC may aggregate multiple requests for similar information filed by a single requester within a short period of time. In addition, as discussed in § 10400.16, IPEC may aggregate requests for fee purposes.

§ 10400.9 Extension of time.

(a) In unusual circumstances, IPEC may extend the time limits prescribed in §§ 10400.7 and 10400.8 by written notice to the FOIA requester. The notice will state the reasons for the extension.

(b) The phrase ''unusual circumstances'' means:

(1) The requested records are located in establishments that are separated from the office processing the request;

(2) A single request seeks a voluminous amount of separate and distinct records; or

(3) Another agency has a substantial interest in the determination of the request.

(c) Whenever IPEC cannot meet the 20 working-day time limit under § 10400.7 for processing a request because of ''unusual circumstances,'' and IPEC extends the time limit on that basis, IPEC shall promptly notify the requester (before the expiration of the 20 working-day period) in writing of the unusual circumstances involved, that an extension of 10 working days has been made, and of the date by which IPEC estimates that it will complete the processing of the request (if completion is not estimated to occur within the 10 working-day extension period). For those requests for which the extension exceeds 10 working days, IPEC will provide the requester an opportunity to modify the request (so that it may be processed within an extension of 10 working days) or arrange an alternative time period for processing the original or modified request. IPEC will make available its designated FOIA contact or its FOIA Public Liaison for this purpose. IPEC will also alert requesters to the availability of the Office of Government Information Services (OGIS) to provide dispute resolution services.

§ 10400.10 Appeal procedures.

(a) An appeal to the IPEC must explain the reasoning and factual basis for the appeal. It must be received by email at *ipecfoia@ipec.eop.gov* or another method specified on the FOIA page of IPEC's website within 90 calendar days of the date of the response. The appeal must be in writing, addressed to the FOIA Appeals Officer, Office of the Intellectual Property Enforcement Coordinator, Executive Office of the President, Washington, DC 20503, Attn: Legal Advisor. The communication should clearly be labeled as a ''Freedom of Information Act Appeal.''

(b) The FOIA Appeals Officer (the Legal Advisor or a designee) will decide the appeal within 20 working days. If the FOIA Appeals Officer denies an appeal in whole or in part, the written determination will contain the reason for the denial, the name and title of the person responsible for the denial, any FOIA exemptions applied, and the provisions for judicial review of the denial and ruling on appeal provided in 5 U.S.C. 552(a)(4). The denial will also inform the requestor of the dispute resolution services offered by OGIS as a non-exclusive alternate to litigation. If IPEC agrees to participate in voluntary dispute resolution services provided by OGIS, it will actively engage as a partner to the process in an attempt to resolve the dispute.

§ 10400.11 Fees to be charged—general.

IPEC will assess a fee to process FOIA requests in accordance with the provisions of this section and the ''Uniform Freedom of Information Fee Schedule and Guidelines'' issued by the Office of Management and Budget. IPEC shall ensure that searches, review, and duplication are conducted in the most efficient and the least expensive manner. IPEC will charge the following fees unless a waiver or reduction of fees is granted under § 10400.15, or the total fee to be charged is less than $25.00. IPEC will notify the requester if IPEC estimates that charges will exceed $25.00 including a breakdown of the fees for search, review, or duplication and whether applicable entitlements to duplication and search at no charge have been provided. IPEC will not process the request until the requester either commits in writing to pay the actual or estimated total fee, or designates some amount of fees that it is willing to pay.

(a) *Search for records.* IPEC will charge $77.00 per hour, which is a blended hourly rate for all personnel that respond to FOIA requests plus 16 percent of that rate to cover benefits.

(b) *Review of records.* IPEC will charge $77.00 per hour, which is a blended hourly rate for all personnel

that responded to FOIA requests plus 16 percent of that rate to cover benefits. Records or portions of records withheld under an exemption subsequently determined not to apply may be reviewed to determine the applicability of exemptions not considered. The cost for a subsequent review is assessable.

(c) *Duplication of records.* IPEC will charge duplication fees to all requesters. IPEC will honor a requester's preference for receiving a record in a particular format if IPEC can readily reproduce it in the form or format requested. If IPEC provides photocopies, IPEC will make one copy per request at the cost of $.10 per page. For copies of records produced on tapes, disks or other media, IPEC will charge the direct costs of producing the copy, including operator time. Where IPEC must scan paper documents in order to comply with a requester's preference to receive the records in an electronic format, IPEC will charge the direct costs associated with scanning those materials. For other forms of duplication, IPEC will charge the direct costs. IPEC will provide the first 100 pages of duplication (or the cost equivalent for other media) without charge except for requesters seeking records for a commercial use.

(d) *Other charges.* IPEC will recover the costs of providing other services such as certifying records or sending records by special methods.

§ 10400.12 Fees to be charged—miscellaneous provisions.

(a) Payment for FOIA services may be made by check or money order made payable to the Treasury of the United States. IPEC will provide the requester with instructions on how to make the payment. IPEC will provide a receipt for fees paid upon request. IPEC will not refund fees paid for services actually rendered.

(b) IPEC may require advance payment (or a satisfactory written assurance of full payment) where the estimated fee exceeds $250, or a requester previously failed to pay within 30 calendar days of the billing date. IPEC will not process the request until the requester either makes the advance payment or provides a satisfactory written assurance.

(c) IPEC may assess interest charges beginning the 31st day of billing. Interest will be at the rate prescribed in section 3717 of Title 31, United States Code, and will accrue from the date of the billing.

(d) IPEC may assess search charges where records are not located or where records are exempt from disclosure.

§ 10400.13 Fees to be charged—categories of requesters.

(a) For fees, there are four categories of FOIA requesters: commercial use requests; educational and non-commercial scientific institution requests; requests from representatives of the news media; and all other requesters.

(b) The specific levels of fees for each of these categories are:

(1) *Commercial use request.* IPEC will recover the full direct cost of providing search, review, and duplication services. Commercial use requests will not receive free search-time or free duplication of documents.

(2) *Educational and non-commercial scientific institution requests.* IPEC will charge the cost of duplication, excluding charges for the first 100 pages. Requesters must demonstrate the request is authorized by and under the auspices of a qualifying institution and that the records are sought for scholarly or scientific research not a commercial use.

(3) *Requests from representatives of the news media.* IPEC will charge the cost of duplication, excluding charges for the first 100 pages. Requesters must meet the criteria in § 10400.3, and the request must not be made for a commercial use. A request that supports the news dissemination function of the requester shall not be considered a commercial use.

(4) *All other requesters.* IPEC will recover the full direct cost of the search and the duplication of records, excluding the first 100 pages of duplication and the first two hours of search time.

§ 10400.14 Restrictions on charging fees.

(a) No search fees will be charged for requests by educational institutions (unless the records are sought for a commercial use), noncommercial scientific institutions, or representatives of the news media.

(b) If IPEC fails to comply with the FOIA's time limits in which to respond to a request, it may not charge search fees, or, in the instances of requests from requesters described in § 10400.13(b)(2) and (3), may not charge duplication fees, except as described in paragraphs (c), (d), and (e) of this section.

(c) If IPEC determines that unusual circumstances as defined by the FOIA apply and the agency provided timely written notice to the requester in accordance with the FOIA, a failure to comply with the time limit shall be excused for an additional 10 days.

(d) If IPEC determines that unusual circumstances as defined by the FOIA apply, and more than 5,000 pages are necessary to respond to the request, the agency may charge search fees, or, in the case of requesters described in § 10400.13(b)(2) and (3), may charge duplication fees if the following steps are taken. IPEC must have provided timely written notice of unusual circumstances to the requester in accordance with the FOIA and the agency must have discussed with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C. 552(a)(6)(B)(ii). If this exception is satisfied, IPEC may charge all applicable fees incurred in the processing of the request.

(e) If a court has determined that exceptional circumstances exist as defined by the FOIA, a failure to comply with the time limits shall be excused for the length of time provided by the court order.

(f) No search or review fees will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(g) When, after first deducting the 100 free pages (or its cost equivalent) and the first two hours of search, a total fee calculated under paragraph (c) of this section is $25.00 or less for any request, no fee will be charged.

§ 10400.15 Waiver or reduction of fees.

Requirements for waiver or reduction of fees:

(a) Requesters may seek a waiver of fees by submitting a written application demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(b) IPEC must furnish records responsive to a request without charge or at a reduced rate when it determines, based on all available information, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. In deciding whether this standard is satisfied the agency must consider the factors described in paragraphs (b)(1) through (3) of this section:

(1) Disclosure of the requested information would shed light on the operations or activities of the government. The subject of the request must concern identifiable operations or

activities of the Federal Government with a connection that is direct and clear, not remote or attenuated.

(2) Disclosure of the requested information would be likely to contribute significantly to public understanding of those operations or activities. This factor is satisfied when the following criteria are met:

(i) Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

(ii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public must be considered. IPEC will presume that a representative of the news media will satisfy this consideration.

(3) The disclosure must not be primarily in the commercial interest of the requester. To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, IPEC will consider the following criteria:

(i) IPEC must identify whether the requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. Requesters must be given an opportunity to provide explanatory information regarding this consideration.

(ii) If there is an identified commercial interest, IPEC must determine whether that is the primary interest furthered by the request. A waiver or reduction of fees is justified when the requirements of paragraph (a) of this section are satisfied and any commercial interest is not the primary interest furthered by the request. IPEC ordinarily will presume that when a news media requester has satisfied the requirements of paragraph (a) of this section, the request is not primarily in the commercial interest of the requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

(c) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver shall be granted for those records.

(d) Requests for a waiver or reduction of fees should be made when the request is first submitted to IPEC and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester shall be required to pay any costs incurred up to the date the fee waiver request was received.

§ 10400.16 Aggregation of requests for fees.

When IPEC reasonably believes that a requester or a group of requesters acting in concert is attempting to divide a single request into a series of requests for the purpose of avoiding fees, IPEC may aggregate those requests and charge accordingly. IPEC may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. For requests separated by a longer period, IPEC will aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters cannot be aggregated.

§ 10400.17 Markings on released documents.

When requested records contain matters that are exempted under 5 U.S.C. 552(b), but such exempted matters can be reasonably segregated from the remainder of the records, the records shall be disclosed by IPEC with the necessary redactions. If records are disclosed in part, IPEC will mark them to show the amount and location of information redacted and the exemption(s) under which the redactions were made unless doing so would harm an interest protected by an applicable exemption.

§ 10400.18 Confidential commercial information.

(a) *Definitions—Confidential commercial information* means commercial or financial information obtained by IPEC from a submitter that may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

Submitter means any person or entity, including a corporation, State, or foreign government, but not including another Federal Government entity, that provides confidential commercial information, either directly or indirectly to the Federal Government.

(b) *Designation of confidential commercial information.* A submitter of confidential commercial information must use good faith efforts to designate by appropriate markings, at the time of submission, any portion of its submission that it considers to be protected from disclosure under Exemption 4. These designations expire 10 years after the date of the submission unless the submitter requests and provides justification for a longer designation period.

(c) *When notice to submitters is required.* (1) IPEC must promptly provide written notice to the submitter of confidential commercial information whenever records containing such information are requested under the FOIA if IPEC determines that it may be required to disclose the records, provided:

(i) The requested information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(ii) IPEC has a reason to believe that the requested information may be protected from disclosure under Exemption 4, but has not yet determined whether the information is protected from disclosure.

(2) The notice must either describe the commercial information requested or include a copy of the requested records or portions of records containing the information. In cases involving a voluminous number of submitters, IPEC may post or publish a notice in a place or manner reasonably likely to inform the submitters of the proposed disclosure, instead of sending individual notifications.

(d) *Exceptions to submitter notice requirements.* The notice requirements of this section do not apply if:

(1) IPEC determines that the information is exempt under the FOIA, and therefore will not be disclosed;

(2) The information has been lawfully published or has been officially made available to the public;

(3) Disclosure of the information is required by a statute other than the FOIA or by a regulation issued in accordance with the requirements of Executive Order 12600 of June 23, 1987; or

(4) The designation made by the submitter under paragraph (b) of this section appears obviously frivolous. In such case, IPEC must give the submitter written notice of any final decision to disclose the information within a reasonable number of days prior to a specified disclosure date.

(e) *Opportunity to object to disclosure.* (1) IPEC must specify a reasonable time period within which the submitter must respond to the notice referenced above.

(2) If a submitter has any objections to disclosure, it should provide IPEC a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. In order to rely on Exemption 4 as the basis for nondisclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is confidential.

(3) A submitter who fails to respond within the time period specified in the notice will be considered to have no objection to disclosure of the information. IPEC is not required to consider any information received after the date of any disclosure decision. Any information provided by a submitter under this subpart may itself be subject to disclosure under the FOIA.

(f) *Analysis of objections.* IPEC must consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose the requested information.

(g) *Notice of intent to disclose.* Whenever IPEC decides to disclose information over the objection of a submitter, IPEC must provide the submitter written notice, which must include:

(1) A statement of the reasons why each of the submitter's disclosure objections was not sustained;

(2) A description of the information to be disclosed or copies of the records as IPEC intends to release them; and

(3) A specified disclosure date, which must be a reasonable time after the notice.

(h) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of confidential commercial information, IPEC must promptly notify the submitter.

(i) *Requester notification.* IPEC must notify the requester whenever it provides the submitter with notice and an opportunity to object to disclosure; whenever it notifies the submitter of its intent to disclose the requested information; and whenever a submitter files a lawsuit to prevent the disclosure of the information.

(j) *No right or benefit.* In accordance with Executive Order 12600, the related requirements in this section, such as notification, do not create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any person.

Subpart B—Privacy Act Policies and Procedures

§ 10400.19 Definitions.

For purposes of this subpart:

Access means making a record available to a subject individual.

Amendment means any correction, addition to, or deletion of information in a record.

Individual means a natural person who either is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.

Maintain includes the term ''maintain'', collect, use, or disseminate.

Privacy Act Office means the IPEC officials who are authorized to respond to requests and to process requests for amendment of records IPEC maintains under the Privacy Act.

Record means any item, collection or grouping of information about an individual that IPEC maintains within a system of records and contains the individual's name or the identifying number, symbol or other identifying particular assigned to the individual, such as a finger or voice print or photograph.

System of records means a group of records IPEC maintains or controls from which information is retrieved by the name of an individual or by some identifying number, symbol or other identifying particular assigned to the individual.

§ 10400.20 Purpose and scope.

This subpart implements the Privacy Act, 5 U.S.C. 552a, a Federal law that requires Federal agencies to protect private information about individuals that the agencies collect or maintain. It establishes IPEC's rules for access to records in systems of records we maintain that are retrieved by an individual's name or another personal identifier. It describes the procedures by which individuals may request access to records, request amendment or correction of those records, and request an accounting of disclosures of those records by IPEC. Whenever it is appropriate to do so, IPEC automatically processes a Privacy Act request for access to records under both the Privacy Act and the FOIA, following the rules contained in this part. IPEC processes a request under both the Privacy Act and the FOIA so you will receive the maximum amount of information available to you by law.

§ 10400.21 How do I make a Privacy Act request?

(a) *In general.* You can make a Privacy Act request for records about yourself. You also can make a request on behalf of another individual as the parent or legal guardian of a minor, or as the legal guardian of someone determined by a court to be incompetent.

(b) *How do I make a request?*—(1) *Where do I send my written request?* To make a request for access to a record, you should write directly to our FOIA Officer. Heightened security delays mail delivery. To avoid mail delivery delays, we strongly suggest that you email your request to *ipecfoia@ipec.eop.gov*. Our mailing address is: Office of the Intellectual Property Enforcement Coordinator, Executive Office of the President, Washington, DC 20503, Attn: FOIA Officer. To make sure that the FOIA Officer receives your request without delay, you should include the notation ''Privacy Act Request'' in the subject line of your email or on the front of your envelope and also at the beginning of your request.

(2) *Security concerns.* To protect our computer systems, we reserve the right not to open attachments to emailed requests. We request that you include your request within the body of the email.

(c) *What should my request include?* You must describe the record that you seek in enough detail to enable IPEC to locate the system of records containing the record with a reasonable amount of effort. Include specific information about each record sought, such as the time period in which you believe it was compiled, the name or identifying number of each system of records in which you believe it is kept, and the date, title or name, author, recipient, or subject matter of the record. As a general rule, the more specific you are about the record that you seek, the more likely we will be able to locate it in response to your request.

(d) *How do I request amendment of a record?* If you are requesting an amendment of an IPEC record, you must identify each particular record in question and the system of records in which the record is located, describe the amendment that you seek, and state why you believe that the record is not accurate, relevant, timely or complete. You may submit any documentation that you think would be helpful, including an annotated copy of the record.

(e) *How do I request an accounting of record disclosures?* If you are requesting an accounting of disclosures made by IPEC to another person, organization or Federal agency, you must identify each system of records in question. An accounting generally includes the date, nature and purpose of each disclosure, as well as the name and address of the person, organization, or Federal agency to which the disclosure was made.

(f) *Verification of identity.* When making a Privacy Act request, you must verify your identity in accordance with

these procedures to protect your privacy or the privacy of the individual on whose behalf you are acting. If you make a Privacy Act request and you do not follow these identity verification procedures, IPEC cannot process your request.

(1) *How do I verify my own identity?* You must include in your request your full name, current address, and date and place of birth. We may request additional information to verify your identity. To verify your own identity, you must provide an unsworn declaration under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury. To fulfill this requirement, you must include the following statement just before the signature on your request:

I declare under penalty of perjury that the foregoing is true and correct. Executed on [date].

(2) *How do I verify parentage or guardianship?* If you make a request as the parent or legal guardian of a minor, or as the legal guardian of someone determined by a court to be incompetent, for access to records or information about that individual, you must establish:

(i) The identity of the individual who is the subject of the record, by stating the individual's name, current address, and date and place of birth;

(ii) Your own identity, as required in paragraph (f)(1) of this section;

(iii) That you are the parent or legal guardian of the individual, which you may prove by providing a copy of the individual's birth certificate showing your parentage or a court order establishing your guardianship; and

(iv) That you are acting on behalf of the individual in making the request.

§ 10400.22 How will IPEC respond to my Privacy Act request?

(a) *When will we respond to your request?* We will search to determine if the requested records exist in a system of records IPEC owns or controls. The FOIA Officer will respond to you in writing within 20 days after we receive your request and/or within 10 working days after we receive your request for an amendment, if it meets the requirements of this subpart. We may extend the response time in unusual circumstances, such as the need to consult with another agency about a record or to retrieve a record that is in storage.

(b) *What will our response include?* (1) Our written response will include our determination whether to grant or deny your request in whole or in part, a brief explanation of the reasons for the determination, and the amount of the fee charged, if any, under § 10400.24. If you requested access to records, we will make the records, if any, available to you. If you requested amendment of a record, the response will describe any amendments made and advise you of your right to obtain a copy of the amended record.

(2) We will also notify the individual who is subject to the record in writing, if, based on your request, any system of records contains a record pertaining to him or her.

(3) If IPEC makes an adverse determination with respect to your request, our written response will identify the name and address of the person responsible for the adverse determination, that the adverse determination is not a final agency action, and describe the procedures by which you may appeal the adverse determination under § 10400.23.

(4) An adverse determination is a response to a Privacy Act request that:

(i) Withholds any requested record in whole or in part;

(ii) Denies a request to amend a record in whole or in part;

(iii) Declines to provide an accounting of disclosures;

(iv) Advises that a requested record does not exist or cannot be located;

(v) Finds that what you requested is not a record subject to the Privacy Act; or

(vi) Advises on any disputed fee matter.

§ 10400.23 What can I do if I am dissatisfied with IPEC's response to my Privacy Act request?

(a) *What can I appeal?* You can appeal any adverse determination in writing to the Privacy Act Appeals Officer (the Legal Advisor or a designee) within ninety calendar days after the date of our response. We provide a list of adverse determinations in § 10400.22(b)(4).

(b) *How do I make an appeal?*—(1) *What should I include?* You may appeal by submitting a written statement giving the reasons why you believe the Privacy Act Appeals Officer should overturn the adverse determination. Your written appeal may include as much or as little related information as you wish to provide, as long as it clearly identifies the determination (including the request number, if known) that you are appealing.

(2) *Where do I send my appeal?* You should mark both your letter and the envelope, or the subject of your email, ''Privacy Act Appeal.'' To avoid mail delivery delays caused by heightened security, we strongly suggest that you email any appeal to *ipecfoia@ipec.eop.gov.* Our mailing address is: Office of the Intellectual Property Enforcement Coordinator, Executive Office of the President, Washington, DC 20503, Attn: Privacy Act Appeals Officer.

(c) *Who will decide your appeal?* (1) The Privacy Act Appeals Officer will act on all appeals under this section.

(2) We ordinarily will not adjudicate an appeal if the request becomes a matter of litigation.

(3) On receipt of any appeal involving classified information, the Privacy Act Appeals Officer must take appropriate action to ensure compliance with applicable classification rules.

(d) *When will we respond to your appeal?* The Privacy Act Appeals Officer will notify you of its appeal decision in writing within 30 days from the date it receives an appeal that meets the requirements of paragraph (b) of this section. We may extend the response time in unusual circumstances, such as the need to consult with another agency about a record or to retrieve a record shipped offsite for storage.

(e) *What will our response include?* The written response will include the Privacy Act Appeals Officer's determination whether to grant or deny your appeal in whole or in part, a brief explanation of the reasons for the determination, and information about the Privacy Act provisions for court review of the determination.

(1) *Appeals concerning access to records.* If your appeal concerns a request for access to records and the appeal is granted in whole or in part, we will make the records, if any, available to you.

(2) *Appeals concerning amendments.* If your appeal concerns amendment of a record, the response will describe any amendment made and advise you of your right to obtain a copy of the amended record. We will notify all persons, organizations or Federal agencies to which we previously disclosed the record, if an accounting of that disclosure was made, that the record has been amended. Whenever the record is subsequently disclosed, the record will be disclosed as amended. If our response denies your request for an amendment to a record, we will advise you of your right to file a statement of disagreement under paragraph (f) of this section.

(f) *Statements of disagreement*—(1) *What is a statement of disagreement?* A statement of disagreement is a concise written statement in which you clearly identify each part of any record that you dispute and explain your reason(s) for disagreeing with our denial in whole or

in part of your appeal requesting amendment.

(2) *How do I file a statement of disagreement?* You should mark both your letter and the envelope, or the subject of your email, ''Privacy Act Statement of Disagreement.'' To avoid mail delivery delays caused by heightened security, we strongly suggest that you email a statement of disagreement to *ipecfoia@ipec.eop.gov.* Our mailing address is: Office of the Intellectual Property Enforcement Coordinator, Executive Office of the President, Washington, DC 20503, Attn: Privacy Act Appeals Officer.

(3) *What will we do with your statement of disagreement?* We shall clearly note any portion of the record that is disputed and provide copies of the statement and, if we deem appropriate, copies of our statement that denied your request for an appeal for amendment, to persons or other agencies to whom the disputed record has been disclosed.

(g) *When appeal is required.* Under this section, you generally first must submit a timely administrative appeal, before seeking review of an adverse determination or denial request by a court.

§ 10400.24 What does it cost to get records under the Privacy Act?

(a) *Agreement to pay fees.* Your request is an agreement to pay fees. We consider your Privacy Act request as your agreement to pay all applicable fees unless you specify a limit on the amount of fees you agree to pay. We will not exceed the specified limit without your written agreement.

(b) *How do we calculate fees?* We will charge a fee for duplication of a record under the Privacy Act in the same way we charge for duplication of records under the FOIA in § 10400.11(c). There are no fees to search for or review records requested under the Privacy Act.

Steven D. Aitken,

Legal Advisor, and Performing the Functions and Duties of the Intellectual Property Enforcement Coordinator, Office of the Intellectual Property Enforcement Coordinator.

[FR Doc. 2023–02552 Filed 2–7–23; 8:45 am]

BILLING CODE 3330–F3–P

DEPARTMENT OF ENERGY

10 CFR Part 810

RIN 1994–AA04

Assistance to Foreign Atomic Energy Activities

AGENCY: National Nuclear Security Administration (NNSA), Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: On December 29, 2022, the Secretary of Energy (''Secretary'') issued determinations modifying the generally authorized destination status of Mexico and revoking the general authorizations for exports of controlled nuclear technology and assistance to Colombia and Egypt under DOE's regulation on Assistance to Foreign Atomic Energy Activities. Accordingly, DOE is issuing this final rule to remove the restriction on the general authorization previously applicable to Mexico and to remove Colombia and Egypt from the generally authorized destinations list in appendix A.

DATES: This rule is effective on February 8, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Katie Strangis, Deputy Director, Office of Nonproliferation and Arms Control (NPAC), National Nuclear Security Administration, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, telephone (202) 586–8623; Mr. Thomas Reilly, Office of the General Counsel, GC–53, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, telephone (202) 586–3417; or Mr. Zachary Stern, Office of the General Counsel, National Nuclear Security Administration, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, telephone (202) 586–8627.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion of Final Rule
II. Good Cause for Dispensing With Notice and Comment
III. Regulatory Review
IV. Approval of the Office of the Secretary

I. Background and Discussion of Final Rule

On December 29, 2022, the Secretary issued two determinations, (1) ''determination and authorization pursuant to section 57 b.(2) of the *Atomic Energy Act of 1954,* as amended, regarding exports of nuclear technology and assistance to Mexico'' and (2) ''determination and revocation of general authorizations pursuant to Department of Energy regulations at 10 CFR part 810 regarding exports of nuclear technology and assistance to Colombia and Egypt,'' modifying the generally authorized destination status of Mexico and revoking the general authorizations for exports to Colombia and Egypt of controlled nuclear technology and assistance, which were published in the **Federal Register** on January 31, 2023 (88 FR 6243–6244); (88 FR 6247). *The Atomic Energy Act of 1954,* as amended (42 U.S.C. 2077) (AEA), enables peaceful nuclear trade by helping to assure that nuclear technologies exported from the United States will not be used for non-peaceful purposes.

Part 810 of title 10, Code of Federal Regulations (part 810) implements section 57 b.(2) of the AEA, pursuant to which the Secretary has granted a general authorization for certain categories of activities which the Secretary has found to be non-inimical to the interest of the United States—including assistance or transfers of technology to the generally authorized destinations listed in appendix A to part 810. The Appendix A list currently includes Colombia, Egypt, and Mexico, with Mexico currently listed as a generally authorized destination only for activities related to INFCIRC/203 Parts 1 and 2 and INFCIRC/825. In light of the Secretary's Determinations to expand Mexico's generally authorized status to cover the full scope of exports of part 810-controlled nuclear technology and assistance, and to revoke the general authorizations for exports of part 810-controlled nuclear technology and assistance to Colombia and Egypt, DOE is amending the generally authorized destinations list in appendix A by removing the restrictive language after Mexico and removing Colombia and Egypt from Appendix A.

II. Good Cause for Dispensing With Notice and Comment

In accordance with the *Administrative Procedure Act* (APA), an agency may waive the notice and comment procedure if it finds, for good cause, that it is ''impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b). Additionally, 5 U.S.C. 553(d) provides that an agency may waive the 30-day delayed effective date upon finding of good cause.

DOE finds good cause that notice and comment for this rule is unnecessary due to the nature of the revisions. This final rule simply makes ministerial changes to appendix A by removing the restriction on the general authorization previously applicable to Mexico and by removing Colombia and Egypt from the generally authorized destinations list. Comments cannot alter the regulation

given that the modification of Mexico's generally authorized destination status and the revocation of the general authorizations for Colombia and Egypt have already been made effective through the Secretarial Determinations issued on December 29, 2022, and published on January 31, 2023, at 88 FR 6243–6244 and 88 FR 6247.

Accordingly, DOE has concluded that there is good cause to publish this rule without prior opportunity for public comment because the action merely aligns appendix A with the Secretarial Determinations. A delay in effective date is unnecessary for these same reasons. Therefore, these amendments are published as final and are effective February 8, 2023.

III. Regulatory Review

A. Executive Order 12866

This final rule has been determined not to be a significant regulatory action under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this action was not subject to review under that Executive order by the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB).

B. National Environmental Policy Act

DOE has determined that this rule is covered under the Categorical Exclusion found in DOE's *National Environmental Policy Act* regulations at paragraph A5 of appendix A to subpart D, 10 CFR part 1021, which applies to a rulemaking that amends an existing rule or regulation and that does not change the environmental effect of the rule or regulation being amended. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

C. Regulatory Flexibility Act

The *Regulatory Flexibility Act* (5 U.S.C. 601 *et seq.)* requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As discussed previously, DOE has determined that providing notice and opportunity for public comment on this final rule are unnecessary. Therefore, no regulatory flexibility analysis has been prepared for this final rule.

The changes to appendix A are summarized in Section I of this document. DOE has reviewed the changes under the provisions of the *Regulatory Flexibility Act* and the procedures and policies published on February 19, 2003. The changes update the list of generally authorized destinations. They do not expand the scope of activities currently regulated under 10 CFR part 810.

DOE estimates that approximately 10 percent of the entities impacted by the part 810 regulation are small businesses. Small businesses impacted by the part 810 regulation generally fall within two North American Industry Classification System codes: engineering services (541330) and computer systems designs services (541512). Often, their requests for authorization include the transfer of computer codes or other similar products. Generally speaking, small businesses reported that their initial filing of a part 810 request for authorization required up to 40 hours of legal assistance, but follow-on reporting and requests required significantly less assistance.

The requirements for small businesses exporting nuclear technology abroad would not substantively change because the revisions to this rule do not add new burdens or duties to small businesses. The obligations of any person subject to the jurisdiction of the United States who engages directly or indirectly in the production of special nuclear material outside the United States have not changed in a manner that would provide any significant economic impact on small businesses. This rulemaking change requires such persons to obtain specific authorization before making such transfers to Colombia and Egypt, but this change is not expected to have any significant impact. Conversely, this rulemaking no longer requires such persons to obtain specific authorization before making such transfers to Mexico, which is expected to ease the burden on small businesses.

On the basis of the foregoing, DOE certifies this rule would not have a significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this rulemaking.

D. Paperwork Reduction Act

This final rule imposes no information collection or recordkeeping requirements under the *Paperwork Reduction Act* (44 U.S.C. 3501 *et seq.*).

E. Unfunded Mandates Reform Act of 1995

The *Unfunded Mandates Reform Act of 1995* (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For regulatory actions likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy (2 U.S.C. 1532(a),(b)). DOE examined this final rule according to UMRA and its statement of policy and has determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure by State, local, and Tribal government, in the aggregate, or by the private sector, of $100 million or more in any year. Accordingly, no further assessment or analysis is required under UMRA.

F. Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined this rule and has determined that it would not preempt State law and 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. No further action is required by Executive Order 13132.

G. Treasury and General Government Appropriations Act, 1999

Section 654 of the *Treasury and General Government Appropriations Act, 1999* (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rulemaking that may affect family well-being. This rule would have no impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy, Supply, Distribution, or Use,'' 66 FR 28355 (May

22, 2001) requires Federal agencies to prepare and submit to OMB a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This regulatory action would not have a significant adverse effect on the supply, distribution, or use of energy and is therefore not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

I. Treasury and General Government Appropriations Act, 2001

The *Treasury and General Government Appropriations Act, 2001* (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of this final rule prior to the effective date set forth at the outset of this rulemaking. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 801(2).

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 810

Foreign relations, Nuclear energy, Reporting and recordkeeping requirements.

Signing Authority

This document of the Department of Energy was signed on December 29, 2022, by Jennifer Granholm, Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on February 1, 2023.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons set forth in the preamble, the Department of Energy amends part 810 of chapter III of title 10 of the Code of Federal Regulations as set forth below.

PART 810—ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES

■ 1. The authority citation for part 810 continues to read as follows:

Authority: Secs. 57, 127, 128, 129, 161, 222, and 232 Atomic Energy Act of 1954, as amended by the Nuclear Nonproliferation Act of 1978, Pub. L. 95–242, 68 Stat. 932, 948, 950, 958, 92 Stat. 126, 136, 137, 138 (42 U.S.C. 2077, 2156, 2157, 2158, 2201, 2272, 2280), and the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108–458, 118 Stat. 3768; Sec. 104 of the Energy Reorganization Act of 1974, Pub. L. 93–438; Sec. 301, Department of Energy Organization Act, Pub. L. 95–91; National Nuclear Security Administration Act, Pub. L. 106–65, 50 U.S.C. 2401 *et seq.,* as amended.

Appendix A to Part 810 [Amended]

■ 2. Appendix A to part 810 is amended by:

■ a. Removing ''Colombia'' and ''Egypt''; and

■ b. Removing the text ''(For all activities related to INFCIRC/203 Parts 1 and 2 and INFCIRC/825 only)'' after ''Mexico''.

[FR Doc. 2023–02456 Filed 2–7–23; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Docket No. R–1801]

RIN 7100–AG54

Regulation A: Extensions of Credit by Federal Reserve Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (''Board'') has adopted final amendments to its Regulation A to reflect the Board's approval of an increase in the rate for primary credit at each Federal Reserve Bank. The secondary credit rate at each Reserve Bank automatically increased by formula as a result of the Board's primary credit rate action.

DATES:

Effective date: The amendments to part 201 (Regulation A) are effective February 8, 2023.

Applicability date: The rate changes for primary and secondary credit were applicable on February 2, 2023.

FOR FURTHER INFORMATION CONTACT: M. Benjamin Snodgrass, Senior Counsel (202–263–4877), Legal Division, or Nicole Trachman, Financial Institution & Policy Analyst (202–973–5055), Division of Monetary Affairs; for users of telephone systems via text telephone (TTY) or any TTY-based Telecommunications Relay Services (TRS), please call 711 from any telephone, anywhere in the United States; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Federal Reserve Banks make primary and secondary credit available to depository institutions as a backup source of funding on a short-term basis, usually overnight. The primary and secondary credit rates are the interest rates that the twelve Federal Reserve Banks charge for extensions of credit under these programs. In accordance with the Federal Reserve Act, the primary and secondary credit rates are established by the boards of directors of the Federal Reserve Banks, subject to review and determination of the Board.

On February 1, 2023, the Board voted to approve a 0.25 percentage point increase in the primary credit rate, thereby increasing the primary credit rate from 4.50 percent to 4.75 percent. In addition, the Board had previously approved the renewal of the secondary credit rate formula, the primary credit rate plus 50 basis points. Under the

formula, the secondary credit rate increased by 0.25 percentage points as a result of the Board's primary credit rate action, thereby increasing the secondary credit rate from 5.00 percent to 5.25 percent. The amendments to Regulation A reflect these rate changes.

The 0.25 percentage point increase in the primary credit rate was associated with a 0.25 percentage point increase in the target range for the federal funds rate (from a target range of 4¼ percent to 4½ percent to a target range of 4½ percent to 4¾ percent) announced by the Federal Open Market Committee on February 1, 2023, as described in the Board's amendment of its Regulation D published elsewhere in this issue of the **Federal Register**.

Administrative Procedure Act

In general, the Administrative Procedure Act (''APA'') [1] imposes three principal requirements when an agency promulgates legislative rules (rules made pursuant to Congressionally-delegated authority): (1) publication with adequate notice of a proposed rule; (2) followed by a meaningful opportunity for the public to comment on the rule's content; and (3) publication of the final rule not less than 30 days before its effective date. The APA provides that notice and comment procedures do not apply if the agency for good cause finds them to be ''unnecessary, impracticable, or contrary to the public interest.'' [2] Section 553(d) of the APA also provides that publication at least 30 days prior to a rule's effective date is not required for (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) a rule for which the agency finds good cause for shortened notice and publishes its reasoning with the rule.[3] The APA further provides that the notice, public comment, and delayed effective date requirements of 5 U.S.C. 553 do not apply ''to the extent that there is involved . . . a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.'' [4]

Regulation A establishes the interest rates that the twelve Reserve Banks charge for extensions of primary credit and secondary credit. The Board has determined that the notice, public comment, and delayed effective date requirements of the APA do not apply to these final amendments to Regulation A. The amendments involve a matter relating to loans and are therefore exempt under the terms of the APA. Furthermore, because delay would undermine the Board's action in responding to economic data and conditions, the Board has determined that ''good cause'' exists within the meaning of the APA to dispense with the notice, public comment, and delayed effective date procedures of the APA with respect to the final amendments to Regulation A.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (''RFA'') does not apply to a rulemaking where a general notice of proposed rulemaking is not required.[5] As noted previously, a general notice of proposed rulemaking is not required if the final rule involves a matter relating to loans. Furthermore, the Board has determined that it is unnecessary and contrary to the public interest to publish a general notice of proposed rulemaking for this final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (''PRA'') of 1995,[6] the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. The final rule contains no requirements subject to the PRA.

List of Subjects in 12 CFR Part 201

Banks, banking, Federal Reserve System, Reporting and recordkeeping.

Authority and Issuance

For the reasons set forth in the preamble, the Board is amending 12 CFR Chapter II to read as follows:

PART 201 EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS (REGULATION A)

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 12 U.S.C. 248(i)–(j), 343 *et seq.,* 347a, 347b, 347c, 348 *et seq.,* 357, 374, 374a, and 461.

■ 2. In § 201.51, paragraphs (a) and (b) are revised to read as follows:

§ 201.51 Interest rates applicable to credit extended by a Federal Reserve Bank.[3]

(a) *Primary credit.* The interest rate at each Federal Reserve Bank for primary credit provided to depository institutions under § 201.4(a) is 4.75 percent.

(b) *Secondary credit.* The interest rate at each Federal Reserve Bank for secondary credit provided to depository institutions under § 201.4(b) is 5.25 percent.

* * * * *

By order of the Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2023–02650 Filed 2–7–23; 8:45 am]

BILLING CODE 6210–02–P

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R–1802]

RIN 7100–AG55

Regulation D: Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (''Board'') has adopted final amendments to its Regulation D to revise the rate of interest paid on balances (''IORB'') maintained at Federal Reserve Banks by or on behalf of eligible institutions. The final amendments specify that IORB is 4.65 percent, a 0.25 percentage point increase from its prior level. The amendment is intended to enhance the role of IORB in maintaining the federal funds rate in the target range established by the Federal Open Market Committee (''FOMC'' or ''Committee'').

DATES:

Effective date: The amendments to part 204 (Regulation D) are effective February 8, 2023.

Applicability date: The IORB rate change was applicable on February 2, 2023.

FOR FURTHER INFORMATION CONTACT: M. Benjamin Snodgrass, Senior Counsel (202–263–4877), Legal Division, or Nicole Trachman, Financial Institution & Policy Analyst (202–973–5055), Division of Monetary Affairs; for users

[1] 5 U.S.C. 551 *et seq.*

[2] 5 U.S.C. 553(b)(3)(A).

[3] 5 U.S.C. 553(d).

[4] 5 U.S.C. 553(a)(2) (emphasis added).

[5] 5 U.S.C. 603, 604.

[6] 44 U.S.C. 3506; see 5 CFR part 1320 Appendix A.1.

[3] The primary, secondary, and seasonal credit rates described in this section apply to both advances and discounts made under the primary, secondary, and seasonal credit programs, respectively.

of telephone systems via text telephone (TTY) or any TTY-based Telecommunications Relay Services (TRS), please call 711 from any telephone, anywhere in the United States; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

For monetary policy purposes, section 19 of the Federal Reserve Act (''Act'') imposes reserve requirements on certain types of deposits and other liabilities of depository institutions.[1] Regulation D, which implements section 19 of the Act, requires that a depository institution meet reserve requirements by holding cash in its vault, or if vault cash is insufficient, by maintaining a balance in an account at a Federal Reserve Bank (''Reserve Bank'').[2] Section 19 also provides that balances maintained by or on behalf of certain institutions in an account at a Reserve Bank may receive earnings to be paid by the Reserve Bank at least once each quarter, at a rate or rates not to exceed the general level of short-term interest rates.[3] Institutions that are eligible to receive earnings on their balances held at Reserve Banks (''eligible institutions'') include depository institutions and certain other institutions.[4] Section 19 also provides that the Board may prescribe regulations concerning the payment of earnings on balances at a Reserve Bank.[5] Prior to these amendments, Regulation D established IORB at 4.40 percent.[6]

II. Amendment to IORB

The Board is amending § 204.10(b)(1) of Regulation D to establish IORB at 4.65 percent. The amendment represents a 0.25 percentage point increase in IORB. This decision was announced on February 1, 2023, with an effective date of February 2, 2023, in the Federal Reserve Implementation Note that accompanied the FOMC's statement on February 1, 2023. The FOMC statement stated that the Committee decided to raise the target range for the federal funds rate to 4½ to 4¾ percent.

The Federal Reserve Implementation Note stated:

The Board of Governors of the Federal Reserve System voted unanimously to raise the interest rate paid on reserve balances to 4.65 percent, effective February 2, 2023.

As a result, the Board is amending § 204.10(b)(1) of Regulation D to establish IORB at 4.65 percent.

III. Administrative Procedure Act

In general, the Administrative Procedure Act (''APA'')[7] imposes three principal requirements when an agency promulgates legislative rules (rules made pursuant to Congressionally-delegated authority): (1) publication with adequate notice of a proposed rule; (2) followed by a meaningful opportunity for the public to comment on the rule's content; and (3) publication of the final rule not less than 30 days before its effective date. The APA provides that notice and comment procedures do not apply if the agency for good cause finds them to be ''unnecessary, impracticable, or contrary to the public interest.''[8] Section 553(d) of the APA also provides that publication at least 30 days prior to a rule's effective date is not required for (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) a rule for which the agency finds good cause for shortened notice and publishes its reasoning with the rule.[9]

The Board has determined that good cause exists for finding that the notice, public comment, and delayed effective date provisions of the APA are unnecessary, impracticable, or contrary to the public interest with respect to these final amendments to Regulation D. The rate change for IORB that is reflected in the final amendment to Regulation D was made with a view towards accommodating commerce and business and with regard to their bearing upon the general credit situation of the country. Notice and public comment would prevent the Board's action from being effective as promptly as necessary in the public interest and would not otherwise serve any useful purpose. Notice, public comment, and a delayed effective date would create uncertainty about the finality and effectiveness of the Board's action and undermine the effectiveness of that action. Accordingly, the Board has determined that good cause exists to dispense with the notice, public comment, and delayed effective date procedures of the APA with respect to this final amendment to Regulation D.

IV. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (''RFA'') does not apply to a rulemaking where a general notice of proposed rulemaking is not required.[10] As noted previously, the Board has determined that it is unnecessary and contrary to the public interest to publish a general notice of proposed rulemaking for this final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

V. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (''PRA'') of 1995,[11] the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. The final rule contains no requirements subject to the PRA.

List of Subjects in 12 CFR Part 204

Banks, Banking, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, the Board amends 12 CFR part 204 as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (REGULATION D)

■ 1. The authority citation for part 204 continues to read as follows:

Authority: 12 U.S.C. 248(a), 248(c), 461, 601, 611, and 3105.

■ 2. Section 204.10 is amended by revising paragraph (b)(1) to read as follows:

§ 204.10 Payment of interest on balances.

* * * * *

(b) * * *

(1) For balances maintained in an eligible institution's master account, interest is the amount equal to the interest on reserve balances rate (''IORB rate'') on a day multiplied by the total balances maintained on that day. The IORB rate is 4.65 percent.

* * * * *

By order of the Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2023–02651 Filed 2–7–23; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 U.S.C. 461(b). In March 2020, the Board set all reserve requirement ratios to zero percent. See Interim Final Rule, 85 FR 16525 (Mar. 24, 2020); Final Rule, 86 FR 8853 (Feb. 10, 2021).

[2] 12 CFR 204.5(a)(1).

[3] 12 U.S.C. 461(b)(1)(A) and (b)(12)(A).

[4] See 12 U.S.C. 461(b)(1)(A) & (b)(12)(C); see also 12 CFR 204.2(y).

[5] See 12 U.S.C. 461(b)(12)(B).

[6] See 12 CFR 204.10(b)(1).

[7] 5 U.S.C. 551 *et seq.*

[8] 5 U.S.C. 553(b)(3)(A).

[9] 5 U.S.C. 553(d).

[10] 5 U.S.C. 603, 604.

[11] 44 U.S.C. 3506; see 5 CFR part 1320 Appendix A.1.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0352; Airspace Docket No. 22–AGL–15]

RIN 2120–AA66

Establishment of Class E Airspace; Fertile, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Fertile, MN. This action supports the establishment of public instrument procedures at Fertile Municipal Airport, Fertile, MN.

DATES: Effective 0901 UTC, April 20, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace extending upward form 700 feet above the surface at Fertile Municipal Airport, Fertile, MN, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 21059; April 11, 2022) for Docket No. FAA–2022–0352 to establish Class E airspace at Fertile, MN. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace extending upward form 700 feet above the surface within a 6.3-mile radius of Fertile Municipal Airport, Fertile, MN.

This action supports the establishment of public instrument procedures at Fertile Municipal Airport.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MN E5 Fertile, MN [Establish]

Fertile Municipal Airport, MN
(Lat. 47°33′07″ N, long. 96°17′32″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Fertile Municipal Airport.

Issued in Fort Worth, Texas, on February 2, 2023.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2023–02616 Filed 2–7–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2023–0290]

Notification of Policy for Implementation of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 for Flight Training, Checking, and Testing in Experimental Aircraft

AGENCY: Federal Aviation Administration (FAA), Department of Transportation.

ACTION: Notification of policy.

SUMMARY: This notification provides information on flight training, checking, and testing for compensation in aircraft that hold experimental airworthiness certificates in compliance with the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (the Act), which was signed by President Joseph R. Biden on December 23, 2022. This notification provides sample scenarios to illustrate when a letter of deviation authority (LODA) is required and scenarios when a LODA is not required.

DATES: The policy described herein is effective February 8, 2023.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this policy notification, contact Erin Cappel, General Aviation and Commercial Division, General Aviation Operations Section, (202) 267–1100, or email *9-AFS-800-Correspondence@faa.gov,* 800 Independence Ave. SW, Washington, DC 20591.

SUPPLEMENTARY INFORMATION: President Joseph R. Biden signed the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (the Act) (Pub. L. 117–263) on December 23, 2022. Section 5604 of the Act mandates self-enacting provisions related to flight training, checking, and testing in experimental aircraft. The Act states that flight instructors, registered owners, lessors, or lessees of an experimental aircraft shall not be required to obtain a letter of deviation authority (LODA) to allow, conduct, or receive flight training, checking, and testing in experimental aircraft, if:

(1) The flight instructor is not providing both the training and the aircraft;

(2) No person advertises or broadly offers the aircraft as available for flight training, checking, or testing; and

(3) No person receives compensation for the use of the aircraft for a specific flight during which flight training, checking, or testing was received, other than expenses for owning, operating, and maintaining the aircraft.

The Act provides relief from the § 91.319(h) LODA requirement for certain persons who wish to receive training, checking, or testing in an experimental aircraft. Likewise, the Act supersedes the 2021 FAA Notification of Policy requiring owners and flight instructors in certain circumstances to obtain a LODA through a streamlined process.[1] The Act does not enable persons to broadly offer flight training in these aircraft (*e.g.,* advertising online or by word of mouth). Likewise, the Act limits the amount of compensation for use of the aircraft for a particular flight to only expenses for owning, operating, and maintaining the aircraft related to that training, checking, or testing flight.

The instructor providing the training may receive compensation for their services but may not provide the aircraft. Persons who wish to broadly offer flight training, testing, or checking in experimental aircraft, or who seek financial gain for provision of an aircraft for those services, will still be required to obtain a LODA (FAA Order 8900.1, Volume 3, Chapter 11, Section 1).

Sample Scenarios

The FAA provides the following flight training scenarios to provide greater clarity on the impact of section 5604 of the Act and the situations in which a LODA is still required.

Scenario A: An experimental aircraft owner wishes to hire a flight instructor to receive flight training in the owner's own aircraft. The owner intends to pay the flight instructor for the instruction. This operation is permissible under the Act without a LODA.

Scenario B: An experimental aircraft owner seeks to provide flight training in their aircraft to others. This owner (or a person or entity action on their behalf) is willing to allow almost anyone who comes to receive flight training in the owner's aircraft, provided the person receiving training pays a fee. The owner advertises flight training on a website and/or offers these training flights to attendees at various air shows. This operation is not permissible under the Act and would continue to require a LODA.

Scenario C: Four people co-own an experimental aircraft as part of a flying club. One of these people needs to get a flight review in the aircraft, so that person hires a flight instructor and pays the instructor for the training, plus pays a pre-arranged hourly rate that covers fuel used during the flight, as well as ongoing maintenance costs. Each co-owner pays the same hourly rate as a part of a co-ownership contract. Members of the flying club do not expect monetary gain or profit, but rather the fee is in place to cover the costs of owning, operating, and maintaining the aircraft. This scenario is permissible under the Act without a LODA.

Scenario D: An owner of an experimental aircraft starts a flying club and advertises to gain flying club members. This person charges a fee for ''club membership,'' and club members are given a flight training flight or series of flights in return. This fee yields a profit for the owner in excess of the compensation permissible under the Act. This operation includes broadly offered flight training, as well as an operator offering both the aircraft and the instructor. This operation is not permissible under the Act and would continue to require a LODA. Depending on the circumstances, this operation may also require some other kind of authorization from the Administrator, such as an air carrier or commercial operator certificate, or a commercial air tour letter of authorization.

Effect of Legislation on Streamlined LODA Process

As noted in the July 2021 **Federal Register** notification, the FAA has long emphasized the importance of pilots being trained and checked in the aircraft they will operate. Specifically, the FAA underscored that it is critical that pilots understand and are familiar with the particular systems, procedures, operating characteristics, and limitations of the aircraft they will operate. This flight training is distinct from a situation where an aircraft with a special airworthiness certificate is ''held out'' broadly for training to individuals who pay for both the flight training and use of an aircraft that they will not have further access to upon completion of LODA training. It is also distinct form the broadly offered basic flight training that can be accomplished effectively and safely in any standard category aircraft.

In the July 2021 **Federal Register** notification, the FAA established a streamlined process that allowed owners and flight instructors to apply for a LODA through an expedited process and accomplish certain flight training in experimental aircraft. Through this expedited process, the FAA was able to promote flight training for owners and those affiliated with the owners of experimental aircraft without overburdening the segment of the

[1] 86 FR 36493 (July 12, 2021).

regulated community. The FAA maintained the more rigorous LODA process for flight training broadly offered to the public. With the passage of section 5604 of the Act, this streamlined LODA process is no longer necessary. The FAA will cease processing LODAs through this process. In addition, the FAA considers LODAs issued under this process to be terminated.[2] Henceforth, the requirements of section 5604 will govern the flight training, checking, and testing that can be accomplished in experimental aircraft without a LODA. Flight training, checking, and testing that is broadly offered to the public, or that does not conform to the stipulations of the Act will continue to require a LODA.

Issued in Washington, DC, on February 2, 2023.

Wesley L. Mooty,

Acting Executive Director, Flight Standards Service.

[FR Doc. 2023–02600 Filed 2–3–23; 8:45 am]

BILLING CODE 4910–13–P

[2] The FAA notes that section 5604 addressed only experimental aircraft. The July 2021 policy pertaining to exemption relief remains valid for limited category and primary category aircraft.

FEDERAL TRADE COMMISSION

16 CFR Parts 801 and 803

RIN 3084–AB46

Premerger Notification; Reporting and Waiting Period Requirements

AGENCY: Federal Trade Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Trade Commission (''Commission'') published a document in the **Federal Register** of January 30, 2023, concerning the Hart-Scott-Rodino (''HSR'') Premerger Notification Rules (''Rules''). Pending publication, Commission staff learned the document did not include certain explanatory language pursuant to the Administrative Procedure Act. The Commission is issuing this correction to incorporate this language.

DATES: Effective February 27, 2023.

FOR FURTHER INFORMATION CONTACT: Robert Jones, Assistant Director, Premerger Notification Office, Bureau of Competition, Federal Trade Commission, 400 7th Street SW, Room CC–5301, Washington, DC 20024, or by telephone at (202) 326–3100, Email: *rjones@ftc.gov.*

SUPPLEMENTARY INFORMATION: The Commission is correcting its regulations published in the final rule ''Premerger Notification; Reporting and Waiting Period Requirements'' on January 30, 2023.

In FR Rule Doc. No. 2023–01584, appearing on page 5748 in the **Federal Register** issue of Monday, January 30, 2023, the following correction is made:

1. In the **SUPPLEMENTARY INFORMATION** section, on page 5749, in the third column, add the following language after the fourth paragraph of section V. Administrative Procedure Act:

* * * * *

Separately, the Commission finds that there is good cause under 5 U.S.C. 553(d)(3) for this final rule to become effective on February 27, 2023. Section 553(d)(3) of the APA allows an effective date of less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This final rule conforms with the new fee tiers and fees enacted by Congress on December 29, 2022—more than 30 days ago. In addition, the public interest is served by having the effective date of this final rule be the same as the effective date announced in the notice of revised jurisdictional thresholds published at 88 FR 5004, and thereby avoiding confusion about the relevant effective date.

* * * * *

Dated: February 2, 2023.

April J. Tabor,

Secretary.

[FR Doc. 2023–02590 Filed 2–7–23; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2023–0130]

RIN 1625–AA87

Security Zone; Atlantic Ocean; Surfside Beach, South Carolina

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone for certain navigable waters of the Atlantic Ocean near or in the vicinity of Surfside Beach, South Carolina. The temporary security zone is needed to protect the public, persons, vessels, and the marine environment from potential hazards created by physical objects in the subject navigable waters. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Charleston, or designated representative.

DATES: This rule is effective without actual notice from February 6, 2023, through February 18, 2023. For the purposes of enforcement, actual notice will be used from February 4, 2023, through February 6, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2023–0130 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 the Sector Charleston Command Center, U.S. Coast Guard, Telephone: 843–740–7050, email: *d05-smb-d5cc@uscg.mil* and *RCCMiami@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port
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 is impracticable. It is impracticable because immediate action is required, and we lack sufficient time to collect and address public comments before the effective date of this rule.

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 would be contrary to the public interest because immediate action to restrict vessel traffic is needed to protect life, property, and the environment.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port (COTP) Sector Charleston has determined this rule is needed to enhance public and maritime safety and security from potential hazards associated with physical objects in certain navigable waters near or in the vicinity of Surfside Beach, South Carolina.

IV. Discussion of the Rule

The U.S. Coast Guard is establishing a temporary security zone, for certain navigable waters near or in the vicinity of Surfside Beach, South Carolina, to include a 10 nautical mile area of the U.S. territorial sea extending from the point 33°37′ N 078°39′ W. The temporary security zone is intended to protect the public, persons, vessels, and the marine environment from potential hazards associated with physical objects in certain navigable waters near or in the vicinity of Surfside Beach, South Carolina. It will be enforced every day from midnight to 11:59 p.m.

No vessel or person is permitted to enter the security zone without obtaining permission from the COTP Sector Charleston, or a designated representative. A designated representative is any Coast Guard commissed, warrant, or petty officer, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a federal, state, and local officer designated by or assisting the COTP Sector Charleston in the enforcement of the temporary security zone. To seek permission to enter, contact the COTP Sector Charleston or a designated representative via VHF-FM channel 16, or through the Sector Surfside Beach Command Center at 843–740–7050. Vessels or persons permitted to enter the security zone must comply with all lawful orders or directions issued by the COTP Sector Charleston or designated representative. The COTP Sector Charleston or a designated representative will inform the public of the effective period for the security zone as well as any changes in the dates and times of enforcement through Local Notices to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

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 limited duration of the security zone. This zone impacts a 320 square nautical mile area near or in the vicinity of Surfside Beach, South Carolina, with a limited duration of 14 days.

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 this temporary security 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 security zone lasting for two weeks within certain navigable waters near or in the vicinity of Surfside Beach, South Carolina. It is categorically excluded from further review under paragraph L60(c) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. Due to the urgency of the event, a record of environmental consideration supporting this determination is not required but will be provided as necessary.

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.T05–0130 to read as follows:

§ 165.T05–0130 Security Zone; Atlantic Ocean; Surfside Beach, South Carolina.

(a) *Location.* The following area is a security zone: certain navigable waters of the Atlantic Ocean near or in the vicinity of Surfside Beach, South Carolina, to include a 10 nautical mile area of the U.S. territorial sea extending from the point 33°37′ N 078°39′ W.

(b) *Definitions.* As used in this section—

Designated representative means any Coast Guard commissioned, warrant, or petty officer, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port (COTP) Sector Charleston in the enforcement of the security zone.

(c) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, you may not enter the security zone described in paragraph (a) of this section unless authorized by the COTP Sector Charleston or a designated representative.

(2) To seek permission to enter, contact the Sector Charleston Command Center via VHF–FM Channel 16, or telephone at 843–740–7050. Vessels and persons permitted to enter the security zone must comply with all lawful orders or directions issued by the COTP Sector Charleston or a designated representative.

(d) *Enforcement period.* This section will be enforced from February 4, 2023, through February 18, 2023. It will be enforced every day from midnight to 11:59 p.m.

(e) *Information Broadcasts.* The COTP Sector Charleston or a designated representative will inform the public of effective period for the temporary security zone as well as any changes in the dates and times of enforcement through local notice to mariners (LNMs), broadcast notice to mariners (BNMs), and/or marine safety information broadcasts (MSIBs), or as appropriate.

Dated: February 4, 2023.

John D. Cole,

Captain, U.S. Coast Guard, Captain of the Port, Sector Charleston.

[FR Doc. 2023–02733 Filed 2–6–23; 11:15 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[EPA–HQ–OAR–2021–0420; FRL–8371–01–OAR]

RIN 2060–AV24

Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds—Exclusion of (2E)-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz(E))

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On April 28, 2022, the U.S. Environmental Protection Agency (EPA) published a proposed rule seeking comments in response to a petition requesting the revision of the EPA's regulatory definition of volatile organic compounds (VOC) to exempt *trans*-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO–1336mzz(E); CAS number 66711–86–2). The EPA is now taking final action to revise the regulatory definition of VOC under the Clean Air Act (CAA). This final action adds HFO–1336mzz(E) to the list of compounds excluded from the regulatory definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone (O_3) formation.

DATES: This final rule is effective on April 10, 2023.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2021–0420. All documents in the docket are listed on the *https://www.regulations.gov website. Although listed in the index, some information is not publicly available, e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted materials, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.reglatons.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Souad Benromdhane, Office of Air Quality Planning and Standards, Health and Environmental Impacts Division, Mail Code C539–07, Environmental Protection Agency, Research Triangle Park, NC 27711; telephone: (919) 541–4359; fax number: (919) 541–5315; email address: *benromdhane.souad@epa.gov.*

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I. Does this action apply to me?

Entities potentially affected by this final rule include, but are not necessarily limited to, the following: state and local air pollution control agencies that adopt and implement regulations to control air emissions of VOC; and industries manufacturing and/or using HFO–1336mzz(E) for use in foam blowing, refrigeration, as well as applications in solvents and aerosol propellants, and other minor uses. Potential entities that may be affected by this action include the following:

TABLE 1—POTENTIALLY AFFECTED ENTITIES BY NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS) CODE

Category	NAICS code	Description of regulated entities
Industry	325120	Industrial Gas Manufacturing.
Industry	333242	Semiconductor Machinery Manufacturing.
Industry	325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing.
Industry	326140	Polystyrene Foam Product Manufacturing.
Industry	326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing.
Industry	333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.
Industry	3363	Motor Vehicle Parts Manufacturing.
Industry	336611	Ship Building and Repairing.
Industry	336612	Boat Building.
Industry	339999	All other Miscellaneous Manufacturing.

This table is not intended to be exhaustive but rather provides a guide for readers regarding entities that might be affected by this deregulatory action. This table lists the types of entities that the EPA is now aware of that could potentially be affected to some extent by this action. Other types of entities not listed in the table could also be affected to some extent. To determine whether your entity is directly or indirectly affected by this action, you should consult your state or local air pollution control and/or air quality management agencies.

II. Background

A. The EPA's VOC Exemption Policy

Tropospheric O_3, commonly known as smog, is formed when VOC and nitrogen oxides (NO_X) react in the atmosphere in the presence of sunlight. Because of the harmful health effects of O_3, the EPA and state governments limit the amount of VOC that can be released into the atmosphere. Volatile organic compounds form O_3 through atmospheric photochemical reactions, and different VOC have different levels of reactivity. That is, different VOC do not react to form O_3 at the same speed or form different amounts of O_3. Some VOC react more slowly or form less O_3; therefore, changes in their emissions have limited effects on local or regional O_3 pollution episodes. It has been the EPA's policy since 1971 that certain organic compounds with a negligible level of reactivity should be excluded from the regulatory definition of VOC to focus VOC control efforts on compounds that significantly affect O_3 concentrations. The EPA also believes that exempting such compounds creates an incentive for industry to use negligibly reactive compounds in place of more highly reactive compounds that are regulated as VOC. The EPA lists compounds that it has determined to be negligibly reactive in its regulations as being excluded from the regulatory definition of VOC (40 CFR 51.100(s)).

The CAA requires the regulation of VOC for various purposes. Section 302(s) of the CAA specifies that the EPA has the authority to define the meaning of ''VOC'' and, hence, what compounds shall be treated as VOC for regulatory purposes. The policy of excluding negligibly reactive compounds from the regulatory definition of VOC was first laid out in the ''Recommended Policy on Control of Volatile Organic Compounds'' (42 FR 35314, July 8, 1977) (''1977 Recommended Policy'') and was supplemented subsequently with the ''Interim Guidance on Control of Volatile Organic Compounds in Ozone State Implementation Plans'' (70 FR 54046, September 13, 2005) (''2005 Interim Guidance''). The EPA uses the reactivity of ethane as the threshold for determining whether a compound has negligible reactivity. Compounds that are less reactive than, or equally reactive to, ethane under certain assumed conditions may be deemed negligibly reactive and, therefore, suitable for exemption from the regulatory definition of VOC. Compounds that are more reactive than ethane continue to be considered VOC for regulatory purposes and, therefore, are subject to control requirements. The selection of ethane as the threshold compound was based on a series of smog chamber experiments that underlay the 1977 Recommended Policy.

The EPA has used three different metrics to compare the reactivity of a specific compound to that of ethane: (i) the rate constant for reaction with the hydroxyl radical (OH) (known as k_{OH}); (ii) the maximum incremental reactivity (MIR) on a reactivity per unit mass basis; and (iii) the MIR expressed on a reactivity per mole basis. Differences between these three metrics are discussed below.

The k_{OH} is the rate constant of the reaction of the compound with the OH radical in the air. This reaction is often, but not always, the first and rate-limiting step in a series of chemical reactions by which a compound breaks down in the air and contributes to O_3 formation. If this step is slow, the compound will likely not form O_3 at a very fast rate. The k_{OH} values have long been used by the EPA as metrics of photochemical reactivity and O_3-forming activity, and they were the basis for most of the EPA's early exemptions of negligibly reactive compounds from the regulatory definition of VOC. The k_{OH} metric is inherently a molar-based comparison, *i.e.,* it measures the rate at which molecules react.

The MIR, both by mole and by mass, is a more updated metric of photochemical reactivity derived from a computer-based photochemical model, and it has been used as a metric of reactivity since 1995. This metric considers the complete O_3-forming activity of a compound over multiple hours and through multiple reaction pathways, not merely the first reaction step with OH. Further explanation of the MIR metric can be found in Carter (1994).

The EPA has considered the choice between MIRs with a molar or mass basis for the comparison to ethane in past rulemakings and guidance. In the 2005 Interim Guidance, the EPA stated that a comparison to ethane's MIR on the mass basis will strike the right balance between a threshold that is low enough to capture chemicals that significantly effect ozone formation and the threshold that is high enough to allow for the exemption of some other chemicals that may usefully substitute for more reactive compounds. And that EPA will continue to compare chemicals to ethane using k_{OH} expressed in molar basis and MIR values expressed on a mass basis during the review of suggested chemicals for VOC-exempt status.[1]

The 2005 Interim Guidance notes that the EPA will consider a compound to be negligibly reactive if it is equally as or less reactive than ethane based on either k_{OH} expressed on a molar basis *or* MIR values expressed on a mass basis (70 FR 54046).

The molar comparison of MIR is more consistent with the original smog chamber experiments, which compared equal molar concentrations of individual VOC, supporting the selection of ethane as the threshold, while the mass-based comparison of MIR is consistent with how MIR values and other reactivity metrics are applied in reactivity-based emission limits. It is, however, important to note that the mass-based comparison is less restrictive than the molar-based comparison in that more compounds would qualify as negligibly reactive.

Given the two goals of the exemption policy articulated in the 2005 Interim Guidance, the EPA believes that ethane continues to be an appropriate threshold for defining negligible reactivity. And, to encourage the use of environmentally beneficial substitutions, the EPA believes that a comparison to ethane on a mass basis strikes the right balance between a threshold that is low enough to capture compounds that significantly affect O_3 concentrations and a threshold that is high enough to exempt some compounds that may usefully substitute for more highly reactive compounds.

The 2005 Interim Guidance also noted that concerns have sometimes been raised about the potential impact of a VOC exemption on environmental endpoints other than O_3 concentrations, including fine particle formation, air toxics exposures, stratospheric O_3 depletion, and climate change. The EPA has recognized, however, that there are existing regulatory or non-regulatory programs that are specifically designed to address these issues, and the EPA continues to believe in general that the impacts of VOC exemptions on environmental endpoints other than O_3 formation can be adequately addressed by these programs. The VOC exemption policy is intended to facilitate attainment of the O_3 National Ambient Air Quality Standards (NAAQS), and VOC exemption decisions will continue to be based primarily on consideration of a compound's contribution to O_3 formation. However, if the EPA determines that a particular VOC exemption is likely to result in a significant increase in the use of a compound and that the increased use would pose a significant risk to human health or the environment that would not be addressed adequately by existing programs or policies, then the EPA may exercise its judgment accordingly in deciding whether to grant an exemption.

B. Petition to List HFO–1336mzz(E) as an Exempt Compound

The Chemours Company submitted a petition to the EPA on November 30, 2016, requesting that *(2E)*-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz(E); CAS number 66711–86–2) be exempted from the regulatory definition of VOC. The petition was based on the argument that HFO–1336mzz(E) has low reactivity (*i.e.,* 0.011 g of O_3/g of HFO–1336mzz(E)) relative to the MIR of ethane (0.28 g O_3/g ethane). The petitioner indicated that HFO–1336mzz(E) may be used in a variety of applications in foam expansion or blowing agents where it has significant performance and energy-saving advantages. Chemours has developed HFO–1336mzz(E) to support reductions in emissions of greenhouse gases (GHGs). The global warming potentials (GWPs) for HFO–1336mzz(E) are estimated as 26, 7, and 2 for time horizons of 20, 100, and 500 years, respectively, as estimated by Osterstrom *et al.* (2017). The World Meteorological Organization provided a 100-year GWP of 16 in its scientific assessment of O_3 depletion under the global ozone research and monitoring project.[2] Hence, HFO–1336mzz(E) can serve as a replacement for several higher global warming potential (>700 GWP) compounds for use in polyurethane rigid insulating foams, among others, many of which were removed from Significant New Alternatives Policy (SNAP) acceptable lists beginning on January 1, 2017, or January 1, 2020. The Petitioner stated that manufacturers and formulators of polyurethane foams and refrigeration equipment need access to HFO–1336mzz(E) to meet VOC limits on their products without impairing performance.

To support its petition, Chemours referenced several documents, including one peer-reviewed journal article on HFO–1336mzz(E) reaction rates (Osterstrom *et al.,* 2017). Chemours also provided a supplemental technical report on the MIR of HFO–1336mzz(E) (Carter, 2011a). Per this report, the MIR of HFO–1336mzz(E) is 0.011 g O_3/g HFO–1336mzz(E) on the mass-based MIR scale. This reactivity rate is much lower than that of ethane (0.28 g O_3/g ethane). The reactivity rate k_{OH} for the gas-phase reaction of OH radicals with HFO–1336mzz(E) (k_{OH}) has been measured to be $1.72 \pm 0.42 \times 10^{-13}$ centimeter (cm)^3/molecule-seconds at ~300 degrees Kelvin (K) (Osterstrom *et al.,* 2017). This k_{OH} rate is lower than that of ethane (k_{OH} of ethane = 2.4×10^{-13} cm^3/molecule-sec at ~298 K) even when uncertainty is considered and, therefore, suggests that HFO–1336mzz(E) is less or equally reactive than ethane. In most cases, chemicals with high k_{OH} values also have high MIR values, but for HFO–1336mzz(E), the products that are formed in subsequent reactions are expected to be polyfluorinated compounds, which do not contribute to O_3 formation (Osterstrom *et al.,* 2017; Carter 2011a). Based on the current scientific understanding of tetrafluoroalkene reactions in the atmosphere, it is unlikely that the actual O_3 impact on a mass basis would equal or exceed that of ethane in the scenarios used to calculate VOC reactivity in Osterstrom *et al.* (2017), in line with Baasandorj *et al.* (2011) and Carter (2011a).

To address the potential for stratospheric O_3 impacts, the petitioner

[1] Interim Guidance on Control of Volatile Organic Compounds in Ozone State Implementation Plans, 2005, US Environmental Protection Agency, Document # 05–18015 (70 FR 54046). And could be found at this link: *https://www.govinfo.gov/content/pkg/FR-2005-09-13/pdf/05-18015.pdf*

[2] WMO, 2018. World Meteorological Organization, *Scientific Assessment of Ozone Depletion: 2018,* Global Ozone Research and Monitoring Project—Report No. 58, 588 pp., Geneva, Switzerland, 2018. Available online at: *https://ozone.unep.org/sites/default/files/2019-05/SAP-2018-Assessment-report.pdf.*

contended that, because the atmospheric lifetime of HFO–1336mzz(E) due to loss by OH reaction was estimated to be relatively short and it does not contain chlorine or bromine, it is not expected to contribute to the depletion of the stratospheric O_3 layer (Osterstrom *et al.,* 2017; Baasandorj *et al.,* 2011).

III. The EPA's Assessment of the Petition

On April 28, 2022, the EPA published a proposed rulemaking (87 FR 25170) seeking comments in response to the petition to revise the EPA's regulatory definition of VOC for exemption of HFO–1336mzz(E). The EPA is taking final action to respond to the petition by exempting HFO–1336mzz(E) from the regulatory definition of VOC. This action is based on consideration of the compound's low contribution to tropospheric O_3 and the low likelihood of risk to human health or the environment, including stratospheric O_3 depletion, toxicity, and climate change. Additional information on these topics is provided in the following sections.

A. Contribution to Tropospheric Ozone Formation

As noted in studies cited by the petitioner, HFO–1336mzz(E) has a MIR value of 0.011 g O_3/g VOC for ''averaged conditions,'' versus 0.28 g O_3/g VOC for ethane (Carter, 2011). Therefore, the EPA considers HFO–1336mzz(E) to be negligibly reactive and eligible for VOC-exempt status in accordance with the Agency's long-standing policy that compounds should so qualify where either reactivity metric (k_{OH} expressed on a molar basis or MIR expressed on a mass basis) indicates that the compound is less reactive than ethane. While the overall atmospheric reactivity of HFO–1336mzz(E) was not studied in an experimental smog chamber, the chemical mechanism derived from other chamber studies (Carter, 2011) was used to model the complete formation of O_3 for an entire single day under realistic atmospheric conditions (Carter, 2011a). Therefore, the EPA believes that the MIR value calculated in the Carter study submitted by the petitioner is reliable as it was supported by Osterstrom *et al.* (2017).

Table 2 presents three reactivity metrics for HFO–1336mzz(E) as they compare to ethane.

TABLE 2—REACTIVITIES OF ETHANE AND HFO–1336MZZ(E)

Compound	k_{OH} (cm³/molecule-sec)	Maximum incremental reactivity (MIR) (g O_3/mole VOC)	Maximum incremental reactivity (MIR) (g O_3/g VOC)
Ethane	2.4×10^{-13}	8.4	0.28
HFO–1336mzz(E)	1.72×10^{-13}	1.8	0.011

Notes:
k_{OH} value for ethane is at 298 K and from Atkinson *et al.* (2006; page 3626).
k_{OH} value for HFO–1336mzz(E) is at 300 K and from Osterstrom (2017) and Baasandorj (2011).
Mass-based MIR value (g O_3/g VOC) of ethane is from Carter (2011).
Mass-based MIR value (g O_3/g VOC) of HFO–1336mzz(E) is from a supplemental report by Carter (2011a).
Molar-based MIR (g O_3/mole VOC) values were calculated from the mass-based MIR (g O_3/g VOC) values using the number of moles per gram of the relevant organic compound.

The reaction rate of HFO–1336mzz(E) with the OH radical (k_{OH}) has been measured to be 1.72×10^{-13} cm³/molecule-sec (Osterstrom *et al.,* 2017); other reactions with O_3 and the nitrate radical were negligibly small. The corresponding reaction rate of ethane with OH is 2.4 x 10^{-13} cm³/molecule-sec (Atkinson *et al.,* 2006). The data in Table 2 show that HFO–1336mzz(E) has a lower k_{OH} value than ethane, meaning that it initially reacts slower than or as fast in the atmosphere as ethane. However, the resulting unsaturated fluorinated compounds in the atmosphere are short lived and react more slowly to form O_3 (Osterstrom *et al.,* 2017; Baasandorj *et al.,* 2011). The mass-based MIR is 0.011 g O_3/g VOC and much lower than that of ethane.

A molecule of HFO–1336mzz(E) is much less reactive than a molecule of ethane in terms of complete O_3-forming activity, as shown by the molar-based MIR (g O_3/mole VOC) values. Likewise, one gram of HFO–1336mzz(E) has a lower capacity than one gram of ethane to form O_3 in terms of a mass-based MIR. Thus, following the 2005 Interim Guidance, the EPA proposes to find HFO–1336mzz(E) to be eligible for exemption from the regulatory definition of VOC based on both the molar- and mass-based MIR.

B. Potential Impacts on Other Environmental Endpoints

The EPA's decision to exempt HFO–1336mzz(E) from the regulatory definition of VOC is based on our findings above. However, as noted in the 2005 Interim Guidance, the EPA reserves the right to exercise its judgment in certain cases where an exemption is likely to result in a significant increase in the use of a compound and a subsequent significantly increased risk to human health or the environment. In this case, the EPA does not find that exemption of HFO–1336mzz(E) would result in an increase of risk to human health or the environment, with regard to stratospheric O_3 depletion, toxicity, and climate change. Additional information on these topics is provided in the following sections.

1. Contribution to Stratospheric Ozone Depletion

The SNAP program is the EPA's program to evaluate and regulate substitutes for end-uses historically using O_3-depleting chemicals. Under section 612(c) of the CAA, the EPA is required to identify and publish lists of acceptable and unacceptable substitutes for class I or class II O_3-depleting substances. Per the SNAP program findings, the ODP of HFO–1336mzz(E) is zero. The SNAP program has listed HFO–1336mzz(E) as an acceptable substitute for a number of foam-blowing end-uses provided in 85 FR 79863, December 11, 2020 (USEPA, 2020).

HFO–1336mzz(E) is unlikely to contribute to the depletion of the stratospheric O_3 layer. The O_3 depletion potential (ODP) of HFO–1336mzz(E) is expected to be negligible based on several lines of evidence: the absence of chlorine or bromine in the compound and the atmospheric reactions described in Carter (2008). Because HFO–1336mzz(E)'s atmospheric lifetime is short relative to the time scale for mixing within the troposphere, it will decay before it has a chance to reach the

stratosphere and, thus, will not participate in O_3 destruction.

2. Toxicity

Based on screening assessments of the health and environmental risks of HFO–1336mzz(E), the SNAP program anticipated that users will be able to use the compound without significantly greater health risks than presented by the use of other available substitutes for the same end uses (USEPA, 2020).

The EPA anticipates that HFO–1336mzz(E) will be used consistent with the recommendations specified in the manufacturer's safety data sheet (SDS) (Chemours, 2016). According to the SDS, potential health effects from inhalation of HFO–1336mzz(E) include skin or eye irritation or frostbite. Exposure to high concentrations of HFO–1336mzz(E) from misuse or intentional inhalation abuse may cause irregular heartbeat. In addition, HFO–1336mzz(E) could cause asphyxiation if air is displaced by vapors in a confined space. The Workplace Environmental Exposure Limit (WEEL) committee of the Occupational Alliance for Risk Science (OARS) reviewed available animal toxicity data and recommends a WEEL for the workplace of 400 parts per million (ppm) (2680 mg/m^3) [3] time-weighted average (TWA) for an 8-hour workday, as later published in 2019 in *Toxicology and Industrial Health* (''Trans-1,1,1,4,4,4-hexafluoro-2-butene,'' 2019).[4]. This WEEL was derived based on reduced male body weight gain in the 13-week rat inhalation toxicity study (TNO, 2016a, and TNO, 2016b), based on the point of departure of NOAEL of 7500 ppm. This was also the NOAEL for the developmental toxicity study where developmental effects were only observed at maternally toxic levels. The EPA anticipates that users will be able to meet the WEEL and address potential health risks by following requirements and recommendations in the SDS and other safety precautions common to the refrigeration and air conditioning industry.

HFO–1336mzz(E) is not regulated as a hazardous air pollutant (HAP) under title I of the CAA. Also, it is not listed as a toxic chemical under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

The Toxic Substances Control Act (TSCA) gives the EPA authority to assess and prevent potential unreasonable risks to human health and the environment before a new chemical substance is introduced into commerce. Section 5 of TSCA requires manufacturers and importers to notify the EPA before manufacturing or importing a nonexempt new chemical substance by submitting a Premanufacture Notice (PMN) prior to the manufacture (including import) of the chemical substance. Under the TSCA New Chemicals Program, the EPA then assesses whether an unreasonable risk may, or will, be presented by the expected manufacturing, processing, distribution in commerce, use, and disposal of the new substance. Based on its review of a PMN and a Significant New Use Notice (SNUN) for HFO–1336mzz(E), the EPA has determined that use of HFO–1336mzz(E) in consumer products or use other than as described in the PMN and SNUN may cause serious chronic health effects. To address concerns identified during the PMN review of HFO–1336mzz(E), the EPA issued a Significant New Use Rule (SNUR) under TSCA on May 16, 2016, to require submission of a SNUN to the EPA at least 90 days before manufacturing or processing of HFO–1336mzz(E) for any uses in consumer products or any use other than as described in the PMN (81 FR 30451, 30462, May 16, 2016). The required notification will provide the EPA with the opportunity to evaluate the intended use before it occurs and, if necessary, to prohibit or limit that activity to protect against an unreasonable risk. The EPA received a SNUN for a significant new use of HFO–1336mzz(E) in 2017 and modified the SNUR in June 2021 based on its determination for the SNUN (86 FR 30210, 30215, June 7, 2021) [5]. The EPA, therefore, believes that existing programs address the risk of toxicity associated with the use of HFO–1336mzz(E).

The EPA recognizes that both HFO–1336mmz(E) and its atmospheric breakdown product trifluoroacetic acid (TFA) are members of the broad class of compounds known as per- and poly-fluoroalkyl substances (PFAS), even though they are not among the PFAS currently listed or targeted for specific Agency action. Many PFAS are highly mobile in various media; some are volatile and can be transported long distances in air and/or in water and widely distributed in the environment. Some studies suggest that PFAS emitted to air can result in human exposures in other media such as source/surface or drinking waters even though the emissions origin may be distant from receptor water bodies.[6] Some PFAS are persistent in the environment and in the human body and can accumulate over time. There is evidence that exposure to certain PFAS can lead to adverse human health effects (*e.g.,* low infant birth weights, immune system effects, cancer, and thyroid disruption). Numerous states have developed health-based (*e.g.,* drinking water) standards for various PFAS. The Environmental Effects Assessment Panel for the Montreal Protocol (EEAP) has considered the production of TFA as a persistent breakdown product of HFCs and HFOs and has found, ''Projected future increased loadings of TFA to playas, land-locked lakes, and the oceans due to continued use of HCFCs, HFCs, and replacement products such as HFOs are still judged to present negligible risks for aquatic organisms and humans.'' [7] In its most recent assessment report (2018 Assessment Report), EEAP found, ''Overall, there is no new evidence that contradicts the conclusion of our previous Assessments that exposure to current and projected concentrations of salts of TFA in surface waters present a minimal risk to the health of humans and the environment.'' [8]

3. Contribution to Climate Change

The Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment Report (IPCC AR5) does not provide an estimate for HFO–1336mzz(E)'s GWP.[9]

[3] Occupational Alliance for Risk Science (OARS–WEELs)- HFO–1336mzz(E), 2018: *https://www.tera.org/OARS/PDF_documents/03_trans-1-1-1-4-4-4-hexafluoro-2-butene-(hfo-1336mzz-e).pdf.*

[4] Trans-1,1,1,4,4,4-hexafluoro-2-butene (HFO–1336mzz(E)) (2018). (2019). Toxicology and Industrial Health, 35(3), 204–210. *https://doi.org/10.1177/0748233719825529.*

[5] *https://www.govinfo.gov/content/pkg/FR-2021-06-07/html/2021-11768.htm*

[6] *https://pubs.acs.org/doi/abs/10.1021/acs.est.0c06580*

[7] UNEP, 2015. Environmental Effects Of Ozone Depletion And Its Interactions With Climate Change: 2014 Assessment of the Montreal Protocol. United Nations Environment Programme (UNEP), Nairobi. This document accessible at*: https://ozone.unep.org/sites/default/files/2019-05/eeap_report_2014.pdf.*

[8] UNEP, 2019. Environmental Effects and Interactions of Stratospheric Ozone Depletion, UV Radiation, and Climate Change: 2018 Assessment Report of the Montreal Protocol. United Nations Environment Programme (UNEP), Nairobi. This document accessible at: *https://ozone.unep.org/sites/default/files/2019-04/EEAP_assessment-report-2018%20%282%29.pdf.*

[9] IPCC, 2013: Climate Change 2013: Chapter 8, Myhre, G., D. Shindell, F.-M. Bréon, W. Collins, J. Fuglestvedt, J. Huang, D. Koch, J.-F. Lamarque, D. Lee, B. Mendoza, T. Nakajima, A. Robock, G. Stephens, T. Takemura and H. Zhang, 2013: Anthropogenic and Natural Radiative Forcing. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. *https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_Chapter08_FINAL.pdf.*

The HFO–1336mzz(E) GWP on a 100-year time horizon was calculated to be 7 in one study by Osterstrom *et al.* (2017) and 32 (atmospherically well-mixed) and 14 (lifetime-adjusted) in another study by Baasandorj *et al.* (2018). However, the WMO (2018) calculated the 100-year GWP for HFO–1336mzz(E) as 16. Species with double bonds assembled in the Intergovernmental Panel on Climate Change Fifth Assessment Report (Table 8.A.1) indicate lower GWP than species without a double bond. Given the presence of a double bond in the HFO–1336mzz(E) molecule, its atmospheric degradation is accelerated, and its atmospheric lifetime is reduced, thereby reducing its long-term GWP. According to the SNAP rule, HFO–1336mzz(E)'s GWP of 16 is lower than the GWPs of some of the substitutes in a variety of foam blowing and refrigeration, solvent, and aerosol propellant end-uses (USEPA, 2020). HFO–1336mzz(E) was developed to replace other chemicals used for similar end-uses with GWP ranging from 1 to 1,300 such as the refrigerant 1,1,1,2-tetrafluoroethane (R–134a), among others. The petitioner claims that HFO–1336mzz(E) is a better alternative to other substitutes in foam expansion or blowing agents for use in polyurethane rigid insulating foams. Specifically, HFO–1336mzz(E) will provide significant performance and energy saving advantages and reduce climate change impacts both directly by its relatively low GWP and indirectly by decreasing energy consumption throughout the lifecycle of insulated foams in several applications.

C. Response to Comments and Conclusion

The EPA received two comments by the close of the public comment period on June 28, 2022, on the notice of proposed rulemaking. However, no specific issues that are relevant to our action to exempt HFO–1336mzz(E) were submitted. No negative comments were received on the proposed action or raised any issues about the PFAS and/or recommendation to address them under the revision of the VOC definition. Details on those comments received and the EPA's responses are provided below.

Comments: The first commenter was the petitioner who supported the proposed action to exempt HFO–1336mzz(E) from the EPA's definition of VOC in 40 CFR 51.100(s). The petitioner insisted that PFAS issues were outside the scope of this rulemaking, referring to other EPA programs that are currently working to address them. The petitioner also mentioned EPA's ongoing efforts in defining what PFAS are, and the agency's testing strategy, adding that HFO–1336mzz(E) is not currently included in the EPA's working definition of PFAS. The second commenter submitted similar supporting arguments on behalf of multiple professional organizations including the U.S. Chamber of Commerce. They stipulated that this rulemaking is not the proper vehicle for broadly examining questions about properties of PFAS and their chemistry, properties that are not related to the VOC exemption program as we requested in the proposal. They referred to multiple EPA initiatives underway which will provide a better platform to address PFAS issues, urging the exemption of HFO–1336-mzz(E) as the focus of this rulemaking.

Response: The EPA acknowledges the commenters' support to exempt HFO1336mzz(E) from the EPA's regulatory definition of VOC in 40 CFR 51.100(s).

The commenter is correct that HFO–1336mzz(E) does not meet the Office of Pollution Prevention and Toxics' (OPPT) working definition of PFAS.[10] However, EPA notes that this definition may not be identical to other definitions of PFAS used within EPA and/or by other organizations. The term ''PFAS'' has been used broadly by many organizations for their individual research and/or regulatory needs. Various programs or organizations have distinct needs or purposes apart from the proposed TSCA section 8(a)(7) reporting rule, and therefore, different definitions of the term ''PFAS'' may be appropriate for other purposes, including this program.[11] At this time, we do not believe it is necessary to consider a definition of PFAS that applies to the VOC exemption process, because the Agency evaluates each chemical substance on a case-by-case basis against the relevant criteria in the 2005 Interim Guidance.

IV. Final Action

The EPA is responding to the petition by revising its regulatory definition of VOC at 40 CFR 51.100(s) to add HFO–1336mzz(E) to the list of compounds that are exempt from the regulatory definition of VOC because it is less reactive than ethane based on a comparison of mass-based MIR and molar-based MIR metrics and is, therefore, considered negligibly reactive. As a result of this action, if an entity uses or produces this compound and is subject to the EPA regulations limiting the use of VOC in a product, limiting the VOC emissions from a facility, or otherwise controlling the use of VOC for purposes related to attaining the O_3 NAAQS, this compound will not be counted as a VOC in determining whether these regulatory obligations have been met. This action would affect whether this compound is considered a VOC for state regulatory purposes to reduce O_3 formation, if a state relies on the EPA's regulatory definition of VOC. States are not obligated to exclude from control as a VOC those compounds that the EPA has found to be negligibly reactive. However, no state may take credit for controlling this compound in its O_3 control strategy. Consequently, reductions in emissions for this compound will not be considered or counted in determining whether states have met the rate of progress requirements for VOC in State Implementation Plans or in demonstrating attainment of the O_3 NAAQS.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. It does not contain any recordkeeping or reporting requirements.

C. Regulatory Flexibility Act (RFA)

I certify this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action removes HFO–1336mzz(E) from the regulatory

[10] OPPT's proposed rule defined PFAS as ''any chemical substance or mixture that structurally contains the unit R-(CF2)-C(F)(R′)R″. Both the CF2 and CF moieties are saturated carbons. None of the R groups (R, R′ or R″) can be hydrogen.'' Toxic Substances Control Act Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances Posted by the Environmental Protection Agency, 86 FR 33926, 33937 (proposed on June 28, 2021).

[11] *See* OECD, Reconciling Terminology of the Universe of Per- and Polyfluoroalkyl Substances: Recommendations and Practical Guidance p. 8 (July 2021), *https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ENV/CBC/MONO(2021)25&docLanguage=En.*

definition of VOC and, thereby, relieves manufacturers, distributers, and users of the compound from tropospheric O_3 requirements to control emissions of the compound.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments, or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects 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.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. This final action removes HFO–1336mzz(E) from the regulatory definition of VOC and, thereby, relieves manufacturers, distributers, and users from tropospheric O_3 requirements to control emissions of the compound. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to Executive Order 13045, because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. Since HFO–1336mzz(E) is utilized in specific industrial applications where children are not present and dissipates quickly (*e.g.,* lifetime of 22 days) with short-lived end products, there is no exposure or disproportionate risk to children. This action removes HFO–1336mzz(E) from the regulatory definition of VOC and, thereby, relieves manufacturers, distributers, and users from tropospheric O_3 requirements to control emissions of the compound.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high, and adverse human health or environmental effects of their programs, policies, and activities on minority populations (people of color and/or Indigenous peoples) and low-income populations.

The EPA believes that the human health and environmental conditions that exist prior to this action do not result in disproportionate and adverse effects on people of color, low-income populations, and/or Indigenous peoples as we found no data available to support the opposite. Projected effects on the various populations after this action is implemented are not likely to result in new potentially disproportionate and adverse effects. We addressed the human health and environmental risks by this action to the greatest ability feasible, and those risks will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations (in particular children), because of no possible exposure. This chemical is used in specific industrial applications where children are not present. This action was developed in accordance with agency guidance on environmental justice.

This action removes HFO–1336mzz(E) from the regulatory definition of VOC and, thereby, relieves manufacturers, distributers, and users of the compound from tropospheric O_3 requirements to control emissions of the compound. It will in fact help states focus on more photochemically reactive chemicals preventing more formation of Ozone and consequently more adverse related health and environmental effects.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit Court within 60 days from the date the final action is published in the **Federal Register**. Filing a petition for review by the Administrator of this final action does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed and shall not postpone the effectiveness of such action. Thus, any petitions for review of this action related to the exemption of HFO–1336mzz(E) from the regulatory definition of VOC must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date final action is published in the **Federal Register**.

VI. References

Atkinson, R., Baulch, D.L., Cox, R.A., Crowley, J.N., Hampson, Jr., R.F., Hynes, R.G., Jenkin, M.E., Kerr, J.A., Rossi, M.J., and Troe, J. (2006) Evaluated kinetic and photochemical data for atmospheric chemistry: Volume II—gas phase reactions of organic species. Atmos. Chem. Phys. 6: 3625–4055.

Baasandorj, M., Ravishankara, A.R., Burkholder, J.B. (2011) Atmospheric chemistry of (Z)-CF3CH=CHCF3: OH radical reaction rate coefficient and global warming potential. *J Phys Chem A.* 2011 Sep 29;115(38):10539–49. doi: 10.1021/jp206195g.

Baasandorj, M., Marshall, P., Waterland, R.L., Ravishankara, A.R. & Burkholder, J.B. Rate Coefficient Measurements and Theoretical Analysis of the OH + (E)-CF3CH=CHCF3 Reaction. *The Journal of Physical Chemistry A* 122, 4635–4646, doi:10.1021/acs.jpca.8b02771 (2018).

Carter, W.P.L. (1994) Development of ozone reactivity scales for volatile organic compounds. J. Air Waste Manage, 44: 881–899.

Carter, W.P.L. (2008) Reactivity Estimates for Selected Consumer Product Compounds, Final Report to California Air Resources Board Contract No. 06–408, February 19, 2008. *http://;www.arb.ca.gov/research/reactivity/consumer_products.pdf.*

Carter, W.P.L. (2011) SAPRC Atmospheric Chemical Mechanisms and VOC Reactivity Scales, at *http://www.engr.ucr.edu/~carter/SAPRC/.* Last updated in Sept. 14, 2013. Tables of Maximum Incremental Reactivity (MIR) Values available at *http://*

www.arb.ca.gov/regact/2009/mir2009/mir2009.htm. May 11, 2011.
Carter, W.P.L. (2011a) Estimation of the ground-level atmospheric ozone formation potentials of Cis 1,1,1,4,4,4-HexaFluoro-2-Butene, August 8, 2011.
Chemours. (2016) CD–59 Foam Expansion Agent Safety Data Sheet. Version 4.1. The Chemours Company FC, LLC, Wilmington, DE December 2016.
Osterstrom, F.F., Andersen, S.T., Sølling, T.I., Nielsena, OJ., and Andersen, M.P.S. (2017) Atmospheric chemistry of Z- and E-CF3CH—CHCF3: *Phys.Chem.Chem.Phys.,* 2017, 19, 735
TNO (Netherlands Organization for Applied Scientific Research). (2016a) Sub-chronic (13-week) inhalation toxicity study with HFO–1336mzz(E) in rats. Report No. V20686. TNO Company, Netherlands. Unpublished report.
TNO (Netherlands Organization for Applied Scientific Research). (2016b) Inhalation prenatal developmental toxicity study with HFO–1336mzz(E) in rats. Report No. V20685. TNO Company, Netherlands.
Pitts, J.N. Jr., Winer, A.M., Aschmann, S.M., Carter, W.P.L., and Atkinson, K. (1983), Experimental Protocol for Determining Hydroxyl Radical Reaction Rate Constants Environmental Science Research Laboratory, ORD, USEPA. EPA600/3–82–038.
USEPA, 2020. Protection of Stratospheric Ozone: Determination 36 for Significant New Alternatives Policy Program December 11, 2020. 85 FR 79863. Available online at: *https://www.govinfo.gov/content/pkg/FR-2020-12-11/pdf/2020-23861.pdf.*

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Michael S. Regan,
Administrator.

For reasons stated in the preamble, part 51 of chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

Subpart F—Procedural Requirements

■ 2. Section 51.100 is amended by revising paragraph (s)(1) introductory text to read as follows:

§ 51.100 Definitions.

* * * * *

(s) * * *

(1) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC–113); trichlorofluoromethane (CFC–11); dichlorodifluoromethane (CFC–12); chlorodifluoromethane (HCFC–22); trifluoromethane (HFC–23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC–114); chloropentafluoroethane (CFC–115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC–123); 1,1,1,2-tetrafluoroethane (HFC–134a); 1,1-dichloro 1-fluoroethane (HCFC–141b); 1-chloro 1,1-difluoroethane (HCFC–142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC–124); pentafluoroethane (HFC–125); 1,1,2,2-tetrafluoroethane (HFC–134); 1,1,1-trifluoroethane (HFC–143a); 1,1-difluoroethane (HFC–152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC–225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC–225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43–10mee); difluoromethane (HFC–32); ethylfluoride (HFC–161); 1,1,1,3,3,3-hexafluoropropane (HFC–236fa); 1,1,2,2,3-pentafluoropropane (HFC–245ca); 1,1,2,3,3-pentafluoropropane (HFC–245ea); 1,1,1,2,3-pentafluoropropane (HFC–245eb); 1,1,1,3,3-pentafluoropropane (HFC–245fa); 1,1,1,2,3,3-hexafluoropropane (HFC–236ea); 1,1,1,3,3-pentafluorobutane (HFC–365mfc); chlorofluoromethane (HCFC–31); 1 chloro-1-fluoroethane (HCFC–151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC–123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$ or HFE–7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$ or HFE–7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE–7000); 3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE–7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH3); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE–7300); propylene carbonate; dimethyl carbonate; *trans*-1,3,3,3-tetrafluoropropene; HCF_2OCF_2H (HFE–134); $HCF_2OCF_2OCF_2H$ (HFE–236cal2); $HCF_2OCF_2CF_2OCF_2H$ (HFE–338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); *trans* 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; t-butyl acetate; 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane; *cis*-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz-Z); trans-1,1,1,4,4,4-hexafluorobut-2-ene *(HFO–1336mzz(E));* and perfluorocarbon compounds which fall into these classes:

* * * * *

[FR Doc. 2023–02384 Filed 2–7–23; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0396; FRL–10572–01–OCSPP]

Peptide Derived From Harpin Protein; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of Peptide Derived from Harpin Protein (PDHP) 25279 in or on all food commodities when used in accordance with label directions and good agricultural practices. Plant Health Care Inc., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of PDHP 25279 under FFDCA when used in accordance with this exemption.

DATES: This regulation is effective February 8, 2023. Objections and requests for hearings must be received on or before April 10, 2023 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0396, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency

Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20004. The 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 and OPP Docket is (202) 566–1744. For the latest status information on EPA/DC services, docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

Charles Smith, Biopesticides and Pollution Prevention Division (7511M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1400; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Office of the Federal Register's e-CFR site at *https://www.ecfr.gov/current/title-40.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2021–0396 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before April 10, 2023. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b), although EPA strongly encourages those interested in submitting objections or a hearing request to submit objections and hearing requests electronically. *See* Order Urging Electronic Service and Filing (April 10, 2020), *https://www.epa.gov/sites//default/files/2020-05/documents/2020-04-10_-_order_urging_electronic_service_and_filing.pdf.* At this time, because of the COVID–19 pandemic, the judges and staff of the Office of Administrative Law Judges are working remotely and not able to accept filings or correspondence by courier, personal delivery, or commercial delivery, and the ability to receive filings or correspondence by U.S. Mail is similarly limited. When submitting documents to the U.S. EPA Office of Administrative Law Judges (OALJ), a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.*

Although EPA's regulations require submission via U.S. Mail or hand delivery, EPA intends to treat submissions filed via electronic means as properly filed submissions during this time that the Agency continues to maximize telework due to the pandemic; therefore, EPA believes the preference for submission via electronic means will not be prejudicial. If it is impossible for a person to submit documents electronically or receive service electronically, *e.g.,* the person does not have any access to a computer, the person shall so advise OALJ by contacting the Hearing Clerk at (202) 564–6281. If a person is without access to a computer and must file documents by U.S. Mail, the person shall notify the Hearing Clerk every time it files a document in such a manner. The address for mailing documents is U.S. Environmental Protection Agency, Office of Administrative Law Judges, Mail Code 1900R, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2021–0396, by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave., NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/ets/send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

II. Background

In the **Federal Register** of June 17, 2022 (87 FR 36438) (FRL–9929–01), EPA issued a notice pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance exemption petition (PP 1F8901) by Plant Health Care Inc., 2626 Glenwood Ave., Suite 350, Raleigh, NC 27608. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of fungicide PDHP 25279 in or on growing crops or seeds. That notice referenced a summary of the petition prepared by the petitioner Plant Health Care Inc., and available in the docket via *https://www.regulations.gov.* EPA received one comment on the notice of filing. EPA's response to this comment is discussed in Unit III.C.

III. Final Rule

A. EPA's Safety Determination

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement of a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a

tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance or tolerance exemption and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .'' Additionally, FFDCA section 408(b)(2)(D) requires that EPA consider ''available information concerning the cumulative effects of [a particular pesticide's] . . . residues and other substances that have a common mechanism of toxicity.''

EPA evaluated the available toxicological and exposure data on PDHP 25279 and considered their validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which EPA relied and its risk assessment based on those data can be found within the document entitled ''Human Health Risk Assessment, Review of Product Characterization and Manufacturing Processes of the New End-Use Product PHC 25279 Containing the New Active Ingredient Harpin Protein PDHP 25279. Data was Provided in Support of a FIFRA Section 3 Registration and Establishment of a Permanent Tolerance Exemption'' (Human Health Risk Assessment). This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

Available data have demonstrated that, with regard to humans, Peptide Derived from Harpin Protein (PDHP) 25279 is not anticipated to be toxic or allergenic via any reasonably foreseeable route of exposure. The active ingredient in PDHP 25279 is a 28 amino acid peptide derived from the harpinW protein found in the phytopathogenic bacterium *Erwinia amylovora,* a plant pathogen responsible for causing fire blight in plants such as apple, pear, and raspberry. PDHP 25279 is a third-generation PDHP that does not directly affect the target pest. Instead, the mode of action for PDHP 25279 is proposed to be through the induction of natural defense mechanisms in the plant by way of salicylic acid (SA) and ethylene/jasmonic acid-dependent signaling, which in turn activate the ''hypersensitive response'' (HR) and ultimately elicit systemic acquired resistance in the plant. HR is characterized as rapid, localized cell death in plant tissue after infiltration of the peptide into the intercellular spaces of plant leaves. This reaction initiates a complex set of metabolic responses in the treated plant, causing systemic gene expression and eliciting a plant's natural growth and defense system, which results in enhanced resistance of the plant to fungal and bacterial diseases.

The Agency has concluded that any potential dietary risk from the use of PDHP 25279 to human health is considered negligible for the following reasons: (1) PDHP 25279 was found to have low toxicity via the oral route of exposure, did not show any homology to known or putative allergens, and is rapidly degraded in simulated gastric fluids. The submitted mammalian toxicity studies and the studies that are bridged from similar already registered harpin proteins to support the tolerance exemption for the active ingredient PDHP 25279 are summarized with their classifications in the Human Health Risk Assessment, Table 2; (2) Dietary exposure to residues of the active ingredient in food and drinking water is expected to be negligible. PDHP 25279 is a protein and as such is generally expected to be biodegradable through microbial activity in the soil. Supporting this conclusion is the observation that PDHP 25279 is degraded within 5 minutes by subtilisin A, an environmental protease. It is therefore expected that biological processes will reduce run-off and potential exposure of drinking water to negligible levels. The presence of PDHP 25279 on treated crops is likely to be further reduced through normal washing and handling processes. For non-occupational exposure, there is a potential for dermal exposure by handling of plants treated with PDHP 25279. However, PDHP 25279 is expected to be of low toxicity through the dermal route of exposure given the low toxicity through the oral and inhalation routes and dermal studies conducted with the similar harpin protein Ea peptide 91398, which was found to be of low toxicity and not a skin sensitizer.

Based upon the evaluation in the Human Health Risk Assessment, which found no risks of concern from aggregate exposure to PDHP 25279, EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of PDHP 25279. In addition, because no threshold effects have been identified for infants and children, EPA determined that an additional Food Quality Protection Act (FQPA) safety factor is not necessary to protect infants and children from anticipated residues of PDHP 25279.

B. Analytical Enforcement Methodology

An analytical method is not needed for PDHP 25279 since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation based on a lack of adverse effects.

C. Response to Comment

One comment was received during the public comment period for the notice of filing. The commentor supported the proposed tolerance exemption and noted the low toxicity, the mode of action, rapid degradation, and low anticipated dietary exposure of PDHP 25279. Based on its review of the data and other information submitted for the proposed tolerance exemption, EPA agrees with the comment in support of the petition to establish a tolerance exemption for residues of PDHP 25279 applied to food commodities.

D. Conclusion

Based on the conclusions detailed in Unit III.A. an exemption from the requirement of a tolerance is established for residues of PDHP 25279 in or on all food commodities when used in accordance with label directions and good agricultural practices.

IV. Statutory and Executive Order Reviews

This action establishes a tolerance exemption under FFDCA section 408(d) in response to a petition submitted to EPA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as

the tolerance exemption in this action, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes. As a result, this action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, EPA has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, EPA has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require EPA's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (15 U.S.C. 272 note).

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA 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 prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 1, 2023.

Edward Messina,

Director, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR part 180 as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.1398 to subpart D to read as follows:

§ 180.1398 Peptide Derived from Harpin Protein (PDHP) 25279; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of Peptide Derived from Harpin Protein (PDHP) 25279 in or on all food commodities when used in accordance with label directions and good agricultural practices.

[FR Doc. 2023–02536 Filed 2–7–23; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 220216–0049; RTID 0648–XC740]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Operating as Catcher Vessels Using Pot Gear in the Central 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 non-American Fisheries Act (AFA) crab vessels that are subject to sideboard limits, and operating as catcher vessels (CVs) using pot gear, in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2023 sideboard limit established for non-AFA crab vessels that are operating as CVs using pot gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 5, 2023, through 2400 hours, A.l.t., December 31, 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. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The 2023 Pacific cod sideboard limit established for non-AFA crab vessels, and that are operating as CVs using pot gear in the Central Regulatory Area of the GOA, is 335 metric tons (mt), as established by the final 2022 and 2023 harvest specifications for groundfish in the GOA (87 FR 11599, March 2, 2022), but was incorrectly specified as 316 mt per the 2023 inseason adjustment (87 FR 80088, December 29, 2022). A correction to the 2023 inseason adjustment will be published as soon as possible. However, it is necessary to publish this notification prior to the correction to prevent exceeding the 2023 Pacific cod sideboard limit established for non-AFA crab vessels, and that are operating as CVs using pot gear in the Central Regulatory Area of the GOA.

In accordance with § 680.22(e)(2)(i), the Regional Administrator has determined that the 2023 Pacific cod sideboard limit established for non-AFA crab vessels that are operating as CVs using pot gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 335 mt and is setting aside the remaining 0 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 680.22(e)(3), the Regional Administrator finds that this sideboard directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Central 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 sideboard directed fishing closure of Pacific cod for non-AFA crab vessels that are subject to sideboard limits, and that are operating as CVs using pot gear in the Central 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 February 2, 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: February 2, 2023.

Ngagne Jafnar Gueye,

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

[FR Doc. 2023–02689 Filed 2–3–23; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 88, No. 26
Wednesday, February 8, 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–2023–0160; Project Identifier MCAI–2022–01047–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Helicopters (Airbus) Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters. This proposed AD was prompted by modifications developed by Airbus to address a report of an emergency exit window that required excessive pushing force to jettison. This proposed AD would require removing skived polytetrafluoroethylene tape (PTFE tape) (if installed) and replacing certain polychloroprene seals with silicone seals, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). This proposed AD would also prohibit installing a jettisonable window unless the actions required by this AD have been accomplished. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by March 27, 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–2023–0160; 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, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material that is proposed for IBR in this NPRM, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material is also available at *regulations.gov* under Docket No. FAA–2023–0160.

Other Related Service Information: For Airbus Helicopters service information identified in this NPRM, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *airbus.com/helicopters/services/technical-support.html.* You may also view this service information at the FAA contact information under *Material Incorporated by Reference* above.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, AD Program Manager, General Aviation & Rotorcraft Unit, Airworthiness Products Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@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–2023–0160; Project Identifier MCAI–2022–01047–R'' 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 Matt Fuller, AD Program Manager, General Aviation & Rotorcraft Unit, Airworthiness Products Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued a series of ADs, the most recent being EASA AD 2021–0012, dated January 11, 2021 (EASA AD 2021–0012), to correct an unsafe condition for certain Airbus Model AS

332 C, AS 332 C1, AS 332 L, AS 332 L1, AS 332 L2, and EC 225 LP helicopters.

This proposed AD was prompted by modifications developed by Airbus to address a report of an emergency exit window that required excessive pushing force to jettison. The FAA is proposing this AD to address excessive friction between the jettisonable cabin window and the airframe. This condition, if not addressed, could prevent the window from jettisoning, subsequently affecting the evacuation of passengers during an emergency situation. See EASA AD 2021–0012 for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0012 requires modifying the windows jettisoning system.

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.

Other Related Service Information

The FAA reviewed Airbus Alert Service Bulletin (ASB) No. AS332–56.00.16, Revision 0, dated February 10, 2020, Airbus ASB No. AS332–56.00.18, Revision 0, dated September 23, 2020, Airbus ASB No. AS332–56.00.20, Revision 0, dated September 23, 2020, Airbus ASB No. AS332–56.00.21, Revision 0, dated September 23, 2020, Airbus ASB No. AS332–56.90.14, Revision 0, dated April 10, 2019, Airbus ASB No. EC225–56A013, Revision 1, dated February 10, 2020, Airbus ASB No. EC225–56A015, Revision 0, dated February 10, 2020, Airbus ASB No. EC225–56A016, Revision 0, dated February 10, 2020, and Airbus ASB No. EC225–56A017, Revision 0, dated February 10, 2020. This service information specifies procedures for modifying the windows jettisoning system. Depending on your helicopter configuration, the service information specifies procedures for removing PTFE tape (if installed), discarding certain internal seal keys and external extraction tapes, installing plugs on certain snap fasteners, removing certain emergency exit installation indications, measuring the thickness of certain windows, replacing certain windows, measuring the clearance between certain windows and the airframe, modifying certain assemblies of the external extraction tape with its associated marking (if necessary), and replacing certain polychloroprene seals with silicone seals.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of these same type designs.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2021–0012, described previously, as incorporated by reference, 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 EASA AD.

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 2021–0012 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0012 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 2021–0012 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 2021–0012. Service information referenced in EASA AD 2021–0012 for compliance will be available at regulations.gov under Docket No. FAA–2023–0160 after the FAA final rule is published.

Differences Between This Proposed AD and the EASA AD

EASA AD 2021–0012 requires compliance within 250 flight hours or 6 months for certain helicopters not operated over water and within 110 flight hours or 6 months for certain other helicopters operated over water. EASA AD 2021–0012 also requires compliance within 25 months for all other affected helicopters. However, this proposed AD would require compliance within 110 hours time-in-service for all helicopters.

Where the service information referenced in EASA AD 2021–0012 specifies discarding parts, this proposed AD would require removing those parts from service. The service information referenced in EASA AD 2021–0012 specifies contacting Airbus Helicopter to obtain a technical solution, whereas this proposed AD would require repair done in accordance with a method approved by the FAA, EASA, or Airbus Helicopters' EASA Design Organization Approval. The service information referenced in EASA AD 2021–0012 specifies using a video, whereas this proposed AD would not.

This proposed AD would also prohibit installing a jettisonable window unless the actions required by this proposed AD have been accomplished, whereas EASA AD 2021–0012 does not require any installation limitations.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 39 helicopters of U.S. Registry. Labor costs are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Modifying a window would take about 2 work-hours and parts would cost about $220 for an estimated cost $390 per window. There may be up to twelve affected windows on a helicopter for an estimated cost of up to $4,680 per helicopter and up to $182,520 for the U.S. fleet.

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 adding the following new airworthiness directive:

Airbus Helicopters: Docket No. FAA–2023–0160; Project Identifier MCAI–2022–01047–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 27, 2023.

(b) Affected ADs

Accomplishing the actions required by this AD terminates all requirements of AD 2020–20–08, Amendment 39–21264 (85 FR 70955, November 6, 2020).

(c) Applicability

This AD applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2021–0012, dated January 11, 2021 (EASA AD 2021–0012).

(d) Subject

Joint Aircraft System Component (JASC) Code: 5220, Emergency Exits.

(e) Unsafe Condition

This AD was prompted by a report of an emergency exit window that required excessive pushing force to jettison caused by friction between the jettisonable window and the airframe. The FAA is issuing this AD to prevent excessive friction between the jettisonable cabin window and the airframe. The unsafe condition, if not addressed, could prevent the window from jettisoning, subsequently affecting the evacuation of passengers during an emergency situation.

(f) Compliance

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

(g) Requirements

(1) Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0012.

(2) As of the effective date of this AD, do not install a jettisonable window on any helicopter unless the actions required by this AD have been accomplished.

(h) Exceptions to EASA AD 2021–0012

(1) Where EASA AD 2021–0012 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2021–0012 refers to its effective date, the effective date of EASA AD 2019–0107, dated May 16, 2019, and the effective date of EASA AD 2020–0061, dated March 17, 2020, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2021–0012 specifies compliance within 250 flight hours or 6 months for helicopters not operated over water and within 110 flight hours or 6 months for helicopters operated over water, this AD requires compliance within 110 hours time-in-service (TIS) for Group 1 and Group 2 helicopters, as defined in EASA AD 2021–0012.

(4) Where paragraph (2) of EASA AD 2021–0012 specifies compliance within 25 months, this AD requires compliance within 110 hours TIS.

(5) Where the service information referenced in EASA AD 2021–0012 specifies discarding parts, this AD requires removing those parts from service.

(6) Where the service information referenced in EASA AD 2021–0012 specifies contacting Airbus Helicopters to obtain a technical solution, this AD requires repair done in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Airbus Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(7) Where the service information referenced in EASA AD 2021–0012 specifies to use tooling, this AD allows the use of equivalent tooling.

(8) Where the service information referenced in EASA AD 2021–0012 specifies using a video, this AD does not require using the video.

(9) Paragraph (3) of EASA AD 2021–0012 does not apply to this AD. Refer to paragraph (b) of this AD for affected FAA AD information.

(10) This AD does not adopt the Remarks paragraph of EASA AD 2021–0012.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2021–0012 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permit

Special flight permits are prohibited for flights over water with passengers on board.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(l) Additional Information

For more information about this AD, contact Matt Fuller, AD Program Manager, General Aviation & Rotorcraft Unit, Airworthiness Products Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

(m) Material Incorporated by Reference

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0012, dated January 11, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0012, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*

(4) You may view this service information at the FAA, Office of the Regional Counsel,

Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this material 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 February 1, 2023.

Christina Underwood,

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

[FR Doc. 2023–02605 Filed 2–7–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–0215; Airspace Docket No. 22–ANE–7]

RIN 2120–AA66

Revocation of VOR Federal Airway V–314; Maine

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to remove Very High Frequency (VHF) Omnidirectional Range (VOR) Federal airway V–314 in Maine because the route segments in Canada were cancelled by NavCanada. As a result, the remaining segments in Maine are no longer required for air traffic control (ATC) purposes.

DATES: Comments must be received on or before March 27, 2023.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2023–0215; Airspace Docket No. 22–ANE–7 at the beginning of your comments. You may also submit comments through the internet at *www.regulations.gov.*

FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers (FAA Docket No. FAA–2023–0215; Airspace Docket No. 22–ANE–7) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2023–0215; Airspace Docket No. 22–ANE–7.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

As published in FAA Order JO 7400.11G, airway V–314 extends from Quebec, Canada to the Millinocket, ME (MLT), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME). Previously, NavCanada cancelled the segments of V–314 within Canada as part of their transition to area navigation routes. As a result, V–314 consists of an 83 nautical mile segment from a point on the U.S./Canadian border to the Millinocket VOR/DME. Boston Air Route Traffic Control Center (ARTCC) has determined that the remaining route serves no ATC purpose and should be removed.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to remove VOR Federal airway V–314 in Maine. Since NavCanada has cancelled the connecting route segments in Canada, the remaining route is not required for ATC purposes.

Domestic VOR Federal airways are published in paragraph 6009 of FAA Order JO 7400.11G dated August 19, 2022, and effective September 15, 2022, which is incorporated by reference in 14 CFR part 71.1. The VOR Federal Airway listed in this document would be subsequently removed from FAA Order JO 7400.11.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–314 [Removed]

* * * * *

Issued in Washington, DC, on February 2, 2023.

Brian Konie,

Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023–02626 Filed 2–7–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2023–OSERS–0020]

Proposed Priority and Definition—Activities for Underserved Populations

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Proposed priority and definition.

SUMMARY: The U.S. Department of Education (Department) proposes a priority and definition under the Rehabilitation Act of 1973, as amended (Rehabilitation Act), for Activities for Underserved Populations, Assistance Listing Number (ALN) 84.315C. The purpose of this priority is to make awards to minority entities and Indian Tribes to conduct research, training and technical assistance, and related activities to improve services under the Rehabilitation Act, especially services provided to underserved populations. For this priority, as discussed further in **SUPPLEMENTARY INFORMATION**, we propose to define ''underserved populations'' to mean ''Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, and other persons of color.'' The Department may use the proposed priority and definition for competitions in fiscal year (FY) 2023 and later years.

DATES: We must receive your comments on or before March 10, 2023.

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at *www.regulations.gov.* However, if you require an accommodation or cannot otherwise submit your comments via *regulations.gov,* please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. The Department will not accept comments by fax or by email, or comments submitted after the comment period closes. To ensure that the Department does not receive duplicate copies, please submit your comments only once. Additionally, please include the Docket ID at the top of your comments.

Federal eRulemaking Portal: Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for finding a rule on the site and submitting comments, is available on the site under ''FAQ.''

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should include in their comments only information about themselves that they wish to make publicly available. Commenters should not include in their comments any information that identifies other individuals or that permits readers to identify other individuals.

FOR FURTHER INFORMATION CONTACT: Kristen Rhinehart-Fernandez, U.S. Department of Education, 400 Maryland Avenue SW, Room 5076, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–6103. Email: *315C@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:

Invitation to Comment: We invite you to submit comments regarding the proposed priority and definition. To ensure that your comments have maximum effect in developing the final priority and definition, we urge you to clearly identify the parts of the proposed priority or definition that each comment addresses. In addition to your general comments and recommended clarifications, we are particularly interested in comments about whether the proposed priority or any of the

proposed requirements included in the priority would be challenging to meet, especially for new applicants, and, if so, how the proposed priority and its requirements could be revised to address potential challenges. In addition, responses to the directed question below will assist the Department in developing a priority based on critical feedback from the field.

Directed Questions:

The proposed priority would require applicants to provide training and technical assistance to a minimum of 15 State Vocational Rehabilitation (VR) agencies (Combined, General, or Agencies for the Blind) over a five-year period. The Department identified a minimum number of State VR agencies based on factors such as cost, level of effort, scope of the project, duration of the training and technical assistance, and the unique challenges and demographics of State VR agencies. Considering these factors, are there any challenges to providing training and technical assistance to a minimum of 15 State VR agencies over a five-year period? Is it reasonable to provide training and technical assistance to more than 15 State VR agencies and if not, what would be an achievable minimum target over a five-year period? Please provide justification to support your responses, if possible.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from the proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program. The Department also welcomes comments on any alternative approaches to the subjects addressed by the proposed regulations.

During and after the comment period, you may inspect all public comments about the proposed priority and definition by accessing *Regulations.gov.* You may also inspect the comments in person. Please contact the person listed under **FOR FURTHER INFORMATION CONTACT** to make arrangements to inspect the comments in person.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed priority and definition. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The purpose of this activity for underserved populations is to make awards to minority entities and Indian Tribes to conduct research, training, technical assistance, or a related activity to improve the quality, access, delivery of services, and competitive integrated employment outcomes under the Rehabilitation Act, especially for individuals with disabilities from underserved populations. As defined in the Rehabilitation Act, ''minority entity'' means a historically Black college or university, a Hispanic-serving institution of higher education, an American Indian Tribal college or university, or another institution of higher education whose minority student enrollment is at least 50 percent. The definition of ''Indian Tribe'' in section 7(19)(B) of the Rehabilitation Act is ''any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act) and a tribal organization (as defined in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)).''

Program Authority: 29 U.S.C. 718(b)(2)(B).

Proposed Priority and Definition:

Background:

The purpose of this proposed priority, together with the proposed definition, is to improve the delivery of Vocational Rehabilitation (VR) services to, and employment outcomes of, individuals with disabilities from underserved populations. The proposed priority would support training and technical assistance for a minimum of 15 State VR agencies (Combined, General, or Agencies for the Blind) over a five-year period so that the agencies are equipped to serve as role models for diversity, equity, inclusion, and accessibility in the workforce system by implementing policies, practices, and service delivery approaches designed to contribute to increasing competitive integrated employment outcomes for individuals with disabilities from underserved populations. Further, the proposed priority would require contributions to VR research and pedagogical practices that promote access to approaches that are racially, ethnically, culturally, and linguistically inclusive.

The proposed priority also incorporates findings, strategies, and recommendations from the Vocational Rehabilitation Technical Assistance Center for Targeted Communities [1] (herein referred to as Targeted Communities), funded by the Department from FY 2016 through FY 2021. In the Final Report, Targeted Communities found that inequities and challenges experienced by underserved populations must be better understood by personnel working in State VR programs. Specifically, one of the findings suggested that increased understanding of the lived experience, daily stressors, and subsequent trauma faced by many, including individuals with disabilities from underserved populations, can help to modernize the VR program, build trust between individuals with disabilities from underserved populations and VR program personnel, and improve service delivery.

In support of the need for activities for individuals with disabilities from underserved populations, Congress found that ''patterns of inequitable treatment of minorities have been documented in all major junctures of the vocational rehabilitation process. As compared to white Americans, a larger percentage of African-American applicants to the vocational rehabilitation system is denied acceptance. Of applicants accepted for service, a larger percentage of African-American cases is closed without being rehabilitated. Minorities are provided less training than their white counterparts. Consistently, less money is spent on minorities than on their white counterparts'' (Section 21(a)(3) of the Rehabilitation Act of 1973, as amended).

Data from the Rehabilitation Services Administration (RSA) 911 [2] and the Bureau of Labor Statistics also support the need for activities that serve individuals with disabilities from underserved populations. The following data points demonstrate inequities in employment and competitive integrated employment outcomes based on race.

[1] Final Report from the Vocational Rehabilitation Technical Assistance Center for Targeted Communities (Project E3) (PR/Award #H264F150003): *https://ncrtm.ed.gov/library/detail/vocational-rehabilitation-technical-assistance-center-targeted-communities-project* and project website: *https://projecte3.com/*

[2] The RSA–911 collects a variety of data about participant characteristics (sex, age, race, disability, health insurance, education level, etc.), barriers to employment (ex-offender, homeless, single parent, etc.), services provided (career, training, and other services), duration of VR case, employment status at the time of exit from the program, and employment status post-exit.

According to RSA–911 data, in Program Year (PY) 2021, 23.4 percent (188,807 of 808,384) of VR participants identified their race as Black/African American and 71.9 percent (581,069 of 808,384) identified their race as white. In the same year, the VR employment rate for Black Americans was 38.9 percent (24,944 of 64,081) while the VR employment rate for white Americans was 46.6 percent (91,070 of 195,528). Further, according to the Bureau of Labor Statistics (2021), the overall unemployment rate among persons with a disability was 15 percent for Black Americans and 9.3 percent for white Americans. The proposed priority addresses areas within VR that can be strengthened to improve opportunities for individuals with disabilities from underserved populations. Under the proposed priority, training and technical assistance would be provided to State VR agencies in areas that include identifying and addressing inequalities in service delivery, securing a diverse and well-prepared VR workforce, supporting cross-agency and cross-community partnerships at the State and local levels, and providing tools designed to ensure that VR program participants from underserved populations receive equitable access to resources and referrals needed to meet their full potential. These areas are aligned with the Secretary's Supplemental Priorities and Definitions for Discretionary Grant Programs, published in the **Federal Register** on December 10, 2021 (86 FR 70612) and Executive Order 13985 for Advancing Racial Equity and Support for Underserved Communities Through Federal Government, published in the **Federal Register** on January 25, 2021.

To address any inequities in the VR system and better enable individuals with disabilities from underserved populations to access the VR resources needed to secure competitive integrated employment and reach future goals, under the priority, a grantee would be required to work with a minimum of 15 State VR agencies to examine and analyze data between VR program participants from underserved populations and VR program participants who are not from underserved populations from eligibility determination to exit. The information gathered would inform training and technical assistance activities designed for each identified State agency. In developing training and technical assistance activities, applicants are encouraged to consider relevant strategies identified in the Targeted Communities project. For example, several Targeted Communities sites identified Community-Based Participatory Research (CBPR) as a strategy to gain an understanding of a community's unique issues and concerns. The methodology behind CBPR is predicated on deep and extensive community involvement in identifying and resolving issues and concerns. State VR agencies may benefit from training and technical assistance activities that use data and information gathered about employment outcomes for underserved populations to inform outreach, build trust in the communities they are serving, and increase competitaive integrated employment opportunities.

VR professionals play a critical role in ensuring equity in the workforce system as well as VR participant success. A diverse VR workforce benefits all individuals with disabilities, and counselor diversity in particular can improve competitive integrated employment outcomes for underserved populations. Within the comparative field of mental health, research indicates a significant correlation between race concordance and quality of care for underserved populations. Race concordance occurs when patients and providers have a shared racial or ethnic identity (Coates et al., 2022). In a 2021 study conducted by Georgetown University researchers, 47 parents of Black patients with mental health disabilities were surveyed to determine preferences regarding race concordance. According to the study, 83 percent of all survey participants preferred race concordance and believed it was important for providers to be of the same race or ethnicity as their patients. The study found that participants with a race concordance preference felt enhanced comfort and safety, relatability, and cultural understanding when patients and providers shared the same race or ethnicity. Participants also attributed race concordance to enhanced feelings of trustworthiness and mutual respect, which led to progress in mental health treatment. This study indicates that the commonality of race or ethnicity between provider and patient of underserved populations improves quality of care. VR consumers from underserved populations would benefit from a diverse pool of VR counselors. Through the proposed priority, we seek to strengthen the diversity of the VR workforce to enhance the delivery of VR services for individuals with disabilities from underserved populations.

State VR agencies are an essential resource, providing and connecting individuals with disabilities with resources and referrals they need to meet their full potential. It is vital that individuals with disabilities from underserved populations have equitable access to education, job training, and other community resources to achieve competitive integrated employment outcomes. These needs are best met through cross-agency coordination and partnerships between State VR agencies, community rehabilitation providers, educational institutions, and other service-oriented organizations in the community. The proposed priority would require grantees to establish or build on existing cross—agency partnerships, community and faith-based partnerships, and partnerships with local nonprofit organizations and business and philanthropic organizations to communicate the use and benefits of VR services and support pathways to education and employment. We believe such effective partnerships can strengthen community vitality and support long-term change. In the Targeted Communities project, six sites identified a community outreach and orientation strategy to increase referrals for VR services from community-based organizations and applications from individuals with disabilities. Strengthened community partnerships led to formalized agreements between partner agencies and, as a result, led to formalized agreements between VR and partner sites.

For these reasons, the Department proposes a priority that would expand promising and effective practices for serving individuals with disabilities from underserved populations and provide training and technical assistance that may be replicated and sustained across State VR agencies and incorporated into rehabilitation counseling programs. By creating a culture of shared responsibility, accountability, and inclusivity within State VR agencies, the proposed priority is designed to strengthen the delivery of services to individuals with disabilities from underserved populations and increase competitive integrated employment outcomes.

To ensure a common understanding of the proposed priority, we propose to define ''underserved populations'' to mean Black, Latino, and Indigenous (including Alaska Natives and Native Hawaiians) and Native American persons, Asian Americans and Pacific Islanders, and other persons of color. This definition focuses on the racial and ethnic characteristics of underserved populations because the program authority under which the funding is appropriated is based on Congressional findings regarding the inequitable

treatment of individuals from minorities backgrounds in the VR process and instructs the Secretary to concentrate on improving the outcome of services provided under the Act to individuals from minority backgrounds. 29 U.S.C. 718 (Section 21 ''Traditionally underserved populations''). The language used in the definition is aligned with the Secretary's Supplemental Priorities published in the **Federal Register** on December 10, 2021 (86 FR 70612) and Executive Order 13985, ''Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,'' published in the **Federal Register** on January 25, 2021 (86 FR 7009).

We propose this definition to clarify that the purpose and intent of this activity under 29 U.S.C. 718(b)(2)(B) is to make awards ''to minority entities and Indian Tribes to conduct research, training and technical assistance, and related activities to improve services under the Rehabilitation Act, especially services provided to individuals from minority backgrounds.''

Nothing in the proposed priority or definition would alter an applicant's or grantee's obligations to comply with nondiscrimination requirements in Federal civil rights laws.

References

Coates, E., Moore, C., Watson, A., de Heer, R., McLeod, A., & Prudhomme, A. (2022). ''It's Important to Work with People that Look Like Me'': Black Patients' Preferences for Patient-Provider Race Concordance. *Journal of racial and ethnic health disparities,* 1–13. Advance online publication. *https://doi.org/10.1007/s40615-022-01435-y*

Persons with a Disability: Labor Force Characteristics (2021). Economic News Release. U.S. Bureau of Labor Statistics. *https://www.bls.gov/cps/tables.htm*

Rehabilitation Act of 1973, as amended, Section 21(a)(3).

U.S. Bureau of Labor Statistics Current Population Survey (2019). *https://www.bls.gov/cps/tables.htm*

Targeted Communities. Final Report from the Vocational Rehabilitation Technical Assistance Center for Targeted Communities (Project E3) (PR/Award # H264F150003) *https://ncrtm.ed.gov/library/detail/vocational-rehabilitation-technical-assistance-center-targeted-communities-project* and project website: *https://projecte3.com/.*

Proposed Priority:

Improving the Delivery of Vocational Rehabilitation Services to, and the Employment Outcomes of, Individuals with Disabilities from Underserved Populations.

Under this priority, the Department provides funding for a cooperative agreement for a minority entity or an Indian Tribe to provide training and technical assistance to a minimum of 15 State VR agencies (Combined, General, or Agencies for the Blind) over a five-year period of performance so that the agencies are equipped to serve as role models for diversity, equity, inclusion, and accessibility in the workforce system by implementing policies, practices, and service delivery approaches that are designed to contribute to increasing competitive integrated employment outcomes for individuals with disabilities from underserved populations. Further, the grantee must contribute to VR research and pedagogical practices that promote access to approaches that are racially, ethnically, culturally, and linguistically inclusive.

During the first year of the project the grantee will focus on developing training and technical assistance material and gathering input and feedback from a diverse group of stakeholders including RSA, State VR agencies, and other relevant partners. During the period of performance, the grantee must enter into agreements with the State VR agencies receiving training and technical assistance. Each agreement must: specify the level of involvement from VR agency leadership and personnel and include an assurance that the VR agency is committed to sustainable systems change across the organization for improving delivery of services to underserved populations; explain how data will be collected and shared; identify training and technical assistance needs, intervention strategies, and implementation timelines; and describe how outcomes will be measured. The grantee must have a minimum of two agreements in place by the end of the first year of the grant.

Application Requirements

To be considered for funding under this priority, applicants must, at a minimum, propose a project that will conduct the following activities in a culturally appropriate manner. The Department encourages innovative approaches to meet this requirement. To meet this requirement, applicants must—

(a) Demonstrate, in the narrative section of the application under ''Significance of the Proposed Project,'' an understanding of the inequalities and challenges experienced by individuals with disabilities from underserved populations determined eligible to receive VR services. To meet this requirement, applicants must—

(1) Present information and relevant data about the disparities that exist with respect to VR services and employment outcomes for underserved populations; and

(2) Describe how the project proposes to improve VR services for, and competitive integrated employment outcomes of, underserved populations.

(b) Demonstrate, in the narrative section of the application under ''Quality of Project Design,'' how the project will address inequalities and challenges experienced by underserved populations determined eligible to receive VR services. To meet this requirement, applicants must—

(1) Demonstrate knowledge and experience working with individuals with disabilities from underserved populations;

(2) Incorporate into the project design current research and promising and evidence-based practices (EBPs),[3] research about adult learning principles and implementation science, and relevant findings, recommendations, and relevant strategies identified by the Targeted Communities project to overcome barriers to competitive integrated employment and VR participation for individuals with disabilities from underserved populations;

(3) Detail how the project will collect and examine data, including from the RSA–911 and other relevant sources, from a minimum of 15 State VR agencies regarding VR applicants, VR-eligible individuals, and VR participants by race/ethnicity by:

(i) Exploring patterns, changes, or shifts in demographics for individuals with disabilities from underserved populations;

(ii) Explore data, by race/ethnicity, from each State VR agency regarding VR applicants to identify opportunities for increased outreach to and referral of individuals with disabilities from underserved populations to VR services;

(iii) Examining data, by race/ethnicity, from each State VR agency regarding selected VR services and competitive integrated employment outcomes at exit to identify inconsistencies or gaps in the provision of services;

(iv) Examining data from each State VR agency to identify reasons for successful and unsuccessful closures between VR program participants from underserved populations and VR program participants who are not from underserved populations; and

[3] For purposes of these requirements, ''evidence-based practices'' (EBPs) means, at a minimum, demonstrating a rationale (as defined in 34 CFR 77.1) based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes.

(v) Reviewing each State VR agency's service delivery model from eligibility determination to exit; and

(4) Present approaches for how the information and data described above will be used to inform strategies to improve the delivery of services to individuals with disabilities from underserved populations for each of the identified State VR agencies. For example, applicants may consider conducting a needs assessment and asset map for each of the identified State VR agencies to identify existing programs and services and businesses and philanthropic organizations in the community, as well as potential gaps and opportunities for collaboration, to support individuals with disabilities from underserved populations in successfully obtaining competitive integrated employment. Applicants may also consider designing a long-term data collection tool and provide analytical support and training to the identified State VR agencies to identify additional data elements not captured in the RSA–911 or other case management systems to continually assess the quality of services and outcomes for individuals with disabilities from underserved populations and individuals with disabilities not from underserved populations.

(c) Demonstrate, in the narrative section of the application under ''Quality of Project Services,'' how the project will be designed so that policies, practices, and service delivery approaches will contribute to increased competitive integrated employment outcomes for individuals with disabilities from underserved populations. To meet this requirement, applicants must—

(1) Propose training and technical assistance activities that will be offered to the identified State VR agencies. Training and technical assistance activities will be further developed during the first year of the grant and described in the agreements with the identified State VR agencies based on needs and analysis of data. Training and technical assistance activities may include, but are not limited to, (i) assisting in State VR agency coordination and cross-agency partnerships with State and local agencies and community-based organizations, workforce programs, educational institutions, and other relevant local community agencies and organizations (*i.e.,* agencies and organizations that provide services and supports related to behavioral and mental health, substance dependence, intellectual developmental disabilities, and other areas of need such as housing, food, transportation, and healthcare) to strengthen outreach and awareness about VR programs and services, build trust between State VR agency counselors and individuals with disabilities from underserved populations, and connect individuals from underserved populations determined to be VR eligible with necessary supports to successfully obtain competitive integrated employment; (ii) reviewing policies, practices, and procedures from the identified State VR agencies and providing recommendations to help ensure they are culturally appropriate and implemented in an appropriate manner; (iii) developing strategies to strengthen diversity in the VR workforce (*e.g.,* reviewing hiring practices from the identified State VR agencies and identifying strategies that expand outreach to VR counselors from underserved populations and mentoring and coaching activities for new and existing VR counselors and paraprofessionals, human resource and professional development specialists, and VR management and leadership personnel from underserved populations); and (iv) any other activity that improves understanding, responsiveness, and delivery of services to, and competitive integrated employment outcomes for, underserved populations;

(2) Detail how those activities will incorporate relevant strategies and promising and effective practices identified by the Targeted Communities Project and other EBPs or related sources, to the extent possible;

(3) Explain how training and technical assistance activities will be of high quality and sufficient intensity and duration to achieve the intended outcomes of the project;

(4) Describe how remote learning [4] opportunities will be incorporated into the project. Remote learning opportunities should offer experiences that advance engagement and implementation (*e.g.,* synchronous and asynchronous professional learning, professional learning networks or communities, and coaching), which could also be incorporated into Rehabilitation Counseling programs, as well as other training and professional development activities designed for the VR workforce, as appropriate. The remote learning environment must be accessible to individuals with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973;

(5) Describe their knowledge, skills, and experience to support the training and technical assistance activities described above;

(6) Describe how the project will contribute to VR research and pedagogical practices that promote access to approaches that are racially, ethnically, culturally, and linguistically inclusive. To meet this requirement, applicants must describe how they will—

(i) Disseminate to all State VR agencies, RSA-funded Rehabilitation Long-Term Training projects and TA Centers, Department-funded programs, and Federal partners, as applicable, training and technical assistance material, analysis of data collected, evidence-based and promising practices, and lessons learned;

(ii) Develop products, such as toolkits, guides, manuals, webinars, and communities of learning, for instructors, facilitators, State VR agency directors, and human resource and professional development specialists to facilitate the implementation of training and technical assistance material in curriculum and relevant training and development activities; and

(iii) Gather input and feedback from a diverse group of stakeholders and subject matter experts, including RSA, State VR agencies, and other relevant partners, throughout the project to inform the development and delivery of the material described above.

(d) In the narrative section of the application under ''Quality of the project evaluation,'' include an evaluation plan for the project. The evaluation plan must describe—

(1) Clear and measurable outcomes;

(2) Approaches for measuring the effectiveness of the intervention strategies identified in the agreements, including standards and targets for measuring knowledge, skills, and abilities of State VR agency personnel before and after completion of training activities. To address this requirement, applicants must provide an approach for determining—

(i) The most effective practices in improving the delivery of services to individuals with disabilities from underserved populations and the data that demonstrate the effectiveness of the practices; and

(ii) The most effective practices in creating a culture of systems change within the State VR agency and the data that demonstrate the effectiveness of the practices;

[4] ''Remote learning'' means programming where at least part of the learning occurs away from the physical building in a manner that addresses a learner's educational needs. Remote learning may include online, hybrid/blended learning, or non-technology-based learning (*e.g.,* lab kits, project supplies, paper packets).(85 FR 86550(December 30, 2020))

(3) Methodologies, including instruments, data collection methods, and analyses, that will be used to evaluate the project and how the methods of evaluation will produce quantitative and qualitative data to demonstrate whether the project activities achieved their intended outcomes;

(4) How the evaluation will be coordinated, implemented, and revised, as needed, during the project. The applicant must designate at least one individual with sufficient dedicated time, demonstrated experience in evaluation, and knowledge of the project to coordinate and conduct the evaluation. This may include, but is not limited to, making revisions to reflect any changes or clarifications, as needed, to the model and to the evaluation design and instrumentation with the logic model (*e.g.,* designing instruments and developing quantitative or qualitative data collections that permit collecting of progress data and assessing project outcomes);

(5) How evaluation results will be used to improve delivery of services to VR program participants from underserved populations from eligibility determination to exit. To address this requirement, applicants must provide an approach to gather input and feedback that includes the experiences of VR program participants from underserved populations. Applicants may consider voluntary focus groups, use of a unique identifier, or another approach that adheres to consumer confidentiality requirements in 34 CFR 361.38; and

(6) A process for gathering feedback from the identified State VR agencies for continuous improvement throughout years two, three, four, and five of the project.

(e) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how applicants will ensure that—

(1) The project's intended outcomes, including the evaluation, will be achieved on time and within budget through—

(i) Clearly defined responsibilities of key project personnel, subawards, and contracts, as applicable;

(ii) Procedures to track and ensure completion of the action steps, timelines, and milestones established for key project activities, requirements, and deliverables;

(iii) Internal monitoring processes to ensure that the project is being implemented in accordance with the established application and management plan; and

(iv) Internal financial management controls to increase efficiency and cost-effectiveness, including by reducing waste or achieving better outcomes, and how the applicant will ensure accurate and timely obligations, drawdowns, and reporting of grant funds, as well as monitoring subawards as applicable, in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR part 200 and the terms and conditions of the Federal award;

(2) The allocation of key project personnel, subawards, as applicable, and levels of effort of key personnel are appropriate and adequate to achieve the project's intended outcomes;

(3) The products and services are of high quality, relevance, and usefulness, in both content and delivery and are accessible to individuals with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973, as applicable;

(4) The proposed project will benefit from a diversity of perspectives; and

(5) Projects will be awarded and operated in a manner consistent with nondiscrimination requirements contained in the Federal civil rights laws.

(f) Include the following:

(1) In Appendix A, personnel-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(2) In Appendix A, a logic model [5] that depicts, at a minimum, the goals, activities, outputs, and outcomes of the proposed project;

(3) An assurance to maintain a high-quality website, with an easy-to-navigate design that is accessible to individuals with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973, as applicable; and

(4) An assurance that training and technical assistance materials such as outreach, training curricula, presentations, reports, outcomes, and other relevant information will be submitted to RSA's National Clearinghouse of Rehabilitation Training Materials (NCRTM) (*https://ncrtm.ed.gov/*) at least 90 days before the end of the final budget period.

Note: If this proposed priority is used in a notice inviting applications, under 34 CFR 75.708(b) and (c) a grantee would be able to award subgrants to directly carry out project activities described in its application to the following entities: institutions of higher education, and public and private nonprofit organizations. There would be no cost share or cost match requirements.

Proposed Definition:

Underserved populations means Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, and other persons of color.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority and Definition:

We will announce the final priority and definition in a document in the **Federal Register**. We will determine the final priority and definition after considering responses to this document and other information available to the Department. This document does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This document does *not* solicit applications. In any year in which we choose to use this proposed priority and definition, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Office of Management and Budget (OMB) determines whether this

[5] ''Logic model'' (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes. (34 CFR 77.1)

regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

OMB has determined that this proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed priority and definition only on a reasoned determination that their benefits would justify the costs. In choosing among alternative regulatory approaches, we selected the approach that maximizes net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

The potential costs associated with this priority and definition would be minimal, while the potential benefits are significant. The Department believes that this regulatory action does not impose significant costs on eligible entities. Participation in this program is voluntary, and the costs imposed on applicants by this regulatory action would be limited to paperwork burden related to preparing an application. The potential benefits of implementing the program would outweigh the costs incurred by applicants, and the costs of carrying out activities associated with the application would be paid for with program funds. For these reasons, we have determined that the costs of implementation would not be burdensome for eligible applicants, including small entities.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with these Executive Orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

In addition, we have considered the potential benefits of this regulatory action and have noted these benefits in the background section of this document.

Paperwork Reduction Act of 1995

The proposed priority contains information collection requirements that are approved by OMB under OMB control number 1820–0028; the proposed priority does not affect the currently approved data collection.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make the proposed priority and definition easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections?
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make these proposed regulations easier to understand, see the instructions in the **ADDRESSES** section.

Regulatory Flexibility Act Certification: The Secretary certifies that this proposed regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define ''small entities'' as for-profit or nonprofit institutions with total annual revenue below $7,000,000 or, if they are institutions controlled by small governmental jurisdictions (that are comprised of cities, counties, towns, townships, villages, school districts, or special districts), with a population of less than 50,000.

The small entities that this proposed regulatory action would affect are minority entities and Indian Tribes that may apply. We believe that the costs imposed on an applicant by the proposed priority and definition would be limited to paperwork burden related to preparing an application and that the benefits of the proposed priority and definition would outweigh any costs incurred by the applicant. We also

believe that there are very few entities that could provide the type of technical assistance required under the proposed priority and definition. For these reasons, the proposed priority and definition would not impose a burden on a significant number of small entities.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document 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. 2023–02601 Filed 2–7–23; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2021–0307; FRL10636–01–R3]

Determination of Attainment by the Attainment Date for the 2012 Annual Fine Particulate Matter Standard; Pennsylvania; Allegheny County Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that the Allegheny County, Pennsylvania nonattainment area (NAA) has attained the 2012 annual fine particulate matter ($PM_{2.5}$ or fine particulate matter) national ambient air quality standard (NAAQS) by the December 31, 2021 attainment date applicable to Moderate NAAs. This determination is based upon quality-assured, quality-controlled, and certified ambient air monitoring data for the 2019–2021 period available in EPA's Air Quality Monitoring (AMS) database. The determination is based upon the three-year average of annual mean $PM_{2.5}$ concentrations for each eligible monitoring site being less than or equal to the level of the annual NAAQS of 12 micrograms per cubic meter (μg/m³). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 10, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2021–0307 at *www.regulations.gov,* or via email to *gordon.mike@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 *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Brian Rehn, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center—1600 JFK Blvd., Philadelphia, PA 19103. The telephone number is (215) 814–2176. Mr. Rehn can also be reached via electronic mail at *rehn.brian@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to EPA.

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I. Background

A. The 2012 Annual $PM_{2.5}$ National Ambient Air Quality Standard

Under section 109 of the Clean Air Act, EPA has established NAAQS for certain pervasive air pollutants (referred to as criteria pollutants) and conducts periodic reviews of the NAAQS to determine whether they should be revised or whether new NAAQS should be established. EPA established these standards after considering substantial evidence from numerous health studies demonstrating that serious adverse health effects are associated with exposures to these criteria pollutants.[1]

Particulate matter includes particles with diameters that are generally 2.5 microns or smaller ($PM_{2.5}$), and particles with diameters that are generally 10

[1] For a given air pollutant, ''primary'' NAAQS are those determined by EPA as requisite to protect the public health, allowing an adequate margin of safety, and ''secondary'' standards are those determined by EPA as requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air. See CAA section 109(b).

microns or smaller (PM_{10}). $PM_{2.5}$ can be emitted by sources directly into the atmosphere as a solid or liquid particle (primary $PM_{2.5}$ or direct $PM_{2.5}$) or can be formed in the atmosphere (secondary $PM_{2.5}$) as a result of various chemical reactions among precursor pollutants such as nitrogen oxides (NO_X), sulfur dioxide (SO_2), volatile organic compounds (VOC), and ammonia (NH_3).[2]

On July 18, 1997, EPA first established annual and 24-hour NAAQS for $PM_{2.5}$.[3] EPA set the annual primary and secondary standards to 15.0 micrograms per cubic meter (μg/m³), based on a 3-year average of annual mean $PM_{2.5}$ concentrations. On January 15th, 2013, in order to provide increased protection of public health, EPA promulgated a more stringent annual $PM_{2.5}$ NAAQS, revising the primary standard to 12.0 μg/m³, based on a 3-year average of annual mean $PM_{2.5}$ concentrations—while retaining the secondary standard at 15.0 μg/m³.[4]

B. Clean Air Act Requirements for $PM_{2.5}$ Nonattainment Areas

The CAA requires states to develop a SIP that provides generally for the attainment, maintenance, and enforcement of the NAAQS. In addition, the CAA requires states to make a plan submittal to address nonattainment planning requirements of the CAA. This plan SIP submittal (also referred to as an attainment plan) imposes additional controls for purposes of attaining the $PM_{2.5}$ NAAQS to achieve reductions of $PM_{2.5}$ and $PM_{2.5}$ precursor emissions.

The general CAA part D nonattainment area planning requirements are found in subpart 1 and the specific nonattainment area planning requirements for particulate matter are found in subpart 4. The subpart 1 statutory requirements for attainment plans include the following: section 172(c)(1) requirements for reasonably available control measures (RACM)/reasonably available control technology (RACT) and attainment demonstrations; the section 172(c)(2) requirement to demonstrate reasonable further progress (RFP); the section 172(c)(3) requirement for emissions inventories; the section 172(c)(5) requirements for a nonattainment new source review (NNSR) permitting program; and the section 172(c)(9) requirement for contingency measures.

The more specific subpart 4 statutory requirements for Moderate $PM_{2.5}$ nonattainment areas include the following: the CAA section 189(a)(1)(A) NNSR permit program requirements; the section 189(a)(1)(B) requirements for attainment demonstrations; the section 189(a)(1)(C) requirements for RACM; the section 189(c) requirements for RFP and quantitative milestones; and the section 189(e) requirement for controls on sources of particulate matter precursors.

Under CAA subpart 4, section 188(c)(1) establishes that states with Moderate $PM_{2.5}$ nonattainment areas must provide for attainment in the area as expeditiously as practicable, but no later than the end of the sixth calendar year after designation. For the 2012 $PM_{2.5}$ annual NAAQS, this date is December 31, 2021.[5] In addition, under subpart 4, direct $PM_{2.5}$ and all precursors to the formation of $PM_{2.5}$ are subject to control unless EPA approves a demonstration from the state establishing that a given precursor does not contribute significantly to $PM_{2.5}$ levels that exceed the $PM_{2.5}$ NAAQS in the area.[6]

To implement the $PM_{2.5}$ NAAQS, EPA has promulgated the ''Fine Particle Matter National Ambient Air Quality Standard: State Implementation Plan Requirements; Final Rule'' (also referred to as the $PM_{2.5}$ Implementation Rule).[7] The $PM_{2.5}$ Implementation Rule provides additional regulatory requirements and guidance applicable to attainment plan submittals for the $PM_{2.5}$ NAAQS, including the 2012 annual $PM_{2.5}$ NAAQS at issue in this action.

C. Allegheny County Designation for the 2012 $PM_{2.5}$ NAAQS

Following promulgation of a new or revised NAAQS, EPA is required under CAA section 107(d) to designate regions throughout the nation as attaining or not attaining these NAAQS. Those regions found not to be attaining the NAAQS are also given a classification that describes the degree of nonattainment. Under subpart 4 of part D of title I of the CAA, EPA designates areas found to be violating the $PM_{2.5}$ NAAQS, and areas that contribute to such violations, as nonattainment and classifies them initially as Moderate nonattainment areas.

Effective April 15, 2015, EPA designated Allegheny County, Pennsylvania, as a Moderate nonattainment area (Allegheny County Nonattainment Area) for the 2012 $PM_{2.5}$ annual NAAQS based on ambient monitoring data that showed the area was above the 12.0 μg/m³ primary standard for the 3-year 2011–2013 monitoring period, based on the area's design value.[8] A design value (DV) is the 3-year average NAAQS metric that is compared to the NAAQS level to determine when a monitoring site meets or does not meet the NAAQS. The specific methodologies for calculating whether the annual $PM_{2.5}$ NAAQS is met at each eligible monitoring site in an area are found in the Code of Federal Regulations (CFR), at 40 CFR part 50, Appendix N, section 4.1.

II. Evaluation of Attainment Determination

A. Applicable Statutory and Regulatory Provisions for Determination of Attainment

Sections 179(c)(1) and 188(b)(2) of the CAA require EPA to determine whether a $PM_{2.5}$ nonattainment area attained by the applicable attainment date, based on the area's air quality ''as of the attainment date.'' Generally, this determination of whether an area's air quality meets the $PM_{2.5}$ NAAQS is based upon the most recent three years of complete, certified data gathered at eligible monitoring sites in accordance with 40 CFR part 58.[9] The requirements of 40 CFR part 58 include quality assurance procedures for monitor operation and data handling, siting parameters for instruments or instrument probes, and minimum ambient air quality monitoring network requirements. State, local, or tribal agencies operating air monitoring sites, in accordance with 40 CFR part 58, must enter the ambient air quality data and associated quality assurance data from these sites into EPA's Air Quality System (AQS) database.[10] These monitoring agencies certify annually that these data are accurate to the best of their knowledge, taking into consideration the quality assurance findings.[11] Accordingly, EPA relies primarily on AQS data when determining the attainment status of an area. In determining whether data are suitable for regulatory determinations, EPA uses a ''weight of evidence'' approach, considering the requirements of 40 CFR part 58, Appendix A ''in combination with other data quality

[2] 80 FR 15340, 15342 (March 23, 2015).

[3] 62 FR 38652 (July 18, 1997). In October 2006, EPA lowered the 24-hour NAAQS for $PM_{2.5}$ from 65 micrograms per cubic meter (μg/m³) to 35 μg/m³. 71 FR 61144 (October 17, 2006).

[4] 78 FR 3086 (January 15, 2013) and 40 CFR 50.18. Unless otherwise noted, all references to the $PM_{2.5}$ NAAQS in this document refer to the 2012 annual NAAQS of 12.0 μg/m³, codified at 40 CFR 50.18.

[5] 40 CFR 51.1004(a)(1).

[6] 40 CFR 51.1006 and 40 CFR 51.1009.

[7] 81 FR 58010 (August 24, 2016).

[8] 80 FR 2206 (January 15, 2015).

[9] 40 CFR part 50, Appendix N, section 3.0.

[10] 40 CFR 58.16. AQS is EPA's national repository of ambient air quality data.

[11] 40 CFR 58.15(a).

information, reports, and similar documentation that demonstrate overall compliance with Part 58.'' [12]

The 2012 primary annual $PM_{2.5}$ standard is met when the 3-year average of the annual arithmetic mean concentration, as determined in accordance with 40 CFR part 50 Appendix N, is less than or equal to 12.0 μg/m³ at each eligible monitoring site.[13] For the annual $PM_{2.5}$ standard, eligible monitoring sites are those monitoring stations that meet the criteria specified in 40 CFR 58.11 and 58.30, and thus are approved for comparison to the annual $PM_{2.5}$ NAAQS.[14] Three years of valid annual means are required to produce a valid annual $PM_{2.5}$ NAAQS design value.[15] Data completeness requirements for a given year are met when at least 75 percent of the scheduled sampling days for each quarter have valid data.[16]

B. Monitoring Network Review, Data Quality Assurance, and Data Completeness

The Allegheny County Health Department (ACHD) is the governmental agency with the primary authority and responsibility under the Commonwealth's laws for collecting ambient air quality data for the Allegheny County $PM_{2.5}$ nonattainment area. ACHD submits annual monitoring network plans to EPA documenting the status of the Allegheny County air monitoring network, as required under 40 CFR 58.10.[17] EPA reviews these annual network plans for compliance with specific requirements in 40 CFR part 58. With respect to the Allegheny County nonattainment area, we have found that the annual network plans submitted by ACHD meet these requirements under 40 CFR part 58, including minimum monitoring requirements.[18]

In accordance with 40 CFR 58.15, ACHD certifies annually that the previous year's ambient concentration and quality assurance data are completely submitted to AQS and that the ambient concentration data are accurate, taking into consideration the quality assurance findings.[19]

By a letter to EPA dated April 12, 2022, ACHD certified its 2021 ambient air quality monitoring data. EPA issued final 2019–2021 design values on May 25, 2022.[20] There are nine $PM_{2.5}$ eligible Federal Reference Method (FRM) or Federal Equivalent Method (FEM) monitoring sites in the Allegheny County $PM_{2.5}$ nonattainment area. Table 1 in this document shows the Allegheny County Area design values for the 2012 annual $PM_{2.5}$ NAAQS for the years 2019–2021 at these nine area monitoring sites.

TABLE 1—2019–2021 ANNUAL $PM_{2.5}$ VALUES FOR THE ALLEGHENY COUNTY $PM_{2.5}$ AREA

Monitor name	Monitor ID	Weighted mean (μg/m³)			Complete quarters			Certified annual design value 2019–2021 (μg/m³)
		2019	2020	2021	2019	2020	2021	
Avalon	420030002	9.9	8.6	9.8	4	4	4	9.4
Lawrenceville	420030008	9.0	7.7	9.8	4	4	4	8.8
South Fayette	420030067	7.7	6.6	7.8	4	4	4	7.3
North Park	420030093	6.8	5.7	.....	4	3	.....	[*]
Harrison	420031008	8.6	7.3	8.2	4	4	4	8.1
North Braddock	420031301	9.9	9.0	10.7	4	4	4	9.9
Clairton	420033007	7.9	7.3	9.2	4	4	4	8.1
Liberty	420030064	12.2	9.8	11.8	4	4	4	11.2
Parkway East	420031376	10.8	9.0	10.4	4	4	4	10.0

* North Park has incomplete data sets for 2020 and 2021 (and was shut down in the third quarter of 2021).

As shown in Table 1 in this document, all ambient air monitors in the Allegheny County area except for the North Park monitor site have complete 2019–2021 reporting data capture rates of at least 75%. The North Park monitor site [Monitor ID 420030093] had a fourth quarter 2020 capture rate of 13%. The North Park monitor site was approved for shut down in the third quarter of 2021 in ACHD's ''Annual Monitoring Plan for Calendar Year 2021.'' The data capture rates for the North Park monitor for the 2019–2021 period are shown in Table 2 in this document.

TABLE 2—DATA CAPTURE RATES (%) AND CREDITABLE SAMPLES BY QUARTER (Q) FOR THE NORTH PARK MONITOR [420030093]

	2019				2020				2021 *			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Creditable Samples	14	15	15	14	15	14	15	2	0	0	0	0
Capture Rate	93	100	94	93	100	93	94	13	0	0	0	0

* North Park has incomplete data sets for 2020 and 2021 and was shut down in the third quarter of 2021.

As described in section II.A in this document, the 2012 annual $PM_{2.5}$ NAAQS is met when the 3-year average of $PM_{2.5}$ annual mean mass concentrations for each eligible monitoring site is less than or equal to

[12] 40 CFR part 58, Appendix A, section 1.2.3.

[13] 40 CFR 50.18(b); 40 CFR part 50, Appendix N, section 4.1(a).

[14] 40 CFR part 50, Appendix N, section 1.0(c).

[15] 40 CFR part 50, Appendix N, section 4.1(b).

[16] Id.

[17] *See* 40 CFR 58.15(c).

[18] The ACHD 2021–22 monitoring network plan and EPA reviews of that plan are available in the docket.

[19] ACHD's annual data certifications for 2019, 2020, and 2021 can be found in the docket.

[20] *See* EPA's Air Quality Design Values web page, at *www.epa.gov/air-trends/air-quality-design-values.*

12.0 μg/m³. Three years of valid, annual means are required to produce a valid annual $PM_{2.5}$ NAAQS design value. A year of data meets data completeness requirements when quarterly data capture rates for all four quarters are at least 75 percent from eligible monitoring sites.[21]

Consistent with the requirements contained in 40 CFR part 58, EPA has reviewed the $PM_{2.5}$ ambient air quality monitoring data for the monitoring period from 2019 through 2021 for the Allegheny County nonattainment area, as recorded in the AQS database, and has determined that the monitoring data meets the quality assurance requirements set forth in 40 CFR part 58. In this respect, the data has been deemed usable by EPA for regulatory compliance purposes. As shown in Table 1 in this document, each quarter from 2019 through 2021 is complete, with all four quarters reporting data capture rates of at least 75 percent (with the exception of the North Park monitor, as noted above). The highest certified annual design value for 2019–2021 is 11.2 μg/m3, with all nine ambient monitors below the 2012 annual $PM_{2.5}$ NAAQS of 12.0 μg/m3.

In summary, based on the relevant monitoring network plans, data completeness, and data certifications, we propose to find that the $PM_{2.5}$ data collected from the ambient air monitoring network for the Allegheny County $PM_{2.5}$ nonattainment area are suitable for determining whether the area attained the 2012 annual $PM_{2.5}$ NAAQS by the applicable December 2021 attainment date.

C. EPA Evaluation of Attainment

Under CAA section 188(c)(2), EPA is required to determine within six months of the applicable attainment date whether a nonattainment area attained the standard by that deadline. The 2012 annual $PM_{2.5}$ NAAQS is met when the $PM_{2.5}$ NAAQS design value at each eligible monitoring site is less than or equal to 12 mg/m³. As discussed above, EPA's evaluation on whether the Allegheny County $PM_{2.5}$ NAA has attained the 2012 annual $PM_{2.5}$ NAAQS is based on our review of the monitoring data and takes into account the adequacy of the $PM_{2.5}$ monitoring network in the nonattainment area and the reliability of the data collected by the network as discussed in the previous section of this document.

Table 1 in this document provides the 2021 $PM_{2.5}$ design value from the regulatory monitors within the Allegheny County nonattainment area, expressed as a design value for each monitor representing the average of the annual mean values from the 2019–2021 period. The weighted mean for each individual year is also listed. The $PM_{2.5}$ data show that the highest 2019–2021 design value occurred at the Liberty monitor site and was 11.2 μg/m³. No design value for any monitor in the area exceeded the 2012 annual $PM_{2.5}$ NAAQS of 12.0 μg/m³ for the 3-year period prior to the attainment deadline. Based on our review of the $PM_{2.5}$ ambient air monitoring data from the Allegheny County monitoring network, the monitoring sites for the nonattainment area are consistent with the relevant requirements in 40 CFR part 50, as recorded in EPA's AQS database for the area. Therefore, the Allegheny County nonattainment area attained the 2012 annual $PM_{2.5}$ NAAQS (in accordance with the requirements in 40 CFR 50.18 and Appendix N) by the December 31, 2021 attainment date applicable to Moderate NAAs.

Consequently, EPA proposes to determine, based upon three years of complete, certified data from 2019 through 2021 (that has been both quality-assured and quality-controlled) that the Allegheny County nonattainment area attained the 2012 annual $PM_{2.5}$ NAAQS by the applicable attainment date of December 31, 2021. For purposes of determining attainment by the December 31, 2021 Moderate attainment date, EPA determines that ACHD has met minimum monitoring site requirements under 40 CFR part 58 and that the design values for the 2012 annual $PM_{2.5}$ NAAQS for the years 2019–2021 at the monitors in the nonattainment area are below the standard of 12 mg/m³. On the basis of our review, we are proposing to determine that the Allegheny County nonattainment area attained the 2012 annual NAAQS by the Moderate area attainment date.

III. Proposed Action

Pursuant to CAA section 188(c)(2), EPA is proposing to determine, based on the most recent three years (2019–2021) of valid air monitoring data, that the Allegheny County nonattainment area has attained the 2012 annual $PM_{2.5}$ NAAQS by the applicable attainment date of December 31, 2021.

This proposed determination of attainment by the attainment date does not constitute a redesignation to attainment of the NAAQS. Upon a final determination of attainment by the Moderate attainment date, Allegheny County will remain nonattainment for the 2012 annual $PM_{2.5}$ NAAQS until such time that EPA determines the Allegheny County nonattainment area meets the CAA requirements for redesignation to attainment, including an approved maintenance plan, pursuant to CAA sections 107 and 175A.

EPA is soliciting public comments on this proposed determination of attainment. All received comments will be considered prior to EPA final action.

IV. Statutory and Executive Order Reviews

This rulemaking action proposes a determination for attainment of the 2012 $PM_{2.5}$ NAAQS based on monitored air quality and does not impose additional requirements. For that reason, this proposed determination of attainment:

- 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).

This proposed determination of attainment by the attainment date for the Allegheny County area by the December 31, 2021 Moderate attainment date for the 2012 annual $PM_{2.5}$ NAAQS does not have tribal implications as

[21] *See* 40 CFR part 50, Appendix N.

specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it is not a SIP action approved to apply in Indian country located in the State. This action will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

Adam Ortiz,

Regional Administrator, Region III.

[FR Doc. 2023–02682 Filed 2–7–23; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 12–375; Report No. 3192; FR ID 126157]

Petitions for Reconsideration of Action in Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petitions for reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's proceeding by Al Kramer and Cheryl A. Leanza, on behalf of United Church of Christ, OC Inc. and Public Knowledge, Glenn S. Richards and Lee G. Petro, on behalf of NCIC Inmate Communications, Karen Quinones and Kari Cooke, on behalf of Mayor's Office of Deaf, DeafBlind, & Hard of Hearing, and David A. O'Connor, on behalf of Hamilton Relay, Inc.

DATES: Oppositions to the Petitions must be filed on or before February 23, 2023. Replies to an opposition must be filed on or before March 6, 2023.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC, 20554.

FOR FURTHER INFORMATION CONTACT: Michael Scott, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418–1264, email: *Michael.Scott@fcc.gov,* or Simon Solemani, Pricing Policy Division, Wireline Competition Bureau, at (202) 418–2270, email: *Simon.Solemani@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the FCC's Public Notice, DA 23–81, Report No. 3192, released January 27, 2023. The full text of the FCC's Public Notice is available at: *https://docs.fcc.gov/public/attachments/DA-23-81A1.pdf.* The full text of United Church of Christ, OC Inc. and Public Knowledge's Petition for Reconsideration is available at: (*https://www.fcc.gov/ecfs/document/1215186700210/2*). The full text of NCIC Inmate Communications' Petitions for Reconsideration are available at: (*https://www.fcc.gov/ecfs/document/1082733619116/1*) and (*https://www.fcc.gov/ecfs/document/10109846110722/1*). The full text of Mayor's Office of Deaf, DeafBlind, & Hard of Hearing's Petition for Reconsideration is available at: (*https://www.fcc.gov/ecfs/document/12230570217248/1*). The full text of Hamilton Relay, Inc.'s Petition for Reconsideration is available at: (*https://www.fcc.gov/ecfs/document/101092106904459/1*). The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801 because no rules are being adopted by the Commission.

Subjects: Rates for Interstate Inmate Calling Services, FCC 22–76, published at 87 FR 75496, December 9, 2022, in WC Docket No. 12–375; Rates for Interstate Inmate Calling Services, FCC 21–60, published at 86 FR 40682, July 28, 2021. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 5.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2023–02664 Filed 2–7–23; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 88, No. 26
Wednesday, February 8, 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 AGRICULTURE

Office of the Secretary

[Docket No. USDA–2022–0021]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Office of Safety, Security and Protection, Department of Agriculture.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Office of Safety, Security and Protection's (OSSP) intention to request an extension for and revision to a currently approved information collection for US Department of Agriculture (USDA) Request for USDA Identification (ID) Badge, the USDA Homeland Security Presidential Directive 12 (HSPD–12) program. HSPD–12 establishes a mandatory, Government-wide standard for secure and reliable forms of identification (credentials) issued by the Federal Government to its Federal Employees, Non-Federal employees, and contractors. The Office of Management and Budget (OMB) mandated that these credentials be issued to all Federal Government employees, contractors, and other applicable individuals who require long-term access to federally controlled facilities and/or information systems. The HSPD–12 compliant program is jointly owned and administered by the Office of the Chief Information Officer (OCIO) and OSSP.

ADDRESSES: Office of Safety, Security and Protection invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Office of Safety, Security and Protection, 1400 Independence Ave. SW, Room 1434, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Ave. SW, Room 1434, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name, docket number, and Office of Safety, Security and Protection. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the Office of Safety, Security and Protection, 1400 Independence Ave. SW, Room 1434, Washington, DC 20250–3700 between 8:00 a.m. and 3:00 p.m., Monday through Friday.

DATES: Comments on this notice must be received by April 10, 2023 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Contact Sam Willis, Director, Facility Protection Division, Office of Safety, Security and Protection U.S. Department of Agriculture, 1400 Independence Ave. SW, Room 1434, Washington, DC 20250, 202–378–5830.

SUPPLEMENTARY INFORMATION:

Title: Request for USDA Identification (ID) Badge.

OMB Number: 0505–0022.

Expiration Date of Approval: May 31, 2023.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The AD–1197 was initially created to support the HSPD–12 information collection as required for establishing the applicant's identity for PIV credential issuance. The information requested must be provided by Federal employees, contractors and other applicable individuals when applying for a USDA credential (identification card). This information collection is necessary to comply with the requirements outlined in Homeland Security Presidential Directive (HSPD) 12, and Federal Information Processing Standard (FIPS) 201–3. USDA must implement an identity proofing, registration, and issuance process consistent with the requirements outlined in FIPS 201–3. This information collection form was required as part of USDA's identity proofing and registration process. After 10/27/06, form AD 1197 was eliminated from the HSPD–12 process with the USDA's participation in the in the GSA USAccess program, however the form continues to be utilized for the information collection and processing of USDA Site Badges (non-PIV). As USDA continues the HSPD–12 program, one estimate of burden has been calculated and one process description has been included.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.5 hours. The Burden is estimated based on the three prerequisites for ID issuance as well as the receipt of the ID Credential itself.

Respondents: New long-term contractors, affiliates, and employees must undergo the information collection process. Existing contractors/employees/affiliates must undergo the process to receive a Credential.

Estimated Number of Respondents: Estimated Annual Number of Respondents: 12,000.

Estimated Number of Responses per Respondent: Each respondent should complete one response.

Estimated Total One-Time Burden on Respondents: 18,000 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Sam Willis. All comments received will be available

for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Chad Carroll,

Chief Security Director, Office of Safety, Security, and Protection.

[FR Doc. 2023–02659 Filed 2–7–23; 8:45 am]

BILLING CODE 3412–BA–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Supplemental Nutrition Assistance Program (SNAP)—Waiver Requests To Offer Incentives to SNAP Recipients at SNAP Authorized Stores

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is an existing collection in use without an OMB Control Number in which we are seeking approval to establish a process for requesting a waiver from the Food and Nutrition Service (FNS) to offer SNAP recipients incentives at SNAP authorized retailer locations that encourage them to purchase healthier foods. This collection burden only affects SNAP retailers as well as private organizations or governmental entities who partner with SNAP retailers. There are no data collection activities for SNAP households in this request.

DATES: Written comments must be received on or before April 10, 2023.

ADDRESSES: The Food and Nutrition Service, USDA, invites interested persons to submit written comments on this information collection. Comments may be submitted in writing by one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Comments should be addressed to Marga Ortiz, Chief, Retailer Policy Branch, Retailer Policy Division, 1320 Braddock Place, Alexandria, Virginia 22314.

All responses to this notice summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Marga Ortiz at 703–305–2546.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: SNAP Retailer Incentive Waiver Request.

Form Number: Not Applicable.

OMB Number: 0584–NEW.

Expiration Date: Not Yet Determined.

Type of Request: Existing collection in use without an OMB Control Number.

Abstract: SNAP equal treatment provisions at 7 CFR 278.2(b) and 7 CFR 274.7(f) require that SNAP recipients receive treatment equal to that received by other customers at all stores authorized to participate in SNAP with the exception that sales tax may not be charged on eligible foods purchased with SNAP benefits. This equal treatment provision prohibits both negative treatment (such as discriminatory practices) as well as preferential treatment (such as incentive programs). Pursuant to Section 4008 of the Agriculture Improvement Act of 2018, Public Law 115–334 (2018 Farm Bill), individual SNAP authorized retailers (or private organizations or governmental entities, which partner with authorized stores) may request that FNS waive the SNAP equal treatment provisions in order to be allowed to implement an incentive program the meets the requirements under 7 U.S.C. 2018(j) to encourage SNAP recipients to purchase healthier foods. Most SNAP authorized stores that offer incentives to SNAP recipients are either farmers' markets or part of a federally-funded grant program that is authorized by statute, including the Gus Schumacher Nutrition Incentive Program (GusNIP) administered by the USDA's National Institute of Food and Agriculture (NIFA), and the Healthy Fluid Milk Incentive (HFMI) project administered by the Food and Nutrition Service.

Farmer's markets are also already authorized to provide incentives to SNAP recipients under a blanket FNS waiver of the SNAP equal treatment provision, specifically for farmers' markets. Only incentive projects that are funded outside of a Federal grant, other than projects funded by farmers' markets, are required to have a waiver from FNS to provide incentives to SNAP households at authorized SNAP retailer locations. FNS provided incentive waivers to SNAP retailers prior to passage of the 2018 Farm Bill under FNS' regular waiver process and has been providing the waivers under a streamlined approach since 2020. Over the past 3 years, FNS has received an average of nine incentive waiver requests that generally cover multiple retailer locations, and we expect those numbers to increase over the next 5 years. With this new streamlined process, the Department estimates that out of 254,350 authorized retailers that participate in our program, approximately 730 different retailers would be covered under 15 different incentive waiver requests annually. In general, the waivers are granted for three years.

The process for requesting a waiver involves utilizing a form on FNS' website that is directly fillable online and automatically sent to FNS through the website. The information a retailer must submit includes:

1. Requestor Information;
2. Dates of Operation;
3. Retailer location(s), including the FNS number, name, and address of each participating retailer;
4. Foods being incentivized;
5. Description of the incentive model; and
6. The goal of the incentive program.

The Department has identified and outlined the activity and the estimated burden hours associated with submitting a SNAP Retailer Incentive Waiver Request.

SNAP Retailer Incentive Waiver Request

Affected Public: (a) Business or other for-profit, (b) Not-for-profit institution, and (c) State, local or Tribal Government. Respondent groups identified include: Up to a total of four SNAP authorized stores, five not-for-profit institutions, and six State, local or Tribal governments, which are neither farmers' markets nor operating an incentive program under a Federal grant.

Business or Other For-Profit/Not-For-Profit Institution/State, Local or Tribal Government Annual Burden

Estimated Annual Number of Respondents: 15.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 15.

Estimated Annual Time per Response: 2 hours.

Estimated Total Annual Burden on Respondents: 30 hours.

See the table below for estimated total annual burden for each type of respondent.

Respondent	CFR citation	Activity	Estimated annual # respondent	Responses annually per respondent	Total annual responses	Estimated avg. # of hours per response annually	Estimated annual total hours
Business or other for-profit	7 CFR 274.7(f) and 278.2(b).	SNAP Retailer Incentive Waiver Request.	4.00	1.00	4.00	2.0	8.0
Not-for-profit institution	7 CFR 274.7(f) and 278.2(b).	SNAP Retailer Incentive Waiver Request.	5.00	1.00	5.00	2.0	10.0
Sub-total of for-profit businesses and not-for-profit institutions.			9.00	1.00	9.00	4.0	18.0
State, local or Tribal Government	7 CFR 274.7(f) and 278.2(b).	SNAP Retailer Incentive Waiver Request.	6.00	1.00	6.00	2.0	12.0
Grand Total Reporting Burden.			15	1	15	6.0	30.0

Requirement—national office	Total responses per year	FNS hrs per response	FNS response per respondent	Total federal hours	Hourly salaries for GS13, step 1 GS14, step 1 GS15, step 1	FNS base salary costs	Fringe benefits at 33%	Base salary + fringe benefits = total salary
A	B	C	D	E (B × C × D = E)	F (E × F = G)	G (G × .33 = H)	H (G + H = I)	I
a. Program Analyst GS13 Step 1. Estimates of Annualized Cost to Federal Government for reviewing, drafting response, sending response	15	1.25	1	18.75	$53.67	$1,006.31	$332.08	$1,338.40
b. Program Branch Chief GS14 Step 1. Estimates of Annualized Cost to Federal Government for drafting, reviewing and approving response	15	0.5	1	7.5	63.43	475.73	156.99	632.71
c. Program Division Director GS15 Step 1. Estimates of Annualized Cost to Federal Government for, reviewing and approving response	15	0.25	1	3.75	74.60	279.75	92.32	372.07
				30				2,343.18

Tameka Owens,

Assistant Administrator, Food and Nutrition Service.

[FR Doc. 2023–02660 Filed 2–7–23; 8:45 am]

BILLING CODE 3410–30–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nebraska Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Nebraska Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Wednesday, February 22, 2023 at 12:30 p.m.–1:30 p.m. Central Time. The purpose for the meeting is to discuss the proposal for their project on the effects of the pandemic on education in the state.

DATES: The meetings will take place on: Wednesday, February 22, 2023, from 12:30 p.m.–1:30 p.m. Central Time.

ADDRESSES: Registration Link: *https://www.zoomgov.com/j/1613828405?pwd=cUFYaHFKRzlUMUdVeU9XUEJlcUUrQT09* Telephone (Audio Only): Dial 833 435 1820 USA Toll Free; Access code: 161 382 8405#

FOR FURTHER INFORMATION CONTACT: Victoria Moreno at *vmoreno@usccr.gov* or by phone at 434–515–0204.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the Zoom link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines and the Commission will not refund any incurred charges.

Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Victoria Moreno at *vmoreno@usccr.gov.* All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at *www.facadatabase.gov.* Persons interested in the work of this Committee are advised to go to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or email address.

Agenda:

I. Welcome and Roll Call

II. Chair's Comments
III. Discuss Project Proposal
IV. Next Steps
V. Public Comment
VI. Adjournment

Dated: February 3, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023–02683 Filed 2–7–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–215–2022]

Approval of Expansion of Subzone 18G, Tesla, Inc., Oakland, California

On December 7, 2022, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the City of San Jose, grantee of FTZ 18, requesting an expansion of Subzone 18G subject to the existing activation limit of FTZ 18, on behalf of Tesla, Inc., in Oakland, California.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (87 FR 76178, December 13, 2022). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to expand Subzone 18G was approved on February 2, 2023, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 18's 2,000-acre activation limit.

Dated: February 2, 2023.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2023–02625 Filed 2–7–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–816]

Certain Steel Nails from Malaysia: 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 certain steel nails from Malaysia were sold at less than normal value during the period of review (POR), July 1, 2020, through June 30, 2021.

DATES: Applicable February 8, 2023.

FOR FURTHER INFORMATION CONTACT: John Drury or Emily Bradshaw, 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) 482–0195 and (202) 482–3956.

SUPPLEMENTARY INFORMATION:

Background

On August 5, 2022, Commerce published the *Preliminary Results* of the 2020–2021 administrative review of the antidumping duty order on certain steel nails from Malaysia.[1] We invited interested parties to comment on the *Preliminary Results*.[2] On November 21, 2022, we extended the deadline for these final results until February 1, 2023.[3] This review covers two mandatory respondents: Region and Inmax.[4] The producers/exporters not selected for individual examination are referenced in the ''Final Results of Review'' section below and listed in Appendix II of this notice. For a complete description of the events that followed the *Preliminary Results, see* the Issues and Decision Memorandum.[5] Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the scope of the order are certain steel nails from Malaysia. For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by interested parties in this review are discussed in the Issues and Decision Memorandum. A list of the topics included in the Issues and Decision Memorandum is attached as Appendix I to this notice. The Issues and Decision Memorandum is a public document and is made available to the public 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 found at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Determination of No Shipments

In the *Preliminary Results,* Commerce determined that Astrotech Steels Private Limited, Trinity Steel Private Limited, and Geekay Wires Limited made no shipments of the subject merchandise to the United States during the POR. No parties commented on this determination. Therefore, for the final results of review, we continue to find that these companies made no shipments of subject merchandise to the United States during the POR. Consistent with our practice, we will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on our final results.

Changes Since the Preliminary Results

Based on the comments received from interested parties regarding our *Preliminary Results,* we made certain changes to the margin calculation methodology used in the *Preliminary Results* and have changed the dumping margin for these final results of review, as discussed in the Issues and Decision Memorandum.

Rates for Non-Selected Respondents

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual 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 a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted

[1] *See Certain Steel Nails from Malaysia: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021,* 87 FR 47978 (August 5, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See Preliminary Results,* 87 FR at 47978.

[3] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2020–2021,'' dated November 21, 2022.

[4] As in the last completed administrative review, Commerce continues to treat Region International Co. Ltd. and Region System Sdn. Bhd. (collectively, Region) as a collapsed single entity, and to treat Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd. (collectively, Inmax) as a collapsed single entity in this administrative review. *See, e.g., Certain Steel Nails from Malaysia: Final Results of Antidumping Duty Administrative Review; 2019–2020,* 87 FR 5794 (February 2, 2022).

[5] *See* Memorandum, ''Decision Memorandum for the Final Results of the 2020–2021 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from Malaysia,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *Id.* at 2–4.

average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely {on the basis of facts available}.''

In this review, we preliminarily calculated weighted-average dumping margins for Inmax and Region that are not zero, *de minimis,* or determined entirely on the basis of facts available.[7] For the final results, we continue to calculate weighted-average dumping margins for Inmax and Region that are not zero, *de minimis,* or determined entirely on the basis of facts available. For Inmax, we do not have publicly-ranged export data and, therefore, we are unable to calculate the rate assigned to companies not individually examined based on a weighted-average of the two mandatory respondents' margins using publicly-ranged export data. Accordingly, Commerce continues to assign to the companies not individually examined, listed in Appendix II, a margin of 1.26 percent which is the simple average of the calculated weighted-average dumping margins for Inmax and Region.

Final Results of Review

We determine that the following weighted-average dumping margins exist for the period July 1, 2020, through June 30, 2021:

Producer/exporter	Estimated weighted-average dumping margin (percent)
Region International Co., Ltd./Region System Sdn. Bhd	1.21
Inmax Sdn. Bhd./Inmax Industries Sdn. Bhd	1.30
Non-Selected Respondents[8]	1.26

Disclosure of Calculations

Commerce intends to disclose the calculations performed for these final results within five days after the date of the public announcement of these final results, or if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries.[9] For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales, in accordance with 19 CFR 351.212(b)(1). Upon issuance of the final results of this administrative review, if any importer-specific assessment rates calculated in the final results are above *de minimis* (*i.e.,* at or above 0.5 percent), Commerce will issue instructions directly to CBP to assess antidumping duties on appropriate entries.

To determine whether the duty assessment rates covering the period were *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer (or customer)-specific *ad valorem* rates by aggregating the amount of dumping calculated for all U.S. sales to that importer or customer and dividing this amount by the total entered value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate is greater than *de minimis,* and the respondent has reported reliable entered values, we will apply the assessment rate to the entered value of the importer's/customer's entries during the POR.

For the companies identified in Appendix II that were not selected for individual examination, we will instruct CBP to liquidate entries at the rates established in these final results of review.

For entries of subject merchandise during the POR produced by any of these companies for which they did not know their merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[10]

Commerce intends to issue appropriate assessment instructions directly 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 upon publication in the **Federal Register** of the notice of these final results for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for companies subject to this review will be equal to the company-specific 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 segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment 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 completed segment of this proceeding, 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; and (4) the cash deposit rate for all other producers or exporters will continue to be 2.66 percent, the all-others rate established in the less-than-fair-value investigation.[11] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

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 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 return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business

[7] *See Preliminary Results.*

[8] *See* Appendix II for the list of non-selected respondents.

[9] 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 Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[10] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[11] *See Certain Steel Nails from Malaysia: Amended Final Determination of Sales at Less Than Fair Value,* 80 FR 34370 (June 16, 2015).

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 the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221.

Dated: February 1, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

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
A. Region-Specific Issues
Comment 1: Adverse Facts Available (AFA) with Respect to Cost of Production
Comment 2: AFA with Respect to Labor and Electricity Costs
Comment 3: Correction of the Difference-In-Merchandise Calculation
Comment 4: Quarterly Costs
Comment 5: Correction to Draft Liquidation Instructions
B. Inmax-Specific Issues
Comment 6: Application of AFA With Respect to Unreliable Cost Information
Comment 7: Interest Expense Ratio
Comment 8: Ministerial Error Allegations
VI. Recommendation

Appendix II

List of Non-Selected Respondents

Airlift Trans Oceanic Pvt. Ltd.
Alsons Manufacturing India, LLP.
Atlantic Marine Group Ltd.
Bluemoon Logistics Pvt. Ltd.
C.H. Robinson Worldwide Freight India Pvt., Ltd.
Chia Pao Metal Co., Ltd.
Chuan Heng Hardware Paints and Building Materials Sdn. Bhd.
Come Best (Thailand) Co., Ltd.
Dahnay Logistics Pvt., Ltd.
Gbo Fastening Systems AB.
Honour Lane Logistics Sdn., Bhd.
Honour Lane Shipping Ltd.
Impress Steel Wire Industries Sdn., Bhd.
Kerry-Apex (Thailand) Co., Ltd.
Kerry Indev Logistics Pvt., Ltd.
Kerry Logistics (M) Sdn., Bhd.
Kimmu Trading Sdn., Bhd.
Modern Factory for Steel Industries Co., Ltd.
Oman Fasteners LLC.
Orient Containers Sdn., Bhd.
Orient Express Container Co., Ltd.
RM Wire Industries Sdn. Bhd.
Royal Logistics.
SAR Transport Systems Pvt., Ltd.
Soon Shing Building Materials Sdn., Bhd.
Storeit Services LLP.
Tag Fasteners Sdn., Bhd.
Tag Staples Sdn., Bhd.
Tampin Sin Yong Wai Industry Sdn., Bhd.
Teamglobal Logistics Pvt., Ltd.
Top Remac Industries.
UD Industries Sdn., Bhd.
Vien Group Sdn., Bhd.
Watasan Industries Sdn., Bhd.
WWL India Private Ltd.

[FR Doc. 2023–02614 Filed 2–7–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities, Submission for Office of Management and Budget (OMB) Review and Emergency Approval; Comment Request; CHIPS Statement of Interest Information Collection

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for emergency review and approval in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden.

Agency: National Institute of Standards and Technology (NIST), Commerce.

Title: CHIPS Statement of Interest Information Collection.

OMB Control Number: 0693–XXXX.

Form Number(s): N/A.

Type of Request: Emergency submission, New Information Collection Request.

Number of Respondents: 350 respondents.

Average Hours per Response: 30 minutes.

Burden Hours: 175 hours.

Needs and Uses: The CHIPS Incentives Program is authorized by Title XCIX—Creating Helpful Incentives to Produce Semiconductors for America of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283, referred to as the CHIPS Act or Act), as amended by the CHIPS Act of 2022 (Division A of Pub. L. 117–167). The CHIPS Incentives Program is administered by the CHIPS Program Office (CPO) within the National Institute of Standards and Technology (NIST) of the United States Department of Commerce (Department). Applicants must submit a statement of interest via a form available at *https://applications.chips.gov/* at least 30 days before submission of a pre-application. statement of interest with a brief description of the proposed project. The purpose of the statement of interest is to gauge interest in the program and enable CPO to plan for application review.

Information to be collected includes:

- Name of applicant organization and contact information.
- Estimated date of submission of a pre-application.
- Basic project information, which will be elicited through multiple-choice questions and specific fields in the statement of interest form, including nature of project and potential scope.

Affected Public: Businesses applying for CHIPS Act funding.

Frequency: Once per application.

Respondent's Obligation: Mandatory to obtain benefits derived from the CHIPS Act.

Legal Authority: CHIPS Act of 2022 (Division A of Pub. L. 117–167) (the Act).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 15 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* To ensure consideration, comments regarding this proposed information collection must be received on or before February 23, 2023.

Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2023–02697 Filed 2–7–23; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities, Submission for Office of Management and Budget (OMB) Review and Emergency Approval; Comment Request; ''Ask CHIPS'' Information Collection

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for emergency review and approval in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden.

Agency: National Institute of Standards and Technology (NIST), Commerce.

Title: ''Ask CHIPS'' Information Collection.

OMB Control Number: 0693–XXXX.

Form Number(s): N/A.

Type of Request: Emergency submission, new information collection request.

Number of Respondents: 250 respondents.

Average Hours per Response: 5 minutes.

Burden Hours: 21 hours.

Needs and Uses: The CHIPS Incentives Program is authorized by title XCIX—Creating Helpful Incentives to Produce Semiconductors for America of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283, referred to as the CHIPS Act or Act), as amended by the CHIPS Act of 2022 (Division A of Pub. L. 117–167). The CHIPS Incentives Program is administered by the CHIPS Program Office (CPO) within the National Institute of Standards and Technology (NIST) of the United States Department of Commerce (Department). While the Act itself does not require this particular information collection, the CHIPS Program is committed to providing excellent customer service to stakeholders and offering a streamlined platform for applicants who have questions regarding the application process. This portal will enable a straight forward Customer Relation Management system to accomplish that goal.

The CHIPS External Affairs Office (EA) plans to collect requests for CHIPS meetings via a web portal. The information will be used by EA to schedule and coordinate meetings with CHIPS stakeholders. The CHIPS meeting request form will be a valuable resource for potential CHIPS Incentives applicants who are interested in learning more about the CHIPS program and how they can apply for CHIPS Incentive funding. Data elements include: basic customer information, including name, affiliation, and email address, as well as details on who they would like to meet with and when, and CHIPS-related topics they would like to discuss.

Affected Public: Businesses interested in CHIPS Act.

Frequency: On occasion; as needed.

Respondent's Obligation: Voluntary.

Legal Authority: None.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within three days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* To ensure consideration, comments regarding this proposed information collection must be received on or before February 13, 2023.

Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2023–02692 Filed 2–7–23; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC713]

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 (Council) Ad Hoc Ecosystem Workgroup (EWG) will hold a meeting, which is open to the public.

DATES: The online meeting will be held Wednesday, March 1, 2023, from 10 a.m. to 3 p.m., or until 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 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: Kit Dahl, Staff Officer, Pacific Council; telephone: (503) 820–2422.

SUPPLEMENTARY INFORMATION: This online meeting will comprise of two sessions. During the first session members of NOAA's California Current Integrated Ecosystem Assessment Team will brief Council advisory body members and interested public on the contents of the 2022–23 California Current Ecosystem Status Report. During the second session the EWG will brief Council advisory body members and interested public on the work plan it is developing for the Fishery Ecosystem Plan Initiative on Ecosystem and Climate Information for Species, Fisheries, and Fishery Management Plans. This work plan will be presented to the Council for its consideration at its March 5–10, 2023, meeting. The EWG also may discuss other items related to items on future Council agendas.

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: February 3, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–02695 Filed 2–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC743]

Whaling Provisions; Aboriginal Subsistence Whaling Quotas

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

ACTION: Notice; notification of quota for bowhead whales.

SUMMARY: NMFS notifies the public of the aboriginal subsistence whaling quota for bowhead whales assigned to the Alaska Eskimo Whaling Commission (AEWC), and of limitations on the use of the quota deriving from regulations of the International Whaling Commission (IWC). For 2023, the quota is 93 bowhead whales struck. This quota and other applicable limitations govern the harvest of bowhead whales by whaling captains of the AEWC.

DATES: Applicable February 8, 2023.

FOR FURTHER INFORMATION CONTACT: Mi Ae Kim, (301) 427–8365.

SUPPLEMENTARY INFORMATION: Aboriginal subsistence whaling in the United States is governed by the Whaling Convention Act (WCA) (16 U.S.C. 916 *et seq.*). Under the WCA, IWC regulations shall generally become effective with respect to all persons and vessels subject to the jurisdiction of the United States within 90 days of notification from the IWC Secretariat of an amendment to the IWC Schedule (16 U.S.C. 916k). Regulations that implement the WCA, found at 50 CFR part 230, require the Secretary of Commerce (Secretary) to publish, at least annually, aboriginal subsistence whaling quotas and any other limitations on aboriginal subsistence whaling deriving from regulations of the IWC.

At the 67th Meeting of the IWC, the Commission set catch limits for aboriginal subsistence use of bowhead whales from the Bering-Chukchi-Beaufort Seas stock. The bowhead and other aboriginal subsistence whaling catch limits were based on a joint request by Denmark on behalf of Greenland, the Russian Federation, St. Vincent and the Grenadines, and the United States, accompanied by documentation concerning the needs of the Native groups.

The IWC set a 7-year block catch limit of 392 bowhead whales landed. For each of the years 2019 through 2025, the number of bowhead whales struck may not exceed 67, with unused strikes from the 3 prior quota blocks carried forward and added to the annual strike quota of subsequent years, provided that no more than 50 percent of the annual strike limit is added to the strike quota for any one year. For the 2023 harvest, there are 33 strikes available for carry-forward, so the combined strike quota set by the IWC for 2023 is 100 (67 + 33).

An arrangement between the United States and the Russian Federation ensures that the total quota of bowhead whales landed and struck in 2023 will not exceed the limits set by the IWC. Under this arrangement, the Russian natives may use no more than 7 strikes, and the Alaska natives may use no more than 93 strikes.

Through its cooperative agreement with the AEWC, NOAA has assigned 93 strikes to the Alaska Eskimo Whaling Commission. The AEWC will in turn allocate these strikes among the 11 villages whose cultural and subsistence needs have been documented, and will ensure that AEWC whaling captains use no more than 93 strikes.

At its 67th Meeting, the IWC also provided for automatic renewal of aboriginal subsistence whaling catch limits under certain circumstances. Commencing in 2026, bowhead whale catch limits shall be extended every 6 years provided: (a) the IWC Scientific Committee advises in 2024, and every 6 years thereafter, that such limits will not harm the stock; (b) the Commission does not receive a request from the United States or the Russian Federation for a change in the bowhead whale catch limits based on need; and (c) the Commission determines that the United States and the Russian Federation have complied with the IWC's approved timeline and that the information provided represents a status quo continuation of the hunts.

Other Limitations

The IWC regulations, as well as the NOAA regulation at 50 CFR 230.4(c), forbid the taking of calves or any whale accompanied by a calf.

NOAA regulations (at 50 CFR 230.4) also contain other prohibitions relating to aboriginal subsistence whaling, some of which are summarized here:

- No person, other than licensed whaling captains or crew under the control of those captains, may engage in aboriginal subsistence whaling.
- No AEWC whaling captain shall engage in whaling that is not in accordance with the regulations of the IWC, NOAA, and the cooperative agreement between NOAA and the AEWC.
- No whaling captain shall engage in whaling without an adequate crew or without adequate supplies and equipment.
- Crew may not receive money for participating in the hunt.
- No person may sell or offer for sale whale products from whales taken in the hunt, except for authentic articles of Native American handicrafts.
- Captains may not continue to whale after the relevant quota is taken, after the season has been closed, or if their licenses have been suspended.
- They may not engage in whaling in a wasteful manner.

Dated: February 3, 2023.

Alexa Cole,

Director, Office of International Affairs, Trade, and Commerce, National Marine Fisheries Service.

[FR Doc. 2023–02681 Filed 2–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC752]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Mackerel, Squid, and Butterfish Advisory Panel will hold a public meeting. See **SUPPLEMENTARY INFORMATION** for agenda details.

DATES: The meeting will be held on Friday, February 24, 2023, from 10 a.m. until 12 p.m.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the calendar prior to the meeting at *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive

Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for the Advisory Panel to create a Fishery Performance Report that includes advisor input on related specifications and management measures (primarily focused on the *Illex* fishery).

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: February 3, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–02696 Filed 2–7–23; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 1:00 p.m. EST, Wednesday, February 15, 2023.

PLACE: CFTC headquarters office, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.cftc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

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

Dated: February 6, 2023.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2023–02801 Filed 2–6–23; 4:15 pm]

BILLING CODE 6351–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2023–0013]

Agency Information Collection Activities; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau or CFPB) is requesting to extend the Office of Management and Budget's (OMB's) approval for an existing information collection titled ''Real Estate Settlement Procedures Act (Regulation X)'' approved under OMB Control Number 3170–0016.

DATES: Written comments are encouraged and must be received on or before April 10, 2023 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: PRA_Comments@cfpb.gov.* Include Docket No. CFPB–2023–0013 in the subject line of the email.
- *Mail/Hand Delivery/Courier:* Comment Intake, Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Anthony May, PRA Officer, at (202) 435–7278, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Real Estate Settlement Procedures Act (Regulation X).

OMB Control Number: 3170–0016.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Private sector: business or other for-profits, not-for-profit institutions.

Estimated Number of Respondents: 12,506.

Estimated Total Annual Burden Hours: 1,087,981.

Abstract: Regulation X [1] implements the Real Estate Settlement Procedures Act (RESPA).[2] Regulation X contains information collections in the form of various disclosure and recordkeeping requirements. The disclosures in this collection are required by the statute and implementing regulations. Consumers use the disclosures required by RESPA and Regulation X to inform their choice of settlement service providers, review the final terms of a settlement, understand whom to contact about questions concerning their mortgage loan, and identify/protect themselves against inaccurate or questionable loan servicing practices.

Regulation X requires these information collections. However, to the extent that compliance with requirements in Regulation Z [3] provides an exemption from compliance with similar requirements in Regulation X, any relevant information collection burden is accounted for in OMB Control Number 3170–0015.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be 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. Comments submitted in response to this notice will be summarized and/or included in the request for OMB's approval. All comments will become a matter of public record.

Anthony May,

Paperwork Reduction Act Officer, Consumer Financial Protection Bureau.

[FR Doc. 2023–02646 Filed 2–7–23; 8:45 am]

BILLING CODE 4810–AM–P

[1] 12 CFR parts 1024.1–.41.

[2] 12 U.S.C. 2601 *et seq.*

[3] 12 CFR 1026.

DEPARTMENT OF EDUCATION

[Docket ID ED–2023–OELA–0022]

Request for Information Regarding Interpreters and Translators in Education

AGENCY: Office of English Language Acquisition, Department of Education.

ACTION: Request for information.

SUMMARY: The Office of English Language Acquisition (OELA) provides national leadership to help ensure that English learners, including immigrant children and youth, attain English proficiency and achieve academic success. Additionally, OELA is committed to preserving heritage languages and cultures and promoting opportunities for biliteracy or multiliteracy skills for all students. Through this request for information (RFI), OELA seeks public input to help the U.S. Department of Education (the Department) discover what practices are currently being used to recruit, hire, train, and retain interpreters and translators [1] for services within early childhood through secondary educational settings.

DATES: We must receive your comments on or before March 27, 2023.

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at *regulations.gov*. However, if you require an accommodation or cannot otherwise submit your comments via *regulations.gov*, please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Federal eRulemaking Portal: Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''FAQs.''

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available. Commenters should not include in their comments any information that identifies other individuals or that permits readers to identify other individuals.

This is an RFI only. This RFI is not a request for proposal (RFP) or a promise to issue an RFP or a notice inviting applications. This RFI does not commit the Department to contract for any supply or service whatsoever. Further, we are not seeking proposals and will not accept unsolicited proposals. The Department will not pay for any information or administrative costs that you may incur in responding to this RFI. The documents and information submitted in response to this RFI become the property of the U.S. Government and will not be returned.

FOR FURTHER INFORMATION CONTACT: Melissa Escalante, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: (202) 245–8385. Email: *Melissa.Escalante@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:

Background

Interpreters and translators currently work in educational settings across the United States, and they play a critical role within schools and educational settings in relaying important, accurate written or oral information to educators and parents or legal guardians.

Despite the consistent need for interpreters and translators in high stakes meetings that impact students' educational experiences and paths to success, there is not an established set of common industry standards for interpreters and translators in the field of education. Without common standards, it is unclear how many interpreters and translators within the education community have training, experience, and certification in fields related to language services.

OELA's stakeholders within the educational community have expressed concerns that the communication that takes place between educators, students, parents, families, and legal guardians may be adversely impacted if an interpreter or translator is not prepared to navigate the intricacies of ''student pathway to success'' meetings (*e.g.,* meetings that address Individualized Education Programs (IEPs), Individualized Family Service Plans (IFSPs), Section 504 plans, disciplinary action, or extracurricular or advanced learning opportunities). The Department would like to further strengthen our commitment to support English learner students and families under Titles I and III of the Elementary and Secondary Education Act (ESEA), which require that communications be provided in an understandable format and, to the extent practicable, in a language that parents, guardians, and communities understand, and that school districts and service providers conduct outreach to parents or legal guardians of English learners, including by holding regular meetings.[2]

The Department is interested in learning what practices, methods, standards, and procedures are being used by States and districts to recruit, hire, train, and retain interpreters and translators who are familiar with and skilled in educational settings. OELA is interested in compiling this information and furthering the conversation regarding interpreters and translators to help support all students to succeed academically.

We will review every comment, and, as described above, electronic comments in response to this RFI will be publicly available on the Federal eRulemaking Portal at *www.regulations.gov.* Please note that OELA will not directly acknowledge or respond to comments, including comments that contain specific questions or inquiries. Receipt of comments in response to this request for information does not imply that OELA has decided to issue guidance, technical assistance, or other resources.

Solicitation of Comments

OELA invites stakeholders who are aware of policies and practices that are specifically relevant to interpreters and translators in all education settings across States, districts, and schools to address the questions below in their comments.

[1] For the purposes of this RFI, we define interpreters and translators according to the U.S. Bureau of Labor Statistics definition: ''Interpreters and translators convert information from one language into another language. Interpreters work in spoken or sign language; translators work in written language.'' Available at *https://www.bls.gov/ooh/media-and-communication/interpreters-and-translators.htm*

[2] See Sections 1112(e)(3) and (e)(4) and 3115(c)(3) of the ESEA; furthermore, in order for public schools to comply with their legal obligations under Title VI of the Civil Rights Act of 1964 (Title VI), they must take affirmative steps to ensure that students with limited English proficiency can meaningfully participate in their educational programs and services. Public schools must also ensure parents and guardians with limited language proficiency have meaningful access to district and school-related information. See *Lau* v. *Nichols,* 414 U.S. 563 (1974); 42 U.S.C. 2000d to d–7 (prohibiting race, color, and national origin discrimination in any program or activity receiving Federal financial assistance); and Dear Colleague Letter, English Learner Students and Limited English Proficient Parents, Departments of Education and Justice, January 2015, available at *https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf.*

Standards and Practices

1. What are the standards and practices used for selecting interpreters and translators?

2. What technical support activities related to interpretation and translation can you identify and share? Are the technical support activities consistent across the State or districts?

3. Under what circumstances are interpreter and translator services utilized? What types of tasks, activities, or situations are interpreter and translator services used for? Examples might include oral and written communication related to school events or student services, parent-teacher conferences, and programs implemented to identify English language learners, IEP or 504 meetings.

4. How are interpreters and translators staffed by the school or program? Are they permanent employees who are either on-site or available as needed, or are they acquired through a service contract and available on demand?

5. How are interpreter and translator services funded?

6. When and how do districts determine if a translator or interpreter is needed?

Written Policies

7. What written policies do you rely on regarding interpreter and translator services? What policies, if any, are there on standards or practices at the State or district level?

8. What research, if any, was used to draft policies and procedures related to interpretation and translation?

Training

9. What training is required for initial certification as well as for maintaining the certification of interpreters and translators?

10. What trainings are provided to school staff or volunteers to facilitate the coordination of interpreter and translator services for families and students?

Data

11. What data, if any, can you share on the use of interpreters and translators? For example, how often are the services requested by school staff or students, parents, or legal guardians? How are the services categorized? Are the services primarily oral, written, or both?

Commenters are encouraged to include written policies and procedures used by schools, districts, or States.

The Department is committed to improving the public's access to, and the discoverability of, education research. In service of that goal, we encourage responders to share any publications with us, and we invite authors, those who hold copyright, or their authorized representatives to consider depositing eligible content into ERIC, the Institute of Education Sciences' bibliographic and full-text database of education research (*https://eric.ed.gov/*). More information about submitting content to ERIC, including our selection policy and how to access the online submission portal, can be found at *https://eric.ed.gov/submit/.*

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document 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.

The Department of Education is committed to making its publications available to all members of the public. If you have difficulty understanding English, you may, free of charge, request language assistance services for Department information by calling 1–800–USA–LEARN (1–800–872–5327) (TTY: 1–800–877–8339), or email us at *Ed.Language.Assistance@ed.gov.*

Montserrat Garibay,

Acting Assistant Deputy Secretary and Director, Office of English Language Acquisition.

[FR Doc. 2023–02612 Filed 2–7–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration (NNSA)

Advisory Committee for Nuclear Security; Notice of Renewal

AGENCY: Office of Defense Programs, National Nuclear Security Administration, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the charter for the Defense Programs Advisory Committee (DPAC) will undergo a major amendment and DPAC will be renamed the Advisory Committee for Nuclear Security (ACNS or the Committee). The charter is being renewed for a two-year period.

SUPPLEMENTARY INFORMATION: The ACNS will provide advice and recommendations to the Department of Energy's Under Secretary for Nuclear Security and Administrator of the National Nuclear Security Administration (NNSA) on the activities and operations of the NNSA, including but not limited to, the stewardship, governance, and maintenance of the Nation's nuclear deterrent; nuclear security; nonproliferation; counterterrorism; counterproliferation; and nuclear incident and accident response.

The renewal of the Committee has been deemed essential to the conduct of the Department's business and in the public interest in conjunction with the performance of duties imposed upon the Department of Energy by law and agreement. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act and the rules and regulations in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: Watti Hill, Office of Defense Programs at (202) 586–8266; email: *watti.hill@nnsa.doe.gov.*

Signing Authority

This document of the Department of Energy (DOE) was signed on February 3, 2023, by Shena Kennerly, Acting Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal

Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC on February 3, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2023–02658 Filed 2–7–23; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL23–30–000; QF23–284–001.
Applicants: WED Coventry Five, LLC, WED Coventry Five, LLC.
Description: WED Coventry Five, LLC submits Petition for Declaratory Order.
Filed Date: 2/1/23.
Accession Number: 20230201–5250.
Comment Date: 5 p.m. ET 3/3/23.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1355–014.
Applicants: Southern California Edison Company.
Description: Notice of Change in Status of Southern California Edison Company.
Filed Date: 1/31/23.
Accession Number: 20230131–5499.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER10–1437–013.
Applicants: Tampa Electric Company.
Description: Notice of Change in Status of Tampa Electric Company.
Filed Date: 1/31/23.
Accession Number: 20230131–5495.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER10–1484–028; ER12–2381–014; ER13–1069–017; ER14–1140–004.
Applicants: Inspire Energy Holdings, LLC, MP2 Energy LLC, MP2 Energy NE LLC, Shell Energy North America (US), L.P.
Description: Notice of Non-Material Change in Status of Shell Energy North America (US), L.P., et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5479.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER10–1586–010; ER10–1630–010.
Applicants: Wolf Hills Energy, LLC, Big Sandy Peaker Plant, LLC.
Description: Notice of Change in Status of Big Sandy Peaker Plant, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5482.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER10–1790–022; ER10–2273–004; ER10–2468–004; ER10–2481–006; ER10–2597–006; ER10–3196–004; ER11–1853–001; ER11–2041–017; ER11–2042–017; ER12–1825–036; ER12–2200–008; ER13–33–007; ER14–1317–011; ER14–2672–023; ER15–2483–003; ER21–1716–004; ER22–2519–001.
Applicants: Bellflower Solar 1, LLC, BP Energy Retail LLC, Emerald City Renewables LLC, BP Energy Retail Company LLC, Sunshine Gas Producers, LLC, Collegiate Clean Energy, LLC, Mehoopany Wind Energy LLC, BP Energy Retail Company California LLC, Seneca Energy, II LLC, Innovative Energy Systems, LLC, Fowler Ridge II Wind Farm LLC, PEI Power LLC, Fowler Ridge III Wind Farm LLC, Ingenco Wholesale Power, L.L.C., Fowler Ridge Wind Farm LLC, PEI Power II, LLC, BP Energy Company.
Description: Notice of Change in Status of BP Energy Company, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5498.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER10–1852–075; ER10–1951–053; ER11–4462–075; ER17–838–050.
Applicants: NextEra Energy Marketing, LLC, NEPM II, LLC, NextEra Energy Services Massachusetts, LLC, Florida Power & Light Company.
Description: Notice of Change in Status of Florida Power & Light Company, et al.
Filed Date: 2/1/23.
Accession Number: 20230201–5254.
Comment Date: 5 p.m. ET 2/22/23.

Docket Numbers: ER10–2126–007.
Applicants: Idaho Power Company.
Description: Notice of Change in Status of Idaho Power Company.
Filed Date: 1/31/23.
Accession Number: 20230131–5485.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER10–2374–018.
Applicants: Puget Sound Energy, Inc.
Description: Notice of Non-Material Change in Status of Puget Sound Energy, Inc.
Filed Date: 1/31/23.
Accession Number: 20230131–5477.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER10–2984–062.
Applicants: Merrill Lynch Commodities, Inc.
Description: Notice of Non-Material Change in Status of Merrill Lynch Commodities, Inc.
Filed Date: 1/31/23.
Accession Number: 20230131–5488.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER11–2753–010; ER12–1316–009.
Applicants: Silver State Solar Power North, LLC, Cedar Point Wind, LLC.
Description: Notice of Change in Status of Cedar Point Wind, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5483.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER11–3859–022; ER14–1699–012; ER18–920–012.
Applicants: Marco DM Holdings, L.L.C., Milford Power, LLC, Dighton Power, LLC.
Description: Notice of Change in Status of Dighton Power, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5472.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER12–2178–017; ER10–2178–040; ER10–2192–040; ER13–1536–024.
Applicants: Exelon Generation Company, LLC, Constellation Energy Commodities Group Maine, LLC, Constellation NewEnergy, Inc., AV Solar Ranch 1, LLC.
Description: Notice of Change in Status of AV Solar Ranch 1, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5493.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER14–41–008; ER14–42–008; ER16–498–007; ER16–499–007; ER16–500–007; ER16–2277–001; ER16–2289–002; ER16–2393–001; ER17–227–001; ER18–1174–002; ER20–2448–003; ER21–133–003; ER21–736–004; ER21–1962–004; ER21–2634–002; ER22–2784–001.
Applicants: MN8 Energy Marketing LLC, Solar Star Lost Hills, LLC, Mulberry BESS LLC, RE Slate 1 LLC, HDSI, LLC, American Kings Solar, LLC, Imperial Valley Solar 2, LLC, Innovative Solar 47, LLC, Innovative Solar 31, LLC, Golden Fields Solar I, LLC, Solar Star California XLI, LLC, RE Mustang 4 LLC, RE Mustang 3 LLC, RE Mustang LLC, RE Rosamond Two LLC, RE Rosamond One LLC.
Description: Notice of Non-Material Change in Status of RE Rosamond One LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5497.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER14–1594–006; ER14–1596–006.
Applicants: Lone Valley Solar Park II LLC, Lone Valley Solar Park I LLC.

Description: Notice of Change in Status of Lone Valley Solar Park I LLC et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5478.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER16–2226–004; ER21–2445–002.
Applicants: Glacier Sands Wind Power, LLC, McHenry Battery Storage, LLC.
Description: Notice of Non-Material Change in Status of McHenry Battery Storage, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5504.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER16–2703–007; ER15–2631–010; ER20–2379–005.
Applicants: Sugar Creek Wind One LLC, Odell Wind Farm, LLC, Deerfield Wind Energy, LLC.
Description: Notice of Change in Status of Deerfield Wind Energy, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5484.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER17–242–015; ER17–243–015; ER17–245–015; ER17–256–016; ER17–652–015.
Applicants: Lightstone Marketing LLC, Darby Power, LLC, Waterford Power, LLC, Lawrenceburg Power, LLC, Gavin Power, LLC.
Description: Notice of Change in Status of Gavin Power, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5500.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER17–1531–008; ER13–342–017; ER13–343–013; ER22–729–001; ER22–784–002.
Applicants: CPV Maple Hill Solar, LLC, CPV Retail Energy LP, CPV Maryland, LLC, CPV Shore, LLC, CPV Fairview, LLC.
Description: Notice of Change in Status of CPV Fairview, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5473.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER17–2011–001; ER17–2012–001; ER17–2015–001.
Applicants: Roseton Generating LLC, Rensselaer Generating LLC, Castleton Commodities Merchant Trading L.P.
Description: Notice of Non-Material Change in Status of Castleton Commodities Merchant Trading L.P., et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5476.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER18–2064–001.
Applicants: Uniper Global Commodities North America LLC.
Description: Notice of Non-Material Change in Status of Uniper Global Commodities North America, LLC.
Filed Date: 1/31/23.
Accession Number: 20230131–5489.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER19–2557–003.
Applicants: Missisquoi, LLC.
Description: Notice of Change in Status of Missisquoi, LLC.
Filed Date: 1/31/23.
Accession Number: 20230131–5475.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER20–391–007; ER21–2557–002; ER22–2662–002; ER22–2663–002; ER22–2664–002.
Applicants: Aron Energy Prepay 16 LLC, Aron Energy Prepay 15 LLC, Aron Energy Prepay 14 LLC, Aron Energy Prepay 5 LLC, J. Aron & Company LLC.
Description: Notice of Non-Material Change in Status of J. Aron & Company LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5492.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER20–479–003; ER11–2657–013; ER19–2214–002; ER20–481–003; ER20–482–003; ER20–484–003; ER20–1650–004; ER20–2098–002; ER22–1523–002; ER22–1549–002; ER22–2643–001.
Applicants: Three Corners Solar, LLC, Sun Streams PVS, LLC, Sun Streams 2, LLC, Titan Solar 1, LLC, Little Bear Master Tenant, LLC, Little Bear Solar 5, LLC, Little Bear Solar 4, LLC, Little Bear Solar 3, LLC, Milford Wind Corridor Phase I, LLC, Milford Wind Corridor Phase II, LLC, Little Bear Solar 1, LLC.
Description: Notice of Non-Material Change in Status of Little Bear Solar 1, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5502.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER20–711–002.
Applicants: Cambria Wind, LLC.
Description: Notice of Change in Status of Cambria Wind, LLC.
Filed Date: 1/31/23.
Accession Number: 20230131–5501.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER20–1977–004.
Applicants: Versant Power.
Description: Compliance filing: Revised Joint Offer of Settlement for MPD OATT Attach. J Protocols (ER20–1977) to be effective 6/1/2021.
Filed Date: 2/2/23.
Accession Number: 20230202–5016.
Comment Date: 5 p.m. ET 2/23/23.

Docket Numbers: ER21–9–003; ER21–86–003; ER21–88–003.
Applicants: Orange County Energy Storage 3 LLC, Orange County Energy Storage 2 LLC, Henrietta D Energy Storage LLC.
Description: Notice of Non-Material Change in Status of Henrietta D Energy Storage LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5487.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER22–13–001.
Applicants: Regan Solar, LLC.
Description: Notice of Non-Material Change in Status of Regan Solar, LLC.
Filed Date: 1/31/23.
Accession Number: 20230131–5490.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER22–1539–001.
Applicants: NRG Power Marketing LLC.
Description: Compliance filing: Format Issues to be effective 6/1/2022.
Filed Date: 2/2/23.
Accession Number: 20230202–5049.
Comment Date: 5 p.m. ET 2/23/23.

Docket Numbers: ER22–1883–002.
Applicants: Ledyard Windpower, LLC.
Description: Notice of Non-Material Change in Status of Ledyard Windpower, LLC.
Filed Date: 1/30/23.
Accession Number: 20230130–5302.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER22–1927–001; ER22–1929–001.
Applicants: Bracewell LLP, ENGIE Solidago Solar LLC, Bracewell LLP, Sunnybrook Farm Solar, LLC.
Description: Notice of Change in Status of Sunnybrook Farm Solar, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5491.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER22–1982–003; ER18–882–016; ER18–2314–011; ER21–2048–006.
Applicants: Sac County Wind, LLC, Sholes Wind Energy, LLC, Elk City Renewables II, LLC, Great Prairie Wind, LLC.
Description: Notice of Change in Status of Great Prairie Wind, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5494.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER22–2042–002.
Applicants: Jackpot Holdings, LLC.
Description: Notice of Non-Material Change in Status of Jackpot Holdings LLC.
Filed Date: 1/30/23.
Accession Number: 20230130–5303.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER22–2091–002.
Applicants: Calhoun Solar Energy LLC.
Description: Notice of Change in Status of Calhoun Solar Energy LLC.
Filed Date: 1/31/23.

Accession Number: 20230131–5470.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–566–001.
Applicants: AEP Texas Inc.
Description: Tariff Amendment: AEPTX-Coleman County EC-Golden Spread EC 2nd A&R IA—Amend Pending to be effective 11/17/2022.
Filed Date: 2/2/23.
Accession Number: 20230202–5070.
Comment Date: 5 p.m. ET 2/23/23.

Docket Numbers: ER23–589–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Request to Defer Action: Amended ISA No. 4322; Queue No. Z1–036; Docket ER23–589 to be effective 12/31/9998.
Filed Date: 2/2/23.
Accession Number: 20230202–5071.
Comment Date: 5 p.m. ET 2/23/23.

Docket Numbers: ER17–1981–002; ER17–1984–002; ER17–1988–002; ER22–2505–001; ER22–2506–001; ER22–2827–002.
Applicants: Bluegrass Solar, LLC, Vitol Inc., Big Sky Wind, LLC, Patton Wind Farm, LLC, Highland North LLC, Big Savage, LLC.
Description: Notice of Change in Status of Big Savage, LLC, et al.
Filed Date: 1/31/23.
Accession Number: 20230131–5496.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1034–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6000; Queue No. AD2–116 to be effective 12/31/9998.
Filed Date: 2/2/23.
Accession Number: 20230202–5006.
Comment Date: 5 p.m. ET 2/23/23.

Docket Numbers: ER23–1035–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original NSA, Service Agreement No. 6762; Queue No. NQ72 to be effective 1/3/2023.
Filed Date: 2/2/23.
Accession Number: 20230202–5021.
Comment Date: 5 p.m. ET 2/23/23.

Docket Numbers: ER23–1036–000.
Applicants: NRG Power Marketing LLC.
Description: Compliance filing: Administrative Format Clean-Up to be effective 6/1/2022.
Filed Date: 2/2/23.
Accession Number: 20230202–5026.
Comment Date: 5 p.m. ET 2/23/23.

Docket Numbers: ER23–1037–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3211R5 North Iowa Municipal Electric Cooperative Association NITSA and NOA to be effective 2/1/2023.
Filed Date: 2/2/23.
Accession Number: 20230202–5054.
Comment Date: 5 p.m. ET 2/23/23.

Docket Numbers: ER23–1038–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to the Billing of Non-Performance Charges to be effective 4/4/2023.
Filed Date: 2/2/23.
Accession Number: 20230202–5055.
Comment Date: 5 p.m. ET 2/23/23.

Docket Numbers: ER23–1039–000.
Applicants: Stored Solar Tamworth, LLC.
Description: Notice of Cancellation of Market Based Rate Tariff of Stored Solar Tamworth, LLC.
Filed Date: 2/1/23.
Accession Number: 20230201–5253.
Comment Date: 5 p.m. ET 2/22/23.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES23–29–000; ES23–30–000; ES23–31–000; ES23–32–000; ES23–33–000.
Applicants: Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc., Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc., Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc., Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc., Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Entergy Arkansas, LLC, et al.
Filed Date: 1/30/23.
Accession Number: 20230130–5301.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ES23–34–000.
Applicants: Monongahela Power Company.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Monongahela Power Company under ES23–34.
Filed Date: 1/31/23.
Accession Number: 20230131–5474.
Comment Date: 5 p.m. ET 2/21/23.

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: February 2, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–02654 Filed 2–7–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3472–024]

Aspinook Hydro, LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new license for the Wyre Wynd Hydroelectric Project and has prepared an Environmental Assessment (EA). The project is located on the Quinebaug River in New London and Windham Counties, Connecticut. No federal land is occupied by project works or located within the project boundary.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA 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 FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208- 3676, or for TTY, (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/eSubscription.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice. The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filings, you may submit a paper copy. 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. The first page of any filing should include docket number P–3472–024.

For further information, contact Kristine Sillett at (202) 502–6575 or *kristine.sillett@ferc.gov.*

Dated: February 2, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02641 Filed 2–7–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2533–062]

Brainerd Public Utilities; Notice of Waiver Period for Water Quality Certification Application

On January 23, 2023, Brainerd Public Utilities submitted to the Federal Energy Regulatory Commission (Commission) a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with the Minnesota Pollution Control Agency (Minnesota PCA), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6 and section 5.23(b) of the Commission's regulations,[1] we hereby notify the Minnesota PCA of the following:

Date of Receipt of the Certification Request: February 1, 2023.

Reasonable Period of Time to Act on the Certification Request: One year (February 1, 2024).

If the Minnesota PCA fails or refuses to act on the water quality certification request on or before the above date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: February 2, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02638 Filed 2–7–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–66–001, CP17–67–001]

Venture Global Plaquemines LNG, LLC; Gator Express Pipeline, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues and Notice of Schedule for the Preparation of an Environmental Assessment for the Proposed Plaquemines LNG Amendment

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA), that will discuss the environmental impacts of the Venture Global Plaquemines LNG, LLC (Plaquemines LNG) Amendment (Amendment). If authorized, the Amendment would allow additional workspace (a parking/laydown area) and increase both the traffic volume and work week/hour limits associated with the construction of its terminal in Plaquemines Parish, Louisiana from that analyzed in the final Environmental Impact Statement for the Plaquemines LNG Project (Docket Nos. CP17–66–000 and CP17–67–000), which the Commission authorized on September 30, 2019. The proposed Amendment would increase construction to 24 hours per day and 7 days a week for select activities at the Plaquemines LNG Terminal. The Commission will use the EA in its decision-making process to determine whether the Amendment is in the public interest.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the Amendment. 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 an authorization. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. Additional information about the Commission's NEPA process is described below in the NEPA Process section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the EA. 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 March 6, 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 EA. Commission staff will consider all written comments during the preparation of the EA.

This notice is being sent to the Commission's current environmental mailing list for this Amendment. State and local government representatives should notify their constituents of this proposed Amendment and encourage them to comment on their areas of concern.

[1] 18 CFR 5.23(b).

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 (CP17–66–001) 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.

The FERC website (*www.ferc.gov*) includes additional information on how to participate in the Commission's proceedings along with other stakeholder topics of interest under the Natural Gas, Landowner Topics link. The Commission also 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 Amendment

Plaquemines LNG proposes to increase the peak workforce from its current 3,600 personnel up to 6,000 personnel per day, increase traffic volumes, and implement a 24-hours-per-day, 7-days-per-week construction schedule for select activities. In addition, Plaquemines LNG is seeking approval for an additional 50-acre parking/laydown area referred to as the State Highway (SH) 23 Yard. Plaquemines LNG indicates that the SH23 Yard is required to accommodate the parking and laydown needs associated with the increase in construction workforce. Plaquemines LNG anticipates completing the Plaquemines LNG Project in 2025.[1]

The general location of the Plaquemines LNG Project facilities is shown in appendix 1.[2]

Land Requirements for Construction

The request does not involve the construction of any new facilities nor any modification of the previously authorized facilities at the Plaquemines LNG Terminal site. New land requirements would be limited to the 50-acre parking/laydown area at the proposed SH23 Yard. The proposed scope of work for site development includes the placement of fill material to raise the SH23 Yard by 4 feet and application of crushed stone or gravel to facilitate parking. The SH23 Yard would also require new driveway connections to SH23.

NEPA Process

The EA issued by the Commission will discuss impacts that could occur as a result of the proposed Amendment 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 visual resources;
- socioeconomics and traffic;
- environmental justice; and
- air quality and noise.

Commission staff will also evaluate reasonable alternatives to the proposed Amendment or portions of the Amendment and make recommendations on how to lessen or avoid impacts on the various resource areas. 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 EA.

Following this scoping period, Commission staff will prepare an EA to present Commission staff's independent analysis of the issues. 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 Amendment. The 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*). 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 Amendment to formally cooperate in the preparation of the EA.[4] 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 Amendment's potential effects on

[1] On October 20, 2022, pursuant to Environmental Condition No. 1 of the Authorization Order, Plaquemines LNG requested a variance to extend the nighttime construction activities evaluated in the Final Environmental Impact Statement (FERC, 2019) for a 12-month period (FERC Accession No. 20221020–5080). This variance is pending before the Commission and will be addressed in the Amendment EA.

[2] 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.

[3] For instructions on connecting to eLibrary, refer to the last page of this notice.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Section 1501.8.

historic properties.[5] The EA for this Amendment will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Schedule for Environmental Review

On January 6, 2023, the Commission issued its Notice of Application for the Amendment. 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 Amendment.

This notice identifies Commission staff's intention to prepare an EA for the Amendment and the planned schedule for the completion of the environmental review.[6]

Issuance of EA—May 19, 2023

90-day Federal Authorization Decision Deadline [7]—August 17, 2023

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Amendment's progress.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; 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 Amendment 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 Amendment.

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 CP17–66–001 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 Amendment 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: February 2, 2023.

Kimberly D. Bose,

Secretary.

BILLING CODE 6717–01–P

[5] 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.

[6] 40 CFR 1501.10 (2020).

[7] 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.

Appendix 1

Belle Chasse Hwy
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Nero
15
15
23
23
23
For environmental review purposes only
Louisiana
SH23 Yard
Eastern Workspace
Dock B-1
Terminal Site
N
0 750 1,500
Feet
Figure 1-1
SH23 Yard
Plaquemines LNG and Gator Express Project
Plaquemines Parish, Louisiana
PLAQUEMINES
MPLS M:\Clients\XXVGL\Plaquemines_ArcGIS_2022\10\EasternExpansion_Options\Eastern_Expansion_Layouts.aprx | REVISED: 12/14/2022 | SCALE: 1:18,000
RMR

Appendix 2

MAILING LIST UPDATE FORM

Plaquemines LNG Amendment

Name_____

Agency_____

Address_____

City_____**State**_____ **Zip Code**_____

☐ **Please update the mailing list**

☐ **Please remove my name from the mailing list**

FROM_____

_____

_____

_____

ATTN: OEP - Gas 2, PJ - 11.2
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

(Docket No. CP17-66-001, Plaquemines LNG Amendment)

Staple or Tape Here

[FR Doc. 2023–02639 Filed 2–7–23; 8:45 am]
BILLING CODE 6717–01–C

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: PR23–31–000.
Applicants: B&W Pipeline, LLC.
Description: § 284.123(g) Rate Filing: Rate Review Petition_B&W Pipeline_ SOC Fee to be effective 2/1/2023.
Filed Date: 2/1/23.
Accession Number: 20230201–5160.
Comment Date: 5 p.m. ET 2/16/23.
284.123(g) Protest 4/3/23.
Docket Numbers: RP23–415–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 2–1–23 to be effective 2/1/2023.
Filed Date: 2/1/23.
Accession Number: 20230201–5159.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–416–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20230201 Annual PRA to be effective 4/1/2023.
Filed Date: 2/1/23.
Accession Number: 20230201–5166.
Comment Date: 5 p.m. ET 2/13/23.
Docket Numbers: RP23–417–000.
Applicants: Macquarie Energy LLC, NuVista Energy Ltd.
Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. of Macquarie Energy LLC, et al. under RP23–417.
Filed Date: 2/1/23.
Accession Number: 20230201–5204.
Comment Date: 5 p.m. ET 2/13/23.

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: PR23–26–001.
Applicants: Columbia Gas of Maryland, Inc.
Description: § 284.123 Rate Filing: CMD AMENDMENT rates effective 1–1–2023 to be effective N/A.
Filed Date: 2/2/23.
Accession Number: 20230202–5056.
Comment Date: 5 p.m. ET 2/16/23.

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: February 2, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–02656 Filed 2–7–23; 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: EG23–78–000.
Applicants: Goleta Energy Storage, LLC.
Description: Goleta Energy Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/30/23.
Accession Number: 20230130–5193.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: EG23–79–000.
Applicants: Danish Fields Solar LLC.
Description: Danish Fields submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 2/1/23.
Accession Number: 20230201–5083.
Comment Date: 5 p.m. ET 2/22/23.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL23–28–000.
Applicants: Solar Energy Industries Association v. Midcontinent Independent System Operator, Inc.
Description: Complaint of Solar Energy Industries Association v. Midcontinent Independent System Operator, Inc.
Filed Date: 1/31/23.
Accession Number: 20230131–5452.
Comment Date: 5 p.m. ET 2/21/23.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1776–006; ER10–2822–024; ER10–2824–006; ER10–2825–007; ER10–2957–007; ER10–2995–007; ER10–2996–006; ER10–2998–005; ER10–2999–006; ER10–3000–006; ER10–3009–008; ER10–3013–007; ER10–3029–006; ER11–2196–012; ER16–1250–017; ER17–1769–005; ER19–2360–005; ER21–2272–004; ER21–2847–004; ER22–2173–003; ER22–2174–003.
Applicants: Leaning Juniper Wind Power II LLC, Atlantic Renewable Projects II LLC, Big Horn Wind Project LLC, Big Horn II Wind Project LLC, Hay Canyon Wind LLC, Juniper Canyon Wind Power LLC, Klamath Energy LLC, Klamath Generation LLC, Klondike Wind Power LLC, Klondike Wind Power II LLC, San Luis Solar LLC, Avangrid Renewables, LLC, Solar Star Oregon II, LLC, Montague Wind Power Facility, LLC, Golden Hills Wind Farm, LLC, Montague Solar, LLC, Bakeoven Solar, LLC, Daybreak Solar, LLC.
Description: Notice of Change in Status of Leaning Juniper Wind Power II LLC, et al.
Filed Date: 1/30/23.
Accession Number: 20230130–5298.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER12–164–022; ER10–1882–008; ER10–1894–009; ER10–2563–006; ER18–2203–002; ER19–1402–001; ER20–2288–002.
Applicants: Bishop Hill Energy III LLC, Wisconsin River Power Company, Wisconsin Public Service Corporation, Wisconsin Electric Power Company, Upper Michigan Energy Resources Corporation, Coyote Ridge Wind, LLC, Tatanka Ridge Wind, LLC.
Description: Notice of Non-Material Change in Status of Bishop Hill Energy III LLC, et al.
Filed Date: 1/30/23.
Accession Number: 20230130–5296.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER13–760–001.
Applicants: Canastota Windpower, LLC.
Description: Compliance filing: Canastota Windpower, LLC Notice of Change in Status to be effective 2/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5243.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER17–1394–006.
Applicants: 83WI 8me, LLC.
Description: Supplement to October 7, 2022 Triennial Market Power Analysis for Southwest Region and Notice of Non-Material Change in Status of 83WI 8me, LLC.

Filed Date: 1/30/23.
Accession Number: 20230130–5285.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER17–1742–006; ER13–2490–010; ER17–311–006; ER19–2595–005; ER19–2670–005; ER19–2671–005; ER19–2672–005; ER20–1073–004; ER20–2510–004; ER20–2512–004; ER20–2515–004; ER20–2663–004; ER21–2406–003; ER21–2407–003; ER21–2408–003; ER21–2409–003; ER21–2638–003; ER22–734–002; ER22–2028–001.
Applicants: Hattiesburg Farm, LLC, Simon Solar, LLC, SR South Loving LLC, SR Hazlehurst III, LLC, SR Meridian III, LLC, SR Arlington II, LLC, SR Arlington II MT, LLC, SR Terrell, LLC, Odom Solar LLC, SR Baxley, LLC, SR Georgia Portfolio I MT, LLC, SR Snipesville, LLC, Lancaster Solar LLC, SR Georgia Portfolio II Lessee, LLC, SR Lumpkin, LLC, SR Snipesville II, LLC, SR Perry, LLC, SR Arlington, LLC, SR Hazlehurst, LLC.
Description: Notice of Non-Material Change in Status of Hattiesburg Farm, LLC, et al.
Filed Date: 1/30/23.
Accession Number: 20230130–5297.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER19–430–001.
Applicants: Enel Green Power Hilltopper Wind, LLC.
Description: Compliance filing: Enel Green Power Hilltopper Wind, LLC Notice of Change in Status to be effective 2/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5244.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER19–2644–001.
Applicants: Whitney Hill Wind Power, LLC.
Description: Compliance filing: Whitney Hill Wind Power, LLC Notice of Change in Status to be effective 2/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5245.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER20–2192–001.
Applicants: Brooklyn Navy Yard Cogeneration Partners, L.P.
Description: Compliance filing: Change in Status 2023 to be effective N/A.
Filed Date: 1/31/23.
Accession Number: 20230131–5309.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER22–1165–002.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Order No. 676–J Compliance Amendment, and Request for Shortened Comment Period to be effective 12/31/9998.
Filed Date: 2/1/23.
Accession Number: 20230201–5176.
Comment Date: 5 p.m. ET 2/15/23.

Docket Numbers: ER22–2726–003.
Applicants: AEP Texas Inc.
Description: Tariff Amendment: AEPTX-Electric Transmission Texas Interconnection Agreement—Amend Pending to be effective 7/29/2022.
Filed Date: 1/31/23.
Accession Number: 20230131–5238.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER12–75–013; ER19–2811–009; ER19–2810–009; ER10–2421–010; ER11–2457–010; ER10–2590–011; ER10–2593–011; ER10–2616–024; ER19–2809–009; ER19–2806–009; ER19–2803–009; ER19–2807–009; ER11–4400–021; ER12–1769–012; ER12–2250–011; ER12–2251–011; ER12–2252–012; ER12–2253–011; ER14–1569–017; ER14–2245–011; ER15–1596–017; ER15–1599–017; ER19–102–010; ER19–158–012; ER20–2414–005; ER20–2415–005.
Applicants: Public Power, LLC, Viridian Energy, LLC, Viridian Energy PA, LLC, Energy Services Providers, Inc., Massachusetts Gas & Electric, Inc., Moss Landing Power Company LLC, Oakland Power Company LLC, Dynegy Marketing and Trade, LLC, Viridian Energy NY LLC, Connecticut Gas & Electric, Inc., Viridian Energy Ohio LLC, Energy Rewards, LLC, Dynegy Power Marketing, LLC, Everyday Energy, LLC, Public Power & Utility of NY, Inc, Public Power (PA), LLC, Public Power & Utility of Maryland, LLC, Dynegy Energy Services, LLC, Luminant Energy Company LLC, Ambit Northeast, LLC, Moss Landing Energy Storage 1, LLC, Moss Landing Energy Storage 2, LLC.
Description: Notice of Non-Material Change in Status of Moss Landing Energy Storage 3, LLC, et al.
Filed Date: 1/26/23.
Accession Number: 20230126–5244.
Comment Date: 5 p.m. ET 2/16/23.

Docket Numbers: ER22–2898–002.
Applicants: Huck Finn Solar, LLC.
Description: Notice of Change in Status of Huck Finn Solar, LLC.
Filed Date: 1/30/23.
Accession Number: 20230130–5300.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1007–000.
Applicants: The Narragansett Electric Company.
Description: § 205(d) Rate Filing: Filing of Original Interconnection Service Agreement NECO–15–01 Under ISO–NE OAT to be effective 1/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5223.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1008–000.
Applicants: Aron Energy Prepay 5 LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 2/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5228.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1009–000.
Applicants: Aron Energy Prepay 14 LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 2/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5233.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1010–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA No. 3756, Queue#None (consent) to be effective 12/31/2013.
Filed Date: 1/31/23.
Accession Number: 20230131–5234.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1011–000.
Applicants: Aron Energy Prepay 15 LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 2/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5236.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1012–000.
Applicants: Aron Energy Prepay 16 LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 2/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5240.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1013–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Initial Filing of Rate Schedule FERC No. 353 to be effective 1/18/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5273.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1014–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 41 to be effective 4/3/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5275.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1015–000.
Applicants: Antrim Wind Energy LLC.
Description: § 205(d) Rate Filing: Notice of Change in Status to be effective 4/2/2023.
Filed Date: 1/31/23.

Accession Number: 20230131–5279.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1016–000.
Applicants: Big Level Wind LLC.
Description: § 205(d) Rate Filing: Notice of Change in Status to be effective 4/2/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5282.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1017–000.
Applicants: TransAlta Energy Marketing Corp.
Description: § 205(d) Rate Filing: Notice of Change in Status to be effective 4/2/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5283.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1018–000.
Applicants: TransAlta Energy Marketing (U.S.) Inc.
Description: § 205(d) Rate Filing: Notice of Change in Status to be effective 4/2/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5287.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1019–000.
Applicants: ISO New England Inc., New England Power Company.
Description: Tariff Amendment: ISO New England Inc. submits tariff filing per 35.15: ISO–NE/NEP; Notice of Cancellation of Third Revised TSA–NEP–83 to be effective 1/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5308.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1020–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: Feb 2023 Membership Filing to be effective 1/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5311.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1021–000.
Applicants: ENGIE Retail, LLC.
Description: Compliance filing: Think Energy Change in Status and Revised MBR Tariff to be effective 2/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5313.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1023–000.
Applicants: The Narragansett Electric Company.
Description: § 205(d) Rate Filing: Orig Large Generator Interconnection Agreement No. IA–NECO–26 Under ISO–NE OATT to be effective 1/1/2023.
Filed Date: 2/1/23.
Accession Number: 20230201–5000.
Comment Date: 5 p.m. ET 2/22/23.

Docket Numbers: ER23–1024–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2023–02–01_SA 2802 ATC-City of Two Rivers 2nd Rev CFA to be effective 4/3/2023.
Filed Date: 2/1/23.
Accession Number: 20230201–5026.
Comment Date: 5 p.m. ET 2/22/23.

Docket Numbers: ER23–1025–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2023–02–01_SA 2770 ATC-Sun Prairie 2nd Rev CFA to be effective 4/3/2023.
Filed Date: 2/1/23.
Accession Number: 20230201–5031.
Comment Date: 5 p.m. ET 2/22/23.

Docket Numbers: ER23–1026–000.
Applicants: World Fuel Services, Inc.
Description: Tariff Amendment: World Fuel Services Cancels MBR Tariff Filing to be effective 2/2/2023.
Filed Date: 2/1/23.
Accession Number: 20230201–5096.
Comment Date: 5 p.m. ET 2/22/23.

Docket Numbers: ER23–1027–000.
Applicants: Northwestern Corporation (Montana).
Description: Formula Rate 2022 Post-employment Benefits Other than Pensions filing of NorthWestern Corporation (Montana).
Filed Date: 1/31/23.
Accession Number: 20230131–5464.
Comment Date: 5 p.m. ET 2/21/23.

Docket Numbers: ER23–1028–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: Cost-Based Load Service Contract with the City of Hurricane, Utah to be effective 2/1/2023.
Filed Date: 2/1/23.
Accession Number: 20230201–5152.
Comment Date: 5 p.m. ET 2/22/23.

Docket Numbers: ER23–1029–000.
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): Coosa Pines Solar LGIA Filing to be effective 1/23/2023.
Filed Date: 2/1/23.
Accession Number: 20230201–5155.
Comment Date: 5 p.m. ET 2/22/23.

Docket Numbers: ER23–1030–000.
Applicants: Basin Electric Power Cooperative.
Description: § 205(d) Rate Filing: Basin Electric Amendment to Service Agreement No. 101 with Tri-State to be effective 11/29/2022.
Filed Date: 2/1/23.
Accession Number: 20230201–5161.
Comment Date: 5 p.m. ET 2/22/23.

Docket Numbers: ER23–1031–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Initial Filing of Service Agreement FERC No. 111 to be effective 1/9/2023.
Filed Date: 2/1/23.
Accession Number: 20230201–5165.
Comment Date: 5 p.m. ET 2/22/23.

Docket Numbers: ER23–1032–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Notice of Cancellation of Service Agreements FERC No. 104 and 204 to be effective 1/31/2023.
Filed Date: 2/1/23.
Accession Number: 20230201–5185.
Comment Date: 5 p.m. ET 2/22/23.

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: February 1, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–02609 Filed 2–7–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14861–002]

FFP Project 101, LLC; Notice of Modification of Procedural Schedule

Take notice that the schedule for processing the following hydroelectric application has been modified.

a. *Type of Application:* Original Major License.

b. *Project No.:* 14861–002.

c. *Date Filed:* June 23, 2020.

d. *Applicant:* FFP Project 101, LLC.

e. *Name of Project:* Goldendale Energy Storage Project.

f. *Location:* Off-stream on the north side of the Columbia River at River Mile 215.6 in Klickitat County, Washington, with transmission facilities extending into Sherman County, Oregon. The project would be located approximately 8 miles southeast of the City of Goldendale, Washington. The project would occupy 18.1 acres of lands owned by the U.S. Army Corps of Engineers and administered by the Bonneville Power Administration.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C.791(a)–825(r).

h. *Applicant Contact:* Erik Steimle, Rye Development, 745 Atlantic Avenue Boston Massachusetts 02111; (503) 998–0230; email—*erik@ryedevelopment.com.*

i. *FERC Contact:* Michael Tust at (202) 502–6522; or email at *michael.tust@ferc.gov.*

j. *Procedural Schedule:* The Commission's June 6, 2022, Notice of Notice of Intent to Prepare an Environmental Impact Statement established January 2023 as the target date for issuing the Draft Environmental Impact Statement (Draft EIS). The revised estimate for issuing the Draft EIS is March 2023. As such, the application will be processed according to the following revised schedule. The timeframe for the Final EIS has not been revised. Additional revisions to the schedule may be made as appropriate.

Milestone	Target date
Issue Draft EIS	March 2023.
Draft EIS Public Meeting	April 2023.
Comments on Draft EIS due	May 2023.
Commission issues Final EIS	October 2023.

Any questions regarding this notice may be directed to Michael Tust at (202) 502–6522 or *michael.tust@ferc.gov.*

Dated: February 2, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02642 Filed 2–7–23; 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: RP23–391–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rates—Northern to Direct Energy 2804 eff 2–1–23 to be effective 2/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5160.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–392–000.
Applicants: Egan Hub Storage, LLC.
Description: § 4(d) Rate Filing: Egan Hub Address Change Filing to be effective 8/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5189.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–393–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: AGT Address Change Filing to be effective 8/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5190.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–394–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: NEXUS Address Change Filing to be effective 8/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5192.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–395–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: TETLP Address Change Filing to be effective 8/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5195.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–396–000.
Applicants: Bobcat Gas Storage.
Description: § 4(d) Rate Filing: BGS Address Change Filing to be effective 8/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5196.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–397–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: § 4(d) Rate Filing: MNUS Address Change Filing to be effective 8/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5198.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–398–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: § 4(d) Rate Filing: Annual Modernization Capital Cost Recovery Mechanism—Eff. March 1, 2023 to be effective 3/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5200.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–399–000.
Applicants: Big Sandy Pipeline, LLC.
Description: § 4(d) Rate Filing: Big Sandy Address Change Filing to be effective 8/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5201.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–400–000.
Applicants: Garden Banks Gas Pipeline, LLC.
Description: § 4(d) Rate Filing: Garden Banks Address Change Filing to be effective 8/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5209.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–401–000.
Applicants: Mississippi Canyon Gas Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Mississippi Canyon Address Change Filing to be effective 8/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5213.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–402–000.
Applicants: Nautilus Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Nautilus Address Change Filing to be effective 8/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5216.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–403–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—Nextera NRAs eff 02–01–23 to be effective 2/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5239.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–404–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—EAP Ohio to Citadel 962957 eff 1–27–23 to be effective 1/27/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5265.
Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–405–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Antero Release to MU Mktg_176700 to be effective 2/1/2023.
Filed Date: 1/31/23.
Accession Number: 20230131–5267.

Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–406–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (Aethon 52454) to be effective 2/1/2023.

Filed Date: 2/1/23.

Accession Number: 20230201–5051.

Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–407–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Osaka 46429 to Texla 55927 and Spotlight 55928) to be effective 2/1/2023.

Filed Date: 2/1/23.

Accession Number: 20230201–5052.

Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–408–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Aethon 52454 to Scona 55933) to be effective 2/1/2023.

Filed Date: 2/1/23.

Accession Number: 20230201–5053.

Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–409–000.

Applicants: Texas Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Jay-Bee 34446 to Spotlight 54122) to be effective 2/1/2023.

Filed Date: 2/1/23.

Accession Number: 20230201–5054.

Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–410–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: § 4(d) Rate Filing: Amended NRA & Exhibit B Update (FPL Ft. Myers)) to be effective 2/1/2023.

Filed Date: 2/1/23.

Accession Number: 20230201–5075.

Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–411–000.

Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Update GT&C Section 12 to be effective 3/1/2023.

Filed Date: 2/1/23.

Accession Number: 20230201–5123.

Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–412–000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: Negotiated Rates—Various Feb 1 2023 Releases to be effective 2/1/2023.

Filed Date: 2/1/23.

Accession Number: 20230201–5125.

Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–413–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 2–1–23 to be effective 2/1/2023.

Filed Date: 2/1/23.

Accession Number: 20230201–5149.

Comment Date: 5 p.m. ET 2/13/23.

Docket Numbers: RP23–414–000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—2/1/2023 to be effective 2/1/2023.

Filed Date: 2/1/23.

Accession Number: 20230201–5153.

Comment Date: 5 p.m. ET 2/13/23.

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: PR23–27–001.

Applicants: Public Service Company of Colorado.

Description: Amendment Filing: Compliance Filing to Cancel eTariff Record to be effective 1/31/2023.

Filed Date: 1/31/23.

Accession Number: 20230131–5212.

Comment Date: 5 p.m. ET 2/21/23.

284.123(g) Protest: 5 p.m. ET 3/27/23.

Docket Numbers: RP22–1222–003.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: Compliance filing: Correction to Settlement Compliance Filing to be effective 4/1/2023.

Filed Date: 2/1/23.

Accession Number: 20230201–5094.

Comment Date: 5 p.m. ET 2/13/23.

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: February 1, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–02608 Filed 2–7–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–15–000]

Joint Federal-State Task Force on Electric Transmission; Notice of Meeting and Agenda

As first announced in the Commission's January 5, 2023 Notice in the above-captioned docket,[1] the next public meeting of the Joint Federal-State Task Force on Electric Transmission (Task Force) will be held on February 15, 2023, at the Renaissance Washington Downtown Hotel in Washington, DC, from approximately 1:30 p.m. to 4:00 p.m. Eastern time. Commissioners may attend and participate in this meeting. Attached to this Notice is an agenda for the meeting.

The meeting will be open to the public for listening and observing and on the record. There is no fee for attendance and registration is not required. The public may attend in person or via Webcast.[2] This conference will be transcribed. 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* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

More information about the Task Force, including frequently asked questions, is available here: *https://www.ferc.gov/TFSOET.* For more information about this meeting, please contact: Gretchen Kershaw, 202–502–8213, *gretchen.kershaw@ferc.gov;* or Sarah Fitzpatrick, (202) 898–2205, *sfitzpatrick@naruc.org.* For information related to logistics, please contact Benjamin Williams, 202–502–8506, *benjamin.williams@ferc.gov;* or Rob Thormeyer, 202–502–8694, *robert.thormeyer@ferc.gov.*

For more information about this Notice, please contact: Gretchen

[1] *Joint Fed.-State Task Force on Elec. Transmission,* Notice, Docket No. AD21–15–000 (issued Jan. 5, 2023).

[2] A link to the Webcast will be available on the day of the event at *https://www.ferc.gov/TFSOET.*

Kershaw (Legal Information), Office of the General Counsel, (202) 502–8213, *Gretchen.Kershaw@ferc.gov.*

Dated: February 1, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

Joint Federal-State Task Force on Electric Transmission

Docket No. AD21–15–000

February 15, 2023, 1:30–4:00 p.m.

Agenda

Topic: Physical Security of the Transmission System

Guest Speakers: James ''Jim'' B. Robb, President and Chief Executive Officer, North American Electric Reliability Corporation; Puesh M. Kumar, Director, Office of Cybersecurity, Energy; Security, and Emergency Response, U.S. Department of Energy

[FR Doc. 2023–02610 Filed 2–7–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14787–004]

Black Canyon Hydro, LLC; Notice of Application Tendered for Filing With the Commission, Requesting Cooperating Agencies, and Soliciting Additional Study Requests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Filing:* Original major license.

b. *Project No.:* 14787–004.

c. *Date Filed:* January 18, 2023.

d. *Submitted By:* rPlus Hydro, LLLP, on behalf of Black Canyon Hydro, LLC (Black Canyon Hydro).

e. *Name of Project:* Seminoe Pumped Storage Project.

f. *Location:* The project would be located at the Bureau of Reclamation's Seminoe Reservoir on the North Platte River in Carbon County, Wyoming, approximately 35 miles northeast of Rawlings, Wyoming. The project would occupy 820.62 acres of land managed by the Bureau of Land Management and 52.89 acres managed by the Bureau of Reclamation.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C.791(a)–825(r).

h. *Applicant Contact:* Lars Dorr, Program Manager for rPlus Hydro, LLLP, Address: Black Canyon Hydro, LLC c/o rPlus Hydro, LLLP, 201 S Main St., Suite 2100, Salt Lake City, Utah 84111. Phone: (801) 456–1575; (858) 925–3743.

i. *FERC Contact:* Michael Tust at (202) 502–6522; or email at *michael.tust@ferc.gov.*

j. *Determination under the Fixing America's Surface Transportation Act (FAST–41):* On January 19, 2023, the project sponsor submitted a FAST–41 Initiation Notice to the Federal Permitting Improvement Steering Council for the proposed project. On February 2, 2023, Commission staff determined that the proposed project qualifies as a covered project under FAST–41, as is defined in 42 U.S.C. 4370m(6).

k. *Cooperating agencies:* Under 42 U.S.C. 4370m–2(a)(2)(A), as the lead agency, the Commission is required to: (1) identify all federal and non-federal agencies and governmental entities likely to have financing, environmental review, authorization, or other responsibilities with respect to the project; and (2) invite all federal agencies under (1) to become a cooperating or participating agency, as appropriate. Commission staff have identified the Bureau of Reclamation, Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Western Area Power Administration, Wyoming Department of Environmental Quality, Wyoming Game & Fish Department, and Wyoming State Historic Preservation Office as the relevant agencies under (1) above. With this notice, we invite the Bureau of Reclamation, Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and Western Area Power Administration to be cooperating agencies under (2) above. Under 42 U.S.C. 4370m–2(a)(3)(A), each invited federal agency above will be designated as a cooperating agency unless the agency responds in writing to the Commission and the Executive Director of the Federal Permitting Improvement Steering Council within 14 days of this notice stating that the agency: (1) has no jurisdiction or authority with respect to the proposed project; or (2) does not intend to exercise authority related to, or submit comments on, the proposed project.

The federal agencies invited to cooperate above and any other federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the filing instructions described in item m below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

l. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Native-American Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Native-American Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

m. Deadline under 42 U.S.C. 4370m–2(a)(2)(B) for responses from the specific federal agencies invited to cooperate in item k: February 16, 2023.

Deadline for filing additional study requests and deadline for agencies, other than the specific federal agencies invited to cooperate in item k, to file requests for cooperating agency status: March 19, 2023.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. 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. All filings must clearly identify the project name and docket number on the first page: Seminoe Pumped Storage Project (P–14787–004).

n. The application is not ready for environmental analysis at this time.

o. The proposed pumped storage project would use the Bureau of Reclamation's Seminoe Reservoir as its lower reservoir and the following existing facilities: an approximately 3.35-mile-long maintenance road for accessing the upper reservoir site and an approximately 0.5-mile-long maintenance road adjacent to the eastern shoreline of Seminoe Reservoir that would be used for accessing facilities connected to Seminoe Reservoir. Both of these roads are

currently used to maintain Western Area Power Administration transmission lines and would be modified to accommodate larger construction vehicles. The project would also involve constructing the following new facilities: (1) a 8,498-foot-long roller-compacted concrete water-retaining structure that would create a 114-acre upper reservoir which would be lined to reduce leakage and would be surrounded by a 10-foot-high chain and rail security fence; (2) a 200-foot-long concrete ogee emergency spillway incorporated into the upper reservoir capable of directing emergency spill flows down a stepped spillway into a stilling basin and then down a natural gulley and into the Bureau of Reclamation's Kortes Reservoir; (3) a water conveyance tunnel system connecting the new upper reservoir with Seminoe Reservoir that consists of the following structures: (a) a 2,756-foot-long D-shaped concrete-lined belowground headrace tunnel; (b) a 615-foot-long steel aboveground conduit section across a gully that is supported by concrete piers; (c) a 30-foot-diameter, 1,225-foot-long concrete-lined belowground vertical shaft; (d) a 30-foot-diameter, 123-foot-long concrete-lined belowground high pressure tunnel connected to a manifold and three separate 17-foot-diameter concrete and steel-lined belowground penstocks with lengths of 330 feet, 247 feet, and 165 feet; (e) three concrete and steel-lined 17.5-foot-diameter belowground draft tube extensions with lengths of 140 feet, 103 feet, and 85 feet connected to a manifold; (f) a 36-foot-diameter, 232-foot-long belowground surge chamber; and (g) a 31-foot-diameter, 4,070-foot-long belowground tailrace tunnel; (4) a 460-foot-long, 80-foot-wide, 142-foot-high belowground powerhouse containing three 324-megawatt Francis pump-turbines and three generator-motors; (5) three busbar galleries approximately 170-feet-long leading to a 413-foot-long, 71-foot-wide, 113-foot-high belowground transformer cavern containing three-phase step-up transformers and a switchgear switchyard; (6) two 500-kilovolt circuits connecting from the switchgear through a 765-foot-long belowground tunnel to a vertical cable shaft that emerges aboveground; (7) two separate 30-mile-long, 500-kilovolt overhead transmission lines that connect to the grid at the existing Aeolus substation; (8) a new 40-foot-wide bridge crossing over the Seminoe Dam tailrace on the North Platte River that connects Morgan Creek Road on the left side of the river to a main access tunnel portal on the right side of the river to provide access to the powerhouse; (9) two other secondary tunnels for accessing the lower reservoir intake and surge shaft; and (10) appurtenant facilities. Additionally, two existing Western Area Power Administration transmission lines that currently cross the new upper reservoir site would be relocated.

The water used to initially fill the new upper reservoir and provide make-up water would come from Seminoe Reservoir. The initial volume of water necessary to fill the upper reservoir is estimated to be 13,300 acre-feet and would be filled over a two- to four-week period. It is estimated that the project would need approximately 272 acre-feet of water each year to replenish water lost through evaporation and seepage. Once the upper reservoir is filled, approximately 10,800 acre-feet could be cycled between the upper reservoir and Seminoe Reservoir each day. The project is designed to generate electricity on demand for up to 9.7 hours each day at the maximum generating capacity. The estimated annual generation is 2,916 gigawatt-hours per year.

p. 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 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. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

q. *Procedural schedule:* Consistent with the requirements in FAST–41, a procedural schedule for processing the license application will be developed in consultation with the relevant agencies and subsequently posted to the docket.

r. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis

Dated: February 2, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02643 Filed 2–7–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23–40–000]

Viking Gas Transmission Company; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 23, 2023, Viking Gas Transmission Company (Viking) 100 West 5th Street, Tulsa, Oklahoma 74103, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208 and 157.211 [1] of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act (NGA) and Viking's blanket certificate issued in Docket No. CP82–414–000,[2] requesting authorization to construct, own, operate, and maintain a new pipeline lateral to Grand Forks, North Dakota. Viking estimates the cost of the lateral to be $26,940,000, as more fully described in the application which is on file with the Commission and open to public inspection.

Specifically, Viking is proposing to build its Line MNB2204C (the Project), in Polk County, Minnesota and Grand Forks County, North Dakota. Viking proposes to: (i) construct 13.2 miles of 12-inch-diameter lateral pipeline that runs from Viking's mainline to the East Grand Forks, Minnesota Meter Station (MN Meter Station); (ii) construct 0.8 mile of 12-inch-diameter pipeline from the new Grand Forks, North Dakota Launcher Site (ND Launcher Site) to a new meter station in Grand Forks, North Dakota; and (iii) relocate and upsize a meter from the MN Meter Station to the ND Launcher Site. Minor auxiliary facilities installations and modifications will also be made pursuant to section 2.55(a) of the Commission's regulations.[3] The Project will provide up to 42,000 dekatherms per day (Dth/

[1] 18 CFR157.205, 157.208, 157.211.

[2] On September 1, 1982, in Docket No. CP82–414–000, Midwestern Gas Transmission Company (Midwestern) was issued a blanket certificate for its entire pipeline system, which was composed of its Southern System, extending from Portland, Tennessee to Joliet, Illinois, and its Northern System, extending from the United States-Canada international boundary near Emerson, Minnesota to Marshfield, Wisconsin. *Midwestern Gas Transmission Co.,* 20 FERC ¶ 62,411 (1982). Subsequently, on April 6, 1989, in Docket No. CP88–679–000, the Commission authorized Midwestern's abandonment by transfer to Viking and Viking's acquisition of Midwestern's Northern System. *Midwestern Gas Transmission Co.,* 47 FERC ¶ 61,017 (1989).

[3] 18 CFR 2.55(a).

d) of firm transportation service on Viking's system to a new delivery point.

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://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.

Any questions concerning this application should be directed to Denise Adams, Director, Regulatory Affairs ONEOK, Inc., 100 West 5th Street, Tulsa, Oklahoma 74103, by telephone at (918) 732–1408, or by email at *regulatoryaffairs@oneok.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on April 3, 2023. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[4] any person [5] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations, [6] and must be submitted by the protest deadline, which is April 3, 2023. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [7] and the regulations under the NGA [8] by the intervention deadline for the project, which is April 3, 2023. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before April 3, 2023. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP23–40–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. 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; first select General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [9]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP23–40–000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Denise Adams, Director, Regulatory Affairs, 100 West 5th Street, Tulsa, Oklahoma 74103, or by email at *regulatoryaffairs@oneok.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the

[4] 18 CFR 157.205.

[5] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[6] 18 CFR 157.205(e).

[7] 18 CFR 385.214.

[8] 18 CFR 157.10.

[9] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be 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 as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. 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. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: February 2, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–02637 Filed 2–7–23; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2003–0026; FRL–10661–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Water Quality Inventory Reports (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), National Water Quality Inventory Reports (EPA ICR Number 1560.13, OMB Control Number 2040–0071) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed 3-year extension of the ICR, which is currently approved through March 31, 2023. Public comments were previously requested via the **Federal Register** on July 19, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before March 10, 2023.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–2003–0026, to EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Edward Laird, Watershed Restoration, Assessment and Protection Division (WRAPD), Office of Wetlands, Oceans, and Watersheds, Mail Code: 4503T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–2848; fax number: 202–566–1437; email address: *laird.edward@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed 3-year extension of the ICR, which is currently approved through March 31, 2023. 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.

Public comments were previously requested via the **Federal Register** (87 FR 43029) on July 19, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments. Supporting documents that explain in detail the information that the EPA will be collecting are available in the public docket for this ICR (Docket ID EPA–HQ–OW–2003–0026). The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The Clean Water Act Section 305(b) reports contain information on whether waters assessed by a state meet the state's water quality standards, and, when waters are impaired, the pollutants and potential sources affecting water quality. This information helps states and the public track progress in addressing water pollution. Section 303(d) of the Clean Water Act requires states to identify and rank waters that cannot meet water quality standards (WQS) following the implementation of technology-based controls. Under Section 303(d), states are also required to establish total maximum daily loads (TMDLs) for listed waters not meeting standards because of pollutant discharges. In developing the Section 303(d) lists, states are required to consider various sources of water quality related data and information, including the Section 305(b) state water quality reports. Section 106(e) requires that states annually update monitoring data and use it in their Section 305(b) report. Section 314(a) requires states to report on the condition of their publicly owned lakes within the Section 305(b) report.

During the period covered by this ICR renewal, respondents will: complete their 2024 Section 305(b) reports and 2024 Section 303(d) lists; complete their 2026 Section 305(b) reports and 2026 Section 303(d) lists; transmit annual electronic updates of ambient monitoring data via the Water Quality Exchange; and continue to develop TMDLs according to their established schedules. EPA will prepare biennial updates on assessed and impaired waters for Congress and the public for the 2024 reporting cycle and for the 2026 cycle, and EPA will review 303(d) list and TMDL submissions from respondents.

Form Numbers: None.

Respondents/affected entities: States, Territories and Tribes with Clean Water Act (CWA) responsibilities.

Respondent's obligation to respond: Mandatory: Integrated Water Quality Inventory Reports (Clean Water Act Sections 305(b), 303(d), 314(a), and 106(e)).

Estimated number of respondents: 59 (total).

Frequency of response: Biennial.

Total estimated burden: 3,696,243 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $243,597,191 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 10,944 hours in the total

estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to efficiencies gained from the use of EPA's modernized Assessment and Total Maximum Daily Load Tracking and Implementation System (ATTAINS) database and the integration of EPA's data and information systems to better support reporting, tracking water quality protection, and restoration actions. These efficiencies streamlined water quality assessment and reporting by reducing paper copy transactions and improving electronic data exchange.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2023–02687 Filed 2–7–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2019–0296; FRL–10660–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions (EPA ICR Number 2243.10, OMB Control Number 2020–0033) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through February 23, 2023. Public comments were previously requested via the **Federal Register** on June 28, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before March 10, 2023.

ADDRESSES: Submit your comments to EPA, referencing Docket ID Number EPA–HQ–OA–2019–0296, online using *www.regulations.gov* (our preferred method), by email to *oira_submission@omb.eop.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Candi Schaedle, NEPA Compliance Division, Office of Federal Activities, Mail Code 2501G, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–6121; email address: *schaedle.candi@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through February 23, 2023. 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.

Public comments were previously requested via the **Federal Register** on June 28, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4347 establishes a national policy for the environment. The Council on Environmental Quality (CEQ) oversees the NEPA implementation. CEQ's Regulations at 40 CFR parts 1500 through 1508 set the standard for NEPA compliance. They also require agencies to establish their own NEPA implementing procedures. The EPA's procedures for implementing NEPA are found in 40 CFR part 6. Through this part, the EPA adopted the CEQ Regulations and supplemented those regulations for actions proposed by the EPA that are subject to NEPA requirements. The EPA actions subject to NEPA include the award of wastewater treatment construction grants under section 201 of the Clean Water Act, the EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, the EPA actions involving renovations or new construction of EPA facilities, and certain grants awarded for projects authorized by Congress through the agency's annual appropriations act. The EPA is collecting information from certain applicants as part of the process of complying with either NEPA or Executive Order 12114 (''Environmental Effects Abroad of Major Federal Actions''). The EPA's NEPA regulations apply to actions of the EPA that are subject to NEPA in order to ensure that environmental information is available to the agency's decision-makers and the public before decisions are made and before actions are taken. When the EPA conducts an environmental assessment pursuant to its Executive Order 12114 procedures, the agency generally follows its NEPA procedures. Compliance with the procedures is the responsibility of the EPA's Responsible Officials, and for applicant proposed actions applicants may be required to provide environmental information to the EPA as part of the environmental review process. For this ICR, applicant-proposed projects subject to either NEPA or Executive Order 12114 (and that are not addressed in other EPA programs' ICRs) are addressed through the NEPA process.

Form Numbers: None.

Respondents/affected entities: Certain grant or permit applicants who must submit environmental information documentation to the EPA for their projects to comply with NEPA or Executive Order 12114, including Wastewater Treatment Construction Grants Program facilities funded under section 201 of the Clean Water Act, State and Tribal Assistance Grant recipients, and new source NPDES permittees.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 516 (total).

Frequency of response: On occasion.

Total estimated burden: 73,800 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $6,259,214 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 66,240 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to an adjustment change in the size of the respondent universe due to the return of congressional earmarks in the EPA annual appropriations act.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2023–02665 Filed 2–7–23; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of 2023 FASAB Meetings

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) will hold its meetings on the following dates throughout 2023, unless otherwise noted.

DATES:

February 22–23, 2023
April 18–19, 2023
June 13–14, 2023
August 16–17, 2023
October 17–18, 2023
December 12–13, 2023

ADDRESSES: Unless otherwise noted, FASAB meetings begin at 9 a.m. and conclude before 5 p.m. and are held at the U.S. Government Accountability Office (GAO) Building at 441 G St. NW, in Room 7C13. The February meeting will be held virtually.

Agendas, briefing materials, and teleconference information for virtual meetings will be available at *https://www.fasab.gov/briefing-materials/* approximately one week before each meeting. If FASAB decides to hold its April, June, August, October, and/or December meetings virtually, this decision will be posted no later than one week before each meeting on the briefing materials website as well.

Any interested person may attend the meetings as an observer. Board discussion and reviews are open to the public. GAO Building security requires advance notice of your attendance. If you wish to attend a FASAB meeting, please register on our website at *https://www.fasab.gov/pre-registration/* no later than 5 p.m. the Friday before the meeting to be observed.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512–7350.

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to discuss issues related to the following topics:

Accounting and Reporting of Government Land
Climate-Related Financial Reporting
Intangible Assets
Leases
Omnibus Amendments
Public-Private Partnerships
Reexamination of Existing Standards
Concepts Omnibus
Management's Discussion and Analysis
Software Technology
Appointments Panel
Any other topics as needed

Notice is hereby given that a portion of each scheduled meeting may be closed to the public. The Appointments Panel, a subcommittee of FASAB that makes recommendations to the Board regarding appointments for non-federal member positions, is expected to meet during each meeting. A portion of each Appointments Panel meeting will be closed to the public. The reason for the closures is that matters covered by 5 U.S.C. 552b(c)(2) and (6) will be discussed. Any such discussions will involve matters that relate solely to internal personnel rules and practices of the sponsor agencies and the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. Such discussions will be segregated into separate discussions so that a portion of each meeting will be open to the public.

Pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), 5 U.S.C. 1009(d), portions of advisory committee meetings may be closed to the public where the head of the agency to which the advisory committee reports determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. The determination shall be in writing and shall contain the reasons for the determination. A determination has been made in writing by the U.S. Government Accountability Office, the U.S. Department of the Treasury, and the Office of Management and Budget, as required by section 10(d) of FACA, that such portions of the meetings may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

Authority: 31 U.S.C. 3511(d); Federal Advisory Committee Act, 5 U.S.C. 1001–1014.

Dated: February 2, 2023.

Monica R. Valentine,

Executive Director.

[FR Doc. 2023–02554 Filed 2–7–23; 8:45 am]

BILLING CODE P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0390; FR ID 126182]

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 of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. 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 Office of Management and Budget (OMB) 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 OMB control number.

DATES: Written PRA comments should be submitted on or before April 10, 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 Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0390.

Title: Broadcast Station Annual Employment Report, FCC Form 395–B.

Form Number: FCC–395–B.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, Not-for-profit institutions.

Number of Respondents and Responses: 14,000 respondents, 14,000 responses.

Estimated Time per Response: 0.166 hours–1 hour.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority of this collection of information is contained in 47 U.S.C. 154(i) and 334.

Total Annual Burden: 10,497 hours.

Total Annual Cost: No Cost.

Needs and Uses: FCC Form 395–B, the ''Broadcast Station Annual Employment Report,'' is a data collection device used by the Commission to assess industry employment trends and provide reports to Congress. By the form, broadcast licensees and permittees identify employees by gender and race/ethnicity in ten specified major job categories in the form.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2023–02599 Filed 2–7–23; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[WC DOCKET NO. 23–1, CC Docket No. 92–237; DA 23–8, FR ID 125123]

Wireline Competition Bureau Announces New Docket for Use in North American Numbering Council Filings

AGENCY: Federal Communications Commission.

ACTION: Correction of Notice.

SUMMARY: This document corrects a typographical error in a summary of the above-captioned public notice that was published at FR ID 123272.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: You may contact Christi Shewman, Designated Federal Officer, at *christi.shewman@fcc.gov* or 202–418–0646.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 20, 2023, in FR Doc. 2023–01076, on page 3737, in the first column.

This correction amends the Agency Docket Number published on January 20, 2023 at FR ID 123272 in the summary of the Federal Communication Commission's *Public Notice* in WC Docket No. 23–1, CC Docket No. 92–237, and DA 23–8, released January 4, 2023.

In the Agency Docket Number, replace ''23–01'' with ''23–1''.

Federal Communications Commission.

Jodie May,

Division Chief, Competition Policy Division, Wireline Competition Bureau.

[FR Doc. 2023–02607 Filed 2–7–23; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201202–010.

Agreement Name: Oakland MTO Agreement.

Parties: Everport Terminal Services Inc; SSA Terminals (Oakland) LLC; SSA Terminals, LLC; TraPac LLC.

Filing Party: Wayne Rohde, Cozen O'Connor.

Synopsis: The Amendment would revise the agreement to remove the parties' authority to discuss and agree on rates and charges. It would also update the address of Everport Terminal Services, Inc.

Proposed Effective Date: 3/18/2023.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/3137.

Dated: February 3, 2023.

JoAnne O'Bryant,

Program Analyst.

[FR Doc. 2023–02645 Filed 2–7–23; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL MARITIME COMMISSION

[CC–001]

Order Directing Mediterranean Shipping Company, S.A. To Show Cause: Mediterranean Shipping Company—Investigation for Compliance With Demurrage or Detention Charges Under the Charge Complaint Procedures

AGENCY: Federal Maritime Commission.

DATES: The order directing Mediterranean Shipping Company, S.A. to show cause was issued on February 3, 2023.

ACTION: Notice of Order of Directing Mediterranean Shipping Company, S.A. to show cause.

SUPPLEMENTARY INFORMATION: On February 3, 2023, the Federal Maritime Commission issued an Order Directing Mediterranean Shipping Company, S.A. (MSC) to show cause entitled Mediterranean Shipping Company—Investigation for Compliance with 46 U.S.C. 41104(a) and 41102 of Demurrage or Detention Charges Under the Charge Complaint Procedures of 46 U.S.C. 41310. Acting pursuant 46 U.S.C. 41310 and 46 CFR 502.91, this investigation is instituted to determine why MSC should not be ordered to refund or waive charges assessed or paid for failure to comply with 46 U.S.C. 41104(a) and 41102.

The Order may be viewed in its entirety at *https://www2.fmc.gov/readingroom/proceeding/CC-001/.*

(Authority: 46 U.S.C. 41310 and 46 CFR 502.91)

William Cody,

Secretary.

[FR Doc. 2023–02691 Filed 2–7–23; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company

Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

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 the BHC Act (12 U.S.C. 1842(c)).

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 March 10, 2023.

Federal Reserve Bank of Dallas (Karen Smith, Director, Mergers & Acquisitions) 2200 N Pearl St., Dallas, Texas 75201 or electronically *Comments.applications@dal.frb.org.*

1. *LevelField Financial, Inc., Houston, Texas;* to become a bank holding company by acquiring Burling Bank, Chicago, Illinois.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023–02661 Filed 2–7–23; 8:45 am]

BILLING CODE 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 23, 2023.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Jan Deemer, Carmel, Indiana; Don Deemer and Lois Deemer, both of Warren, Indiana;* to become members of the Deemer Family Control Group, a group acting in concert, to retain voting shares of Bippus State Corporation, and thereby indirectly retain voting shares of The Bippus State Bank, both of Huntington, Indiana.

Jay Diefenbaugh, Cashton, Wisconsin; Lee Diefenbaugh, North Manchester, Indiana; and Sue Sell, Huntington, Indiana; to become members of the Diefenbaugh Family Control Group, a group acting in concert; to retain voting shares of Bippus State Corporation, and thereby indirectly retain voting shares of The Bippus State Bank, both of Huntington, Indiana.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023–02662 Filed 2–7–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; Office of Healthcare Information and Counseling (OHIC) Profiles at ACL OMB# 0985–New

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under section 506(c)(2)(A) of the Paperwork Reduction Act of 1995. This 30-day notice collects comments on the information collection requirements related to the Office of Healthcare Information and Counseling (OHIC) Profiles project at ACL.

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (EST) or postmarked by March 10, 2023.

ADDRESSES: Submit written comments and recommendations for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* Find the information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. By mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, Rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Kristen Robinson, *Evaluation@acl.hhs.gov* 202–795–7428.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, ACL has submitted the following proposed collection of information to OMB for review and clearance. The Administration for Community Living (ACL) is currently engaged in an effort to streamline and standardize grantee profiles across three programs managed by the Office of Healthcare Information and Counseling (OHIC): the State Health Insurance Assistance Program (SHIP), Senior Medicare Patrol (SMP), and Medicare Improvements for Patients and Providers Act (MIPPA). Grantees in each program must adhere to a specific set of reporting requirements and associated reporting schedules outlined in their Program Reporting Guidelines. While

reporting requirements are effective in ensuring grantees data, there is no consistency or uniformity in how individual grantees submit their data.

For example, SHIP profiles currently exist; these profiles are accessible to the SHIP grantee network via the program's technical assistance center, and they can be updated directly by grantee states. SMP and MIPPA profiles have yet to be developed. The goal of this data collection effort is to obtain consistent data elements for the three programs that will allow ACL to reimagine the existing profiles into a comparable set of data elements across programs.

These data will allow RTI International, a contractor to ACL, to develop an updated set of grantee profiles that are accessible, visually appealing, and consistent across programs. Specifically, the purpose of this data collection effort is to update the SHIP grantee profiles, which were last updated in 2016, and develop similar profiles for SMP and MIPPA. These profiles will be internal to ACL and will only be shared with grantees.

A web-based questionnaire will be emailed to all 125 grant managers (representing 54 states and territories) electronically via Smartsheet. The collected data will be imported into a dataset and will be used to create program profiles accessible to ACL and grantees.

Comments in Response to the 60-Day Federal Register Notice

A notice published in the **Federal Register** 87 FR 65068–65069 on October 27, 2022. Zero public comments were received during the 60-day FRN. ACL's responses to these comments are included below.

Estimated Program Burden

ACL estimates the burden of this collection of information as follows:

A maximum of 125 grantees are expected to respond to the web-based data collection instrument. The approximate burden for pre-data collection preparation is 30 minutes per respondent and approximate burden for form completion is 20 minutes per respondent for a total annual estimate of 103.75 hours. The estimated completion burden includes time to review the instructions, read the questions and complete and responses.

IC BURDEN CHART

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Pre-data collection preparation	125	1	0.5	62.5
Web-based data collection	125	1	0.33	41.25
Total	125	1	0.83	103.75

Dated: February 3, 2023.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2023–02673 Filed 2–7–23; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; Traumatic Brain Injury (TBI) State Partnership Program Performance Progress Reporting; OMB Control Number 0985–0066

AGENCY: Administration for Community Living, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under the Paperwork Reduction Act of 1995. This 30-day notice collects comments on the information collection requirements related to an extension of an existing collection of information related to the Traumatic Brain Injury (TBI) State Partnership Program.

DATES: Submit written comments on the collection of information by March 10, 2023d.

ADDRESSES: Submit electronic comments on the collection of information by:

(a) Email to *OIRA_submission@omb.eop.gov,* Attn: OMB Desk Officer for ACL;

(b) fax to 202.395.5806, Attn: OMB Desk Officer for ACL; or

(c) by mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, Rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Elizabeth Leef, (202) 475–2482 or *Elizabeth.Leef@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with the Paperwork Reduction Act, ACL has submitted the following proposed new information collection to OMB for review and clearance.

The purpose of the federal Traumatic Brain Injury (TBI) State Partnership Program is to create and strengthen person-centered, culturally competent systems of services and supports that maximize the independence and overall health and well-being of all people with TBI across the lifespan, their family members, and their support networks. The TBI State Partnership Program funds the development and implementation of statewide systems that ensure access to TBI related services, including transitional services, rehabilitation, education and employment, and long-term community support. To best monitor, guide, and support TBI State Partnership Program grantees, ACL requires grantees to report about their activities and outcomes. The simplest, least burdensome and most useful way to accomplish this goal is to require grantees to submit information as part of their required semiannual reports via the proposed electronic data submission instrument (appendix A).

In 1996, the Public Health Service Act was amended ''to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes'' (Pub. L. 104–166). This legislation allowed for the implementation of ''grants to States for the purpose of carrying out demonstration projects to improve access to health and other services regarding traumatic brain injury.'' The TBI Reauthorization Act of 2014 (Pub. L. 113–196) allowed the Department of Health and Human Services Secretary to review oversight of the federal TBI

programs (TBI State Partnership Grant program and the TBI Protection and Advocacy program) and reconsider which operating division should lead them. With avid support from TBI stakeholders, the Secretary found that the goals of the federal TBI programs closely align with ACL's mission to advance policy and implement programs that support the rights of older Americans and people with disabilities to live in their communities. As a result, on Oct. 1, 2015, the federal TBI programs moved from the Health Resources and Services Administration to ACL. These programs were reauthorized again by the Traumatic Brain Injury Reauthorization Act of 2018 (Pub. L. 115–377).

The proposed performance progress reporting (PPR) tool is consistent with both the TBI State Partnership Program's purpose and also ACL's mission. The 2010 Government Performance Results Modernization Act requires federal agencies to develop annual and long-term performance outcome measures and to report on these measures annually. ACL sees the GPRA Modernization Act as an opportunity to document annually the results that are produced through the programs it administers under the authority for the TBI State Partnership Program.

It is the intent and commitment of ACL, in concert with grantees, to use the performance progress reporting tool of GPRAMA to continuously improve its programs and services.

The TBI State Partnership Program grantees have been submitting data using a PRA approved tool since 2000; that tool was revised to create the current proposed PPR tool. Revisions were made to eliminate questions that the majority of grantees could not respond to or created undue burden, make questions clearer, and add questions that were seen valuable to collect.

Comments in Response to the 60-Day Federal Register Notice

ACL published a 60-day **Federal Register** Notice from 9/30/2022–11/29/2022 (87 FR 59439–59441). ACL received no comments.

The PPR is an extension of a currently approved data collection. Changes were done during the Summer of 2022. Revisions were made to eliminate questions that the majority of grantees could not respond to or created undue burden, make questions clearer, and add questions that were seen valuable to collect.

In August 2022, ACL received feedback through an online meeting with a majority of the TBI State Partnership Program grantees regarding the proposed PPR. Some grantees also provided written feedback. Additional revisions were made to the PPR tool to incorporate feedback received from the grantees.

The questions that were eliminated because grantees could not respond to or created undue burden were regarding: estimated number of people in the states who have experienced a TBI and are getting some kind of Medicaid Home and Community Based services or supports; the types of settings the people were living in when they were screened for a TBI or receiving resource facilitation; how many people were in competitive, integrated employment and/or in school at the time of screening or receiving resource facilitation; and how many people who received resource facilitation were supported through a transition from an institution setting (*e.g.,* criminal justice system, nursing facility) into the community.

The following questions were removed because comparable information is available from other sources: program funds spent on activities; whether grantees are involved in mentoring and workgroup activities; and use of and satisfaction with the services of the technical assistance resource center.

Questions were added to collect more information regarding the advisory boards/councils that are an important component of the TBI SPP grants. The questions added are: characteristics of the advisory board/how structured within a state, regarding what supports are provided to people with TBI that are involved in the advisory boards/councils; how the advisory boards/councils are involved with the grant program; and what it means and the efforts or actions being taken to ensure that the advisory boards/councils are representative (*e.g.,* of the state's demographics, types of brain injury, severity of brain injury, etc.).

Estimated Program Burden

The annual burden estimates are shown below.

Instrument	Number of respondents	Number of responses (per respondent)	Average burden hours (per response)	Total burden hours
Semiannual Performance Progress Reporting	29	2	8	464
Estimated Total Annual Burden Hours:				464

Dated: February 3, 2023.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2023–02672 Filed 2–7–23; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–E–5846]

Determination of Regulatory Review Period for Purposes of Patent Extension; REMEDE SYSTEM

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for REMEDE SYSTEM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect must submit either electronic or written comments and ask for a redetermination by April 10, 2023.

Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 7, 2023. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 10, 2023. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–E–5846 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; REMEDE SYSTEM.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device REMEDE SYSTEM. REMEDE SYSTEM is indicated for the treatment of moderate to severe central sleep apnea in adult patients. Subsequent to this approval, the USPTO received a patent term restoration application for REMEDE SYSTEM (U.S. Patent No. 8,233,987) from Respicardia, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated January 21, 2020, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of REMEDE SYSTEM represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for REMEDE SYSTEM is 3,685 days. Of this time, 3,289 days occurred during the

testing phase of the regulatory review period, while 396 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption for this device, under section 520(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(g)), became effective:* September 6, 2007. The applicant claims that the investigational device exemption (IDE) required under section 520(g) of the FD&C Act for human tests to begin became effective on April 30, 2010. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to have begun on September 6, 2007, which represents the IDE effective date.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* September 6, 2016. FDA has verified the applicant's claim that the premarket approval application (PMA) for REMEDE SYSTEM (PMA 160039) was initially submitted September 6, 2016.

3. *The date the application was approved:* October 6, 2017. FDA has verified the applicant's claim that PMA 160039 was approved on October 6, 2017.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 301 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 3, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–02669 Filed 2–7–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2019–E–5391 and FDA–2019–E–5421]

Determination of Regulatory Review Period for Purposes of Patent Extension; SKYRIZI

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for SKYRIZI and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by April 10, 2023. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 7, 2023. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 10, 2023. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

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- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2019–E–5391 and FDA–2019–E–5421 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; SKYRIZI.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

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comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

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SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biologic product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biological product, SKYRIZI (risankizumab-rzaa). SKYRIZI is indicated for the treatment of moderate-to-severe plaque psoriasis in adults who are candidates for systemic therapy or phototherapy. Subsequent to this approval, the USPTO received patent term restoration applications for SKYRIZI (U.S. Patent Nos. 8,778,346 and 10,202,448) from Boehringer Ingelheim International GmbH, and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated December 26, 2019, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of SKYRIZI represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for SKYRIZI is 2,582 days. Of this time, 2,216 days occurred during the testing phase of the regulatory review period, while 366 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* March 30, 2012. The applicant claims May 10, 2012, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was March 30, 2012, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act:* April 23, 2018. FDA has verified the applicant's claim that the biologic license application (BLA) for SKYRIZI (BLA 761105) was initially submitted on April 23, 2018.

3. *The date the application was approved:* April 23, 2019. FDA has verified the applicant's claim that BLA 761105 was approved on April 23, 2019.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 70 days or 538 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

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Dated: February 3, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–02680 Filed 2–7–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2019–E–1946 and FDA–2019–E–1960]

Determination of Regulatory Review Period for Purposes of Patent Extension; LOKELMA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for LOKELMA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by April 10, 2023. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 7, 2023. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 10, 2023. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

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- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2019–E–1946 and FDA–2019–E–1960 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; LOKELMA.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

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SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biologic product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the

actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, LOKELMA (sodium zirconium cyclosilicate). LOKELMA is indicated for the treatment of hyperkalemia in adults. Subsequent to this approval, the USPTO received patent term restoration applications for LOKELMA (U.S. Patent Nos. 8,802,152 and 8,808,750) from ZS Pharma Inc., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated June 21, 2019, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of LOKELMA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for LOKELMA is 2,384 days. Of this time, 1,295 days occurred during the testing phase of the regulatory review period, while 1,089 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* November 9, 2011. The applicant claims September 11, 2011, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was November 9, 2011, which was the first date after receipt of the IND that the investigational studies were allowed to proceed.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* May 26, 2015. The applicant claims May 25, 2015, as the date the new drug application (NDA) for LOKELMA (NDA 207078) was initially submitted. However, FDA records indicate that NDA 207078 was submitted on May 26, 2015.

3. *The date the application was approved:* May 18, 2018. FDA has verified the applicant's claim that NDA 207078 was approved on May 18, 2018.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 29 days or 98 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

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Dated: February 3, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–02667 Filed 2–7–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1996]

Hassan Tahsildar; Denial of Hearing; Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is denying Hassan Tahsildar's (Dr. Tahsildar's) request for a hearing and issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) debarring Dr. Tahsildar for 2 years from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Dr. Tahsildar was convicted of a misdemeanor under Federal law for causing the introduction or delivery for introduction of misbranded drugs into interstate commerce. Additionally, FDA finds that the conduct underlying Dr. Tahsildar's conviction related to the regulation of drugs under the FD&C Act and that the type of conduct underlying his conviction undermines the process for the regulation of drugs. In determining the appropriateness and period of Dr. Tahsildar's debarment, FDA considered the relevant factors listed in the FD&C Act and concluded that a hearing is unnecessary.

DATES: This order is applicable February 8, 2023.

ADDRESSES: Any application for termination of debarment by Dr. Tahsildar under section 306(d) of the FD&C Act (21 U.S.C. 335a(d)) (application) may be submitted as follows:

Electronic Submissions

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. An application submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your application, that information will be posted on *https://www.regulations.gov.*
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- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All applications must include the Docket No. FDA–2018–N–1996. Received applications will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit an application with confidential information that you do not wish to be made publicly available, submit your application only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of your application. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your application and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852 between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500. Publicly available submissions may be seen in the docket.

FOR FURTHER INFORMATION CONTACT:

Rachael Vieder Linowes, Office of Scientific Integrity, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4206, Silver Spring, MD 20993, 240–402–5931.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(2)(B)(i)(I) of the FD&C Act permits FDA to debar an individual if FDA finds that (1) the individual has been convicted of a misdemeanor under Federal law for conduct relating to the regulation of drug products under the FD&C Act, and (2) the type of conduct underlying the conviction undermines the process for the regulation of drugs.

On September 30, 2013, Dr. Tahsildar pled guilty to a misdemeanor for introducing, or causing the introduction of, a misbranded drug into interstate commerce, in violation of section 301(a) of the FD&C Act (21 U.S.C. 331(a)). According to the criminal information to which Dr. Tahsildar pled guilty, between January 10, 2006, and March 12, 2009, Dr. Tahsildar ''purchased and received'' prescription oncology drugs from Canada. In pleading guilty, Dr. Tahsildar's admitted that his actions caused the introduction into interstate commerce of drugs that were misbranded under section 502(f)(1) of the FD&C Act (21 U.S.C. 352(f)(1)) because their labeling did not bear adequate directions for use. On January 28, 2014, the U.S. District Court for the Northern District of Ohio entered a judgment of conviction against Dr. Tahsildar for his violation of section 301(a) of the FD&C Act and sentenced him to 1 year of probation.

By letter dated July 13, 2018, FDA's Office of Regulatory Affairs (ORA) proposed to debar Dr. Tahsildar for 3 years from providing services in any capacity to a person that has an approved or pending drug product application. The proposal explained that ORA based the proposed debarment on his misdemeanor conviction and concluded that a 3-year debarment is appropriate.

By letter dated September 10, 2018, Dr. Tahsildar, through counsel, requested a hearing on the proposal. Dr. Tahsildar argues that there are genuine and substantial issues of fact that support his request for a hearing. He contends that, in contrast to the findings in ORA's proposal to debar him, he did not receive notices from FDA that certain drugs being shipped from Canada to the medical practice in which he was a partner had been detained on the ground that they appeared to be unapproved drugs. He also asserts that he was never involved in the management or daily operations of the medical practice in which he was a ''junior partner,'' including contracting with drug suppliers or ordering drugs for use in the practice.

Under the authority delegated to her by the Commissioner of Food and Drugs, the Chief Scientist has considered Dr. Tahsildar's request for a hearing. Hearings are granted only if there is a genuine and substantial issue of fact. Hearings will not be granted on issues of policy or law, on mere allegations, denials, or general descriptions of positions and contentions, or on data and information insufficient to justify the factual determination urged (see 21 CFR 12.24(b)).

The Chief Scientist has considered Dr. Tahsildar's arguments, as well as the proposal to debar, and concludes that there is no genuine and substantial issue of fact requiring a hearing.

II. Arguments

In response to the proposal to debar, Dr. Tahsildar does not appear to challenge that he is subject to debarment under section 306(b)(2)(B) of the FD&C Act. Instead, Dr. Tahsildar disputes the factual basis for ORA's findings with respect to the considerations under section 306(c)(3) of the FD&C Act. ORA's proposal outlined findings concerning the four factors that ORA considered in determining the appropriateness and period of debarment: (1) the nature and seriousness of the offense, (2) the nature and extent of management participation in the offense, (3) the nature and extent of voluntary steps to mitigate the impact on the public, and (4) prior convictions under the FD&C Act or other acts involving matters within FDA's jurisdiction. ORA found that the first two factors were unfavorable factors and that the latter two factors were favorable for Dr. Tahsildar. The proposal concluded that the unfavorable factors outweigh the favorable factors and that a 3-year debarment is thus appropriate.

With respect to the nature and seriousness of his offense under section 306(c)(3)(A) of the FD&C Act, ORA found in the proposal that the conduct underlying Dr. Tahsildar's misdemeanor conviction included ''purchasing and receiving numerous units of unapproved oncology drugs . . . from a Canadian distributor.'' ORA further found that Dr. Tahsildar ''continued purchasing these drugs despite being notified by FDA on multiple occasions that foreign drug shipments destined for [his] office had been detained and appeared to be unlawfully marketed unapproved new drugs.'' Relying on those factual findings, ORA determined that his conduct ''created a risk of injury to consumers'' and ''undermined the

Agency's drug approval process and the Agency's oversight of the manufacture, importation, and sale of drug products in interstate commerce in the United States.''

In support of his hearing request, Dr. Tahsildar maintains not only that he had ''no intention of violating the law'' but also that ''he had no prior knowledge that any of the medications coming into his practice were imported from Canada.'' He explains that he first learned that the practice's Texas supplier had been ''shipping Canadian drugs to the practice'' when two agents from FDA visited the practice and provided that information to him, at which point the practice severed its relationship with the Texas supplier and ''never received medications from Canada or the Texas supplier again.'' Indeed, he specifically challenges as inaccurate ORA's finding that ''he continued purchasing [the] drugs despite being notified by FDA on multiple occasions that foreign drug shipments destined for [his] office had been detained and appeared to be unlawfully marketed unapproved new drugs'' :

> Please note that there is an inaccuracy in [ORA's proposal.] Dr. Tahsildar did not continue to purchase the Canadian drugs and was not notified by the FDA on multiple occasions that foreign drug shipments destined for his office had been detained and appeared to be unlawfully marketed unapproved new drugs. I believe [ORA is] referring to the four notices from the FDA with status dates of May 2, June 27, October 21, and November 17, 2008. All such notices were addressed to [his partner] and were not brought to Dr. Tahsildar's attention until after the two FDA agents came to the office in 2009.

He further points to the findings of the State Medical Board of Ohio in support of these assertions. As quoted by Dr. Tahsildar, the State Medical Board determined that ''[r]eprints of FDA detainer notices . . . clearly show that they had been addressed to'' his partner.

Insofar as Dr. Tahsildar argues that he did not intend to violate the FD&C Act, he has not raised a genuine and substantial issue of fact with respect to the nature and seriousness of his misdemeanor offense. A misdemeanor violation of the FD&C Act itself is a strict liability offense under section 303(a)(1) of the FD&C Act (21 U.S.C. 333(a)(1)) and requires no showing of any criminal intent, and his mere assertion that he lacked any intent to violate the law is of no moment whatsoever. On the other hand, the Chief Scientist need not address whether Dr. Tahsildar's factual challenges to ORA's key finding that he continued to order the oncology drugs at issue after FDA provided him notice that they were unapproved and thus violated the FD&C Act raise a genuine and substantial issue of fact with respect to that finding because the Chief Scientist will assume for purposes of determining the appropriateness and period of his debarment that he received no such notice and that the medical practice discontinued ordering such drugs after he learned they were unapproved.

With respect to ORA's findings as to the nature and seriousness of his offense under section 306(c)(3)(A) of the FD&C Act, Dr. Tahsildar also challenges ORA's finding that the conduct underlying his misdemeanor offense ''created a risk of injury to consumers.'' Dr. Tahsildar contends that Federal prosecutors ''made no allegations whatsoever that [he] engaged in any conduct that put his patients at risk'' and that ''the FDA agents [who visited the practice] told him that the FDA was not concerned that drugs at issue were inferior'' and that the practice could continue using the drugs. This factual challenge does not raise a genuine and substantial issue of fact. Violating the FD&C Act in a manner that results in administering unapproved drugs to patients creates an inherent risk to those patients, notwithstanding any alleged statements to the contrary by FDA agents or the failure of Federal prosecutors to rely on those facts as part of the criminal prosecution.

Dr. Tahsildar next challenges ORA's findings regarding nature and extent of his management participation under section 306(c)(3)(B) of the FD&C Act. In its proposal, ORA stated that, as a licensed physician, Dr. Tahsildar ''held a position of authority in [his] medical practice where [his] conduct served as an example for his employees.'' ORA found that his conduct was more serious than if he were a mere employee and found this factor to be unfavorable for Dr. Tahsildar.

In response to these findings, Dr. Tahsildar states that ''he was never involved in the management or daily operations of the practice, including contracting with medication suppliers or ordering any medications'' :

> When [he] was hired by [the senior partner] in 1995, he was a first-time practicing physician, coming directly out of fellowship. In 1998, Dr. Tahsildar became a junior partner of [the] practice. [The senior partner] retained a 51% ownership interest in the practice, and Dr. Tahsildar purchased a 49% ownership interest. [The senior partner] remained in control of the management and day-to-day operations of the practice, giving no control to Dr. Tahsildar. This [arrangement], however, worked well for Dr. Tahsildar because he had wanted to remain a clinician only and had been happy to leave the management and financial aspects of the practice to [the senior partner], who in turn received a three[-]percent management fee for doing so. Dr. Tahsildar received no such management fee.

Dr. Tahsildar further contends that he ''did not negotiate or sign contracts on behalf of the practice (including any medication supplier contracts), nor did he sign checks on behalf of the practice, with the exception of one occasion.'' He also maintains that he was never involved in ordering any drugs for the medical practice. Dr. Tahsildar argues, therefore, that the Agency should consider his management participation in the offense under section 306(c)(3)(B) of the FD&C Act as a favorable factor.

As a preliminary matter, the Chief Scientist notes that Dr. Tahsildar admitted during the criminal proceedings against him that he ''purchased and received'' the oncology drugs at issue when he pled guilty pursuant to a criminal information charging him with that conduct. His assertions to the contrary do not raise a genuine and substantial issue of fact. Nevertheless, his contentions regarding his role in the practice, though not in direct conflict with the findings in ORA's proposal, do provide additional factual context for ORA's findings and thus warrant consideration under section 306(c)(3)(B) of the FD&C Act. However, notwithstanding Dr. Tahsildar's claims that he did not take an active role in managing the practice, including ordering drug products, it is undisputed that Dr. Tahsildar was in a position of authority in the practice, even if he was not the managerial equal to the senior partner. By his own admission, Dr. Tahsildar was one of two partners in a medical practice, and he failed to ensure that his patients were receiving FDA-approved drugs. The Chief Scientist will nonetheless account for Dr. Tahsildar's provision of additional factual context regarding his role in the practice in assessing the consideration under section under 306(c)(3)(B) of the FD&C Act in determining the appropriateness and period of his debarment, as discussed below.

Considering all the applicable factors listed in section 306(c)(3) of the FD&C Act, the Chief Scientist finds that Dr. Tahsildar's misdemeanor offense and underlying conduct warrant a 2-year debarment period, as opposed to the 3-year period of debarment proposed by ORA. Although the Chief Scientist has assumed that Dr. Tahsildar had no prior

notice that the oncology drugs at issue were unapproved and that the medical practice discontinued ordering those drugs when he learned of that regulatory status, as discussed above, it is undisputed that the offense to which he pled guilty led to his administering foreign, unapproved drug products to his patients. Even assuming Dr. Tahsildar's representations with respect to his reduced role as a manager in the practice to be true, the Chief Scientist also cannot conclude that his managerial role is a favorable consideration, given his status as a partner and a physician in that practice. Balancing the applicable considerations—including his voluntary steps in mitigation under section 306(c)(3)(C) of the FD&C Act and the absence of previous criminal convictions related to matters within the jurisdiction of FDA under section 306(c)(3)(F)—the Chief Scientist has determined that a 2-year debarment period is appropriate. Inasmuch as there are no material factual disputes for resolution at a hearing, the Chief Scientist is also denying Dr. Tahsildar's hearing request.

Separately, Dr. Tahsildar requests that, in lieu of debarment by FDA, he enter into a settlement agreement with FDA whereby he would voluntarily agree to the terms of the proposed debarment for the proposed period of debarment and to not provide services in any capacity to a person that has an approved or pending drug product application. Dr. Tahsildar appears to be proposing an informal resolution of this debarment matter. However, his request is now moot given that the foregoing findings support debarment for a 2-year period.

III. Findings and Order

Therefore, the Chief Scientist, under section 306(b)(2)(B)(i)(I) of the FD&C Act and authority delegated to her by the Commissioner of Food and Drugs, finds that Dr. Tahsildar has been convicted of a misdemeanor under Federal law for conduct related to the regulation of drugs under the FD&C Act and that the type of conduct underlying the conviction undermines the regulation of drugs. FDA has considered the relevant factors listed in section 306(c)(3) of the FD&C Act and determined that a 2-year debarment is appropriate.

As a result of the foregoing findings, Dr. Tahsildar is debarred for 2 years from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective February 8, 2023, (see 21 U.S.C. 335a(c)(1)(B) and (c)(2)(A)(iii) and 21 U.S.C. 321(dd))). Any person with an approved or pending drug application who knowingly uses the services of Dr. Tahsildar, in any capacity during his debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Dr. Tahsildar, during his period of debarment, provides services in any capacity to a person with an approved or pending drug product application, he will be subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Dr. Tahsildar during his period of debarment (section 306(c)(1)(B) of the FD&C Act).

Dated: February 2, 2023.

Namandjé N. Bumpus,

Chief Scientist.

[FR Doc. 2023–02634 Filed 2–7–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

[OMB No. 0915–0318—Revision]

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Ryan White HIV/AIDS Program: Allocations Forms

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than March 10, 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 Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the HRSA Information Collection Clearance Officer, at *paperwork@hrsa.gov* or call 301–594–4394.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Ryan White HIV/AIDS Program: Allocations Forms, OMB No. 0915–0318—Revision.

Abstract: HRSA administers the Ryan White HIV/AIDS Program (RWHAP) authorized under Title XXVI of the Public Health Service Act. The RWHAP Allocations and Expenditures Reports (A&E Reports) allow HRSA to monitor and track the use of grant funds for compliance with program and grants policies, and requirements as outlined in the legislation. To avoid duplication and reduce recipient reporting burden, HRSA created an electronic grantee contract management system (GCMS) that includes data required for various reports, including the Allocations Reports and other HRSA data reports, such as the RWHAP Services Report. Recipients can access GCMS year-round to upload or manually enter data on their service provider contractors or subrecipients, the RWHAP core medical and support services provided, and their funding amounts. Data required for Allocations Reports and other reports are automatically prepopulated from GCMS. Expenditures Report data are not auto-populated in the GCMS, and are still manually entered into the data reporting system.

Allocations and Expenditures (A&E) Reports

Recipients funded under RWHAP Parts A, B, C, and D are required to report financial data to HRSA at the beginning (Allocations Report) and at the end (Expenditures Report) of their grant budget period. The A&E Reports request information recipients already collect, including the use of RWHAP grant funds for core medical and support services; and on various program components, such as administration, planning and evaluation, and clinical quality management (CQM). RWHAP Parts A and B recipients funded under the

Ending the HIV Epidemic in the U.S. (EHE) initiative are also required to report allocations and expenditures of the grant budget period in the EHE A&E Reports. This allows HRSA to track and report progress toward meeting the EHE goals.

The reports are similar in content; however, in the first report, recipients document the allocation of their RWHAP or EHE grant award at the beginning of their grant budget period. In the second report, recipients document actual expenditures of their RWHAP or EHE grant award (including any carryover dollars) at the end of their grant budget period.

HRSA proposes the following updates to the RWHAP Allocations Reports.

RWHAP Part A Allocations Report

- Revising row and column headers and other language for clarity and alignment with RWHAP requirements;
- Combining the columns for RWHAP Part A Formula and Supplemental Allocation amounts and updating the title;
- Moving the RWHAP Part A Minority AIDS Initiative (MAI) Award Amount row after the RWHAP Part A Supplemental Award Amount row;
- Changing the calculation for Service Allocation Subtotal percent in the Total RWHAP Part A Allocation Amounts column;
- Blacking out the percent columns for the RWHAP Part A Formula and Supplemental Allocation Amounts, RWHAP Part A MAI Allocation Amounts, and selected cells in the Total RWHAP Part A Allocation Amounts column; and
- Adding the Legislative Requirements Checklist.

RWHAP Part B Allocations Report

- Revising row and column headers and other language for clarity and alignment with RWHAP requirements;
- Adding the following rows to Table 1: 4c. Part B HIV Care Consortia Planning & Evaluation/Emerging Communities (EC) HIV Care Consortia Planning & Evaluation and 4d. Part B HIV Care Consortia CQM/EC HIV Care Consortia CQM except for the AIDS Drug Assistance Program (ADAP) Earmark + ADAP Supplemental Award cells;
- Removing row 11. Total Part B X07 Allocations;
- Allowing users to enter data in Table 2 for 1d. Health Insurance Premium & Cost Sharing and 1e. Home and Community-based Health Services;
- Blacking out selected cells in the following rows, columns, or tables:
  - 2. Part B Health Insurance Premium & Cost Sharing Assistance for Low-Income Individuals (Table 1) as this information is also reported in Table 2
  - 3. Part B Home and Community-based Health Services (Table 1) as this information is also reported in Table 2
  - 4. Total Column (Table 1)
  - 1a. ADAP Treatments (Table 2) as this information is also reported in Table 1
  - MAI Award (Table 3)
- Updating calculations and language in the Legislative Requirements Checklist; and
- Removing the following services under the Legislative Requirements Checklist's Core Medical Services:
  - Health Insurance Premium & Cost Sharing Assistance, and
  - Home and Community-based Health Services.

RWHAP Part C Allocations Report

- There are no proposed changes to the RWHAP Part C Allocations Report.

RWHAP Part D Allocations Report

- There are no proposed changes to the RWHAP Part D Allocations Report.

HRSA EHE Initiative A&E Reports

- There are no proposed changes to the HRSA EHE Allocations Reports. A 60-day notice published in the **Federal Register**, 87 FR pp. 71339–40 (November 22, 2022). There were no public comments.

Need and Proposed Use of the Information: Accurate allocation, expenditure, and service contract records of the recipients receiving RWHAP and EHE funding are critical to the implementation of the RWHAP legislation and EHE initiative appropriation language and thus are necessary for HRSA to fulfill its monitoring and oversight responsibilities.

Likely Respondents: RWHAP Part A, Part B, Part C, and Part D recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Part A Allocations Report	52	1	52	4	208
Part B Allocations Report	54	1	54	6	324
Part C Allocations Report	346	1	346	4	1,384
Part D Allocations Report	116	1	116	4	464
EHE Allocations Reports	47	1	47	4	188
Total	615				2,568

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information

technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2023–02686 Filed 2–7–23; 8:45 am]

BILLING CODE 4165–15–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 Addiction Risks and Mechanisms Study Section, February 23, 2023, 9:00 a.m. to February 24, 2023, 7:30 p.m., Darcy Hotel, 1515 Rhode Island Avenue, Washington, DC 20005 which was published in the **Federal Register** on January 26, 2023, 88 FR 5010.

This meeting is being amended to change the name of the hotel from Darcy Hotel, 1515 Rhode Island Avenue, Washington, DC 20005 to the Hotel George, 15 E Street NW, Washington, DC 20001. The meeting is closed to the public.

Dated: February 3, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–02675 Filed 2–7–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: March 7–8, 2023.

Time: 8:30 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, 7400 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301–435–2902, *gubina@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Health Services Research.

Date: March 7–8, 2023.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mary Kate Baker, DRPH, Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–5117, *katie.baker2@nih.gov.*

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Special: Modern Equipment for Shared-use Biomedical Research Facilities.

Date: March 9–10, 2023.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Frederique Yiannikouris, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–3313, *frederique.yiannikouris@nih.gov.*

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Therapeutic Immune Regulation.

Date: March 9–10, 2023.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yue Wu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 803C, Bethesda, MD 20892, (301) 867–5309, *wuy25@csr.nih.gov.*

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Fellowships: Epidemiology and Population Sciences.

Date: March 9–10, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Erin Harrell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000G, Bethesda, MD 20892, (301) 594–4935, *harreller@csr.nih.gov.*

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Small Business: The Cardiovascular and Hematological Sciences.

Date: March 9–10, 2023.

Time: 9:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dmitri V Gnatenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, *gnatenkod2@nih.gov.*

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Fellowships: Brain Disorders and Related Neurosciences.

Date: March 9–10, 2023.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Vilen A Movsesyan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Neurodegeneration Study Section.

Date: March 9–10, 2023.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7850, Bethesda, MD 20892, 301–435–1203, *laurent.taupenot@nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Maximizing Investigators' Research Award B Study Section.

Date: March 9–10, 2023.

Time: 9:30 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sudha Veeraraghavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7846, Bethesda, MD 20892, (301) 827–5263, *sudha.veeraraghavan@nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; HIV/AIDS Intra- and Inter-personal Determinants and Behavioral Interventions Study Section.

Date: March 9–10, 2023.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mark P Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–806–6596, *rubertm@csr.nih.gov.*

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Neuroscience AREA Grant Applications.

Date: March 9, 2023,

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications,

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ali Sharma, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009J, Bethesda, MD 20892, (301) 402–3248, *sharmaa15@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 3, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–02678 Filed 2–7–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel; Member Conflict: Circadian and Interoceptive functions.

Date: March 3, 2023.

Time: 11:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Clinical Care and Health Interventions.

Date: March 6–7, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Martha M. Faraday, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 435–3575, *faradaym@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group; Drug Discovery and Molecular Pharmacology C Study Section.

Date: March 6–7, 2023.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jeffrey Smiley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, (301) 272–4596, *smileyja@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Lifestyle and Health Behaviors Study Section.

Date: March 6–7, 2023.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lisa T. Wigfall, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007G, Bethesda, MD 20892, (301) 594–5622, *wigfalllt@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Fogarty Global Brain Disorders.

Date: March 7–8, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Todd Everett White, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3962, *todd.white@nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Cardiovascular and Respiratory Diseases Study Section.

Date: March 7–8, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mohammed F. A. Elfaramawi, Ph.D., MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007F, Bethesda, MD 20892, (301) 480–1142, *elfaramawimf@csr.nih.gov.*

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Drug Discovery and Molecular Pharmacology A Study Section.

Date: March 7–8, 2023.

Time: 9:30 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bidyottam Mittra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–0000, *bidyottam.mittra@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cancer Immunology and Immunotherapy I.

Date: March 7, 2023.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ola Mae Zack Howard, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, 301–451–4467, *howardz@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 2, 2023.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–02619 Filed 2–7–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Cell Biology Integrated Review Group; Maximizing Investigators' Research Award C Study Section.
Date: February 28–March 1, 2023.
Time: 8:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jimok Kim, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–8559, *jimok.kim@nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Tissue Engineering Study Section.
Date: February 28–March 1, 2023.
Time: 9:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.
Contact Person: Srikanth Ranganathan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7802, Bethesda, MD 20892, (301) 435–1787, *srikanth.ranganathan@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Academic Industrial Partnerships for Translation of Medical Technologies.
Date: February 28, 2023.
Time: 9:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Zheng Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3385, *zheng.li3@nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Social Psychology, Personality and Interpersonal Processes Study Section.
Date: February 28–March 1, 2023.
Time: 9:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: DoubleTree by Hilton, McLean Tysons, 1960 Chain Bridge Rd., McLean, VA 22102.
Contact Person: Janetta Lun, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007E, Bethesda, MD 20892, (301) 435–5877, *janetta.lun@nih.gov.*

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Tumor Evolution, Heterogeneity and Metastasis Study Section.
Date: February 28–March 1, 2023.
Time: 10:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Rolf Jakobi, Ph.D., Scientific Review Officer, Center for Scientific Review National Institutes of Health, 6701 Rockledge Drive, Room 6190, MSC 7806, Bethesda, MD 20892, 301–435–1718, *jakobir@mail.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Pathophysiology of Obesity and Metabolic Disease Study Section.
Date: February 28–March 1, 2023.
Time: 10:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Heather Marie Brockway, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 813H, Bethesda, MD 20892, (301) 594–5228, *brockwayhm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.
Date: February 28–March 1, 2023.
Time: 10:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Mufeng Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–5653, *limuf@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–22–233: Time-Sensitive Opportunities for Health Research.
Date: February 28, 2023.
Time: 11:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Shivakumar V. Chittari, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–408–9098, *chittari.shivakumar@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Learning, Memory, Language, Communication and Related Neuroscience.
Date: March 1–2, 2023.
Time: 9:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Eileen Marie Moore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–8928, *eileen.moore@nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Pathobiology of Kidney Disease Study Section.
Date: March 1–2, 2023.
Time: 9:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Analytics and Statistics for Population Research Panel A Study Section.
Date: March 1–2, 2023.
Time: 10:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Victoriya Volkova, Ph.D., DVM Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 594–7781, *volkovav2@csr.nih.gov.*

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Cancer Etiology Study Section.
Date: March 1–2, 2023.
Time: 10:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Sarita Kandula Sastry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20782, 301–402–4788, *sarita.sastry@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Environmental Influences on Child Health Outcomes (ECHO) Cohort Study Sites.
Date: March 1–2, 2023.
Time: 10:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Heidi B. Friedman, Ph.D., Senior Scientific Review, Officer Office of the Director Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 907–H, Bethesda, MD 20892, (301) 379–5632, *hfriedman@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 1, 2023.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–02618 Filed 2–7–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2022–0059]

Faith Based Security Advisory Council

AGENCY: The Department of Homeland Security (DHS), the Office of Partnership and Engagement (OPE).

ACTION: Notice of new taskings for the Faith Based Security Advisory Council (FBSAC).

SUMMARY: On January 24, 2023, the Secretary of DHS, Alejandro N. Mayorkas, tasked the Faith-Based Security Advisory Council (FBSAC) to form three subcommittees further outlined below. This notice is not a solicitation for membership.

FOR FURTHER INFORMATION CONTACT: Sameer Hossain, Designated Federal Officer, Faith-Based Security Advisory Council, Office of Partnership and Engagement, U.S. Department of Homeland Security at *FBSAC@hq.dhs.gov* or 202–891–2876.

SUPPLEMENTARY INFORMATION: The FBSAC provides organizationally independent, strategic, timely, specific, and actionable advice to the Secretary through the Assistant Secretary for OPE, who serves as the DHS Faith-Based Organizations Security Coordinator on security and preparedness matters related to places of worship, faith communities, and faith-based organizations. The FBSAC serves strictly as an advisory body with the purpose of providing advice upon the request of the Secretary.

The three subcommittees are as follows:

Subcommittee (1): Information Sharing

A subcommittee to provide recommendations on how the Department can more efficiently and effectively share information to enhance the security and preparedness of places of worship, faith communities, and faith-based organizations.

Subcommittee (2): DHS Grants and Resources

A subcommittee to provide recommendation on how the Department can most effectively and appropriately share resources that meet the needs of diverse faith-based organizations and communities, including remedying challenges to applying for DHS grants.

Subcommittee (3): Building Partnerships

A subcommittee to provide recommendations on how the Department can build trust and resilience with faith community stakeholders.

Tasking (1): Information Sharing

The Department must prioritize timely two-way sharing of threat and security-related information with faith-based organizations in order protect faith-based organizations and all members of the public.

This subcommittee is tasked to provide recommendations:

1. Regarding the efficiency and effectiveness of the Department's information sharing and how the Department can enhance the security and preparedness of places of worship, faith communities, and faith-based organizations.

2. For new information-sharing mechanisms, whether via existing information-sharing platforms or networks, or by creating a new process that will effectively communicate threat information and other relevant federal resources to faith communities of diverse backgrounds.

Tasking (2): DHS Grants and Resources

Following the hostage situation at the Congregation Beth Israel synagogue in Colleyville, Texas, Secretary Mayorkas called for an increase in funding for the Nonprofit Security Grant Program (NSGP). This program provides essential resources to help protect nonprofit organizations at risk of terrorist attacks.

In Fiscal Year 2022, Congress provided $250 million for the NSGP, an increase of $70 million from the prior year. For Fiscal Year 2023, Congress increased the NSGP funding to $305 million, a 22% increase on Fiscal Year 2022. These increases allowed more nonprofit organizations across the nation to make physical security enhancements to help protect against attacks. These increases also enable DHS to expand participation in this critical program and increase our support to historically marginalized communities and Historically Black Colleges and Universities in an effort to build capacity and address an evolving threat environment. One of the Secretary's priorities is to ensure equity in all DHS grant awards.

This FBSAC subcommittee is tasked to provide recommendations on:

1. How the Department can most effectively and appropriately address challenges to applying for DHS grants for which faith-based organizations are eligible, as well as how best these grants can meet the needs of faith-based organizations.

2. How the Department's existing resources can better meet the needs of diverse faith-based organizations and communities, in addition to providing grants.

3. The development and implementation of specific best practices to prevent, protect against, respond to, and recover from acts of targeted violence or terrorism, major disasters, cyberattacks, or other threats or emergencies while preserving individual privacy and civil rights and civil liberties.

Tasking (3): Building Partnerships

DHS is defined by its partnerships—not only with law enforcement, emergency responders, and our international partners, but also with the diverse communities we serve. To protect the homeland, we must have strong relationships with these communities and work in partnership to build strong, resilient communities.

This subcommittee is tasked to provide recommendations on:

1. How the Department can build trust with faith community stakeholders to better understand their concerns, including real or perceived threats from violent actors or groups.

2. How the Department can empower local leaders to mobilize resources to mitigate and respond to threats.

Schedule: The three subcommittees' findings and recommendations will be submitted to the FBSAC for its deliberation and vote during a public meeting. Once the recommendations from the three subcommittees are voted on by the FBSAC, they will be submitted to the Secretary. Each subcommittee will submit their findings and recommendations to the FBSAC in May 2023.

Dated: February 2, 2023.

Nicole M. Rosich,

Alternate Designated Federal Officer, Faith-Based Security Advisory Council, U.S. Department of Homeland Security.

[FR Doc. 2023–02620 Filed 2–7–23; 8:45 am]

BILLING CODE 9112–FN–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7076–N–05]

60-Day Notice of Proposed Information Collection: Family Report, MTW Family Report, MTW Expansion Family Report; OMB Control No. 2577–0083

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* April 10, 2023.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. To receive consideration of your comments, the comments should refer to the proposal by name and/or OMB Control Number and must be submitted through one of two methods, specified below.

1. *Submission of Comments by Mail.* Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000. Due to security measures at all Federal agencies, however, submission of comments by mail often results in delayed delivery. To ensure timely receipt of comments, HUD recommends that comments submitted by mail be submitted at least two weeks in advance of the public comment deadline.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

FOR FURTHER INFORMATION CONTACT: Sylvia Whitlock, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, Room 3178, Washington, DC 20410; telephone 202–402–4580, (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Family Report, MTW Family Report, MTW Expansion Family Report.

OMB Approval Number: 2577–0083.

Type of Request: Revision of a currently approved collection.

Form Number: Form HUD–50058 Family Report, HUD–50058 MTW Family Report, Form HUD–50058 MTW Expansion Family Report.

Description of the need for the information and proposed use: The Office of Public and Indian Housing of the Department of Housing and Urban Development (HUD) provides funding to public housing agencies (PHAs) to administer assisted housing programs. Form HUD–50058, Form HUD–50058 MTW, and Form HUD–50058 MTW Expansion Family Reports solicit demographic, family profile, income, and housing information on the entire nationwide population of tenants residing in assisted housing. The information collected through the Form HUD–50058 will be used to monitor and evaluate the Public Housing, Section 8 Housing Choice Voucher, Section 8 Project-Based Vouchers, and Section 8 Moderate Rehabilitation programs. The information collected through the Form HUD–50058 MTW will be used to monitor and evaluate current Moving to Work (MTW) PHAs participating in the MTW Demonstration program which includes the Public Housing, Section 8 Housing Choice Voucher, and Section 8 Project-Based Vouchers programs. The information collected through the Form HUD–50058 MTW Expansion will be used to monitor and evaluate the expansion MTW PHAs (PHAs designated as MTW pursuant to the 2016 Expansion Statute, Section 239 of the Fiscal Year 2016 Appropriations Act, Public Law 114–113, that are participating in the MTW Demonstration program, which includes the Public Housing, Section 8 Housing Choice Voucher, Section 8 Project-Based Vouchers, Local, Non-Traditional Property-Based, and Local, Non-Traditional Tenant-Based programs.

Tenant data is collected to understand demographic, family profile, income, and housing information for participants in the Public Housing, Section 8 Housing Choice Voucher, Section 8 Project Based Certificate, Section 8 Moderate Rehabilitation, and MTW Demonstration programs. This data also allows HUD to monitor the performance of programs and the performance of public housing agencies that administer the programs.

Respondents (*i.e.* affected public): Public Housing Agencies, State and local governments, individuals and households.

Total Estimated Burden Matrix: No change.

Information collection	Number of respondents (PHA) (with responses)	* Average number of reponses per respondent (with responses)	Total annual responses	Minutes per response	Total hours	Regulatory reference (24 CFR) * see attached
Form HUD–50058 New Admission	4,014	87	349,218	45	261,913.50	908.101
Form HUD–50058 Recertification	4,014	583	2,340,162	25	975,051.90	908.101
Form HUD–50058 MTW New Admission	39	529	20,631	45	15,473.25	908.101
Form HUD–50058 Recertification MTW ..	39	4,018	156,702	25	65,291.46	908.101

Information collection	Number of respondents (PHA) (with responses)	* Average number of reponses per respondent (with responses)	Total annual responses	Minutes per response	Total hours	Regulatory reference (24 CFR) * see attached
Form HUD–50058 MTW Expansion New Admission	100	87	8,700	45	6,525.00	908.101
Form HUD–50058 Recertification MTW Expansion	100	583	58,300	25261	24,291.28	908.101

Totals: 4,153.
Total Responses: 2,933,713.
Total Hours: 1,348,546.39.
* Average Number of Responses per Respondents = Total Annual Responses/Number of Respondents.
Estimated annualized hourly cost to respondents (PHA); Form HUD–50058: To report using Form HUD–50058 Family Report, it will cost the average PHA $1,141.88 annually to enter and submit all data for New Admission and $4,250.97 annually for Recertification.
Estimated annualized hourly cost to respondents (PHA); Form HUD–50058 MTW: To report using Form HUD–50058 MTW Family Report, it will cost the average PHA $6,943.13 annually to enter and submit all data for New Admissions and $29,297.45 annually for Recertification.
Estimated annualized hourly cost to respondents (PHA); Form HUD–50058 MTW Expansion: To report using Form HUD–50058 MTW Expansion Family Report, it will cost the average PHA $1,141.88 annually to enter and submit all data for New Admissions and $4,250.97 annually for Recertification.

B. Changes Proposed

HUD is proposing several changes to the HUD–50058 Family Report. HUD is also proposing necessary corresponding changes to the HUD–50058 MTW and HUD–50058 MTW Expansion Reports for consistency, along with a few minor revisions. This data will be used to understand demographic, family profile, income, and housing information. There are several data elements that have been changed, removed, or added from their original content in recognition of rulemakings, policy changes, and current equity principles. HUD is also removing the Welfare to Work program references throughout the form since the program no longer exists. HUD does not expect the changes being proposed to impact the burden on respondents. HUD welcomes comments on the proposed changes or additional changes that should be considered when renewing this information collection, especially relevant to burden reduction. One significant change is that HUD will be moving many of the codes from the form itself and placing them in the instruction booklet to ease the use of the form and allow for non-significant future updates.

HUD–50058 Forms: The following provides a general overview of the changes that HUD is considering:

Section 1: Agency

HUD proposes to update the program types and add the unit real estate ID number to this section.

Section 2: Action

HUD proposes to update the codes for special programs and type of actions. For the type of action codes, HUD is proposing to remove the ''Historical Adjustment'' code, and add codes for PBV Transfer to Tenant-Based Voucher and two action types that will allow PHAs to record changes when the family will not receive an interim income reexamination due to Housing Opportunity Through Modernization Act of 2016, Public Law 114–201, (HOTMA) rulemaking—Household Composition Change Only; and Other Change, Non-Income Threshold. In addition, HUD plans to change the FSS participation question to a Supportive Service program participation question to align with the changes in Section 17. HUD is also proposing to add questions to list the primary reason for a family's end of participation, similar to the current HUD–50058 MTW Expansion, but add additional Tenant Initiated code and Nonpayment of Rent as a code. Lastly, HUD plans to add a question on reasons for a family's interim reexamination (already on the HUD–50058 MTW Expansion); the type of HCV voucher issued, if applicable; and a date a participant vacated an HCV unit, if applicable. HUD requests comments on whether the codes proposed and currently used in these sections represent the best code options for PHAs when completing the Form 50058 and whether new or changes to existing codes should be considered.

Section 3: Household

HUD is considering changing the Alien Registration number to provide alternatively for a USCIS Number or USCIS case number field. HUD requests comments on whether such a change would be appropriate for collecting similar information. In addition, HUD is considering updating the field for Sex to Gender and allow for inclusion of X-Non-Binary/Transgender, NR-No Response/Prefer not to answer, and the option to pick more than one response. HUD recognizes that some PHAs have policies that use this field response to determine bedroom sizes and other PHAs have State requirements to allow other such gender desingations. Therefore, HUD requests specific comment on what barriers PHAs might face if HUD makes these changes and what guidance would be helpful for PHAs if HUD does implement this change.

HUD is also considering, in response to Executive Order 14075, *Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals,* requesting information about a household member's Sexual Orientation. HUD requests comments on whether this field should be added, if added should it be limited to specific household members (*e.g.,* adult members or head of household), and whether the categories are accurate. HUD is considering the following categories: Straight/Heterosexual, Gay, Lesbian, Bisexual, Other, and No Response/Prefer not to answer. HUD also requests specific comments on what guidance would be helpful if HUD does implement this change to ensure accuracy in collecting and maintaining this information.

Lastly, HUD is proposing to change the Race question to include a new code ''Other'' and considering adding to the Disability question a new code ''No Response.''

Section 4: Background at Admission

HUD proposes to include new lines to include a date when the family was selected from the waiting list; if the family was formerly homeless; if the family transitioned out of an institutional setting; and whether there was a special non-waiting list admission.

Section 5: Unit to be Occupied on Effective Date of Action

HUD proposes to add an urbanization code to accommodate Puerto Rican addresses; provide for the type of accessible unit identified by the PHA; and include whether the last inspection passed by the unit was an alternative inspection.

Section 6: Assets

HUD proposes to update this section to delineate actual income from imputed income for each family member consistent with HUD's HOTMA rulemaking. HUD will also amend the formula associate with the asset to reflect the HOTMA changes.

Section 8: Expected Income per Year

HUD proposes to revise this section heading to ''Deductions and Allowances.'' HUD would also include a new question for families to indicate if a family is eligible for a medical hardship expense, childcare hardship expense or both, consistent with HUD's HOTMA rulemaking. In addition, HUD would add questions required to be supplied by the PHA to help determine if a family is subject to HOTMA's public housing over-income rule: what the applicable over-income limit for families of the application's size is; if the family is over-income; and the date the over-income family began the 24 consecutive month grace period.

Section 10: Public Housing and Turnkey III

HUD proposes to revise Section 10 heading to remove ''and Turnkey III.'' HUD also proposes to remove the income-based ceiling rent question and replace the ''income-based ceiling rent'' reference with ''flat rent.''

Section 11: Section 8: Project Based Certificates and Vouchers

HUD proposes to revise Section 11 heading to remove reference to ''Certificates'' and add a question to include the HAP Contract ID Number, as assigned by the PBV HAP Contract Collection module in the Housing Information Portal (HIP).

Section 12: Housing Choice Vouchers: Tenant Based Vouchers

HUD proposes to remove the question about if the family qualifies as ''Hard to House.'' HUD also proposes to add items requesting information on whether the family received mobility-related services; if a security deposit was paid by the PHA on behalf of the family; and if the family received a higher payment standard as reasonable accommodation. In addition, HUD proposes to add from the HUD–50058 MTW Expansion the questions about additional Payments, not HAP Payments, for tenant-based voucher family and financial incentives for property owners.

Section 17: Family Self-Sufficiency (FSS)/Welfare to Work (WtW) Voucher Addendum

HUD proposes to revise Section 17 heading to read ''Supportive Services Programs.'' The section removes the Welfare to Work voucher questions, but provides information on effective date, employment, and services for other supportive services programs, such as ROSS and Jobs Plus. There are also minor amendments to list of benefits a participating family receives, and the services needed by/provided to participating families. HUD also plans to remove the questions about who provides the services. HUD proposes to remove the question about whether the family received a selection preference because of a FSS related service program, given such preference is listed elsewhere in the form. HUD also proposes to add options to the question of why a participant exited the FSS program, to conform with the FSS Final Rule.

HUD–50058 MTW and HUD–50058 MTW Expansion Form: HUD is proposing changes primarily to this form to conform with the changes mentioned above and to comply with HOTMA. HUD also proposes to: remove the date of admission to the MTW program because it was unnecessary; add in a question on the total homeownership assistance payment (HAP); and to remove reference to ''Local, Non-Traditional Assistance.''

C. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Steven Durham,

Acting Chief, Office of Policy, Program and Legislative Initiatives.

[FR Doc. 2023–02668 Filed 2–7–23; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7077–N–03]

Privacy Act of 1974; System of Records

AGENCY: Office of Administration, HUD.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Housing and Urban Development, gives notice of a proposed revision of an existing Privacy Act system of records. The system of records is being updated in support of a follow-up information collection with the participants of the Homeless Families Impact Study (now called the Family Options Study). The overall goal of the Family Options Study is to determine which housing and service intervention works best to promote housing stability, family preservation, and family well-being, and self-sufficiency for homeless families with children. The new information collected will be added to the existing Homeless Families Impact Study Data Files. The Department proposes to expand the data collected under the previous study to capture additional data to determine the effects that housing and service interventions has had on the young children who are part of the sample. Refer to the ''Categories of Records'' section to identify new record types. Additionally, this Notice updates the routine uses of the data collected. This notice supersedes the previously published notice (February 26, 2014).

DATES: Comments will be accepted on or before March 10, 2023. This proposed action will be effective immediately upon publication. Routine uses will become effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number by one of these methods:

Federal e-Rulemaking Portal: https://www.regulations.gov. Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365.

Email: privacy@hud.gov.

Mail: Attention: Privacy Office; LaDonne White, Chief Privacy Officer; The Executive Secretariat; 451 Seventh Street SW, Room 10139; Washington, DC 20410–0001.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: LaDonne White; 451 Seventh Street, SW, Room 10139; Washington, DC 20410–0001; telephone number 202–708–3054 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION: HUD launched the Family Options Study in 2008 with the intent of generating evidence about the relative effectiveness of various housing and services interventions designed to address family homelessness. HUD awarded the contract for the Family Options Study to Abt Associates and their partner, Vanderbilt University, who have conducted prior phases of the study and will conduct this next phase of the evaluation. Specific changes to the SORN include:

Changes to categories of records in the system and sources categories. The upcoming follow-up information collection with the participants of the Family Options Study will include additional categories of records which will be stored as part of the Homeless Families Impact Study Data Files.

Updated routine uses. The routine uses have been updated to remove those which are no longer relevant to this data collection (including the Congressional Inquiries Routine Use, the Department of Justice for Litigation Disclosure Routine Use, the Court or Law Enforcement Proceeding Routine Use, and the Law Enforcement Investigation Routine Use) and to add a new Research and Statistical Analysis Disclosure Routine Use.

Updated the System Location to reflect current addresses of contractors. The contractor has moved offices since the publication of the original SORN in 2014, and thus the System Location has been updated to reflect the current address.

Updated the Purpose to reflect the additional phase of the study. The original SORN was published in 2014 and did not forecast this new followup information collection, thus the SORN is being revised to refer to this additional phase of the study.

Updated record retention and disposal and safeguards sections to reflect current retention requirements and current safeguard procedures. This section has been updated to reflect current record retention requirements and current safeguard procedures.

SYSTEM NAME AND NUMBER:

Homeless Families Impact Study Data Files HUD/PD&R/04

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Homeless Families Impact Study Data Files are maintained by Abt Associates which has principal offices at the following locations: Abt Associates Inc., 10 Fawcett Street Suite 5, Cambridge, MA; Abt Associates Inc., 6130 Executive Blvd., Rockville, MD 20852; and the U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410–0001. The Abt Associates system is hosted inside Amazon Web Services US East Cloud Region.

SYSTEM MANAGER(S):

Carol Star, Director, Division of Program Evaluation, Department of Housing and Urban Development, Office of Policy Development and Research, 451 Seventh Street SW, Room 8120, Washington, DC 20410–0001. Phone: (202) 402–6139.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 501 and 502 of the Housing and Urban Development Act of 1970 (Pub. L. 91–609) (12 U.S.C. 1701z–1; 1701z–2(d) and (g)).

PURPOSES OF THE SYSTEM:

The purpose of the Homeless Families Impact Study Data Files will be to store the information that is needed to measure the long-term outcomes of the Family Options Study. The information to be maintained in this records system is necessary to identify and track the participating families over the course of the study and determine the effectiveness of the interventions. The data in this system will be analyzed using statistical methods and any results shared with the public or published in anyway will be reported only in the aggregate. Resulting reports will not disclose or identify any individuals or sensitive personal information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Families enrolled in Family Options Study and children in these families who have aged into adulthood and enrolled in the study.

CATEGORIES OF RECORDS IN THE SYSTEM:

The data sets will contain the following categories of records.

Responses to surveys: Includes participant's full name; Social Security Number; study identifier; birth date; contact information (home address, telephone numbers, email address); demographic characteristics of the family head and children; income and employment history; health information; housing history; program service participation and experiences; and child well-being.

Administrative data: Includes data on tenant's full name, date of birth, age, gender, race/ethnicity, disability status, income/salary, geolocation information, home address, unique household identifier; employment status, earned income, name of employer, email address, phone number.

Locational data: Includes data such as the address and location of participating household.

RECORD SOURCE CATEGORIES:

Families enrolled in the Family Options Study, HUD's PIH Inventory Management System/PIH Information Center (IMS/PIC), National Director of New Hires (NDNH), National Student Clearinghouse, Research Data Assistance Center, National Center for Health Statistics, National Change of Address (NCOA), and Accurint.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

(1) To contractors, grantees, experts, consultants, Federal agencies, and non-Federal entities, including, but not limited to, State and local governments and other research institutions or their parties, and entities and their agents with whom HUD has a contract, service agreement, grant, cooperative agreement, or other agreement for the purposes of statistical analysis and

research in support of program operations, management, performance monitoring, evaluation, risk management, and policy development, or to otherwise support the Department's mission. Records under this routine use may not be used in whole or in part to make decisions that affect the rights, benefits, or privileges of specific individuals. The results of the matched information may not be disclosed in identifiable form.

(2) To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, cooperative agreement, or other agreement with HUD, or its contractor Abt Associates, when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function.

(3) (a) To appropriate agencies, entities, and persons when: (1) HUD suspects or has confirmed there has breached the system of records; (2) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) The disclosure made to such agencies, entities, and persons is reasonably necessary to assist with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(4) To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to suspected or confirmed breach, or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(5) To contractors, grantees, experts, consultants, Federal agencies, and non-Federal entities, including, but not limited to, State and local governments and other research institutions or employees or contractors, and other entities and their agents for the conduct of HUD-approved ancillary studies relevant to the Family Options Study. Records under this routine use may not be used in whole or in part to make decisions that affect the rights, benefits, or privileges of specific individuals. Research reports resulting from any such ancillary studies would be required to report all results in the aggregate and to ensure that no individual was identifiable.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic and paper.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

User records are retrieved internally by a Name, Social Security Number, Date of Birth and unique study ID.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Temporary. Destroy upon verification of successful creation of the final document or file, or when no longer needed for business use, whichever is later.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

For Electronic Records: All personal data will be maintained on a secure virtual server that is protected by a firewall and complex passwords in a directory that can only be accessed by the system administrators and the analysts actively working on the data; access rights to the data are granted to limited researchers on a need-to-know basis, and the level of access provided to each researcher is based on the minimal level required that individual to fulfill his research role; all systems used to process or store data have Federal security controls applied to them; the data will be backed up on a regular basis to safeguard against system failures or disasters; and, unencrypted data will not be stored on a laptop or on removable media such as CDs, diskettes, or USB flash drives.

For Paper Records: Any paper records with personal identifiers will be securely stored until they are shipped to the evaluation contractor via commercial mail services; all hard copy forms with personal identifying data (informed consent forms) will be stored securely in a locked cabinet that can only be accessed by authorized individuals working on the data. The locked cabinet will be stored in a locked office in a limited-access building. Additionally, permissions will be defined for each authorized user based on the user's role on the project. Study data will be aggregated or de-identified at the highest level possible for each required, authorized use.

RECORD ACCESS PROCEDURES:

Individuals seeking notification of and access to their records in this system of records may submit a request in writing to the Department of Housing and Urban Development, Attn: FOIA Program Office, 451 7th Street SW, Suite 10139, Washington, DC 20410–0001 or by emailing *foia@hud.gov.* Individuals must furnish the following information for their records to be located:

1. Full name.
2. Signature.
3. The reason why the individual believes this system contains information about him/her.
4. The address to which the information should be sent.

CONTESTING RECORD PROCEDURES:

The HUD rule for accessing, contesting, and appealing agency determinations by the individual concerned are published in 24 CFR part 16 or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Any person wanting to know whether this system of records contains information about him or her should contact the System Manager. Such person should provide his or her full name, position title and office location at the time the accommodation was requested, and a mailing address to which a response is to be sent.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This is a revision to the previously published notice published in the **Federal Register** on February 26, 2014, at 79 FR 10823.

LaDonne White,

Chief Privacy Officer, Office of Administration.

[FR Doc. 2023–02628 Filed 2–7–23; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–NWRS–2022–N078; FF07R0200–FXRS12610700000–234]

Environmental Assessment for a Right-of-Way Application on the Arctic National Wildlife Refuge; Extension of Time for Completion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: In compliance with the National Environmental Policy Act and the Alaska National Interest Lands Conservation Act, we, the U.S. Fish and Wildlife Service, are preparing an environmental assessment for a

wintertime access to inholdings right-of-way (ROW) application that we have received from Kaktovik Inupiat Corporation. The application is for an ROW across the Arctic National Wildlife Refuge. Due to the complexity of the project, we are announcing our need to extend the timeframe for completing the EA.

FOR FURTHER INFORMATION CONTACT: Brian Glaspell, Chief, National Wildlife Refuge System in Alaska, Alaska Regional Office, by email at *FW7_ArcticNWR_KIC_ROW_NEPA@fws.gov;* by U.S. mail at 1011 East Tudor Road, Anchorage, AK 99503; or by telephone at 907–786–3584. Information about the applicant's proposal is also available at *https://www.fws.gov/refuge/arctic.* 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: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA 42 U.S.C. 4321 *et seq.*), and the Alaska National Interest Lands Conservation Act (ANILCA; 16 U.S.C 3111–3126), we, the U.S. Fish and Wildlife Service (Service), are preparing an environmental assessment (EA) for a wintertime access to inholdings right-of-way (ROW) application submitted by Kaktovik Inupiat Corporation (KIC). Submitted under section 1110(b) of ANILCA, the application is for a 20-year ROW across the lands and waters of the Arctic National Wildlife Refuge (Refuge) between KIC lands located within the Refuge and the land-based winter transportation network west of the Refuge's western boundary. Due to the complexity of the project, we announce via this notice that we need to extend the timeframe for completing the EA.

Applicant's Proposed Activities

The applicant has identified the following initial items for transport over the ROW during the term of the desired ROW permit, including but not limited to the following:

- Permanent school modules for Kaktovik and other building modules;
- Bi-directional movement of community vehicles;
- Diesel fuel, using double-walled fuel tanks, for the community powerplant; and
- Other consumables, as identified by the community.

The number of round trips would vary year to year, depending on community needs. All products would be transported across the proposed winter overland trail on Rolligon vehicles, which exert low ground pressure. For detailed information regarding KIC's application, please go to *https://www.fws.gov/refuge/arctic.*

Purpose and Need for the Proposed Action

The purpose of the proposed action is to assure adequate and feasible access (to the extent it does not already exist) for economic and other purposes to KIC's inholdings within the Refuge while protecting the natural and other values of the Refuge. The need for the proposed action is established by KIC's application for an ROW pursuant to title XI, section 1110(b) of ANICLA and the Department's implementing regulations at 43 CFR part 36.

Potential Affected Resources

Based on the proposed route and methods identified by KIC in their ROW application (*https://www.fws.gov/refuge/arctic*), the Service has identified the following potentially affected resources:

- Polar bears and their critical habitat;
- Cultural and paleontological resources;
- Tundra, soils, permafrost, stream banks, and coastal banks;
- Proposed wilderness and wilderness character;
- Central Arctic and Porcupine caribou herds;
- Water;
- Public safety;
- Viewshed;
- Soundscape;
- Shorebirds and other avian species;
- The Hula Hula River (proposed by the Service as a wild and scenic river under the National Wild and Scenic Rivers System Act (Pub. L. 90–542; 16 U.S.C. 1271 *et seq.*));
- Other marine mammal species in the vicinity of the project area;
- Other threatened and endangered species;
- Socioeconomics of the Kaktovik community; and
- Subsistence uses.

Next Steps

The Service received the complete application from KIC on December 21, 2021. Although departmental regulations in 43 CFR part 36 state that an EA or a draft environmental impact statement shall be completed within 9 months after the application filing date, those regulations allow for a longer time period if the lead agency determines, for good cause, that the 9-month period is insufficient. Due to the complexity of the project, the Service needs to extend the completion date for the EA. The Service will complete the draft EA by September 2023. Upon completion, the Service will make the draft EA available on the Refuge's website (*https://www.fws.gov/refuge/arctic*) for a 45-day public comment period. Within 90 days after the draft EA comment period closing date, the Service will either prepare a final EA (and, if appropriate, a finding of no significant impact), or will commence development of an environmental impact statement.

Sara Boario,

Regional Director, Alaska Region.

[FR Doc. 2023–02666 Filed 2–7–23; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[2341A2100DD/AAKC001030/A0A501010.999900]

Indian Gaming; Approval of Tribal-State Class III Gaming Compacts in the State of Oregon

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval of the Amended and Restated Tribal-State Compact for Regulation of Class III Gaming between the Confederated Tribes of the Grand Ronde Community of Oregon and the State of Oregon (Compact) governing class III gaming for the Confederated Tribes of the Grand Ronde Community of Oregon (Tribe) in the State of Oregon (State).

DATES: The Amendments take effect on February 8, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, *paula.hart@bia.gov,* (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The amended and restated Compact replaces the previous compact

effective July 14, 2006, including Amendment 1, effective December 28, 2012, Amendment II, effective December 13, 2017, and Amendment III, effective December 27, 2019. The Compact permits the Tribe to implement changes in operations regarding cashless wagering, licensing for certain employees and management officials, criteria for issuance of grants through the Tribe's community fund, and other technical corrections and amendments. The Compact is approved.

Bryan Newland,

Assistant Secretary, Indian Affairs.

[FR Doc. 2023–02624 Filed 2–7–23; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035288; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Walsh Gallery, Seton Hall University, South Orange, NJ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Walsh Gallery at Seton Hall University (Walsh Gallery) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice. The human remains were removed from unknown sites in the Mid-Atlantic United States.

DATES: Repatriation of the human remains in this notice may occur on or after March 10, 2023.

FOR FURTHER INFORMATION CONTACT: Laura Hapke, Collections Manager, Walsh Gallery, University Libraries, Seton Hall University, 400 South Orange Avenue, South Orange, NJ 07079, telephone (973) 275–2165, email *laura.hapke@shu.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 the Walsh Gallery. 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 Walsh Gallery.

Description

Human remains representing, at minimum, six individuals were removed from unknown sites in the Mid-Atlantic United States. In all cases, no known individuals were identified and no associated funerary objects are present.

FIM013—Possibly in 1962, the human remains of one individual were excavated by Lewis Haggerty from a location in New York he identified as the ''Van Sickle site.'' Based on Haggarty's records, this site may have been in Orange County, NY. The age of the human remains is unknown. Haggarty's collection, including these human remains, was donated to the Seton Hall University Museum of Anthropology and Archaeology in 1981. In 2001, the museum closed following director Herbert Kraft's death, and in 2015, its collections were transferred to the Walsh Gallery.

FIM172—At an unknown date, the human remains of one individual were removed from an unknown location. These remains came into the collection of the Seton Hall University Museum of Anthropology and Archaeology through Professor of Anthropology Herbert Kraft. As Kraft's work focused on the Lenape Indians, these human remains are likely affiliated with the Lenape. In 2001, the museum closed following director Herbert Kraft's death, and in 2015, its collections were transferred to the Walsh Gallery.

FIM606—At an unknown date, the human remains of one individual were removed from an unknown location. These human remains came into the collection of the Seton Hall University Museum of Anthropology and Archaeology through Professor of Anthropology Herbert Kraft. As Kraft's work focused on the Lenape Indians, these human remains are likely affiliated with the Lenape. In 2001, the museum closed following director Herbert Kraft's death, and in 2015, its collections were transferred to the Walsh Gallery.

FIM607—At an unknown date, the human remains of one individual were removed from an unknown site in New Jersey. In 1962, David Werner and Lyman Vandermark donated these human remains to the Seton Hall Museum of Anthropology and Archaeology. The age of these human remains is unknown. The Seton Hall University Museum of Anthropology and Archaeology closed in 2001, and in 2015, its collections were transferred to the Walsh Gallery.

FIM0608—At an unknown date, the human remains of one individual were removed from an unknown location. These human remains came into the collection of the Seton Hall University Museum of Anthropology and Archaeology through Professor of Anthropology Herbert Kraft. As Kraft's work focused on the Lenape Indians, these human remains are likely affiliated with the Lenape. In 2001, the museum closed following director Herbert Kraft's death, and in 2015, its collections were transferred to the Walsh Gallery.

FIM0609—At an unknown date, the human remains of one individual were removed from an unknown location. These human remains came into the collection of the Seton Hall University Museum of Anthropology and Archaeology through Professor of Anthropology Herbert Kraft. As Kraft's work focused on the Lenape Indians, these human remains are likely affiliated with the Lenape. In 2001, the museum closed following director Herbert Kraft's death, and in 2015, its collections were transferred to the Walsh Gallery.

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: historical and geographical (based on institutional knowledge about the Walsh Gallery's archeological collection).

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, the Walsh Gallery has determined that:

- The human remains described in this notice represent the physical remains of six 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 Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin.

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 10, 2023. If competing requests for repatriation are received, the Walsh Gallery 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. The Walsh Gallery 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: February 1, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02631 Filed 2–7–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035286; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: North Carolina Office of State Archaeology, Raleigh, NC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The North Carolina Office of State Archaeology has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the North Carolina Office of State Archaeology. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the North Carolina Office of State Archaeology at the address in this notice by March 10, 2023.

FOR FURTHER INFORMATION CONTACT: Emily McDowell, Office of State Archaeology, 215 West Lane Street, Raleigh, NC 27616, telephone (919) 715–5599, email *emily.mcdowell@ncdcr.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the North Carolina Office of State Archaeology, Raleigh, NC. The human remains and associated funerary objects were removed from the Hanging Dog Site (31CY12) located in Clay County, NC.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the North Carolina Office of State Archaeology professional staff in consultation with representatives of the Cherokee Nation; Eastern Band of Cherokee Indians; and The Muscogee (Creek) Nation.

History and Description of the Remains

In 1986, human remains representing, at minimum, one individual were removed from the Hanging Dog site (31CY12) in Clay County, NC. During investigations for the Clay County Industrial Park Project, the Tennessee Valley Authority discovered the remains of two individuals in situ. The remains of one of the individuals were left in place and the remains of the other individual were excavated and removed. No chain of custody or intake transfer are included in the paperwork and the date of intake and circumstances surrounding the individual's arrival at the North Carolina Office of State Archaeology are unknown. The fragmentary human remains belong to a sub-adult individual perhaps a child less than five years of age. No known individual was identified. The one associated funerary object is one lot of glass and copper beads and fibers.

The Hanging Dog site consists of a Qualla-phase historic tanning shed and an early Cherokee farmstead with burials. Fibers extracted from the burial and analyzed in 2001 provide a historic 17th century time frame. Burial style, site time frame, abundant grave goods, and fiber analysis all suggest the burial is a historic Cherokee child who was an important member of his or her group.

Determinations Made by the North Carolina Office of State Archaeology

Officials of the North Carolina Office of State Archaeology have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), 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.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Emily McDowell, North Carolina Office of State Archaeology, 215 West Lane Street, Raleigh, NC 27616, telephone (919) 715–5599, email *emily.mcdowell@ncdcr.gov,* by March 10, 2023. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The North Carolina Office of State Archaeology is responsible for notifying The Tribes and The Muscogee (Creek) Nation that this notice has been published.

Dated: February 1, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02629 Filed 2–7–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035287; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: North Carolina Office of State Archaeology, Raleigh, NC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The North Carolina Office of State Archaeology has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the North Carolina Office of State Archaeology. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the North Carolina Office of State Archaeology at the address in this notice by March 10, 2023.

FOR FURTHER INFORMATION CONTACT: Emily McDowell, Office of State Archaeology, 215 West Lane Street, Raleigh, NC 27616, telephone (919) 715–5599, email *emily.mcdowell@ncdcr.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the North Carolina Office of State Archaeology, Raleigh, NC. The human remains and associated funerary objects were removed from the Peachtree Mound and Village Site (31CE1 and 31CE6) located in Cherokee County, NC.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the North Carolina Office of State Archaeology professional staff in consultation with representatives of the Cherokee Nation; Eastern Band of Cherokee Indians; and The Muscogee (Creek) Nation.

History and Description of the Remains

At an unknown time, believed to be 1982, human remains representing, at minimum, one individual were removed from the Peachtree Mound and Village site (31CE1 and 31CE6) in Cherokee County, NC, by a former North Carolina Office of State Archaeology staff member during a visit to the site to investigate extensive damage done to the mound and village by pot hunters. This site had been monitored over several years by previous staff at the Office of State Archaeology. Although the only report on file for these visits, from 1982, does not specify whether human remains were recovered, the Office of State Archaeology reasonably believes that these human remains were removed during that visit. The remains were collected from the surface of the site and presumably belong to an adult. No known individuals were identified. The 284 associated funerary objects are 225 pottery sherds, 35 animal bone fragments, 15 shell fragments, seven rocks, one daub, and one flake.

Described as a ''platform mound,'' this site has been excavated since the 1870s. The mound is believed to be a ceremonial structure. Writing in 1941, Setzler and Jennings identified Peachtree Mound and Village as a Woodland-to-Mississippian period site with a historic occupation, and noted that, characteristically, it was similar to the Cherokee village known as Guasili described by De Soto in 1540. Setzler and Jennings also observed that the site's ''spatial centrality, combined with its topographic isolation deep in the mountains, makes it highly improbable that it was alternately occupied by Cherokee and other Indian groups.'' Additionally, several of the pottery sherds have been identified as Qualla, a phase specifically associated with Cherokee occupation.

Determinations Made by the North Carolina Office of State Archaeology

Officials of the North Carolina Office of State Archaeology have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 284 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.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Emily McDowell, North Carolina Office of State Archaeology, 215 West Lane Street, Raleigh, NC 27616, telephone (919) 715–5599, email *emily.mcdowell@ncdcr.gov,* by March 10, 2023. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The North Carolina Office of State Archaeology is responsible for notifying The Tribes and The Muscogee (Creek) Nation that this notice has been published.

Dated: February 1, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02630 Filed 2–7–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0035289; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Colorado Springs Fine Arts Center at Colorado College, Colorado Springs, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Colorado Springs Fine Arts Center at Colorado College 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 Navajo County, AZ.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after March 10, 2023.

ADDRESSES: Michael Christiano, Colorado Springs Fine Arts Center at Colorado College, 30 W Dale Street, Colorado Springs, CO 80903, telephone (719) 477–4311, email *mchristiano@ColoradoCollege.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 the Colorado Springs Fine Arts Center at Colorado College. 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 Colorado Springs Fine Arts Center at Colorado College.

Description

Human remains representing, at minimum, two individuals were removed from ''Four-Mile'' in Navajo County, AZ. On December 17, 2019, cremated remains were found at the Colorado Springs Fine Arts Center during a collections inventory. At the time, the museum could not determine whether the cremated remains were human or faunal. On March 16, 2022, the remains were identified as human cremations of one adult and one juvenile. No known individuals were identified. The two associated funerary objects are one cremation urn and one lot of mixed materials.

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: archeological and geographical.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, the Colorado Springs Fine Arts Center at Colorado College has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The two 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 Hopi Tribe of Arizona; Ohkay Owingeh, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Santo Domingo Pueblo; Ysleta del Sur Pueblo; and the Zuni Tribe of the Zuni Reservation, New Mexico.

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 10, 2023. If competing requests for repatriation are received, the Colorado Springs Fine Arts Center at Colorado College 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 Colorado Springs Fine Arts Center at Colorado College 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: February 1, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023–02632 Filed 2–7–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2023–0002; EEEE500000 234E1700D2 ET1SF0000.EAQ000: OMB Control Number 1014–0010]

Agency Information Collection Activities; Decommissioning Activities

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before April 10, 2023.

ADDRESSES: Send your comments on this information collection request (ICR) by either of the following methods listed below:

• Electronically go to *http://www.regulations.gov*. In the Search box, enter BSEE–2023–0002 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.

• Email *kye.mason@bsee.gov*, fax (703) 787–1546, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Nicole Mason; 45600 Woodland Road, Sterling, VA 20166. Please reference OMB Control Number 1014–0010 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Nicole Mason by email at *kye.mason@bsee.gov* or by telephone at (703) 787–1607. 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. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain*.

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct, or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. 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 us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

BSEE proposes to renew this information collection, without change, in order to extend the expiration date for the collection (currently April 30, 2023) while we continue to finalize our rulemaking under RIN 1082–AA02, Risk Management, Financial Assurance and Loss Prevention—Decommissioning Activities and Obligations. On October 16, 2020, we published the proposed rule (85 FR 65904) to revise the regulations related to decommissioning responsibilities of Outer Continental Shelf (OCS) oil, gas, and sulfur lessees and grant holders to ensure compliance with lease, grant, and regulatory obligations. The comment period for the proposed rule ended on December 13, 2020.

The final rule will require all recipients of a predecessor decommissioning order to submit a work plan and schedule as directed under §§ 250.1704(b) and 250.1708(a). BSEE considers this necessary to protect the public from incurring future decommissioning costs and to prevent safety and environmental risks posed by delayed performance of decommissioning. Within 150 days of receiving an order to perform decommissioning under § 250.1708, the recipient(s) will be required to submit a work plan and projected decommissioning schedule that addresses all wells, platforms and other facilities, pipelines, and site clearance. This requirement will add an estimated 4,320 annual burden hours to the existing collection. We anticipate publication of the final rule under RIN 1082–AA02 in 2023.

Abstract: BSEE uses the information collected under Subpart Q primarily for the following reasons:

• To determine the necessity for allowing a well to be temporarily abandoned, the lessee/operator must demonstrate that there is a reason for not permanently plugging the well, and the temporary abandonment will not interfere with fishing, navigation, or other uses of the OCS. We use the information and documentation to verify that the lessee/operator is diligently pursuing the final disposition of the well and has performed the temporary plugging of the wellbore.

• To ensure the information submitted in initial decommissioning plans in the Alaska and Pacific OCS Regions will permit BSEE to become involved on the ground floor planning of platform removals anticipated to occur in these OCS regions.

• To ensure that all objects (wellheads, platforms, etc.) installed on the OCS are properly removed using procedures that will protect marine life and the environment during removal operations, and the site cleared so as not to conflict with or harm other uses of the OCS in coordination with other Federal, State, and local government agencies.

• To ensure that information regarding decommissioning a pipeline in place will not constitute a hazard to navigation and commercial fishing operations, unduly interfere with other uses of the OCS, such as sand resource areas for coastal restoration projects, or have adverse environmental effects.

• To verify that decommissioning activities comply with approved applications and procedures and are satisfactorily completed.

• To evaluate and approve the adequacy of the equipment, materials, and/or procedures that the lessee or operator plans to use during well modifications and changes in equipment, etc.

• To help BSEE better estimate future decommissioning costs for OCS leases, rights-of-way, and rights of use and easements. BSEE's future decommissioning cost estimates may then be used by BOEM to set necessary financial assurance levels to minimize or eliminate the possibility that the government will incur abandonment liability. The information will assist BSEE and BOEM in meeting their stewardship responsibilities and in their roles as regulators.

Title of Collection: 30 CFR 250, Subpart Q, Decommissioning Activities.

OMB Control Number: 1014–0010.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal OCS oil, gas, and sulfur lessees and/or operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Currently there are approximately 555 Federal OCS oil, gas, and sulfur lessees and holders of pipeline rights-of-way. Not all the potential respondents will submit information in any given year, and some may submit multiple times.

Total Estimated Number of Annual Responses: 3,245.

Estimated Completion Time per Response: Varies from 15 minutes to 28 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 11,677.

Respondent's Obligation: Mandatory.

Frequency of Collection: Submissions are generally on occasion, varies by section, and annual.

Total Estimated Annual Nonhour Burden Cost: $1,143,556.

Citation 30 CFR 250 subpart Q	Reporting requirement *	Non-hour cost burdens		
		Hour burden	Average number of annual responses	Annual burden hours (rounded)
	General			
1704(g); 1706(a), (f); 1712; 1715; 1716; 1721(a), (d), (f)–(g); 1722(a), (b), (d); 1723(b); 1743(a); Sub G.	These sections contain references to information, approvals, requests, payments, etc., which are submitted with an APM, the burdens for which are covered under its own information collection.	APM burden covered under 1014–0026		
1700 thru 1754	General departure and alternative compliance requests not specifically covered elsewhere in Subpart Q regulations.	Burden covered under Subpart A 1014–0022		0
1703; 1704	Request approval for decommissioning	Burden included below		0
1704(i), (j)	Submit to BSEE, within 120 days after completion of each decommissioning activity, a summary of expenditures incurred; any additional information that will support and/or verify the summary.	1	1,320 summaries (including pipelines)/additional information.	1,320
1704(i); NTL	Request and obtain approval for extension of 120-day reporting period; including justification.	15 min.	75 requests	19
1704(i)	Submit certified statement attesting to accuracy of the summary for expenditures incurred.	Exempt from the PRA under 5 CFR 1320.3(i)(1).		0
1712	Required data if permanently plugging a well	Requirement not considered Information Collection under 5 CFR 1320.3(h)(9)		0
1713	Notify BSEE 48 hours before beginning operations to permanently plug a well.	0.5	725 notices	363
1721(f)	Install a protector structure designed according to 30 CFR 250, Subpart I, and equipped with aids to navigation. (These requests are processed via the appropriate Platform Application, 30 CFR 250 Subpart I by the OSTS.).	Burden covered under Subpart I 1014–0011		0
1721(e); 1722(e), (h)(1); 1741(c).	Identify and report subsea wellheads, casing stubs, or other obstructions; mark wells protected by a dome; mark location to be cleared as navigation hazard.	U.S. Coast Guard requirements		0
1722(c), (g)(2); 1704(h)	Notify BSEE within 5 days if trawl does not pass over protective device or causes damages to it; or if inspection reveals casing stub or mud line suspension is no longer protected.	1	11 notices	11
1722(f), (g)(3)	Submit annual report on plans for re-entry to complete or permanently abandon the well and inspection report.	2.5	98 reports	245
1722(h)	Request waiver of trawling test	1.5	4 requests	6

Citation 30 CFR 250 subpart Q	Reporting requirement *	Non-hour cost burdens		
		Hour burden	Average number of annual responses	Annual burden hours (rounded)
1725(a)	Requests to maintain the structure to conduct other activities are processed, evaluated, and permitted by the OSTS via the appropriate Platform Application process, 30 CFR 250 Subpart I. (Other activities include but are not limited to activities conducted under the grants of right-of-ways (ROWs), rights-of-use and easement (RUEs), and alternate rights-of-use and easement authority issued under 30 CFR 250 Subpart J, 30 CFR 550.160, and/or 30 CFR 585, etc.).	Burden covered under Subpart I 1014–0011		0
1725(e)	Notify BSEE 48 hours before beginning removal of platform and other facilities.	0.5	133 notices	67
1726; 1704(a)	Submit initial decommissioning application in the Pacific and Alaska OCS Regions.	20	2 applications	40
1727; 1728; 1730; 1703; 1704(b); 1725(b).	Submit final application and appropriate data to remove platform or other subsea facility structures (This included alternate depth departures and/or approvals of partial removal or toppling for conversion to an artificial reef.).	28	153 applications	4,284
		≥$4,684 fee × 153 = $716,652		
1729; 1704(c)	Submit post platform or other facility removal report; supporting documentation; signed statements, etc.	9.5	133 reports	1,264
1740; 1741(g)	Request approval to use alternative methods of well site, platform, or other facility clearance; contact pipeline owner/operator before trawling to determine its condition.	12.75	30 requests/contacts	383
1743(b); 1704(f), (h)	Verify permanently plugged well, platform, or other facility removal site cleared of obstructions; supporting documentation; and submit certification letter.	5	117 certifications	585
1750; 1751; 1752; 1754; 1704(d).	Submit application to decommission pipeline in place or remove pipeline (L/T or ROW).	10	142 L/T applications	1,420
		$1,142 L/T decommission fee × 142 = $162,164		
		10	122 ROW applications	1,220
		$2,170 ROW decommissioning fees × 122 = $264,740		
1753; 1704(e)	Submit post pipeline decommissioning report	2.5	180 reports	450
Total Burden			3,245 responses	11,677
			$1,143,556 Non-Hour Cost Burdens	

L/T = Lease Term.
Burden Breakdown.
ROW = Right of Way.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Kirk Malstrom,

Chief, Regulations and Standards Branch.

[FR Doc. 2023–02647 Filed 2–7–23; 8:45 am]

BILLING CODE 4310–VH–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Universal Golf Club Shaft and Golf Club Head Connection Adaptors, Certain Components Thereof, and Products Containing the Same (II), DN 3667;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Katherine M. Hiner, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Club-Conex LLC on February 2, 2023. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain universal golf club head connection adaptors, certain components thereof, and products containing the same. The complaint names as respondents: Top Golf Equipment Co. Limited d/b/a All-Fit Golf of China; Volf Sports Co. LTD of China; and WoFu (Shenzhen) Sports Goods Co., Ltd. of China. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3667 in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary *at EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: February 2, 2023.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2023–02633 Filed 2–7–23; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1330]

Certain Audio Players and Components Thereof (II); Notice of a Commission Determination Not To Review an Initial Determination Amending Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 11) of the presiding administrative law judge (''ALJ''), granting in part Google's motion to amend the complaint and notice of investigation to add to the investigation claim 19 of U.S. Patent No. 11,024,311 (''the '311 patent''), claims 4, 9, and 14 of U.S. Patent No. 9,812,128 (''the '128 patent''), and claims 10, 12, and 18 of U.S. Patent No. 11,050,615 (''the '615 patent'').

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 15, 2022, based on a complaint filed on behalf of Google LLC of Mountain View, California. 87 FR 56701 (Sept. 15, 2022). The complaint alleged a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain audio players and components thereof by reason of the infringement of certain claims of the '311, '128, and '615 patents and U.S. Patent No. 9,632,748. *Id.* The complaint further alleged that an industry in the United States exists as required by section 337. *Id.* The Commission's notice of investigation named as the respondent Sonos, Inc. of Santa Barbara, California. *Id.* The Office of Unfair Import Investigations was not named as a party in this investigation. *Id.*

On December 15, 2022, Google file a motion seeking leave to amend the complaint and notice of investigation to allege infringement of additional patent claims. In particular, Google sought to add to the investigation claim 19 of the '311 patent, claims 4, 9, and 14 of the '128 patent, and claims 10, 12, 18, and 20 of the '615 patent.

On January 4, 2023, the ALJ issued Order No. 11, which includes the subject ID and which granted the motion in part. The ID granted Google's motion with respect to claim 19 of the '311 patent, claims 4, 9, and 14 of the '128 patent, and claims 10, 12, and 18 of the '615 patent. In a portion of Order No. 11 that does not include the ID, the ALJ denied Google's motion as to claim 20 of the '615 patent. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID.

The complaint and notice of investigation are hereby amended to add the following claims to the investigation: claim 19 of the '311 patent, claims 4, 9, and 14 of the '128 patent, and claims 10, 12, and 18 of the '615 patent.

The Commission vote for this determination took place on February 3, 2023.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 3, 2023.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2023–02676 Filed 2–7–23; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1290]

Certain Refrigerator Water Filtration Devices and Components Thereof; Notice of Commission Decision Not To Review an Initial Determination Partially Terminating the Investigation as to Certain Respondents Based on Settlement; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 47) of the presiding Chief Administrative Law Judge (''Chief ALJ'') terminating the above-captioned investigation as to respondents Yunda H&H Tech (Tianjin) Co., LTD. of Tianjinshi, China; Tianjin Tianchuang Best Pure Environmental Science And Technology Co. Ltd. of Tianjin, China; Top Pure (Usa) Inc. of Pico Rivera, California; and W&L Trading LLC of Frisco, Texas (collectively, ''Third Settling Respondents'') based on settlement. The Commission has also determined to request written submissions from the parties, interested government agencies, and interested persons, under the schedule set forth below, on remedy, the public interest, and bonding concerning the defaulting respondents.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On January 21, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by LG

Electronics Inc. of Seoul, Republic of Korea, and LG Electronics Alabama, Inc. of Huntsville, Alabama (collectively, ''Complainants''). *See* 87 FR 3331–33 (Jan. 21, 2022). The complaint, as supplemented, alleges a violation 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 refrigerator water filtration devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 10,653,984; 10,639,570 (''the '570 patent''); and 10,188,972 (''the '972 patent''). *See id.* In addition to the Third Settling Respondents, the notice of investigation names the following respondents: (1) Qingdao Ecopure Filter Co., Ltd of Qingdao, China; Qingdao Maxwell Commercial and Trading Company Ltd of Qingdao Chengyang, China; and Qingdao Uniwell Trading Co., Ltd. of Qingdao, China (collectively, ''First Settling Respondents''); (2) Express Parts LLC of Keyport, New Jersey; Ningbo Haishu Keze Replacement Equipment Co., Ltd. of Ningboshi, China; Ningbo Bichun Technology Co., Ltd. (formerly Ningbo Haishu Bichun Technology Co., Ltd.) of Ningbo City, China; Ningbo Haishu Shun'anjie Water Purification Equipment LLC of Ningbo, China; Shenzhen Yu Tian Qi Technology Co., Ltd. of Shenzhen, China; and AGA Imports LLC d/b/a ClearWater Filters of Lakewood, New Jersey (collectively, ''Second Settling Respondents''); (3) Freshlab LLC of Gainesville, Florida; Isave Strategic Marketing Group LLC of New York, New York; GT Sourcing Inc. of Monsey, New York; and Refresh Filters LLC of New York, New York (collectively, ''First Defaulting Respondents''); (4) All Filters LLC of Salt Lake City, Utah; Jiangsu Angkua Environmental Technical Co., Ltd. of Nantong, China (''Jiangsu''); and Shenzen Hangling E-Commerce Co. Ltd of Elmhurst, Illinois (collectively, ''Second Defaulting Respondents''); (5) JJ Imports LLC of Elmwood Park, New Jersey (''JJ Imports''); (6) Aicuiying of Shenzhen, China; Liu Qi of Luliang City, China; Lvliangshilishiquhuiliwujinbaihuoshan Ghang of Luliang, China; and Zhenpingxianjiaxuanyazhubaofuzhu Anggongyipinyouxia of Wuhanshi, China (collectively, ''Unserved Respondents''); (7) Qinghaishunzexiaofangjianceyouxiang Ongsi of Xining City, China; and Zhang Ping of Dongyang, China (collectively, ''Third Defaulting Respondents''); and (8) Pursafet Water Filter (Wuhan) Inc. of Wuhan, China (''Pursafet''). *See id.* The Office of Unfair Import Investigations (''OUII'') is also a party to the investigation. *See id.*

On April 12, 2022, the Commission terminated the investigation as to JJ Imports based on the entry of a consent order. *See* Order No. 14 (Mar. 30, 2022), *unreviewed by* Comm'n Notice (Apr. 12, 2022). On June 28, August 29, and December 2, 2022, respectively, the Commission found the First, Second, and Third Defaulting Respondents in default for failure to respond to the complaint, notice of investigation, and orders to show cause. *See* Order No. 22 (June 3, 2022), *unreviewed by* Comm'n Notice (June 28, 2022); Order No. 28 (July 28, 2022), *unreviewed by* Comm'n Notice (Aug. 29, 2022); Order No. 40 (Nov. 2, 2022), *unreviewed by* Comm'n Notice (Dec. 2, 2022). On October 20 and November 8, 2022, respectively, the Commission terminated the investigation as to the First and Second Settling Respondents. *See* Order No. 37 (Sept. 28, 2022), *unreviewed by* Comm'n Notice (Oct. 20, 2022); Order No. 38 (Oct. 7, 2022), *unreviewed by* Comm'n Notice (Nov. 8, 2022). On December 2, 2022, the Commission partially terminated the investigation as to the Unserved Respondents based on the withdrawal of the complaint as to those respondents. *See* Order No. 39 (Nov. 2, 2022), *unreviewed by* Comm'n Notice (Dec. 2, 2022). On December 21, 2022, the Commission partially terminated the investigation as to Pursafet for good cause based on dissolution of the corporation. *See* Order No. 43 (Dec. 2, 2022), *unreviewed by* Comm'n Notice (Dec. 21, 2022).

On September 16, 2022, the Commission partially terminated the investigation as to the '972 patent in its entirety. *See* Order No. 31 (Aug. 16, 2022), *unreviewed by* Comm'n Notice (Sept. 16, 2022). On October 3, 2022, the Commission partially terminated the investigation as to claims 2–8 of the '570 patent. *See* Order No. 35 (Sept. 19, 2022), *unreviewed by* Comm'n Notice (Oct. 3, 2022).

On December 22, 2022, Complainants and the Third Settling Respondents (collectively, ''the Moving Parties'') filed an unopposed corrected joint motion to partially terminate the investigation as to the Third Settling Respondents. On December 23, 2022, OUII filed a response in support of the motion. No other response was received.

On January 4, 2023, the Chief ALJ issued the subject ID (Order No. 47) granting the joint motion and staying the procedural schedule as to the Third Settling Respondents. The ID finds that the joint motion complies with the requirements of Commission Rule 210.21(b), 19 CFR 210.21(b). *See* ID at 2–3. In particular, the Moving Parties included public and confidential versions of the settlement agreement. *See id.* In addition, the Moving Parties represent that ''[t]here are no other agreements, written or oral, express or implied, between the [Moving] Parties concerning the subject matter of this Investigation.'' *See id.* The ID also finds no evidence that terminating this investigation on the basis of settlement would adversely affect the public interest. *See id.* at 3. The ID further finds that good cause exists for limiting the service of the confidential version of the settlement agreement to the Moving Parties and OUII. *See id.* at 4. Because no participating respondent remains in the investigation, the ID also terminates the investigation in its entirety. *See id.* at 7. The ID further notes that Complainants have withdrawn their request for a general exclusion order and denies as moot Complainants' motion for a recommended determination as to the defaulting respondents. *See id.* No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID.

Furthermore, on January 11, 2023, Complainants filed a Declaration under Commission Rule 210.16 (19 CFR 210.16) requesting the immediate entry of a limited exclusion order against the defaulting respondents and cease and desist orders against the defaulting respondents except Jiangsu. Complainants also indicated, pursuant to 19 CFR 210.16(c)(2), that they are not seeking a general exclusion order. No response to Complainants' Declaration was received.

Commission Rule 210.16(c)(1) provides that ''[a]fter a respondent has been found in default by the Commission, the complainant may file with the Commission a declaration that it is seeking immediate entry of relief against the respondent in default'' and ''[t]he facts alleged in the complaint will be presumed to be true with respect to the defaulting respondent.'' *See* 19 CFR 210.16. In addition, ''[t]he Commission may issue an exclusion order, a cease and desist order, or both, affecting the defaulting respondent only after considering the effect of such order(s) upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, and concluding that the order(s) should still be issued in light of the aforementioned public interest factors.'' *See id.*

Accordingly, the Commission has determined to request written

submissions from the parties, interested government agencies, and interested persons, under the schedule set forth below, on remedy, the public interest, and bonding. More specifically, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainants are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are further requested to provide the HTSUS numbers under which the accused products are imported, and to supply the names of known importers of the products at issue in this investigation.

Written submissions and proposed remedial orders must be filed no later than close of business on February 13, 2023. Reply submissions must be filed no later than the close of business on February 20, 2023. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1290'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The Commission's vote for these determinations took place on February 2, 2023.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

While temporary remote operating procedures are in place in response to COVID–19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the complainant(s) complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

By order of the Commission.

Issued: February 2, 2023.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2023–02635 Filed 2–7–23; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Agency Information Collection Activities; Request for Public Comment

AGENCY: Employee Benefits Security Administration (EBSA), Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (the Department), in accordance with the Paperwork Reduction Act, provides the general public and Federal agencies with an opportunity to comment on proposed 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 Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed extension of the information collection requests (ICRs) contained in the documents described below. A copy of the ICRs may be obtained by contacting the office listed in the **ADDRESSES** section of this notice. ICRs also are available at *reginfo.gov* (*http://www.reginfo.gov/public/do/PRAMain*).

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section on or before April 10, 2023.

ADDRESSES: James Butikofer, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, Room N–5718, Washington, DC 20210, or *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Current Actions

This notice requests public comment on the Department's request for extension of the Office of Management and Budget's (OMB) approval of ICRs contained in the rules and prohibited transaction exemptions described below. The Department is not proposing any changes to the existing ICRs at this time. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a valid OMB control number. A summary of the ICRs and the burden estimates follows:

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Loans to Plan Participants and Beneficiaries Who Are Parties in Interest with Respect to The Plan Regulation.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0076.

Affected Public: Not-for-profit institutions, Businesses or other for-profits.

Respondents: 2,576.

Responses: 2,576.

Estimated Total Burden Hours: 0.

Estimated Total Burden Cost (Operating and Maintenance): $1,069,632.

Description: Section 408(b)(1)(C) of ERISA requires plan loans to be made in accordance with specific provisions set forth in the plan document. The Department's regulation at 29 CFR 2550.408b–1(d) prescribes eight specific provisions that must be included in the plan documents, including: (1) an explicit authorization for the plan fiduciary responsible for investing plan assets to establish such a loan program; (2) the identity of the person or position authorized to administer the program; (3) a procedure for applying for loans; (4) the basis on which loans will be approved or denied; (5) limitations (if any) on the types and amounts of loans offered; (6) the procedure for determining a reasonable rate of interest; (7) types of collateral that may secure a participant loan; and (8) the events constituting default and the steps that will be taken to preserve plan assets in the event of such default.

The information will be used by plan participants and beneficiaries wishing to obtain plan loans. It also will be used by plan administrators in administering their plans' loan program. The Department also will use the information in any enforcement proceedings regarding plan loans. The Department has received approval from OMB for this ICR under OMB Control No. 1210–0076. The current approval is scheduled to expire on July 31, 2023.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Prohibited Transaction Class Exemption 1985–68 to Permit Employee Benefit Plans to Invest in Customer Notes of Employers.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0094.

Affected Public: Not-for-profit institutions, Businesses or other for-profits.

Respondents: 69.

Responses: 325.

Estimated Total Burden Hours: 1.

Estimated Total Burden Cost (Operating and Maintenance): $0.

Description: Prohibited Transaction Exemption 85–68 provides that a plan is exempt from ERISA sections 406(a), 406(b)(1) and (2), and 407(a) with respect to the acquisition, holding, or resale of customer notes, executed along with a security agreement for tangible personal property, from an employer of employees covered by the plan in the ordinary course of the employer's business activity, provided that the conditions of the exemption are met The customer notes must have been accepted by the employer in its primary business activity as the seller of tangible personal property that is being financed by the notes. The exemption does not apply to notes of an employer's affiliate.

The Department has included in the class exemption a recordkeeping provision, whereby plans are required to maintain the records, information, and data which relate to plan investments in customer notes that is otherwise required to be maintained. The class exemption requires that those records be made available to certain persons on request. Without this recordkeeping requirement, the Department would be unable to effectively enforce the terms of the exemption and ensure user compliance. The Department has received approval from OMB for this ICR under OMB Control No. 1210–0094. The current approval is scheduled to expire on July 31, 2023.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Summary Plan Description Requirements Under the Employee Retirement Income Security Act of 1974, as Amended.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0039.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Respondents: 3,033,000.

Responses: 112,733,000.

Estimated Total Burden Hours: 162,956.

Estimated Total Burden Cost (Operating and Maintenance): $235,556,141.

Description: The Department has promulgated regulations governing the content and furnishing of SPDs, SMMs, and SMRs at 29 CFR 102–2 (Style and Format of Summary Plan Descriptions); 29 CFR 2520.102–3 (Contents of Summary Plan Descriptions); 29 CFR 2520.102–4 (Option for Different Summary Plan Descriptions); 29 CFR 2520.2520.104b–1 (Disclosure); 29 CFR 2520.104b-2 (Summary Plan Descriptions); 29 CFR 104b–3 (Summary of Material Modifications to the Plan and Changes in the Information Required to be Included in the Summary Plan Description); and 29 CFR 104(b)-(4) (Alternative Methods of Compliance for Furnishing the Summary Plan Description and Summaries of Material Modifications of a Pension Plan to a Retired Participant, a Separated Participant, and a Beneficiary Receiving Benefits). These regulations set standards for the content of these disclosure documents, the methods of furnishing that will satisfy the statutory disclosure requirements, and alternative methods of compliance. In particular, regulations at 29 CFR 2520.104b-1(c) specifically describe the circumstances under which the administrator of an employee benefit plan may furnish required disclosure documents, including the SPD/SMM/SMR, through electronic media.

The Department's regulations contain information collections that constitute mandatory third-party disclosure requirements applicable to the majority of ERISA-covered pension and welfare benefit plans. The Department has determined that these information collections are necessary in order to ensure the participants and beneficiaries in employee benefit plans covered under ERISA receive adequate information about the benefits due to them and their rights under the plans. The Department has received approval from OMB for this ICR under OMB Control No. 1210–0039. The current

approval is scheduled to expire on August 31, 2023.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Disclosures for Participant Directed Individual Account Plans.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0090.

Affected Public: Businesses or other for-profits.

Respondents: 569,969.

Responses: 769,693,310.

Estimated Total Burden Hours: 5,914,334.

Estimated Total Burden Cost (Operating and Maintenance): $223,980,233.

Description: The Department published a final regulation under ERISA section 404(a), with conforming amendments to the regulations under ERISA section 404(c) that requires plan fiduciaries to disclose plan- and investment-related fee and expense information to participants and beneficiaries in all participant directed individual account plans (*e.g.,* 401(k)-type plans) for plan years that began on or after January 1, 2010 and at least annually thereafter (defined by regulation as at least once in any 14-month period, without regard to whether the plan operates on a calendar or fiscal year basis).

The final rule, 29 CFR 2550.404a–5(c), requires three sub-categories of Plan-related information to be provided to participants and beneficiaries. The first sub-category is General Plan Information, which includes how participants may give investment instructions or exercise proxy voting or tendering rights, restrictions on transferring account assets among investment alternatives, and identification of the plan's designated investment alternatives and designated investment managers (29 CFR 2550.404a–5(c)(1)). The second sub-category of Plan-related information is Administrative Expense Information, which refers to explanations of any fees and expenses for general plan administrative services (*e.g.,* legal, accounting, recordkeeping) charged to individual accounts and the basis for allocating such charges among the accounts (*e.g.,* pro-rata, per capita). (29 CFR 2550.404a–5(c)(2)). The third sub-category of Plan-related information is Individual Expense Information, which describes expenses assessed against accounts based on the actions taken by individual participants or beneficiaries. This would include charges for processing participant loans and qualified domestic relations orders. (29 CFR 2550.404a–5(c)(3)).

The rule also requires plan administrators to disclose three sub-categories of investment-related information to participants and beneficiaries on or before their date of eligibility, which relates to the plans designated investment alternatives. The first sub-category of information is information required to be provided automatically. (29 CFR 2550.404a–5(d)(1)). For each designated investment alternative, the plan must disclose specified identifying information, past performance data, comparable benchmark returns, fee and expense information, and an internet website address that is sufficiently specific to lead participants and beneficiaries to specified supplemental information for each investment alternative. The latest information available to the plan must be furnished annually. Material changes to this information must be disclosed at least 30 days but no more than 90 days before the effective date of the change except for unforeseen events or circumstances beyond the plan administrator's control. Investment-related information must be furnished in a chart or similar format designed to help participants compare the plan's investment alternatives across each category of information. (29 CFR 2550.404a–5(d)(2)). To facilitate compliance, the rule includes a model chart that may be used by plan fiduciaries to satisfy this requirement. The second sub-category of investment-related information is Post-Investment Information. Following a participant's investment in an alternative, the plan administrator must provide any materials it receives regarding voting, tender or similar rights in the alternative (''pass-through materials'') to the extent such rights are passed through to the participant or beneficiary. (29 CFR 2550.404a–5(d)(3)). The third sub-category of investment-related information is Information to be provided upon Request (29 CFR 2550.404a–5(d)(4)). Participants may request the plan to provide prospectuses, financial reports, as well as statements of valuation and a list of assets held by an investment alternative.

The information collection describes the timeframes and acceptable format for providing the disclosures. The Department has received approval from OMB for this ICR under OMB Control No. 1210–0090. The current approval is scheduled to expire on August 31, 2023.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Electronic Disclosure by Employee Benefit Plans.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0121.

Affected Public: Businesses or other for-profits.

Respondents: 757,635.

Responses: 82,853,832.

Estimated Total Burden Hours: 1,567,541.

Estimated Total Burden Cost (Operating and Maintenance): $21,441,854.

Description: On January 28, 1999, the Department published a notice of proposed rulemaking on electronic disclosure and recordkeeping issues (64 FR 4506). Where, previously, only group health plans had specifically been provided with a safe harbor for electronic disclosure, the proposal expanded the use of electronic disclosure to include all pension and welfare benefit plans covered by Title I of ERISA. In addition, the proposal added summary annual reports to the list of disclosure documents included in the safe harbor provisions. On April 9, 2002, the Department published a notice of final rulemaking on electronic disclosure and recordkeeping issues (67 FR 17264) to establish a ''safe harbor'' for the use of electronic media to satisfy the general furnishing requirement. In 2020, the Department issued a final rule providing a new safe harbor (Notice-and-Access Safe Harbor) for plan administrators who wish to satisfy ERISA's delivery requirements for retirement plan documents by posting them on a website and notifying workers of the online availability of such documents (85 FR 31884).

The information collection contains a third-party disclosure. The consent serves to demonstrate to the plan administrator that an individual has the ability to access information in the electronic form that will be used for disclosure purposes. Such confirmation will ensure the compatibility of the hardware and software between the individual and the plan, and will also serve to demonstrate that the administrator has taken appropriate and necessary measures reasonably calculated to ensure that the system for furnishing documents results in actual receipt, as required under ERISA. Lastly, where applicable, the consent provides a means for the individual to provide the plan with the correct email address to facilitate the efficiencies that may arise from the use of electronic technologies where appropriate.

Retirement plan administrators may satisfy their obligation to furnish ERISA-required disclosures by making the information accessible online and

furnishing a notice of internet availability of these disclosures to covered individuals. The notice of internet availability must be sent to the electronic address of the participant, for example to the participant's email address and include, among other things, a brief description of the document being posted online, a website address where the document is posted, and instructions for requesting a free paper copy or electing paper delivery in the future. It must be sent each time a retirement plan disclosure is posted to the internet website. To prevent ''email overload,'' the 2019 final rule allows a notice of internet availability to incorporate or combine other notices of internet availability in limited circumstances. The Department has received approval from OMB for this ICR under OMB Control No. 1210–0121. The current approval is scheduled to expire on August 31, 2023.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Defined Benefit Plan Annual Funding Notice.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0126.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Respondents: 32,165.

Responses: 65,526,626.

Estimated Total Burden Hours: 197,336.

Estimated Total Burden Cost (Operating and Maintenance): $7,080,504.

Description: In 2012, Congress enacted the Moving Ahead for Progress in the 21st Century Act (MAP–21). The law provides funding interest rate stabilization for single employer defined benefit (DB) plans, effective for plan years beginning on and after January 1, 2012. MAP–21 set a floor (or ceiling) for the interest rates that single employer defined benefit plan administrators generally are required to use to calculate contributions. Under the rules, the generally required interest rates are limited to rates that are within a specified range, or corridor, above or below a 25-year average for the rates.

Section 40211(b)(2)(A) of MAP–21 amended ERISA section 101(f)(2) by adding a new subparagraph (D), which requires single-employer defined benefit plan administrators to disclose additional information in the annual funding notice for a plan year beginning after December 31, 2011, regarding the effect of the MAP–21 segment rate stabilization rules on plan liabilities and the plan sponsor's minimum required contributions to the plan. Section 40211(b)(2)(B) of MAP–21 directed the Department to modify the model annual funding notice required under section 501(c) of the Pension Protection Act of 2006 (PPA), to prominently include the supplemental information required under ERISA section 101(f)(2)(D). The Department issued Field Assistance Bulletin (FAB) 2013–01 to address issues related to the disclosures required by section 101(f)(2)(D) and to provide a model segment rate stabilization supplement for the annual funding notices of single-employer plans. The Department subsequently issued FAB 2015–01 to address changes made to the segment stabilization rules and the supplement required by section 101(f)(2)(D) by the Highway and Transportation and Funding Act of 2014. The segment rate stabilization rules and section 101(f)(2)(D) of ERISA were further modified by the Bipartisan Budget Act of 2015, the American Rescue Plan Act of 2021, and the Infrastructure Investment and Jobs Act extending the requirement to furnish the segment rate stabilization requirement-through the 2034

The Cooperative and Small Employer Charity Pension Flexibility Act, Public Law 113–97 (2014) added a new subparagraph (E) to section 101(f)(2) of ERISA which required CSEC plans to include additional information in their annual funding notices. The Department reserved section 2520.101–5(m) of the final regulation for CSEC plans.

The Multiemployer Pension Reform Act of 2014 (MPRA), Public Law 113–235 (2014), added new disclosure requirements to section 101(f)(2)(B) of ERISA relating to the new multiemployer funding classification of ''critical and declining status.'' A plan is in critical and declining status if it is in critical status and is projected to become insolvent with 15 years (or within 20 years if a special rule applies). MPRA requires the annual funding notice of critical and declining status plans to include the projected date of insolvency; a clear statement that such insolvency may result in benefit reductions; and a statement describing whether the plan sponsor has taken legally permitted actions to prevent insolvency. These requirements were added to the final regulation and the multiemployer plan model notice to reflect the MPRA amendments to ERISA section 101(f) and are included in the hour burden to complete that notice.

MPRA requires the annual funding notice of critical and declining status plans to include the projected date of insolvency; a clear statement that such insolvency may result in benefit reductions; and a statement describing whether the plan sponsor has taken legally permitted actions to prevent insolvency. These requirements were added to the final regulation and the multiemployer plan model notice to reflect the MPRA amendments to ERISA section 101(f).

On February 2, 2015, the Department published final rules implementing ERISA section 101(f). As required by statute, the final rule requires the plan administrator of a defined benefit pension plan that is subject to the Pension Benefit Guaranty Corporation's Insurance Program to furnish a funding notice annually to participants, beneficiaries, labor organizations representing such participants or beneficiaries, employers obligated to make contributions to a multiemployer plan, and the Pension Benefit Guaranty Corporation (PBGC). Large plans must furnish the notice by the 120th day following the end of the plan year to which the notice relates. A small plan may furnish a funding notice on or before the due date, with extensions, of the plan's Form 5500 Annual Return/Report filed with the Department.

The final rule provides guidance and model annual funding notices. Administrators of single and multiemployer defined benefit plans can use the guidance provided in the final rule (and the included model notices) to furnish an annual notice of the plan's funded status to the plan's participants and beneficiaries and other specified interested parties (each labor organization representing such participants or beneficiaries, each employer that has an obligation to contribute under the plan, and the PBGC) as required by ERISA 101(f). The Department has received approval from OMB for this ICR under OMB Control No. 1210–0126. The current approval is scheduled to expire on August 31, 2023.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Default Investment Alternatives under Participant Directed Individual Account Plans.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0132.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Respondents: 296,568.

Responses: 39,548,933.

Estimated Total Burden Hours: 76,011.

Estimated Total Burden Cost (Operating and Maintenance): $2,073,509.

Description: The Department of Labor finalized a regulation under ERISA section 404(c)(5)(A). The regulation

offers guidance on the types of investment vehicles that plans may choose as their ''qualified default investment alternative'' (QDIA). The regulation also outlines two types of information collections. First, it implements the statutory requirement that plans provide annual notices to participants and beneficiaries whose account assets could be invested in a QDIA. Second, the regulation requires plans to pass any pertinent materials they receive from a QDIA to those participants and beneficiaries with assets invested in the QDIA as well to provide certain information on request. These two information collections are necessary to inform participants and beneficiaries, who do not make investment elections, of the consequences of their failure to elect investments, the ways in which their account assets will be invested through the QDIA, and of their continuing opportunity to make other investment elections, including options available under the plan. The Department has received approval from OMB for this ICR under OMB Control No. 1210–0132. The current approval is scheduled to expire on August 31, 2023.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Registration Requirements to Serve as a Pooled Plan Provider to Pooled Employer Plans—Form PR.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0164.

Affected Public: Businesses or other for-profits.

Respondents: 1,660.

Responses: 2,813.

Estimated Total Burden Hours: 1,676.

Estimated Total Burden Cost (Operating and Maintenance): $0.

Description: Section 101 of The Setting Every Community Up for Retirement Enhancement Act of 2019 (the SECURE Act) amended ERISA section 3(2) and added new sections 3(43) and 3(44) to establish a new type of ERISA-covered retirement savings plan called a ''pooled employer plan.'' Among other requirements, pooled employer plans must be operated by a designated ''pooled plan provider.'' The SECURE Act provides that pooled plan provider'' can begin offering pooled employer plans'' on January 1, 2021, as long as pooled plan providers register with the Labor Department (the Department) and the Treasury Department (Treasury) before beginning operations as a pooled plan provider.

The final rule requires an initial registration filing and supplemental filings to report changes in the information in the initial filing, information about each specific pooled employer plan at its inception, and information on specified reportable events, time-sensitive knowledge of which will allow the Agencies to carry out their joint oversight responsibilities and for participating employers to be able to exercise their fiduciary duties to select and monitor pooled plan providers. The final rule requires a final filing once the provider's last pooled employer plan has been terminated and ceased operations.

The initial registration, supplemental filing, and final filing requirements will provide the Agencies with timely access to information needed to help them protect plan participants and beneficiaries and conduct effective monitoring and oversight of pooled employer plans and pooled plan providers as required by the SECURE Act. Without this kind of timely information, the Agencies would typically not learn of risks to a pooled employer plan until the plan files a Form 5500, possibly many months after the event (assuming the information was even required to be reported on the Form 5500), and when opportunities for protecting plan participants from financial injury have been missed. The Department has received approval from OMB for this ICR under OMB Control No. 1210–0164. The current approval is scheduled to expire on November 30, 2023.

II. Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the collections of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the information collection; they will also become a matter of public record.

Signed at Washington, DC, this 1st day of February 2023.

Lisa M. Gomez,

Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2023–02621 Filed 2–7–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Office of the Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Requests for District Director Action

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Requests for District Director Action.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by April 10, 2023.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation, Division of Workers' Compensation, Room S3323, 200 Constitution Avenue NW, Washington, DC 20210; by email: *suggs.anjanette@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is

minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The Longshore and Harbor Workers' Compensation Act (LHWCA) requires covered employers to secure the payment of compensation under the Act and its extensions by purchasing insurance from a carrier authorized by the Secretary of Labor to write Longshore Act Insurance, or becoming authorized self-insured employers. Each authorized insurance carrier (or carrier seeking authorization) is required to establish annually that its Longshore obligations are fully secured either through an applicable state guaranty (or analogous fund), a deposit of security with the Division of Longshore and Harbor Workers' Compensation (DLHWC), or a combination of both. Similarly, each authorized self-insurer (or employer seeking authorization) is required to fully secure its Longshore Act obligations by depositing security with DLHWC. These requirements are designed to assure the prompt and continued payment of compensation and other benefits by the responsible carrier or self-insurer to injured workers and their survivors. Forms LS–276, Application for Security Deposit Determination; LS–275–IC, Agreement and Undertaking (Insurance Carrier); and LS–275–SI, Agreement and Undertaking (Self-Insured Employer) are used to cover the submission of information by insurance carriers and self-insured employers regarding their ability to meet their financial obligations under the Longshore Act and its extensions. This information is currently approved through December 31, 2019. 33 U.S.C. 932 et seq. authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB under the PRA approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Written comments will receive consideration, and summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB No. 1240–0005.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL—Office of Workers' Compensation Programs.

Type of Review: Extension Without Changes.

Title of Collection: Securing Financial Obligations under the Longshore and Harbor Workers' Compensation Act and its Extensions.

Form: LS–276, LS–275(IC), LS–275(SI).

OMB Control Number: 1240–0005.

Affected Public: Business or other for-profit, not-for-profit institutions.

Estimated Number of Respondents: 705.

Frequency: Annually.

Total Estimated Annual Responses: 705.

Estimated Average Time per Response: 15 minutes to 60 minutes.

Estimated Total Annual Burden Hours: 881.

Total Estimated Annual Other Cost Burden: $19,007.

Authority: 44 U.S.C. 3506(c)(2)(A).

Dated: February 1, 2023.

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2023–02622 Filed 2–7–23; 8:45 am]

BILLING CODE 4510–CF–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. These meetings will primarily take place at NSF's headquarters, 2415 Eisenhower Avenue, Alexandria, VA 22314.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF website: *https://www.nsf.gov/events/advisory.jsp.* This information may also be requested by telephoning, 703/292–8687.

Dated: February 3, 2023.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2023–02627 Filed 2–7–23; 8:45 am]

BILLING CODE 7555–01–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* February 8, 2023.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on January 30, 2023, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 230 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2023–111, CP2023–112.

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2023–02684 Filed 2–7–23; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: Date of notice: February 8, 2023.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on January 30, 2023, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 13 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2023–110 and CP2023–111.

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2023–02685 Filed 2–7–23; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96791; File No. SR–ICEEU–2023–003]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to Part N1 of the Delivery Procedures

February 2, 2023.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 20, 2023, ICE Clear Europe Limited (''ICE Clear Europe'' or the ''Clearing House'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II and III below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(4)(ii)[4] thereunder, such that the proposed rule change was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

ICE Clear Europe Limited (''ICE Clear Europe'' or the ''Clearing House'') proposes to amend Part N1 of its Delivery Procedures (''Delivery Procedures'' or ''Procedures'') to update the delivery timetable for ICE Deliverable US Emissions Contracts.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICE Clear Europe is proposing to amend Part N1 of the Delivery Procedures which applies to ICE Deliverable US Emissions Contracts (i) for which physical delivery is specified as being ''Applicable'' in the relevant Contract Terms, (ii) which go to physical delivery on the expiry date; and (iii) to which the Clearing House will announce by Circular that Part N1 specifically applies (such contracts ''ICE Deliverable US Emissions Contracts'').[5] The Clearing House is proposing to amend the delivery timetable to remove extraneous and unnecessary provisions in the final row relating to the relevant parties' obligations on the Delivery Day. The relevant delivery and payment obligations are already covered in the preceding rows of the timetable. Specifically, the provisions in the final row relating to final payment to the Seller are already addressed in the row titled ''Payment to Seller.'' Similarly, the provisions in the final row relating to the return of Seller's Delivery Margin are addressed in the row titled ''Payment to Seller.'' The amendment would also remove an inconsistency between the deleted provision and the deadline for delivery of Allowances as set forth in the row titled ''Seller's Delivery to the Clearing House.'' The amendments would additionally remove a statement in the final row relating to the treatment of deliveries after the specified deadline as being deemed received on the next business day. ICE Clear Europe believes that this statement was unnecessary and could have been read to imply that a late delivery was acceptable, which is not consistent with the deadline set forth in the row titled ''Seller's Delivery to the Clearing House'' and current Clearing House practice. The amendments do not

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

[5] Part N1 of the Delivery Procedures (as filed pursuant to filing SR–ICEEU–2021–023, Exchange Act Release No. 34–93764 (Dec. 13, 2021), 86 FR 71692 (Dec. 17, 2021)) will not be operative until the Effective Date referenced below. Part N1, as amended by the proposed amendment set forth herein, will come into effect on or about 23 February 2023, with the specific effective date announced at least one week in advance through ICE Clear Europe Circular (the ''Effective Date'').

otherwise change the terms and conditions of the relevant contract.

(b) Statutory Basis

ICE Clear Europe believes that the proposed amendments to the Delivery Procedures are consistent with the requirements of Section 17A of the Act [6] and the regulations thereunder applicable to it. In particular, Section 17A(b)(3)(F) of the Act [7] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest. The proposed changes to the Delivery Procedures are designed to clarify the obligations of the relevant parties for the Delivery Day in the delivery timetable under Part N1. The amendments will not change the manner in which ICE Deliverable US Emissions Contracts delivered through a Clearing House Registry Account under Part N1, once it becomes operative in accordance with this filing, will be cleared by the Clearing House. Accordingly, ICE Clear Europe believes that the Delivery Procedures, as amended, are sufficient to support clearing of such contracts and to manage the risks associated with such contracts. As a result, in ICE Clear Europe's view, the amendments would be consistent with the prompt and accurate clearance and settlement of the contracts, and the protection of investors and the public interest consistent with the requirements of Section 17A(b)(3)(F) of the Act.[8] (In ICE Clear Europe's view, the amendments would not affect the safeguarding of funds or securities in the custody or control of the clearing agency or for which it is responsible, within the meaning of Section 17A(b)(3)(F).[9])

In addition, Rule 17Ad–22(e)(10) [10] provides that ''[e]ach covered clearing agency shall establish, implement, maintain and enforce written policies and procedures reasonable designed to, as applicable [. . .] establish and maintain transparent written standards that state its obligations with respect to the delivery of physical instruments, and establish and maintain operational practices that identify, monitor and manage the risks associated with such physical deliveries.'' As discussed above, the amendments would amend the delivery specifications for ICE Deliverable US Emissions Contracts to clarify the obligations for the Delivery Day and remove extraneous provisions. The amendments thus appropriately clarify the role and responsibilities of the Clearing House and Clearing Members with respect to physical delivery. As a result, ICE Clear Europe believes the amendments are consistent with the requirements of Rule 17Ad–22(e)(10).[11]

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendments to the Delivery Procedures are intended to make certain clarifications to the delivery timetable procedures applicable to the settlement of ICE Deliverable US Emissions Contracts. The amendments would not change the obligations of market participants. ICE Clear Europe does not believe the amendments would adversely affect competition among Clearing Members, materially affect the cost of clearing, adversely affect access to clearing in the new contracts for Clearing Members or their customers, or otherwise adversely affect competition in clearing services. Accordingly, ICE Clear Europe does not believe that the amendments would impose any impact or burden on competition that is not appropriate in furtherance of the purpose of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed amendment has not been solicited or received by ICE Clear Europe. ICE Clear Europe will notify the Commission of any comments received with respect to 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) of the Act [12] and paragraph (f) of Rule 19b–4 [13] 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.

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–ICEEU–2023–003 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–ICEEU–2023–003. 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 such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://www.theice.com/clear-europe/regulation.*

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.

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 240.17Ad–22(e)(10).

[11] 17 CFR 240.17Ad–22(e)(10).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICEEU–2023–003 and should be submitted on or before March 1, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–02604 Filed 2–7–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96793; File No. SR–CBOE–2023–008]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

February 2, 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 20, 2023, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule to modify the fee for the SPX (and SPXW) Floor Market-Maker Tier Appointment Fee.[3]

By way of background, Exchange Rule 5.50(g)(2) provides that the Exchange may establish one or more types of tier appointments and Exchange Rule 5.50(g)(2)(B) provides such tier appointments are subject to such fees and charges the Exchange may establish. In 2010, the Exchange established the SPX Tier Appointment and adopted an initial fee of $3,000 per Market-Maker trading permit, per month.[4] The SPX (and SPXW) Tier Appointment fee for Floor Market-Makers currently applies to any Market-Maker that executes any contracts in SPX and/or SPXW on the trading floor.[5] The Exchange now seeks to increase the fee for the SPX/SPXW Floor Market-Maker Tier Appointment from $3,000 per Market-Maker Floor Trading Permit to $5,000 per Market-Maker Floor Trading Permit.

In connection with the proposed change, the Exchange also proposes to update Footnote 24 in the Fees Schedule, as well as remove the reference to Footnote 24 in the Market-Maker Tier Appointment Fee Table. By way of background, in June 2020, the Exchange adopted Footnote 24 to describe pricing changes that would apply for the duration of time the Exchange trading floor was being operated in a modified manner in connection with the COVID–19 pandemic.[6] Among other changes, Footnote 24 provided that the monthly fee for the SPX/SPXW Floor Market-Maker Tier Appointment Fee was to be increased to $5,000 per Trading Permit from $3,000 per Trading Permit. As the Exchange now proposes to maintain the $5,000 rate on a permanent basis (*i.e.,* regardless of whether the Exchange is operating in a modified state due to COVID–19 pandemic), the Exchange proposes to eliminate the reference to the SPX/SPXW Floor Market-Maker Tier Appointment Fee in Footnote 24.[7]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, 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 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)[10] requirement that the rules of an exchange not be designed

[3] The Exchange initially filed the proposed fee change, among other changes, on June 1, 2022 (SR–CBOE–2022–026). On June 10, 2022, the Exchange withdrew that filing and submitted SR–CBOE–2022–029. On August 5, 2022, the Exchange withdrew that filing and submitted SR–CBOE–2022–042. On September 26, 2022, the Exchange withdrew that filing and submitted SR–CBOE–2022–050 to address the proposed fee change relating to the SPX/SPXW Floor Market-Maker Tier Appointment Fee. On November 23, 2022, the Exchange advised of its intent to withdraw that filing and submitted SR–CBOE–2022–060. On January 20, 2023, the Exchange withdrew SR–CBOE–2022–060 and submitted this filing. No comment letters were received in connection with any of the foregoing rule filings.

[4] *See* Securities Exchange Act Release No. 62386 (June 25, 2010), 75 FR 38566 (July 2, 2010) (SR–CBOE–2010–060).

[5] The Exchange notes that the fee is not assessed to a Market-Maker Floor Permit Holder who only executes SPX (including SPXW) options transactions as part of multi-class broad-based index spread transactions. *See* Cboe Options Fees Schedule, Market-Maker Tier Appointment Fees, Notes.

[6] *See* Securities Exchange Act Release No. 89189 (June 30, 2020), 85 FR 40344 (July 6, 2020) (SR–CBOE–2020–058).

[7] The Exchange notes that since its transition to a new trading floor facility on June 6, 2022, it has not been operating in a modified manner. As such Footnote 24 (*i.e.,* the modified fee changes it describes) does not currently apply.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange operates in a highly competitive environment. The SEC Division of Trading and Markets' Fee Guidance provides that in determining whether a proposed fee is constrained by significant competitive forces, the Commission will consider whether there are reasonable substitutes for the product or service that is the subject of a proposed fee.[11] As described in further detail below, the Exchange believes substitutable products are in fact available to market participants, including in the Over-the-Counter (OTC) markets. Indeed, there are currently 16 registered options exchanges that trade options, with a 17th options exchange expected to launch in 2023. Based on publicly available information, no single options exchange has more than 17% of the market share as of January 19, 2023.[12] Further, low barriers to entry mean that new exchanges may rapidly and inexpensively enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers, including exclusively listed products as discussed further below. For example, there are 3 exchanges that have been added in the U.S. options markets in the last 5 years (*i.e.,* Nasdaq MRX, LLC, MIAX Pearl, LLC, and MIAX Emerald LLC) and one additional options exchange that is expected to launch in 2023 (*i.e.,* MEMX LLC).

The Exchange believes that competition in the marketplace constrains the ability of exchanges to charge supracompetitive fees for access to its products exclusive to that market (''proprietary products''). Notably, just as there is no regulatory requirement to become a member of any one options exchange, there is also no regulatory requirement for any market participant to participate on the Exchange in any particular capacity nor trade any particular product. Additionally, there is no requirement that any Exchange create or indefinitely maintain any particular product.[13] The Exchange also highlights that market participants may trade an exchange's proprietary products through a third-party without directly or indirectly connecting to the exchange. Further, market participants, including Market-Makers, may trade the Exchange's products, including proprietary products, on or off the Exchange's trading floor (*i.e.,* all products are available both electronically and via open outcry on the Exchange's trading floor). Indeed, market participants are not obligated to trade on the Exchange's trading floor and therefore a market participant, including Market-Makers, can choose to trade a product electronically instead of on the Exchange's trading floor at any time and for any reason, including due to an assessment of the reasonableness of fees charged.

Additionally, market participants may trade any options product, including proprietary products, in the unregulated Over-the-Counter (OTC) markets for which there is no requirement for fees related to those markets to be public. Given the benefits offered by trading options on a listed exchange, such as increased market transparency and heightened contra-party creditworthiness due to the role of the Options Clearing Corporation as issuer and guarantor, the Exchange generally seeks to incentivize market participants to trade options on an exchange, which further constrains fees that an Exchange may assess. Market participants may also access other exchanges to trade other similar or competing proprietary or multi-listed products. Alternative products to the Exchange's proprietary products may include other options products, including options on ETFs or options futures, as well as particular ETFs or futures. Particularly, exclusively listed SPX options (*i.e.,* a proprietary product) may compete with the following products traded on other markets: multiply-listed SPY options (options on the ETF), E-mini S&P 500 Options (options on futures), and E-Mini S&P 500 futures (futures on index). Indeed, as a practical matter, investors utilize SPX and SPY options and their respective underlying instruments and futures to gain exposure to the same benchmark index: the S&P 500.

Notably, the Commission itself has affirmed that notwithstanding the exclusive nature of SPX options, alternatives to this product exist in the marketplace. Particularly, in approving SPXPM (the PM-settled S&P 500 cash settled contract) on its affiliate exchange Cboe C2 Exchange, Inc. (which product was later transferred to the Exchange), the Commission stated that it ''recognizes the potential impact on competition resulting from the inability of other options exchanges to list and trade SPXPM. In acting on this proposal, however, the Commission has balanced the potentially negative competitive effects with the countervailing positive competitive effects of C2's proposal. The Commission believes that the availability of SPXPM on the C2 exchange will enhance competition by providing investors with an additional investment vehicle, in a fully-electronic trading environment, through which investors can gain and hedge exposure to the S&P 500 stocks. Further, this product could offer a competitive alternative to other existing investment products that seek to allow investors to gain broad market exposure. Also, we note that it is possible for other exchanges to develop or license the use of a new or different index to compete with the S&P 500 index and seek Commission approval to list and trade options on such index.''[14]

The economic equivalence of SPX and SPY options was further acknowledged and cited as a basis for the elimination of position limits for SPY options across the industry not long after the Commission's findings above in 2011.[15] Moreover, other exchanges have acknowledged that SPY options are considered to be an economic equivalent to SPX options.[16]

Additionally, in connection with a previous proposed amendment to the National Market System Plan Governing the Consolidated Audit Trail (''CAT

[11] *See* Chairman Jay Clayton, Statement on Division of Trading and Markets Staff Fee Guidance, June 12, 2019.

[12] *See* Cboe Global Markets U.S. Options Market Volume Summary (January 19, 2023), available at *https://markets.cboe.com/us/options/market_statistics/.*

[13] If an option class is open for trading on another national securities exchange, the Exchange may delist such option class immediately. For proprietary products, the Exchange may determine to not open for trading any additional series in that option class; may restrict series with open interest to closing transactions, provided that, opening transactions by Market-Makers executed to accommodate closing transactions of other market participants and opening transactions by TPH organizations to facilitate the closing transactions of public customers executed as crosses pursuant to and in accordance with Rule 6.74(b) or (d) may be permitted; and may delist the option class when all series within that class have expired. *See* Cboe Rule 4.4, Interpretations and Policies .11.

[14] *See* Securities Exchange Act Release No. 65256 (September 2, 2011), 76 FR 55969 (September 9, 2011) (SR–C2–2011–008). The Exchanges notes SPXPM was later transferred to the Exchange, where it currently remains listed. *See* Securities Exchange Act Release No. 68888 (February 8, 2013), 78 FR 10668 (February 14, 2013) (SR–CBOE–2012–120).

[15] *See e.g.,* Securities Exchange Act Release No. 67936 (September 27, 2012), 77 FR 60491 (October 3, 2012) (SR–BOX–2012–013). *See also* Securities Exchange Act Release No. 67999 (October 5, 2012), 77 FR 62295 (October 12, 2012) (SR–Phlx–2012–122).

[16] NYSE Euronext, on behalf of its subsidiary options exchanges, NYSE Arca Inc. and NYSE Amex LLC, commented on a Nasdaq OMX PHLX LLC (''PHLX'') proposal to increase the position limits for SPY options, noting ''. . . when a contract that is considered by many to be economically equivalent to SPY options—namely SPX options . . .'' See (*http://www.sec.gov/comments/sr-phlx-2011-58/phlx201158-1.pdf*).

NMS Plan''),[17] the Commission again discussed the existence of competition in the marketplace generally, and particularly for exchanges with unique business models. Similar to, and consistent with, its findings in approving SPXPM, the Commission recognized that while some exchanges may have a unique business model that is not currently offered by competitors, a competitor could create similar business models if demand were adequate, and if a competitor did not do so, the Commission believes it would be likely that new entrants would do so if the exchange with that unique business model was otherwise profitable.[18] Accordingly, although the Exchange may have proprietary products not offered by other competitors, not unlike unique business models, a competitor could create similar products to an existing proprietary product if demand were adequate. As an illustration of this point, MIAX created its exclusive product SPIKES specifically to compete against VIX options, another product exclusive to the Exchange.[19]

Accordingly, if a market participant views the Exchange's proprietary products, including SPX and SPXW, as more or less attractive than the competition they can switch between similar products. As such, the Exchange is subject to competition and does not possess anti-competitive pricing power, even with its offering of proprietary products such as SPX.

The Exchange also believes the proposed fee is reasonable as the Exchange believes it remains commensurate with the value of operating as a Market-Maker on the Exchange's trading floor in the SPX pit. For example, the Exchange recently transitioned from its previous trading floor, which it had occupied since the 1980s, to a brand new, modern and upgraded trading floor facility. The Exchange believes customers continue to find value in open outcry trading and rely on the floor for price discovery and the deep liquidity provided by floor Market-Makers. The build out of a new modern trading floor reflects the Exchange's commitment to open outcry trading and focus on providing the best possible trading experience for its customers, including Market-Makers. For example, the new trading floor provides a state-of-the-art environment and technology and more efficient use of physical space, which the Exchange believes better reflects and supports the current trading environment. The Exchange also believes the new infrastructure provides a cost-effective, streamlined, and modernized approach to floor connectivity. For example, the new trading floor has more than 330 individual kiosks, equipped with top-of-the-line technology, that enable floor participants to plug in and use their devices with greater ease and flexibility. It also provides floor Market-Makers with more space and increased capacity to support additional floor-based traders on the trading floor.

Indeed, notwithstanding the proposed fee change, Market-Maker presence on the new trading floor in SPX and SPXW has increased. Particularly, as of December 30, 2022, there are 12 additional Market-Makers trading SPX and SPXW on the trading floor as compared to May 2022 (which was the month prior to the proposed fee change being implemented on a permanent basis and transition to the new trading floor).[20] Further, in June 2022, the month in which the proposed fee change took effect on the new trading floor on a permanent basis, there were 5 additional Market-Makers trading SPX and SPXW on the trading Floor as compared to May 2022. Further, as of December 30, 2022, there are 4 additional Market-Makers trading SPX and SPXW on the trading floor as compared to March 2020, which was the last month the Exchange assessed $3,000 for the SPX and SPXW Floor Market Maker Tier Appointment fee. The Exchange believes the increasing SPX and SPXW Market-Maker presence on the trading floor since the last time the Exchange assessed $3,000 for the SPX and SPXW Floor Market Maker Tier Appointment fee (*i.e.,* March 2020) and since the time the current proposal was submitted (*i.e.,* June 2020) speaks not only to the value Market-Makers find in participating as a Market-Maker in SPX and SPXW on the (new and improved) trading floor, but also to the reasonableness of the fee. Moreover, as established above, if a Market-Maker viewed trading SPX and SPXW as less attractive than competitive products, including those described above, they can switch between such similar products and choose not to remain as a Market-Maker trading SPX and SPX on the trading floor. As such, the Exchange is subject to competition and does not possess anti-competitive pricing power, even with its offering of proprietary products such as SPX.

Also, as noted above, market participants are not obligated to trade on the Exchange's trading floor and therefore a market participant, including Market-Makers, can choose to trade a product electronically instead of on the Exchange's trading floor at any time and for any reason, including due to an assessment of the reasonableness of fees charged. In particular, SPX and SPXW open outcry volume currently accounts for only approximately 26% of total SPX and SPXW volume (*i.e.,* approximately 74% is traded electronically). Accordingly, Market-Makers may also choose to trade SPX and SPXW electronically should they deem fees associated with trading on the trading floor as unreasonable, further demonstrating that the Exchange is constrained from imposing unreasonable and supracompetitive fees.

The Exchange finally believes its proposal to increase the SPX (and SPXW) Floor Market-Maker Tier Appointment fee is reasonable because the proposed amount is not significantly higher than was previously assessed (and is the same amount that has been assessed under Footnote 24 for the last two years). Additionally, the Exchange believes its proposal to increase the fee is reasonable as the fee amount has not been increased since it was adopted over 12 years ago in July 2010.[21] Particularly, since its adoption 12 years ago, there has been notable inflation. Indeed, the dollar has had an average inflation rate of 2.6% per year between 2010 and today, producing a cumulative price increase of approximately 37% inflation since 2010, when the SPX and SPXW Floor Market-Maker Tier Appointment was first adopted.[22] Additionally, for nearly ten years, Market-Makers were only subject to the original rate that was adopted in 2010 (*i.e.,* $3,000) notwithstanding an average inflation rate of 2.64% per year. The Exchange acknowledges its proposed fee exceeds 37%. However, the Exchange believes such increase is reasonable given many Market-Makers for nearly 10 years did not have to pay increased fees notwithstanding yearly inflation. For

[17] *See* Securities Exchange Act Release No. 86901 (September 9, 2019), 84 FR 48458 (September 13, 2019) (File No. S7–13–19).

[18] *Id.*

[19] MIAX has described SPIKES options as ''designed specifically to compete head-to-head against Cboe's proprietary VIX® product.'' *See* MIAX Press Release, *SPIKES Options Launched on MIAX,* February 21, 2019, *available at https://www.miaxoptions.com/sites/default/files/press_release-files/MIAX_Press_Release_02212019.pdf.*

[20] As noted above, the Exchange has been assessing $5,000 for the SPX and SPXW Floor Market Maker Tier Appointment fee since June 2020 as the Exchange was operating in a modified state until its transition to the new trading floor in June 2022, at which time the Exchange submitted this proposal to make such increase permanent.

[21] *See* Securities Exchange Act Release No. 62386 (June 25, 2010), 75 FR 38566 (July 2, 2010) (SR–CBOE–2010–060).

[22] *See https://www.officialdata.org/us/inflation/2010?amount=1.*

example, by not increasing the fee each year to correspond to the average per year inflation rate of 2.6%, Market-Makers trading SPX on the trading floor since 2011 through 2020 (when then Exchange originally increased the fee due to the COVID–19 pandemic) have saved nearly $10,000. The Exchange therefore believes that proposing a fee in excess of the cumulative 37% inflation rate is still reasonable, especially when considered in conjunction with all of the additional and further rationale discussed above. The Exchange is also unaware of any standard that suggests any fee proposal that exceeds a yearly or cumulative inflation rate is unreasonable.

The proposed change is also equitable and not unfairly discriminatory as it applies to all Market-Makers that trade SPX on the trading floor uniformly. The Exchange believes it's reasonable equitable and not unfairly discriminatory to increase the SPX/SPXW floor Market-Maker Tier Appointment fee and not the SPX/SPXW electronic Market-Maker Tier Appointment fee, as Floor Market-Makers are not subject to other costs that electronic Market-Makers are subject to. For example, while all Floor Market-Makers automatically have an appointment to trade open outcry in all classes traded on the Exchange and at no additional cost per appointment, electronic Market-Makers must select an appointment in a class (such as SPX) to make markets electronically and such appointments are subject to fees under the Market-Maker Electronic Appointments Sliding Scale.[23]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule changes will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes would be applied in the same manner to all Floor Market-Makers that trade SPX (and/or SPXW). As noted above, the Exchange believes it's reasonable to increase the SPX/SPWX Tier Appointment Fee for only Floor Market-Makers only as opposed to electronic Market-Makers, because electronic Market-Makers are subject to costs Floor Market-Makers are not, such as the fees under Market-Maker EAP Appointments Sliding Scale.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule changes apply only to a fee relating to a product exclusively listed on the Exchange. Additionally, the Exchange operates in a highly competitive market. In addition to Cboe Options, TPHs have numerous alternative venues that they may participate on (which, as described above, list products that compete with SPX options) and direct their order flow, including 15 other options exchanges (four of which also maintain physical trading floors), as well as off-exchange venues, where competitive products are available for trading. Based on publicly available information, no single options exchange has more than 17% of the market share of executed volume of options trades.[24] Therefore, no exchange possesses significant pricing power in the execution of option order flow. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [25] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission*, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .''.[26] Accordingly, the Exchange does not believe its proposed changes to the incentive programs impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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) of the Act [27] and paragraph (f) of Rule 19b–4 [28] 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 will 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–CBOE–2023–008 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–CBOE–2023–008. 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

[23] *See* Cboe Options Rules 5.50(a) and (e). *See also* Cboe Options Fees Schedule, Market-Maker EAP Appointments Sliding Scale.

[24] See Cboe Global Markets, U.S. Options Market Volume Summary by Month (January 19, 2023), available at *http://markets.cboe.com/us/options/market_share/*.

[25] See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[26] *NetCoalition* v. *SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f).

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–CBOE–2023–008 and should be submitted on or before March 1, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–02602 Filed 2–7–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96792; File No. SR–NYSECHX–2022–30]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Withdrawal of Proposed Rule Change To Amend Rule 7.19 Concerning Pre-Trade Risk Controls

February 2, 2023.

On December 8, 2022, NYSE Chicago, Inc. (''NYSE Chicago'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder[2] a proposed rule change to add additional pre-trade risk controls to Rule 7.19. The proposed rule change was published for comment on December 19, 2022.[3] On February 1, 2023, NYSE Chicago withdrew the proposed rule change (SR–NYSECHX–2022–30).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[4]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–02603 Filed 2–7–23; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17757 and #17758; California Disaster Number CA–00366]

Presidential Declaration Amendment of a Major Disaster for the State of California

AGENCY: Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of California (FEMA–4683–DR), dated 01/14/2023.

Incident: Severe Winter Storms, Flooding, Landslides, and Mudslides.

Incident Period: 12/27/2022 and continuing.

DATES: Issued on 02/01/2023.

Physical Loan Application Deadline Date: 03/16/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 10/16/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of California, dated 01/14/2023, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Alameda, Contra Costa, Mendocino, Ventura

Contiguous Counties (Economic Injury Loans Only):

California: Glenn, Humboldt, Lake, Los Angeles, Sonoma, Tehama, Trinity

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Recovery and Resilience.

[FR Doc. 2023–02613 Filed 2–7–23; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17767 and #17768; California Disaster Number CA–00368]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of California

AGENCY: Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of California (FEMA–4683–DR), dated 01/26/2023.

Incident: Severe Winter Storms, Flooding, Landslides, and Mudslides.

Incident Period: 12/27/2022 and continuing.

DATES: Issued on 02/01/2023.

Physical Loan Application Deadline Date: 03/27/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 10/26/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of California, dated 01/26/2023, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Alameda, Butte, Calaveras, Colusa, Fresno, Glenn, Humboldt, Los Angeles, Marin, Mendocino, Placer, San Joaquin, San Luis Obispo, Santa Clara, Siskiyou, Sonoma, Trinity, Yolo

All other information in the original declaration remains unchanged.

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 96488 (December 13, 2022), 87 FR 77651 (December 19, 2022). Comments received on the proposal are available on the Commission's website at: *https://www.sec.gov/comments/sr-nysechx-2022-30/srnysechx202230.htm.*

[4] 17 CFR 200.30–3(a)(12).

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Recovery and Resilience.

[FR Doc. 2023–02615 Filed 2–7–23; 8:45 am]

BILLING CODE 8026–09–P

TENNESSEE VALLEY AUTHORITY

Moore County Solar Environmental Impact Statement

AGENCY: Tennessee Valley Authority.

ACTION: Record of decision.

SUMMARY: The Tennessee Valley Authority (TVA) has decided to adopt the preferred alternative identified in its final environmental impact statement (Final EIS) for the Moore County Solar Project. The Final EIS was made available to the public on December 9, 2022. A Notice of Availability (NOA) of the Final EIS was published in the **Federal Register** on December 16, 2022. TVA's preferred alternative, analyzed in the Final EIS as the Proposed Action Alternative, consists of TVA executing a power purchase agreement (PPA) with SR Tullahoma, LLC (SR Tullahoma), a wholly owned subsidiary of Silicon Ranch Corporation (SRC), to purchase power generated by the proposed 200-megawatt (MW) alternating current (AC) solar photovoltaic (PV) facility, which would occupy approximately 1,873 acres of a 3,463-acre Project Site, two miles west of the city of Tullahoma, within the metropolitan limits of Lynchburg in Moore County, Tennessee. The Project would connect to TVA's existing adjacent Franklin–Wartrace No. 2 161-kilovolt (kV) transmission line (TL) that extends north-south through the Project Site. To interconnect to TVA's existing electrical grid, SR Tullahoma and TVA would build an on-site 161-kV substation and switchyard, respectively, and TVA would replace the existing overhead ground wire with new fiber-optic overhead ground wire along an approximately 9.8-mile portion of the TL. This alternative would achieve the purpose and need of the Project to meet the demand for increased renewable energy generation established in TVA's 2019 Integrated Resource Plan (IRP).

ADDRESSES: To access and review the Final EIS, this Record of Decision (ROD), and other project documents, go to TVA's website at *https://www.tva.gov/nepa.*

FOR FURTHER INFORMATION CONTACT: Ashley Pilakowski, NEPA Project Manager, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11B Knoxville, TN 37902; telephone 865–632–2256; or email *aapilakowski@tva.gov.*

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the Council on Environmental Quality's regulations (40 Code of Federal Regulations (CFR) 1500 through 1508) and TVA's procedures (18 CFR 1318) for implementing the National Environmental Policy Act (NEPA). TVA is a corporate agency of the United States that provides electricity for business customers and local power distributors serving 10 million people in the Tennessee Valley—an 80,000-square-mile region comprised of Tennessee and parts of Virginia, North Carolina, Georgia, Alabama, Mississippi, and Kentucky. TVA receives no taxpayer funding and derives virtually all revenues from the sale of electricity. In addition to operating and investing revenues in its power system, TVA provides flood control, navigation, and land management for the Tennessee Valley watershed and provides economic development and job creation assistance within the Service area.

In June 2019, TVA completed its 2019 IRP and associated EIS. The 2019 IRP, which updated the 2015 IRP, identified the various resources that TVA intends to use to meet the energy needs of the TVA region over a 20-year planning period, while achieving TVA's objectives to deliver reliable, low-cost, and cleaner energy with fewer environmental impacts. The 2019 IRP recommends the expansion of solar generating capacity of up to 14,000 MW by 2038.

TVA has prepared an EIS pursuant to NEPA to assess the environmental impacts of the Proposed Action to execute a PPA with SR Tullahoma to purchase power generated by the proposed 200-MW AC solar PV facility, which would occupy an approximately 1,873-acre portion of the Project Site, include the construction of an on-site 161-kV substation and switchyard, and include the interconnection of the solar PV facility to the existing adjacent Franklin-Wartrace No. 2 161-kV TL and associated network upgrades.

Alternatives Considered

TVA considered a no action and one action alternative in the Draft EIS and Final EIS.

No Action Alternative. Under the No Action Alternative, TVA would not implement the PPA with SR Tullahoma to purchase the power generated by Moore County Solar, and SR Tullahoma would not develop a solar PV facility at this location. TVA would pursue other actions to meet its renewable energy goals established in the 2019 IRP.

Proposed Action Alternative. Under the Proposed Action Alternative, TVA would execute the PPA with SR Tullahoma to purchase power generated by the proposed 200–MW AC solar PV facility known as Moore County Solar, which would occupy approximately 1,873 acres of a 3,463-acre Project Site, two miles west of the city of Tullahoma, within the metropolitan limits of Lynchburg in Moore County, Tennessee. The Project would connect to TVA's existing adjacent Franklin-Wartrace No. 2 161-kV TL that extends north-south through the Project Site. To interconnect to TVA's existing electrical grid, SR Tullahoma and TVA would build an on-site 161-kV substation and switchyard, respectively, and TVA would replace the existing overhead ground wire with new fiber-optic overhead ground wire along an approximately 9.8-mile portion of the TL extending eastward from the Project Site. Under the PPA, SR Tullahoma would construct, operate, and maintain Moore County Solar for a 20-year period. At the end of the 20-year PPA, SR Tullahoma would assess whether to cease operations at the solar facility or to replace equipment, if needed, and attempt to enter into a new PPA with TVA or make some other arrangement to sell the power.

Purpose and Need. The purpose and need of the Proposed Action is to meet the demand for increased renewable energy generation and partially fulfill the renewable energy goals established in the 2019 IRP. TVA's preferred alternative for fulfilling its purpose and need is the Proposed Action Alternative, which would generate renewable energy for TVA and its customers with only minor to moderate environmental impacts due to the implementation of best management practices (BMPs) and minimization and mitigation efforts. Implementation of the Project would help meet TVA's renewable energy goals and would help TVA meet customer-driven energy demands on the TVA system.

Environmentally Preferred Alternative

The No Action Alternative would result in the lowest level of environmental impacts as the impacts associated with construction and operation of the solar facility would not occur. However, the No Action Alternative does not meet the purpose and need for the project. Overall, environmental consequences associated with the Proposed Action Alternative would be minor to moderate with the implementation of BMPs and

minimization and mitigation efforts. During construction, minor, temporary increases to noise, traffic, and health and safety risks, as well as minor, temporary effects to air quality, greenhouse gas (GHG) emissions, visual aesthetics, and utilities would occur. Construction and operations would have minor, localized effects on soil erosion and sedimentation and minor, beneficial, and indirect effects to surface waters and wetlands, floodplains, and aquatic life. Adverse impacts would be minimized or mitigated by implementation of BMPs and specific measures designed to mitigate effects, such as clearing select areas of vegetation by hand to reduce disturbance to West Fork Rock Creek, North Fork Blue Creek, and Spring Creek. SR Tullahoma will also avoid siting Project components and the management of SRC's regenerative energy program in identified sensitive plant and animal resource areas (except for buried or overhead electrical lines within 50 feet of Raysville and Cumberland Springs roads) in accordance with an Avoidance Agreement between TVA and SR Tullahoma. Following construction, the Project Site would be revegetated and maintained as a meadow with a mix of perennial and annual grasses and forbs to attract pollinators and serve as fodder for grazing sheep in the fenced areas of the Project. Beneficial effects on socioeconomics would also occur with construction and operation of the Project.

Construction of the Project would result in minor impacts to U.S. Army Corps of Engineers (USACE)-jurisdictional ephemeral streams and wetlands, non-USACE-jurisdictional ditches and open waters, and Tennessee Department of Environment and Conservation (TDEC)-regulated wetlands for road crossings, solar panel arrays and solar panel blocks. These impacts would be permitted by Clean Water Act (CWA) section 404/401 permits through USACE and TDEC, as applicable to the jurisdiction of these waters. In accordance with TVA requirements, 50-foot buffers surrounding wetlands and non-impaired perennial and intermittent streams and 60-foot buffers surrounding impaired perennial and intermittent streams on the Project Site would be maintained as avoidance measures.

The Project land use would change from primarily forest management, including timbering operations, and some agricultural activities to industrial uses. Regenerative agricultural practices planned in association with the Project (*i.e.,* sheep operations) would allow for some agricultural uses to continue to occur on site. These would partially offset the primary change of land use to industrial uses.

Approximately 850 acres of forest that potentially provide high- to low-quality summer roosting habitat for endangered and threatened bats would be cleared during winter months as much as feasible, when bats are not likely to be present on the Project Site. The TL upgrade work would be carried out in a manner to avoid impacts to endangered species. TVA has consulted with the U.S. Fish and Wildlife Service (USFWS) under section 7 of the Endangered Species Act, and USFWS concurred with TVA's determination that the Project may affect but is not likely to adversely affect the federally listed gray bat, Indiana bat, and northern long-eared bat. Impacts to the two state listed reptile species, eastern slender glass lizard and northern pine snake, and the two bird species, Bachman's sparrow and common barn owl, would be localized and minor. The Project would have no effect on the other federally listed species that were identified as having the potential to occur on or near the Project Site.

The Project would not adversely affect the National Register of Historic Places-eligible Motlow House, located adjacent to the Project Site due to forested screening and its distance of 0.2 to 0.5 miles from the Project. The Project would avoid the Old Jabel Ray Homeplace Cemetery by a minimum 250-foot avoidance buffer and, thus, not visually affect the cemetery. TVA consulted with the Tennessee Historical Commission and federally recognized Indian tribes under section 106 of the National Historic Preservation Act regarding these findings and avoidance measures.

Public Involvement

On May 3, 2021, TVA published a Notice of Intent (NOI) in the **Federal Register** (86 FR 23484) announcing plans to prepare either an EIS or an environmental assessment (EA) to assess the potential environmental effects associated with constructing, operating, maintaining, and decommissioning the Moore County Solar PV facility in Moore County, Tennessee. The NOI initiated a 30-day public scoping period that concluded on June 4, 2021. The NOI solicited public input on the scope of the EIS and the environmental issues that should be considered in the EIS. During the public scoping period, TVA received comments from the U.S. Geological Survey; U.S. Environmental Protection Agency (USEPA); Tennessee Natural Heritage Program, part of TDEC; Southeastern Grasslands Initiative; and two private individuals. Comments were related to purpose and need, agency coordination, alternatives, mitigation measures, land use, water resources, biological resources, air quality and GHG emissions, socioeconomics, and environmental justice. Based on the comments received, as well as the results of field surveys and other considerations, TVA decided that the appropriate level of review for the Project was an EIS.

TVA released the Draft EIS for public review in April 2022. The NOA for the Draft EIS was published in the **Federal Register** on April 22, 2022 (87 FR 24158) initiating a 45-day public comment period, which ended on June 6, 2022. To solicit public input, the availability of the Draft EIS was announced in regional and local newspapers serving the project area and on TVA's social media accounts. A news release was issued to the media and posted on TVA's website. The Draft EIS was posted on TVA's website, and hard copies were made available by request. During the public comment period, on May 23, 2022, TVA held a live virtual public meeting to describe the Project and address questions in a live question-and-answer session. A recording of the session was made available following the meeting for public viewing. TVA accepted comments submitted through mail, email, a comment form on TVA's public website, and during the virtual public meeting. TVA received a total of 32 comments from 16 comment submittals. Comments were received from Arnold Air Force Base, Southeastern Grasslands Initiative, TDEC, USEPA, and 14 individuals (with some combining comment submittals) on the Draft EIS. TVA carefully reviewed the comments received and, where appropriate, revised text in the Final EIS. The NOA for the Final EIS was published in the **Federal Register** on December 16, 2022 (87 FR 77106).

Decision

TVA certifies, in accordance with 40 CFR 1505.2(b), that the agency has considered all of the alternatives, information, analyses, material in the record determined to be relevant, and submitted by State, Tribal, and local governments and public commenters for consideration in developing the Final EIS. TVA has decided to implement the preferred alternative of the EIS, which would result in the construction, operation, maintenance, and eventual decommissioning of the proposed solar PV facility, as well as the construction, operation, and maintenance of a

substation and associated facilities to interconnect the solar PV facility to TVA's existing electrical transmission network. This alternative would achieve the purpose and need of the Project.

Mitigation Measures

SR Tullahoma and TVA would employ standard practices and routine measures and other project-specific measures to avoid, minimize, and mitigate adverse impacts from implementation of the Proposed Action Alternative. SR Tullahoma and TVA would also implement minimization and mitigation measures based on BMPs, permit requirements, and adherence to erosion and sediment control plans. Non-routine mitigation measures associated with land use and soils, biological, visual and public health, safety and transportation are included below:

- *Land Use and Soils*

○ Utilize SRC's regenerative energy program, including perennial and annual, non-invasive pollinator-attractive plantings, biological vegetation management (*e.g.,* grazing sheep), and other measures that improve the land within the Project Site;

- *Biological Resources*

○ Avoid siting Project components and managing SRC's regenerative energy program in identified sensitive plant and animal resource areas (except for buried or overhead electrical lines within 50 feet of Raysville and Cumberland Springs roads) in accordance with an Avoidance Agreement between TVA and SR Tullahoma (Appendix A of the Final EIS), and

○ Install signage and/or temporary construction fencing around avoidance areas and identify avoidance areas on site plans and constraints maps;

- *Visual Resources*

○ Install and maintain 60-foot-wide vegetative buffer along the Project fence perimeter where the facility would otherwise be visible from public rights-of-way and residences in accordance with *A Resolution to Amend the Text of the Metropolitan Lynchburg and Moore County Zoning Ordinance Establishing Regulations for Solar Energy Systems as Permitted Use in the A–1-Agriculture-Forestry District and Establishing Regulations Governing the Development of Solar Energy Systems,* as approved or amended by the Board of Zoning Appeals prior to construction start; and

- *Public Health and Safety and Transportation*

○ In accordance with Federal Aviation Administration recommendations, file Form 7460–2, Notice of Actual Construction or Alteration, any time the Project is abandoned or within five days after the construction reaches its greatest height.

Dated: January 19, 2023.

Christopher W. Hansen,

Vice President, Origination and Renewables, Tennessee Valley Authority.

[FR Doc. 2023–02679 Filed 2–7–23; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[FAA Docket Number FAA–2023–0306]

NextGen Advisory Committee; Notice of Public Meeting

AGENCY: Federal Aviation Administration (FAA), Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the NextGen Advisory Committee (NAC).

DATES: The meeting will be held, on February 28, 2023, from 9:00 a.m.–2:00 p.m. ET. Request to attend the meeting virtually must be received by February 17, 2023. Request for accommodations for a disability must be received by February 17, 2023. If you wish to make a public statement during the meeting, you must submit a written copy of your remarks by February 17, 2023. Written materials requested to be reviewed by NAC Members before the meeting must be received no later than February 17, 2023.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 with a virtual option. Virtual meeting information will be provided upon request at the time of registration. Information on the NAC, including copies of previous meeting minutes, is available on the NAC internet website at *https://www.faa.gov/about/office_org/headquarters_offices/ang/nac/.* Members of the public who wish to observe this meeting must send the required information listed in the **SUPPLEMENTAL INFORMATION** section to *9-AWA-ANG-NACRegistration@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Kimberly Noonan, NAC Coordinator, U.S. Department of Transportation, at *Kimberly.Noonan@faa.gov* or 202–267–3760. Any requests or questions not regarding attendance registration should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of Transportation established the NAC under agency authority in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, Public Law 92–463, 5 U.S.C. App. 2, to provide independent advice and recommendations to the FAA and to respond to specific taskings received directly from the FAA. The NAC recommends consensus-driven advice for FAA consideration relating to Air Traffic Management System modernization.

II. Agenda

At the meeting, the agenda will cover the following topics:

- NAC Chair's Report
- FAA Report
- NAC Subcommittee Chair's Report
  - ○ Risk and Mitigations update for the following focus areas: Data Communications, Performance Based Navigation, Surface and Data Sharing, and Northeast Corridor
- NAC Chair Closing Comments

The detailed agenda will be posted on the NAC internet website at least one week in advance of the meeting.

III. Public Participation

The meeting is open to the public. Members of the public who wish to attend are asked to register via email by submitting their full legal name, country of citizenship, contact information (telephone number and email address), and name of your industry association, or applicable affiliation, and if they would like to attend the meeting in-person or virtually. Please email this information to the email address listed in the **ADDRESSES** section. For foreign national in-person attendees, please also provide your company/organization country. When registration is confirmed, registrants who requested to attend virtually will be provided the virtual meeting information/teleconference call-in number and passcode. Callers are responsible for paying associated long-distance charges (if any).

Note: Only NAC Members, members of the public who have registered to make a public statement, and NAC working groups and FAA staff who are providing briefings will have the ability to speak. All other attendees will be able to listen-only.

The U.S. Department of Transportation is committed to

providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Five minutes will be allotted for oral comments from members of the public joining the meeting. This time may be extended if there is a significant number of members of the public wishing to provide an oral comment. To accommodate as many speakers as possible, the time for each commenter may be limited. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name, address, and organizational affiliation of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the FAA may conduct a lottery to determine the speakers. Speakers are required to submit a copy of their prepared remarks for inclusion in the meeting records and for circulation to NAC members to the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. All prepared remarks submitted on time will be accepted and considered as part of the meeting's record.

Members of the public may submit written statements for inclusion in the meeting records and circulation to the NAC members. Written statements need to be submitted to the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. Comments received after the due date listed in the **DATES** section will be distributed to the members but may not be reviewed prior to the meeting. Any member of the public may present a written statement to the committee at any time.

Signed in Washington, DC.

Kimberly Noonan,

Manager, Stakeholder and Collaboration Division (A), Management Services Office, ANG–A, Office of the Assistant Administrator for NextGen, Federal Aviation Administration.

[FR Doc. 2023–02636 Filed 2–7–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2022–1763]

Airworthiness Criteria: Special Class Airworthiness Criteria for the Wing Aviation LLC Hummingbird Unmanned Aircraft

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed airworthiness criteria.

SUMMARY: The FAA announces the availability of and requests comments on proposed airworthiness criteria for the Wing Aviation LLC Model Hummingbird unmanned aircraft (UA). This document proposes the airworthiness criteria that the FAA finds to be appropriate and applicable for the UA design.

DATES: Send comments on or before March 10, 2023.

ADDRESSES: Send comments identified by docket number FAA–2022–1763 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:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: The FAA will post all comments it receives, without change, to *https://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *https://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *https://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go 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.

FOR FURTHER INFORMATION CONTACT: Christopher J. Richards, Emerging Aircraft Strategic Policy Section, AIR–618, Strategic Policy Management Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 6020 28th Avenue South, Room 103, Minneapolis, MN 55450, telephone (612) 253–4559.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in the development of these airworthiness criteria by sending written comments, data, or views. The most helpful comments reference a specific portion of the airworthiness criteria, explain the reason for any recommended change, and include supporting data. Comments on operational, pilot certification, and maintenance requirements would address issues that are beyond the scope of this document.

Except for Confidential Business Information as described in the following paragraph, and other information as described in Title 14, Code of Federal Regulations (14 CFR 11.35), the FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning these proposed airworthiness criteria. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these airworthiness criteria based on received comments.

Confidential Business Information

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 these proposed airworthiness criteria contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these proposed airworthiness criteria, 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 the indicated comments will not be placed in the public docket of these proposed airworthiness criteria. Send submissions containing CBI to the individual listed under **FOR FURTHER INFORMATION CONTACT**. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these proposed airworthiness criteria.

Background

Wing Aviation LLC (Wing) applied to the FAA on September 19, 2018, for a special class type certificate under 14 CFR 21.17(b) for the Model Hummingbird UA.

The Model Hummingbird consists of a fixed-wing airplane UA and its associated elements (AE) including communication links and components that control the UA. The Model Hummingbird UA has a maximum gross takeoff weight of approximately 15 pounds. It is approximately 3.4 feet in width, 4.2 feet in length, and 9.4 inches in height. The Model Hummingbird UA is battery powered using electric motors for vertical takeoff, landing, and forward flight. The unmanned aircraft system (UAS) operations would rely on high levels of automation and may include multiple UA operated by a single pilot, up to a ratio of 20 UA to 1 pilot. Wing intends for the Model Hummingbird to be used to deliver packages. The proposed concept of operations for the Model Hummingbird includes a maximum operating altitude of 400 feet above ground level, a maximum cruise speed of 68 knots, operations beyond visual line of sight, and operations over people. Wing has not requested approval for flight into known icing for the Model Hummingbird.

Under 14 CFR 21.17(c), an application for type certification is effective for 3 years. Section 21.17(d) provides that where a type certificate has not been issued within that 3-year time limit, the applicant may file for an extension and update the designated applicable regulations in the type certification basis. The effective date of the applicable airworthiness requirements for the updated type certification basis must not be earlier than 3 years before the date of issue of the type certificate. Since the project was not certificated within 3 years after the application date above, the FAA approved the applicant's request to extend the project. The date of the updated type certification basis is September 26, 2022, with the applicant's proposed type certificate issuance date of December 31, 2023.

Discussion

The FAA establishes airworthiness criteria to ensure the safe operation of aircraft in accordance with 49 U.S.C. 44701(a) and 44704. UA are type certificated by the FAA as special class aircraft for which airworthiness standards have not been established by regulation. Under the provisions of 14 CFR 21.17(b), the airworthiness standards for special class aircraft are those the FAA finds to be appropriate and applicable to the specific type design.

The applicant has proposed a design with constraints upon its operations and an unusual design characteristic: the pilot is remotely located. The FAA developed existing airworthiness standards to establish an appropriate level of safety for each product and its intended use. The FAA's existing airworthiness standards did not envision aircraft with no pilot in the flight deck and the technologies associated with that capability.

The FAA has reviewed the proposed design and assessed the potential risk to the National Airspace System. The FAA considered the size of the proposed aircraft, its maximum airspeed and altitude, and operational limitations to address the number of unmanned aircraft per operator and to address operations in which the aircraft would operate beyond the visual line of sight of the pilot. These factors allowed the FAA to assess the potential risk the aircraft could pose to other aircraft and to human beings on the ground. Using these parameters, the FAA developed airworthiness criteria to address those potential risks to ensure the aircraft remains reliable, controllable, safe, and airworthy.

The proposed criteria focus on mitigating hazards by establishing safety outcomes that must be achieved, rather than by establishing prescriptive requirements that must be met. This is in contrast to many current airworthiness standards, used to certificate traditional aircraft systems, which prescribe specific indicators and instruments for a pilot in a flightdeck that would be inappropriate for UA. The FAA finds that the proposed criteria are appropriate and applicable for the UA design, based on the intended operational concepts for the UA as identified by the applicant.

The FAA selected the particular airworthiness criteria proposed by this notice for the following reasons:

General: In order to determine appropriate and applicable airworthiness standards for UA as a special class of aircraft, the FAA determined that the applicant must provide information describing the characteristics and capabilities of the UA and how it will be used.

D&R.001 Concept of Operations: To assist the FAA in identifying and analyzing the risks and impacts associated with integrating the proposed UA design into the National Airspace System, the applicant would be required to submit a Concept of Operations (CONOPS). The proposed criteria would require the applicant's CONOPS to identify the intended operational concepts for the UA and describe the UAS and its operation. The applicant would be required to describe the information in the CONOPS in sufficient detail to determine parameters and extent of testing, as well as operating limitations that will be placed in the UA Flight Manual. If the applicant requests to include collision avoidance equipment, the proposed criteria would require the applicant to identify such equipment in the CONOPS.

D&R.005 Definitions: The proposed criteria include a definitions section, distinguishing the term ''loss of flight'' from ''loss of control.''

Design and Construction: The FAA selected the design and construction criteria in this section to address airworthiness requirements where the flight testing demonstration alone may not be sufficient to demonstrate an appropriate level of safety.

D&R.100 UA Signal Monitoring and Transmission: To address the risks associated with loss of control of the UA, the applicant would be required to design the UA to monitor and transmit to the AE all information necessary for continued safe flight and operation. Some of the AE are located separately from the UA, and therefore are a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this part of the system. The FAA based some of the proposed criteria on existing regulations that address the information that must be provided to a pilot in the flightdeck of a manned aircraft, and modified them as appropriate to the UAS. These proposed criteria list the specific minimum types of information the FAA finds are necessary for the UA to transmit for continued safe flight and operation; however, the applicant must determine whether additional parameters are necessary.

D&R.105 UAS AE Required for Safe UA Operations: Because safe UAS

operations depend and rely on both the UA and the AE, the FAA considers the AE in assessing whether the UA meets the criteria that comprise the certification basis. While the AE items themselves will be outside the scope of the UA type design, the applicant must provide sufficient specifications for any aspect of the AE, including the control station, which could affect airworthiness. The proposed criteria would require a complete and unambiguous identification of the AE and their interface with the UA, so that their availability or use is readily apparent.

As explained in FAA Policy Memorandum AIR600–21–AIR–600–PM01, dated July 13, 2021, the FAA will approve either the specific AE or minimum specifications for the AE, as identified by the applicant, as part of the type certificate by including them as an operating limitation in the type certificate data sheet and flight manual. The FAA may impose additional operating limitations specific to the AE through conditions and limitations for inclusion in the operational approval (*i.e.,* waivers, exemptions, operating certificates, or a combination of these). In this way, the FAA will consider the entirety of the UAS for operational approval and oversight.

D&R.110 Software: Software for manned aircraft is certified under the regulations applicable to systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27.1309, or 29.1309). There are two regulations that specifically prescribe airworthiness standards for software: Engine airworthiness standards (§ 33.28) and propeller airworthiness standards (§ 35.23). The proposed UA software criteria are based on these regulations and tailored for the risks posed by UA software.

D&R.115 Cyber Security: The location of the pilot separate from the UA requires a continuous wireless connection (command and control link) with the UA for the pilot to monitor and control it. Because the purpose of this link is to control the aircraft, this makes the UA susceptible to cyber security threats in a unique way.

The current regulations for the certification of systems, equipment, and installations (*e.g.,* §§ 23.2510, 25.1309, 27.1309, and 29.1309) do not adequately address potential security vulnerabilities that could be exploited by unauthorized access to aircraft systems, data buses, and services. For manned aircraft, the FAA therefore issues special conditions for particular designs with network security vulnerabilities.

To address the risks to the UA associated with intentional unauthorized electronic interactions, the applicant would be required to design the UAS's systems and networks to protect against intentional unauthorized electronic interactions and mitigate potential adverse effects. The FAA based the language for the proposed criteria on recommendations in the final report dated August 22, 2016, from the Aircraft System Information Security/Protection (ASISP) working group, under the FAA's Aviation Rulemaking Advisory Committee. Although the recommendations pertained to manned aircraft, the FAA has reviewed the report and determined the recommendations are also appropriate for UA. The wireless connections used by UA make these aircraft susceptible to the same cyber security risks, and therefore require similar criteria as manned aircraft.

D&R.120 Contingency Planning: The location of the pilot and the controls for the UAS, separate from the UA, is a unique feature to UAS. As a result, no regulatory airworthiness standards exist that directly apply to this feature of the system.

To address the risks associated with loss of communication between the pilot and the UA, and thus the pilot's inability to control the UA, the proposed criteria would require that the UA be designed to automatically execute a predetermined action. Because the pilot needs to be aware of the particular predetermined action the UA will take when there is a loss of communication between the pilot and the UA, the proposed criteria would require that the applicant identify the predetermined action in the UA Flight Manual. The proposed criteria would also include requirements for preventing takeoff when quality of service is inadequate.

D&R.125 Lightning: Because of the size and physical limitations of this UA, it would be unlikely that this UA would incorporate traditional lightning protection features. To address the risks that would result from a lightning strike, the proposed criteria would require an operating limitation in the UA Flight Manual that prohibits flight into weather conditions conducive to lightning. The proposed criteria would also allow design characteristics to protect the UA from lightning as an alternative to the prohibition.

D&R.130 Adverse Weather Conditions: Because of the size and physical limitations of this UA, adverse weather such as rain, snow, and icing pose a greater hazard to the UA than to manned aircraft. For the same reason, it would be unlikely that this UA would incorporate traditional protection features from icing. The FAA based the proposed criteria on the icing requirements in 14 CFR 23.2165(b) and (c) and applied them to all of these adverse weather conditions. The proposed criteria would allow design characteristics to protect the UA from adverse weather conditions. As an alternative, the proposed criteria would require an operating limitation in the UA Flight Manual that prohibits flight into known adverse weather conditions, and either also prevent inadvertent flight into adverse weather or provide a means to detect and to avoid or exit adverse weather conditions.

D&R.135 Flight Essential Parts: The proposed criteria for flight essential parts are substantively the standards for normal category rotorcraft critical parts in § 27.602, with changes to reflect UA terminology and failure conditions. Because part criticality is dependent on safety risk to those onboard the aircraft, the term ''flight essential'' is used for those components of an unmanned aircraft whose failure may result in loss of flight or unrecoverable loss of UA control.

Operating Limitations and Information: Similar to manned aircraft, the FAA determined that the UA applicant must provide airworthiness instructions, operating limitations, and flight and performance information necessary for the safe operation and continued operational safety of the UA.

D&R.200 Flight Manual: The proposed criteria for the UA Flight Manual are substantively the same as those in § 23.2620, with minor changes to reflect UA terminology.

D&R.205 Instructions for Continued Airworthiness: The proposed criteria for the Instructions for Continued Airworthiness (ICA) are substantively the same as those in § 23.1529, with minor changes to reflect UA terminology.

Testing: Traditional certification methodologies for manned aircraft are based on design requirements verified at the component level by inspection, analysis, demonstration, or test. Due to the difference in size and complexity, the FAA determined testing methodologies that demonstrate reliability at the aircraft (UA) level, in addition to the design and construction criteria identified in this proposal, will achieve the same safety objective. The proposed testing criteria in sections D&R.300 through D&R.320 utilize these methodologies.

D&R.300 Durability and Reliability: The FAA intends the proposed testing

criteria in this section to cover key design aspects and prevent unsafe features at an appropriate level tailored for this UA. The proposed durability and reliability testing would require the applicant to demonstrate safe flight of the UA across the entire operational envelope and up to all operational limitations, for all phases of flight and all aircraft configurations. The UA would only be certificated for operations within the limitations prescribed for its operating environment, as defined in the applicant's proposed CONOPS and demonstrated by test. The FAA intends for this process to be similar to the process for establishing limitations prescribed for special purpose operations for restricted category aircraft. The proposed criteria would require that all flights during the testing be completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside of the operator's recovery zone.

For some aircraft design requirements imposed by existing airworthiness standards (*e.g.,* §§ 23.2135, 23.2600, 25.105, 25.125, 27.141, 27.173, 29.51, 29.177), the aircraft must not require exceptional piloting skill or alertness. These rules recognize that pilots have varying levels of ability and attention. In a similar manner, the proposed criteria would require that the durability and reliability flight testing be performed by a pilot with average skill and alertness.

Flight testing will be used to determine the aircraft's ability to withstand flight loads across the range of operating limits and the flight envelope. Because of the size of this UA, it may be subjected to significant ground loads when handled, lifted, carried, loaded, maintained, and transported physically by hand; therefore, the proposed criteria would require that the aircraft used for testing endure the same worst-case ground loads as those the UA will experience in operation after type certification.

D&R.305 Probable Failures: The FAA intends the proposed testing criteria to evaluate how the UA functions after failures that are probable to occur. The applicant will test the UA by inducing certain failures and demonstrating that the failure will not result in a loss of containment or control of the UA. The proposed criteria contain the minimum types of failures the FAA finds are probable; however, the applicant must determine the probable failures related to any other equipment that will be addressed for this requirement.

D&R.310 Capabilities and Functions: The proposed criteria for this section address the minimum capabilities and functions the FAA finds are necessary in the design of the UA and would require the applicant to demonstrate these capabilities and functions by test. Due to the location of the pilot and the controls for UAS, separate from the UA, communication between the pilot and the UA is significant to the design. Thus, the proposed criteria would require the applicant to demonstrate the capability of the UAS to regain command and control after a loss. As with manned aircraft, the electrical system of the UA must have a capacity sufficient for all anticipated loads; the proposed criteria would require the applicant to demonstrate this by test.

The proposed criteria contain functions that require demonstration of the capability of the UA to maintain its preplanned flight path within acceptable navigation accuracy. This includes not just a single pre-planned route, but also requires that the preplanned path take into account contingency actions that will be carried out in the event the UA needs to avoid or leave specific airspace. For example, if another aircraft is in the original preplanned airspace or Air Traffic Control commands avoidance of airspace while the UA is in flight, the aircraft must have the capability to avoid any such airspace through preplanned contingency flight paths. This must be shown by test in such a way that the navigational accuracy of the aircraft in flight is demonstrated to successfully avoid the restricted airspace.

The proposed criteria also identify that the UA must have the ability to safely abort a landing and initiate a go-around unless the UA is shown not to create a hazard when landing. In order to show that the UA does not create a hazard when landing, the UA must show by test that it has the ability to detect and avoid any potential hazards on the ground by demonstrating any such landing always stays well clear of all people and other obstacles.

In the event an applicant requests approval for certain features, such as geo-fencing or external cargo, the proposed criteria contain requirements to address the associated risks. The proposed criteria in this section would also require design of the UA to safeguard against an unintended discontinuation of flight or release of cargo, whether by human action or malfunction.

D&R.315 Fatigue: The FAA intends the proposed criteria in this section to address the risks from reduced structural integrity and structural failure due to fatigue. The proposed criteria would require the applicant to establish an airframe life limit and demonstrate that loss of flight or loss of control due to structural failure will be avoided throughout the operational life of the UA. These proposed criteria would require the applicant to demonstrate this by test, while maintaining the UA in accordance with the ICA.

D&R.320 Verification of Limits: This section would evaluate structural safety and address the risks associated with inadequate structural design. While the proposed criteria in D&R.300 address testing to demonstrate that the UA structure adequately supports expected loads throughout the flight and operational envelopes, the proposed criteria in this section would require an evaluation of the performance, maneuverability, stability, and control of the UA with a factor of safety.

Applicability

These proposed airworthiness criteria, established under the provisions of § 21.17(b), are applicable to the Model Hummingbird UA. Should Wing Aviation LLC apply at a later date for a change to the type certificate to include another model, these airworthiness criteria would apply to that model as well, provided the FAA finds them appropriate in accordance with the requirements of subpart D to part 21.

Conclusion

This action affects only the airworthiness criteria for one model UA. It is not a standard of general applicability.

Authority Citation

The authority citation for these airworthiness criteria is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

Proposed Airworthiness Criteria

The FAA proposes to establish the following airworthiness criteria for type certification of the Wing Aviation LLC Model Hummingbird UA. The FAA proposes that compliance with the following would mitigate the risks associated with the proposed design and Concept of Operations appropriately and would provide an equivalent level of safety to existing rules:

General

D&R.001 Concept of Operations

The applicant must define and submit to the FAA a concept of operations (CONOPS) proposal describing the unmanned aircraft system (UAS) operation in the National Airspace System for which unmanned aircraft

(UA) type certification is requested. The CONOPS proposal must include, at a minimum, a description of the following information in sufficient detail to determine the parameters and extent of testing and operating limitations:

(a) The intended type of operations;

(b) UA specifications;

(c) Meteorological conditions;

(d) Operators, pilots, and personnel responsibilities;

(e) Control station, support equipment, and other associated elements (AE) necessary to meet the airworthiness criteria;

(f) Command, control, and communication functions;

(g) Operational parameters (such as population density, geographic operating boundaries, airspace classes, launch and recovery area, congestion of proposed operating area, communications with air traffic control, line of sight, and aircraft separation); and

(h) Collision avoidance equipment, whether onboard the UA or part of the AE, if requested.

D&R.005 Definitions

For purposes of these airworthiness criteria, the following definitions apply.

(a) *Loss of control:* Loss of control means an unintended departure of an aircraft from controlled flight. It includes control reversal or an undue loss of longitudinal, lateral, and directional stability and control. It also includes an upset or entry into an unscheduled or uncommanded attitude with high potential for uncontrolled impact with terrain. A loss of control means a spin, loss of control authority, loss of aerodynamic stability, divergent flight characteristics, or similar occurrence, which could generally lead to crash.

(b) *Loss of flight:* Loss of flight means a UA's inability to complete its flight as planned, up to and through its originally planned landing. It includes scenarios where the UA experiences controlled flight into terrain, obstacles, or any other collision, or a loss of altitude that is severe or non-reversible. Loss of flight also includes deploying a parachute or ballistic recovery system that leads to an unplanned landing outside the operator's designated recovery zone.

Design and Construction

D&R.100 UA Signal Monitoring and Transmission

The UA must be designed to monitor and transmit to the AE all information required for continued safe flight and operation. This information includes, at a minimum, the following:

(a) Status of all critical parameters for all energy storage systems;

(b) Status of all critical parameters for all propulsion systems;

(c) Flight and navigation information as appropriate, such as airspeed, heading, altitude, and location; and

(d) Communication and navigation signal strength and quality, including contingency information or status.

D&R.105 UAS AE Required for Safe UA Operations

(a) The applicant must identify and submit to the FAA all AE and interface conditions of the UAS that affect the airworthiness of the UA or are otherwise necessary for the UA to meet these airworthiness criteria. As part of this requirement—

(1) The applicant may identify either specific AE or minimum specifications for the AE.

(i) If minimum specifications are identified, they must include the critical requirements of the AE, including performance, compatibility, function, reliability, interface, operator alerting, cyber security, and environmental requirements.

(ii) Critical requirements are those that if not met would impact the ability to operate the UA safely and efficiently.

(2) The applicant may use an interface control drawing, a requirements document, or other reference, titled so that it is clearly designated as AE interfaces to the UA.

(b) The applicant must show the FAA that the AE or minimum specifications identified in paragraph (a) of this section meet the following:

(1) The AE provide the functionality, performance, reliability, and information to assure UA airworthiness in conjunction with the rest of the design;

(2) The AE are compatible with the UA capabilities and interfaces;

(3) The AE must monitor and transmit to the operator all information required for safe flight and operation, including but not limited to those identified in D&R.100; and

(4) The minimum specifications, if identified, are correct, complete, consistent, and verifiable to assure UA airworthiness.

(c) The FAA will establish the approved AE or minimum specifications as operating limitations and include them in the UA type certificate data sheet and Flight Manual.

(d) The applicant must develop any maintenance instructions necessary to address implications from the AE on the airworthiness of the UA. Those instructions will be included in the Instructions for Continued Airworthiness (ICA) required by D&R.205.

D&R.110 Software

To minimize the existence of software errors, the applicant must:

(a) Verify by test all software that may impact the safe operation of the UA;

(b) Utilize a configuration management system that tracks, controls, and preserves changes made to software throughout the entire life cycle; and

(c) Implement a problem reporting system that captures and records defects and modifications to the software.

D&R.115 Cyber Security

(a) UA equipment, systems, and networks, addressed separately and in relation to other systems, must be protected from intentional unauthorized electronic interactions that may result in an adverse effect on the security or airworthiness of the UA. Protection must be ensured by showing that the security risks have been identified, assessed, and mitigated as necessary.

(b) When required by paragraph (a) of this section, procedures and instructions to ensure security protections are maintained must be included in the ICA.

D&R.120 Contingency Planning

(a) The UA must be designed so that, in the event of a loss of the command and control (C2) link, the UA will automatically and immediately execute a safe predetermined flight, loiter, landing, or termination.

(b) The applicant must establish the predetermined action in the event of a loss of the C2 link and include it in the UA Flight Manual.

(c) The UA Flight Manual must include the minimum performance requirements for the C2 data link, defining when the C2 link is degraded to a level where remote active control of the UA is no longer ensured. Takeoff when the C2 link is degraded below the minimum link performance requirements must be prevented by design or prohibited by an operating limitation in the UA Flight Manual.

D&R.125 Lightning

(a) Except as provided in paragraph (b) of this section, the UA must have design characteristics that will protect the UA from loss of flight or loss of control due to lightning.

(b) If the UA has not been shown to protect against lightning, the UA Flight Manual must include an operating limitation to prohibit flight into weather conditions conducive to lightning activity.

D&R.130 Adverse Weather Conditions

(a) For purposes of this section, ''adverse weather conditions'' means rain, snow, and icing.

(b) Except as provided in paragraph (c) of this section, the UA must have design characteristics that will allow the UA to operate within the adverse weather conditions specified in the CONOPS without loss of flight or loss of control.

(c) For adverse weather conditions for which the UA is not approved to operate, the applicant must develop operating limitations to prohibit flight into known adverse weather conditions and either:

(1) Develop operating limitations to prevent inadvertent flight into adverse weather conditions; or

(2) Provide a means to detect any adverse weather conditions for which the UA is not certificated to operate and show the UA's ability to avoid or exit those conditions.

D&R.135 Flight Essential Parts

(a) A flight essential part is a part, the failure of which could result in a loss of flight or unrecoverable loss of UA control.

(b) If the type design includes flight essential parts, the applicant must establish a flight essential parts list. The applicant must develop and define mandatory maintenance instructions or life limits, or a combination of both, to prevent failures of flight essential parts. Each of these mandatory actions must be included in the Airworthiness Limitations section of the ICA.

Operating Limitations and Information

D&R.200 Flight Manual

The applicant must provide a Flight Manual with each UA.

(a) The UA Flight Manual must contain the following information:

(1) UA operating limitations;

(2) UA operating procedures;

(3) Performance information;

(4) Loading information; and

(5) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) Those portions of the UA Flight Manual containing the information specified in paragraph (a)(1) of this section must be approved by the FAA.

D&R.205 Instructions for Continued Airworthiness

The applicant must prepare the ICA for the UA in accordance with Appendix A to Part 23, as appropriate, that are acceptable to the FAA. The ICA may be incomplete at type certification if a program exists to ensure their completion prior to delivery of the first UA or issuance of a standard airworthiness certificate, whichever occurs later.

Testing

D&R.300 Durability and Reliability

The UA must be designed to be durable and reliable when operated under the limitations prescribed for its operating environment, as documented in its CONOPS and included as operating limitations on the type certificate data sheet and in the UA Flight Manual. The durability and reliability must be demonstrated by flight test in accordance with the requirements of this section and completed with no failures that result in a loss of flight, loss of control, loss of containment, or emergency landing outside the operator's recovery area.

(a) Once a UA has begun testing to show compliance with this section, all flights for that UA must be included in the flight test report.

(b) Tests must include an evaluation of the entire flight envelope across all phases of operation and must address, at a minimum, the following:

(1) Flight distances;

(2) Flight durations;

(3) Route complexity;

(4) Weight;

(5) Center of gravity;

(6) Density altitude;

(7) Outside air temperature;

(8) Airspeed;

(9) Wind;

(10) Weather;

(11) Operation at night, if requested;

(12) Energy storage system capacity; and

(13) Aircraft to pilot ratio.

(c) Tests must include the most adverse combinations of the conditions and configurations in paragraph (b) of this section.

(d) Tests must show a distribution of the different flight profiles and routes representative of the type of operations identified in the CONOPS.

(e) Tests must be conducted in conditions consistent with the expected environmental conditions identified in the CONOPS, including electromagnetic interference (EMI) and high intensity radiated fields (HIRF).

(f) Tests must not require exceptional piloting skill or alertness.

(g) Any UAS used for testing must be subject to the same worst-case ground handling, shipping, and transportation loads as those allowed in service.

(h) Any UA used for testing must use AE that meet, but do not exceed, the minimum specifications identified under D&R.105. If multiple AE are identified, the applicant must demonstrate each configuration.

(i) Any UAS used for testing must be maintained and operated in accordance with the ICA and UA Flight Manual. No maintenance beyond the intervals established in the ICA will be allowed to show compliance with this section.

(j) If cargo operations or external-load operations are requested, tests must show, throughout the flight envelope and with the cargo or the external load at the most critical combinations of weight and center of gravity, that—

(1) The UA is safely controllable and maneuverable; and

(2) The cargo or the external load is retainable and transportable.

D&R.305 Probable Failures

The UA must be designed such that a probable failure will not result in a loss of containment or control of the UA. This must be demonstrated by test.

(a) Probable failures related to the following equipment, at a minimum, must be addressed:

(1) Propulsion systems;

(2) C2 link;

(3) Global Positioning System (GPS);

(4) Flight control components with a single point of failure;

(5) Control station; and

(6) Any other AE identified by the applicant.

(b) Any UA used for testing must be operated in accordance with the UA Flight Manual.

(c) Each test must occur at the critical phase and mode of flight, and at the highest aircraft-to-pilot ratio.

D&R.310 Capabilities and Functions

(a) All of the following required UAS capabilities and functions must be demonstrated by test:

(1) Capability to regain command and control of the UA after the C2 link has been lost.

(2) Capability of the electrical system to power all UA systems and payloads.

(3) Ability for the pilot to safely discontinue the flight.

(4) Capability of the UA to maintain its preplanned flight path within acceptable navigation accuracy.

(5) Ability to safely abort a takeoff.

(6) Ability to safely abort a landing and initiate a go-around unless the UA is shown not to create a hazard when landing.

(b) The following UAS capabilities and functions, if requested for approval, must be demonstrated by test:

(1) Continued flight after degradation of the propulsion system.

(2) Geo-fencing that contains the UA within a designated area, in all operating conditions.

(3) Positive transfer of the UA between control stations that ensures only one control station can control the UA at a time.

(4) Capability to release an external cargo load to prevent loss of control of the UA.

(5) Capability to detect and avoid other aircraft and obstacles.

(c) The UA must be designed to safeguard against inadvertent discontinuation of the flight and inadvertent release of cargo or external load.

D&R.315 Fatigue

The structure of the UA must be shown to withstand the repeated loads expected during its service life without failure. A life limit for the airframe must be established, demonstrated by test, and included in the ICA.

D&R.320 Verification of Limits

The performance, maneuverability, stability, and control of the UA within the flight envelope described in the UA Flight Manual must be demonstrated at a minimum of 5% over maximum gross weight with no loss of control or loss of flight.

Issued in Washington, DC on February 2, 2023.

James David Foltz,

Acting Manager, Strategic Policy Management, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2023–02598 Filed 2–7–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA 2023–0003]

Agency Information Collection Activities: Notice of Request for New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval to submit one information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by March 10, 2023.

ADDRESSES: You may submit comments identified by Docket ID FHWA 2023–0003 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Disadvantaged Business Enterprise Supportive Services (DBE/SS) Statement of Work Template.

Summary: The DBE/SS regulations (23 CFR 230.204 (c)) require State DOT recipients to provide a detailed SOW outlining the proposed services and budget, approximated, based on the provided estimated funding allocation. State DOTs must submit a SOW that conforms to the purpose of the program, regulatory requirements, and federal cost principles to be eligible for funding. State DOTs send their proposed SOWs to the respective FHWA Division Office for review and approval, and the Division Offices sends the SOWs to HCR for concurrence and obtaining approvals necessary for allocating funds.

While HCR has created guidance for State DOTs to follow in creating their SOWs, currently are submitted in paper form and the contents and size of the submissions vary. Providing State DOTs with a SOW template available through the Civil Rights Connect System will streamline the SOW creation, submission, review, and approval process.

The information required to populate the DBE/SS SOW template is based on existing requirements found in 23 CFR 230, Subpart C; therefore, State DOTs should have information to populate the SOW readily available. The information will merely be entered in an electronic fillable form as opposed to submitting a paper copy. The electronic system will also directly pre-populate the State's Annual Accomplishment Report with the metrices identified in the State's SOW. This feature further streamlines the reporting process by eliminating the States' need to duplicate language from the SOW into the Annual Report. This feature will also allow HCR to more easily pair the performance metrics with their accomplishments in reviewing the State's Annual DBE/SS Report.

While the requirements will not change, use of the SOW template will benefit State DOTs and FHWA by making the submissions more uniform in size and content and streamlining the submission and review process. This will ultimately allow HCR to allocate funding in a more timely manner that will directly benefit DBEs, an important piece of the Department's and FHWA's equity initiative.

Respondents: State Departments of Transportation Agencies responsible submitting DBE Statement of Work for designing and maintaining highway bridges.

Frequency: Every year by July 31st.

Estimated Average Burden per Response: The estimated number of hours for each of the 52 recipients to compile and submit the requested data is estimated to be no more than four employee hours annually.

Estimated Total Annual Burden Hours: The estimated total annual burden for 53 recipients is 212 hours annually.

FOR FURTHER INFORMATION CONTACT: Janelle Hinton, (202) 366–1604/*janelle.hinton@dot.gov;* Martha Kenley, 202–604–6879/*martha.kenley@dot.gov,* Department of Transportation, Federal Highway Administration, Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

Public Comments Invited

You are asked to comment on any aspect of these information collections, including: (1) Whether the proposed collections are necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burdens could be minimized, including use of electronic technology, 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 these information collections.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Ch. 35, as amended; and 49 CFR 1.48.

Issued On: February 3, 2023.

Michael Howell,

Information Collection Officer.

[FR Doc. 2023–02640 Filed 2–7–23; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Announcement Type: Notice and Request for Public Comment

AGENCY: Community Development Financial Institutions Fund, Treasury.

ACTION: Notice and request for public comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Community Development Financial Institutions Fund (CDFI Fund), U.S. Department of the Treasury, is soliciting comments concerning the Transaction Level Report (TLR) for the New Markets Tax Credit Program (NMTC Program).

DATES: Written comments must be received on or before April 10, 2023 to be assured of consideration.

ADDRESSES: Submit your comments via email to Shannon McKay, Program Manager, Office Financial Strategies and Research, CDFI Fund, U.S. Department of the Treasury, at *CDFI-FinancialStrategiesandResearch@cdfi.treas.gov*.

FOR FURTHER INFORMATION CONTACT: Shannon McKay, Program Manager for Office of Financial Strategies and Research, CDFI Fund, U.S. Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington, DC 20220 or by phone at (202) 653–0300. Other information regarding the CDFI Fund and its programs may be obtained through the CDFI Fund's website at *https://www.cdfifund.gov.*

SUPPLEMENTARY INFORMATION:

Title: NMTC Program Transaction Level Report.

OMB Number: 1559–0027.

Abstract: This collection captures quantitative transactional information from Community Development Entities (CDEs). CDEs that receive New Markets Tax Credit (NMTC) allocations must submit TLRs as part of their annual compliance reporting requirements. The current reporting requirements can be found in the allocation agreement templates located on the CDFI Fund website at *https://www.cdfifund.gov/.* The current version of the TLR guidance is available at *https://www.cdfifund.gov/amis-reporting* under Transaction Level Report (TLR)—June 2022, Allocatee TLR Guidance Documents and Information.

This information is used to assess: (1) The Allocatee's activities as detailed in its application materials; (2) the Allocatee's approved use of the allocation; (3) the Allocatee's financial condition; (4) the socio-economic characteristics of Allocatee's borrowers/investees, loan and investment terms, repayment status, and community development outcomes; and (5) overall compliance with the terms and conditions of the allocation agreement entered into by the CDFI Fund and the Allocatee.

For the NMTC TLR, to address the Government Accountability Office (GAO) recommendations in its July 2014 report *GAO–14–500: New Markets Tax Credit, Better Controls and Data Are Needed to Ensure Effectiveness,* the following changes are proposed: (1) revised data points on fees and transaction costs to provide comprehensive reporting and alignment with the QALICB Fee Disclosure Form and Allocation Application; and (2) new data points for measuring the depth of public subsidy in NMTC transactions. The Fund is proposing additional changes to the NMTC TLR to address other concerns including, (3) data points (new and revised) on community outcome measures to better evaluate prior allocate performance during the competitive application process, align with the information collected in the Allocation Application and to permit recipients to better report quantitative outcome measures; and (4) new data points to better assess compliance with certain terms and conditions of the Allocation Agreement.

For fees and transaction costs, 12 out of 13 TLR data points have been revised to ensure that they are mutually exclusive and align with required QALICB disclosures and the Allocation Application. In addition, all data points will be reported as actual dollar amounts. Three TLR data points are proposed to be eliminated due to a lack of usage (Other Sources of Compensation and Profits Charged to Investors; Other Sources of Compensation and Profits Charged to Borrowers/Investees; Other Sources of Compensation and Profits Charged to Other Entities). The revised data points are:

- Total QEI Proceeds Retained by the CDE or CDE Affiliate;
- Upfront Fees to the CDE or CDE Affiliate;
- Upfront Fees to Investors or Investor Affiliates;
- Upfront Fees to Unaffiliated Third Parties;
- Upfront Transaction Costs;
- Ongoing Fees to the CDE or CDE Affiliate;
- Ongoing Fees Paid to Investors or Investor Affiliates;
- Ongoing Fees to Unaffiliated Third Parties;
- Ongoing Transaction Costs;
- Back-end Fees to CDE or CDE Affiliates;
- Back-end Fees to Investors or Investor Affiliates;
- Back-end Fees to Unaffiliated Third Parties; and
- Back-end Transaction Costs.

To better measure the depth of public subsidy, a new data point (Estimated Annual Net Operating Income) will be added to the NMTC Allocatee TLR, as well as revised TLR guidance for the existing data point on ''Total Project Cost Public Sources''.

The proposed addition and changes to the outcome reporting in the NMTC Allocatee TLR affect the data points related to job creation and retention; quality of jobs; accessible jobs; type of business loans; financing of minority-owned or controlled businesses; commercial and community goods and services; and environmental outcomes. The changes include:

- Projected Full-Time Equivalent (FTE) Jobs to Be Created or Retained at Businesses Financed (new data point);
- Actual Full-Time Equivalent (FTE) Jobs Created or Retained at Businesses Financed (new data point);
- Job Quality Measures (new data point);
- Identify Accessible Jobs Measure (new data point);
- Number of Accessible Jobs (new data point);
- Type of Business Loan (new data point);
- Minority-Owned or Controlled Businesses (revised data point);
- Native American-Owned or Controlled Businesses (new data point);
- Number of People Served by Commercial Goods or Services (new data point);
- Number of People Served by Community Goods or Services (new data point);
- Number of Households Served by Infrastructure Services (new data point);
- Identify Environmental Restoration and/or Sustainability Outcome Measure (new data point); and
- Quantify Environmental Restoration and/or Sustainability Outcome (new data point).

In order to better assess compliance with certain terms and conditions of the Allocation Agreement when a QLICI is originated, the following five data points are proposed:

• Below Market Interest Rate at origination (new data point);
• Blended Interest Rate at origination (new data point);
• Comparable Blended Interest Rate at origination (new data point);
• What is Interest Rate Comparable at origination? (new data point); and
• Interest Rate Comparable at Origination—Other (new data point).

In addition, the CDFI Fund proposes to eliminate the following data points that are no longer relevant in assessing compliance given that they relate to data points after origination:
• Below Market Interest Rate the end of the reporting period.
• Blended Interest Rate the end of the reporting period.
• Comparable Blended Interest Rate the end of the reporting period.
• Below Market Interest Rates or Flexible Terms Required under Allocation Agreement.
• Below Market Interest Rate at the end of the reporting period.
• What is Interest Rate Comparable at the end of the reporting period?
• Interest Rate Comparable—Other.
• Interest Rate Financial Note Terms at the end of the reporting period.

More details on the changes described above can be found in the updated guidance document available on the CDFI Fund website at *https://www.cdfifund.gov/requests-for-comments.*

Type of Review: Regular Review.

Affected Public: CDEs including businesses or other for-profit institutions, non-profit entities, and State, local and Tribal entities participating in CDFI Fund programs.

Estimated Number of Respondents:

NMTC Annual TLR and ILR: 210.

Estimated Annual Time (in hours) per Respondent:

NMTC Annual TLR and ILR: 81.33.

Estimated Total Annual Burden in Hours:

NMTC Annual TLR and ILR: 17,079.3.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on all aspects of the information collections, but commentators may wish to focus particular attention on: (a) whether the collection of information is necessary for the proper performance of the functions of the CDFI Fund, including whether the information shall have practical utility; (b) the accuracy of the CDFI Fund'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 of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Please note this request for public comment only includes the NMTC TLR. The CDFI Fund intends to release a separate RFI for the CDFI Program TLR as well as requesting a separate OMB number at a later point in time.

Authority: 12 U.S.C. 4707 *et seq.;* 26 U.S.C. CFR part 1805.

Jodie L. Harris,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2023–02644 Filed 2–7–23; 8:45 am]

BILLING CODE 4810–70–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 updates to the identifying information of one person currently included OFAC's Specially Designated Nationals and Blocked Persons List (SDN List).

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 February 1, 2023, OFAC updated the entry on the SDN List for the following person, whose property and interests in property subject to U.S. jurisdiction continue to be blocked under the relevant sanctions authority listed below.

Individual

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].

-to-

RIVERA ZAZUETA, Jose Angel (a.k.a. RIVERA SALAS, Miguel Angel), Mexico; DOB 15 Aug 1987; alt. DOB 15 Dec 1987; POB Sinaloa, Mexico; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. RIZA870815HSLVZN00 (Mexico); alt. C.U.R.P. RISM871215HMCVLG00 (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) 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: February 2, 2023.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2023–02623 Filed 2–7–23; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Requesting Comments on Form 8233

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 8233, Exemption From Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual.

DATES: Written comments should be received on or before April 10, 2023 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include OMB Control No. 1545–0795 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Jon Callahan, (737) 800–7639, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *jon.r.callahan@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Exemption From Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual.

OMB Number: 1545–0795.

Form Number: Form 8233.

Abstract: Compensation paid to a nonresident alien individual in the United States for independent personal services (self-employment) or certain dependent personal services (employee) is generally subject to 30% withholding or graduated rates. However, compensation may be exempt from withholding because of a tax treaty. Form 8233 is used to request exemption from withholding.

Current Actions: There is no change to the existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and Private Sector.

Estimated Number of Responses: 28,650.

Estimated Time per Respondent: 8 hours, 57 minutes.

Estimated Total Annual Burden Hours: 256,418.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency'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 of information 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.

Approved: February 3, 2023.

Jon R. Callahan,

Tax Analyst.

[FR Doc. 2023–02694 Filed 2–7–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

United States Mint

Establish Prices for 2023 United States Mint Numismatic Products

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

The United States Mint is announcing pricing for United States Mint numismatic products in accordance with the table below:

Product	2023 Retail price
American Eagle Silver Proof Coin (W)	$80
American Eagle Silver Proof Coin (S)	80
American Eagle Silver Uncirculated Coin	76
United States Mint Proof Set®	35
United States Mint Silver Proof Set®	130
United States Mint Limited Edition Silver Proof Set™	220
United States Mint Uncirculated Coin Set®	29
United States Mint Congratulations Set	82
American Women Quarters Proof Set™	23
American Women Quarters Silver Proof Set™	80
Morgan Dollar—Proof	80
Morgan Dollar—Uncirculated	76
Peace Dollar—Proof	80
Peace Dollar—Uncirculated	76
American Liberty Silver Medal™	82
United States Mint Ornament	35
Mighty Minters Ornament™	35
American Women Quarters Ornament™	35
American Women Quarters 100-Coin Bag™—Philadelphia	45
American Women Quarters 100-Coin Bag™—Denver	45
American Women Quarters Two-Roll Set™ —Philadelphia, Denver	40
American Women Quarters Three-Roll Set ™— Philadelphia, Denver, San Francisco	60

FOR FURTHER INFORMATION CONTACT: Jennifer Creque; United States Mint; 801 9th Street NW, Washington, DC 20220; or call 1–800–354–8489.

Authority: 31 U.S.C. 5111, 5112, 5132, & 9701.

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2023–02553 Filed 2–7–23; 8:45 am]

BILLING CODE 4810–37–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0176]

Agency Information Collection Activity: Certification of Training Hours, Wages, and Progress

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 10, 2023.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0176'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

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. 2900–0176'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 501(a), and 38 U.S.C. 3677.

Title: Certification of Training Hours, Wages, and Progress.

OMB Control Number: 2900–0176.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 28–1905c is used to gather the necessary information to determine any changes in enrollment certification, and document monthly progression and attendance as outlined in the claimant's vocational rehabilitation plan. This information is essential to track the type and hours of training, as well as the rating of the claimant's performance toward the completion of his or her training program under 38 U.S.C. Chapter 31 and 38 U.S.C Chapter 35. Without the information gathered on this form, benefits could be delayed under 38 U.S.C. 501(a).

Affected Public: Individuals and households.

Estimated Annual Burden: 380 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,140.

By direction of the Secretary:

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2023–02688 Filed 2–7–23; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0253]

Agency Information Collection Activity: Nonsupervised Lender's Nomination and Recommendation of Credit Underwriter

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 10, 2023.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to *Nancy J. Kessinger,* Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0253'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0253'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 3729, 38 CFR 36.4232 and § 36.4313.

Title: Create Payment Request for the VA Funding Fee (VA Form 26–8736a).

OMB Control Number: 2900–0253.

Type of Review: Extension of a currently approved collection.

Abstract: Section 3702(d) allows for certain lenders to make automatically guaranteed housing loans under 38 U.S.C. chapter 37. 38 U.S.C. 3702(d). Automatic lending privileges eliminate the requirement for submission of loans to VA for prior approval. Lending institutions with automatic loan privileges may process and disburse such loans and subsequently report the loan to the Department of Veterans Affairs (VA) for issuance of guaranty. Those lenders include (1) any Federal land bank, national bank, State bank, private bank, building and loan association, insurance company, credit union, or mortgage and loan company, that is subject to examination and supervision by an agency of the United States or of any State; (2) any State; or (3) any lender approved by the Secretary pursuant to standards established by the Secretary. Id. VA implemented those standards in 38 CFR 36.4352. VA refers to lenders described in 38 U.S.C. 3702(d)(1) and (2) as supervised lenders. See 38 CFR 36.4352(a). Unsupervised lenders are those described in 38 U.S.C. 3702(d)(3). See 38 CFR 36.4352(b). This collection addresses the underwriter requirements for those unsupervised lenders as found in 38 CFR 36.4352(b)(2) and (3).

Affected Public: Individuals and households.

Estimated Annual Burden: 500 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,500.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2023–02693 Filed 2–7–23; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notification, Cooperation and Affirmative Verification, or E-Verification, in Claims Arising Tort Liability and Third-Party Liability

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) sets forth the duties owed to VA when Veterans and VA beneficiaries who received medical care and treatment provided or paid for by VA, or those acting on their behalf, pursue personal injury claims.

DATES: This notification is effective upon publication.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Vatthauer, Office of Finance, Revenue Operations, Payer Relations and Services, Rates and Charges (104RO1), Veterans Health Administration, Department of Veterans Affairs, 128 Bingham Road, Suite 1000, Asheville, NC 28806; telephone: 608–335–8370 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 1729 and 42 U.S.C. 2651, VA has the right to recover or collect from a third party or parties the reasonable charges for certain medical care and treatment furnished, to be furnished, paid for or to be paid for by VA. Under 38 CFR 2.6(e)(3) and (e)(9), the authority of the Secretary of VA is delegated to VA's Office of General Counsel ''to collect in full, compromise, settle, or waive any claim and execute the release thereof'' for all claims arising under 42 U.S.C. 2651 and 38 U.S.C. 1729. See also 38 CFR 14.619. Based on this delegation, the authority under 28 CFR 43.1(b) and 43.2(a) and so VA can fulfill all statutory and regulatory requirements, all Veterans and Veterans' beneficiaries, or those individuals acting on their behalf, have a duty to:

(a) Furnish such information as may be requested concerning the circumstances giving rise to the injury or disease for which care and treatment is being given and concerning any action instituted or to be instituted by or against a third person;

(b) Notify VA of a settlement with or any offer of settlement from a third person; and

(c) Cooperate in the prosecution of all claims and actions by the United States against such third person.

These duties necessitate affirmative verification, or e-verification, to identify all Veterans, or Veterans' beneficiaries, who may exist within any member class including class action lawsuits, multi-district litigation or other similar mass tort litigation.

Under 38 CFR 17.47(g)(2), VA requires the completion and submission of the billing request form provided at *https://www.va.gov/ogc/collections.asp.* For verification questions in connection with mass litigation cases, please contact *OGCCollectionsNationalPracticeGroupMassTorts@va.gov.* For questions on all other cases, please visit *https://www.va.gov/ogc/collections.asp.*

Please note that any materially false, fictitious or fraudulent statements, representations or omissions are subject to criminal penalties including fines and/or imprisonment. See 18 U.S.C. 287, 1001. Also, please note that failure to properly notify and pay VA could implicate the False Claims Act (FCA), 31 U.S.C. 3729–33, prompt payment requirements, and insurance regulations. It also could result in the payment of attorneys' fees, fines for each violation and treble damages up to the prescriptive statute of limitations period. In particular, section 3729(a)(1)(G) of the FCA, the reverse false claims provision provides liability where one conspires or acts improperly to avoid an obligation to pay the Federal Government. Moreover, FCA also provides for liability where one is in possession of money or property belonging to the Federal Government and fails to transmit that money or property to the Federal Government. 31 U.S.C. 3729(a)(1)(D). In addition to FCA, VA may refer the payment obligation to the United States Department of the Treasury for collection. See 31 U.S.C. 3711 *et seq.;* 38 CFR 17.106(c)(3).

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on February 2, 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.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2023–02657 Filed 2–7–23; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 88 Wednesday,

No. 26 February 8, 2023

Part II

The President

Presidential Determination No. 2023–03 of January 30, 2023—Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

Federal Register
Vol. 88, No. 26
Wednesday, February 8, 2023

Presidential Documents

Title 3—

The President

Presidential Determination No. 2023–03 of January 30, 2023

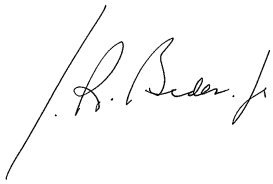
Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

Memorandum for the Secretary of State[,] the Secretary of the Treasury[, and] the Secretary of Energy

By the authority vested in me as President by the Constitution and the laws of the United States, after carefully considering the reports submitted to the Congress by the Energy Information Administration, including the report submitted in December 2022, and other relevant factors, including global economic conditions, the level of spare capacity, and the availability of strategic reserves, I determine, pursuant to section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012, Public Law 112–81, and consistent with prior determinations, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

I will continue to monitor this situation closely.

The Secretary of State is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, January 30, 2023

[FR Doc. 2023–02839
Filed 2–7–23; 11:15 am]
Billing code 4710–10–P

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