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Presidential Documents

Title 3—

The President

Proclamation 10529 of March 3, 2023

National Consumer Protection Week, 2023

By the President of the United States of America

A Proclamation

Families deserve to be protected from the fraudsters and scammers who often prey on the most vulnerable among us, draining real money from the pockets of hard-working Americans. This National Consumer Protection Week, we urge every American to learn about their legal rights as consumers and the resources available to defend those rights. Consumer protection is critical to building a healthy economy from the bottom up and middle out, and it is a question of basic fairness and justice.

After a few tough years, America is in the midst of a historic economic recovery—growth is up, wages are up, and unemployment is at a 50-year low. Manufacturing is booming, and more than 10 million Americans have applied to start their own businesses—the most in any 2 years on record. As people finally start to feel like they have a little bit of breathing room, we cannot let fraud, cybercrimes, or unfair business practices interrupt the progress we have made.

My Administration is taking historic action to make sure that when American consumers enter the marketplace, they get fair deals from honest brokers. Shortly after I took office, I signed an Executive Order to promote fair competition across our economy—because when companies have to compete on a fair, transparent playing field, it lowers prices for consumers, raises wages for workers, and makes our whole country more innovative and productive. The Department of Justice and Federal Trade Commission (FTC) have undertaken efforts to address anticompetitive conduct that hurts consumers and workers, including preventing further consolidation in the shipping and publishing industries and proposing a ban on non-compete agreements. As I have long said: Capitalism without competition is not capitalism; it is exploitation.

As I said in my State of the Union Address, we are cracking down on those unfair, hidden ''junk fees'' like bank overdraft charges, cell phone cancellation fees, or surprise ticketing costs that sneak up on consumers, hiding the full price of what they are buying or making it much too hard to switch to a cheaper product. For example, the Federal Communications Commission (FCC) finalized rules that would require cable and internet providers to list fees and services up front, on clear, easy-to-read labels. The Consumer Financial Protection Bureau (CFPB) is pressing banks and credit card companies to get rid of surprise overdraft charges, bounced-check charges, and unfair late fees. The CFPB has also proposed new rules to cut excessive credit card late fees from roughly $30 to $8. The Department of Transportation helped convince major airlines to rebook trips for free if they cancel a flight and issued a notice encouraging airlines to seat children next to an accompanying adult at no additional cost. And the FTC has pushed electronics makers to let consumers choose where to get their products fixed, saving on repair costs. These things matter—they add up fast, and when we act together, American consumers will save billions of dollars every year.

Meanwhile, the FTC is going after student loan scams, mortgage scams, price gouging, and identity theft and is working with law enforcement

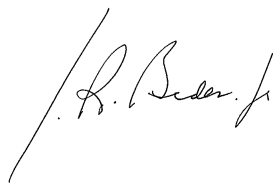
to crack down on other predatory practices. The FCC is working to stop today's scourge of illegal robocalls by sharing call-blocking tools and working to reduce spoofing by requiring phone companies to implement caller ID authentication.

To protect online privacy, the FTC is considering new rules that would limit how much personal data companies can collect from consumers and sell to third parties. The CFPB is also considering a rule to give consumers more control over their personal financial data, which in turn gives them more freedom over where they choose to put their money.

Every American has the power to stand up for their own consumer rights and to help protect their communities and loved ones. We urge everyone to visit consumer.ftc.gov to learn more about today's risks and the resources available for fighting them and to report any suspected fraud. To report issues with a consumer financial product, like aggressive debt collection, inaccurate credit reporting, or unfair medical billing, visit consumerfinance.gov/complaint.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 5, 2023, through March 11, 2023, as National Consumer Protection Week. I call upon government officials, industry leaders, and advocates across the Nation to share information about consumer protection and provide our citizens with information about their rights as consumers.

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



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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 03–123, 10–51 and 13–24; FCC 22–51; FR ID 130014]

VRS and IP CTS—Commencement of Pending User Registration

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with rules adopted in the Commission's documents *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities et. al,* Report and Order, FCC 22–51. This document is consistent with the Report and Order, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

DATES: The amendments to §§ 64.611 and 64.615 (amendatory instructions 3 and 4) published at 87 FR 57645, September 21, 2022, are effective March 8, 2023.

FOR FURTHER INFORMATION CONTACT: William Wallace, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418–2716, or email: *William.Wallace@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on February 27, 2023, OMB approved, for a period of three years, the information collection requirements contained in the Commission's Report and Order, FCC 22–51, published at 87 FR 57645, September 21, 2022. The OMB Control Number is 3060–1053. The Commission publishes this notice as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, via email: *Cathy.Willilams@fcc.gov.* Please include the OMB Control Number, 3060–1053, in your correspondence. The Commission will also accept your comments via the internet if you send them to *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on February 27, 2023, for the information collection requirements contained in the Commission's rules at §§ 64.611 and 64.615.

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1053.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1053.

OMB Approval Date: February 27, 2023.

OMB Expiration Date: February 28, 2026.

Title: Misuse of internet Protocol Captioned Telephone Service (IP CTS); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13–24 and 03–123.

Form Number: N/A.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 186,012 respondents; 672,819 responses.

Estimated Time per Response: 0.1 hours (6 minutes) to 40 hours.

Frequency of Response: Annual, every five years, monthly, and ongoing reporting requirements; Recordkeeping requirements; Third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements is found at Sec. 225 [47 U.S.C. 225] Telecommunications Services for Hearing-Impaired Individuals; The Americans with Disabilities Act of 1990, (ADA), Public Law 101–336, 104 Stat. 327, 366–69, enacted on July 26, 1990.

Total Annual Burden: 339,781 hours.

Total Annual Cost: $72,000.

Needs and Uses: On August 1, 2003, the Commission released *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CC Docket No. 98–67, Declaratory Ruling, 68 FR 55898, September 28, 2003, clarifying that one-line captioned telephone voice carry over (VCO) service is a type of telecommunications relay service (TRS) and that eligible providers of such services are eligible to recover their costs from the Interstate TRS Fund (Fund) in accordance with section 225 of the Communications Act.

On July 19, 2005, the Commission released *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CC Docket No. 98–67 and CG Docket No. 03–123, Order, 70 FR 54294, September 14, 2005, clarifying that two-line captioned telephone VCO service, like one-line captioned telephone VCO service, is a type of TRS eligible for compensation from the Fund.

On January 11, 2007, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket No. 03–123, Declaratory Ruling, 72 FR 6960, February 14, 2007, granting a request for clarification that internet Protocol (IP) captioned telephone relay service (IP CTS) is a type of TRS eligible for compensation from the Fund.

On August 26, 2013, the Commission issued *Misuse of internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket Nos. 13–24 and 03–123, Report and Order, 78 FR 53684, August 30, 2013, to regulate practices relating to the marketing of IP CTS, impose certain requirements for the provision of this service, and mandate registration and certification of IP CTS users.

On June 8, 2018, the Commission issued *Misuse of internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket Nos. 13–24 and 03–123, Report and Order and Declaratory Ruling, 83 FR 30082, June 27, 2018 (*2018 IP CTS Modernization Order*), to facilitate the Commission's efforts to reduce waste, fraud, and abuse and improve its ability to efficiently manage the IP CTS program through regulating practices related to the marketing of IP CTS, generally prohibiting the provision of IP CTS to consumers who do not genuinely need the service, permitting the provision of IP CTS in emergency shelters, and approving the use of automatic speech recognition to generate captions without the assistance of a communications assistant.

On February 15, 2019, the Commission issued *Misuse of internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket Nos. 13–24 and 03–123, Report and Order, and Order, 84 FR 8457, March 8, 2019 (*2019 IP CTS Program Management Order*), requiring the submission of IP CTS user registration information to the telecommunications relay service (TRS) User Registration Database (Database) so that the Database administrator can verify IP CTS users to reduce the risk of waste, fraud, and abuse in the IP CTS program.

On June 30, 2022, the Commission issued *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program; Misuse of internet Protocol Captioned Telephone Service,* CG Docket Nos. 03–123, 10–51, and 13–24, Report and Order, published at 87 FR 57645, September 21, 2022 (*Registration Grace Period Order*), allowing IP CTS and Video Relay Service (VRS) providers to provide compensable service to a new user for up to two weeks after submitting the user's information to the Database if the user's identity is verified within that period, in order to offer more efficient service to IP CTS and VRS users without risk of waste, fraud, and abuse to the Fund.

The programmatic changes in information collection burdens that apply to VRS due to the *Registration and Grace Period Order* will be addressed separately in modifications to information collection No. 3060–1089.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2023–04753 Filed 3–7–23; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 203

[Docket No. FR–6263–F–02]

RIN 2502–AJ59

Increased Forty-Year Term for Loan Modifications

AGENCY: Office of Housing, HUD.

ACTION: Final rule.

SUMMARY: HUD's regulations allow mortgagees to modify a Federal Housing Administration (FHA) insured mortgage by recasting the total unpaid loan for a term limited to 360 months to cure a borrower's default. This rule amends HUD's regulation to allow for mortgagees to recast the total unpaid loan for a new term limit of 480 months. Increasing the maximum term limit to 480 months will allow mortgagees to further reduce the borrower's monthly payment as the outstanding balance would be spread over a longer time frame, providing more borrowers with FHA-insured mortgages the ability to retain their homes after default. This change will also align FHA with modifications available to borrowers with mortgages backed by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), which both currently provide a 40-year loan modification option. This final rule adopts HUD's April 1, 2022, proposed rule without change.

DATES: Effective May 8, 2023.

FOR FURTHER INFORMATION CONTACT: Elissa Saunders, Director, Office of Single Family Program Development, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Suite 9278, Washington, DC 20410–4000; telephone number 202–708–2121 (this is not a toll-free number); email *sffeedback@hud.gov.* The telephone numbers listed above are not toll-free numbers. 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:

I. Background

The Federal Housing Administration (FHA) was established by Congress in 1934 to improve nationwide housing standards, to provide employment and stimulate industry, to improve conditions with respect to home mortgage financing, to prevent speculative excesses in new mortgage investment, and to eliminate the necessity for costly second mortgage financing.[1] HUD's regulations for Title II FHA single family forward mortgage insurance are codified in 24 CFR part 203. These regulations address mortgagee eligibility requirements and underwriting procedures, contract rights and obligations, and the mortgagee's servicing obligations. These regulations also address a mortgagee's obligations to offer loss mitigation options when a mortgagor defaults on a loan, as provided in 24 CFR 203.501.

Over time, HUD has expanded and revised the regulations regarding the loss mitigation options that mortgagees are required to consider utilizing including special forbearance, recasting of mortgages, partial claims, pre-foreclosure sales, deeds in lieu of foreclosure, and assumptions as ways to mitigate losses to the Mutual Mortgage Insurance Fund.[2] In 1996, the Balanced Budget Downpayment Act, I (Pub. L. 104–99, approved January 26, 1996) amended sections 204 and 230 of the National Housing Act to provide that HUD may pay insurance benefits to a mortgagee to recompense the mortgagee for its actions to provide an alternative to the foreclosure of a mortgage that is in default. These actions may include special forbearance, loan modification, and/or deeds in lieu of foreclosure, all upon terms and conditions as the mortgagee shall determine in the mortgagee's sole discretion, within guidelines provided by HUD.[3] In response, HUD promulgated an interim

[1] 12 U.S.C. 1701 *et seq.*

[2] 24 CFR 203.501.

[3] 12 U.S.C. 1715u.

final rule (61 FR 35014, July 3, 1996), followed by a final rule (62 FR 60124, November 6, 1997) adding loss mitigation options to 24 CFR part 203. One of these options allows mortgagees to modify a mortgage for the purpose of changing the amortization provisions and recasting the total unpaid amount due for a term not exceeding 360 months from the date of the modification.[4]

II. The Proposed Rule

On April 1, 2022, HUD published for public comment a proposed rule to amend 24 CFR 203.616, which allows a mortgagee to modify a mortgage for the purpose of changing the amortization provisions by recasting the total unpaid amount due for a new term, by replacing the maximum of 360 months with a new maximum of 480 months.[5] The proposed rule sought to allow mortgagees to provide a 40-year loan modification to support HUD's mission of fostering homeownership by assisting more borrowers with retaining their homes after a default episode while mitigating losses to FHA's Mutual Mortgage Insurance (MMI) Fund.

The proposed rule recognized that a lower monthly payment is key to bringing the mortgage current, preventing imminent re-default, and ultimately retaining their home and continuing to build wealth through homeownership. The proposed rule also recognized that this option would be particularly beneficial to borrowers impacted by the COVID–19 pandemic, including those who may re-default in the future after having received a loss mitigation option under COVID–19 policies. Finally, the proposed rule recognized that, while the 40-year mortgage remains rare, it has become more commonly recognized in the mortgage industry, including by the Government Sponsored Enterprises (GSEs), Fannie Mae and Freddie Mac.

III. This Final Rule

In response to public comments as discussed further below, and in further consideration of issues addressed at the proposed rule stage, HUD is publishing this final rule without change from the proposed rule.

HUD recognizes that, since the proposed rule was published, interest rates have increased. An increase in interest rates may decrease the effectiveness of a modification in providing significant payment reduction, because the modified loan may be at a higher interest rate than the original loan. While rising interest rates may keep the 40-year loan modification from providing significant payment reduction, HUD believes that rising interest rates make the 40-year loan modification more critical in circumstances where the 30-year loan modification does not sufficiently decrease the monthly payment to an amount that the borrower could afford to retain their home. As a result, HUD believes that this rule will provide a critical home retention tool for borrowers as interest rates change over the long term.

IV. Public Comments

HUD received twenty comments in response to the proposed rule. The public comments are discussed in three categories: support for the proposed rule, opposition to the proposed rule, and suggested revisions and additions to the proposed rule.

A. Support for the Proposed Rule

The Proposed Rule Will Help Struggling Homeowners

Commenters stated that a 40-year loan modification option would be a valuable tool, providing significant relief for struggling borrowers. Commenters said that extended maximum loan terms allow lenders to further reduce monthly mortgage payments, assisting borrowers in retaining their homes and avoiding foreclosure. A commenter said borrowers who re-default after utilizing other loss mitigation methods (such as a partial claim) have few options for retaining their homes. Commenters said that the current 30-year term maximum loan modifications are sometimes insufficient to provide affordable monthly payments for defaulting borrowers. A commenter said that 40-year loan terms could reduce borrowers' need to file partial claims, reducing the likelihood that borrowers will have an additional lien on their property. This commenter also said that in some cases, extending the terms of loan modifications may be the only option to prevent borrowers in default from losing their homes.

Commenters said that current adverse market conditions increase the importance of creating additional tools to help struggling borrowers. Commenters said that many borrowers are currently in some form of delinquency. A commenter said there has been a recent increase in the number of foreclosures on FHA loans caused by the end of the foreclosure moratorium. Commenters noted that the current rising interest rate environment makes it more difficult for FHA lenders to meet target payment levels with 30-year loan modifications because the refinanced mortgage would be subject to a higher interest rate and therefore higher monthly payments. A commenter said that this is particularly true for borrowers who recently originated or refinanced their loans at recent historically low interest rates.

HUD Response: HUD appreciates the support for this effort and agrees with these commenters. These commenters identified many of the reasons HUD is moving forward with this rule.

The Proposed Rule Will Help Individuals Build Wealth

Commenters said that 40-year loan modifications could help borrowers build wealth through homeownership by keeping borrowers in their homes. Commenters said that homeownership is a long-term means of building wealth. A commenter said that borrowers' credit is greatly harmed by foreclosure, often preventing foreclosed borrowers from regaining homeownership in the future.

HUD Response: HUD agrees with these commenters. The longer term of the modified loan will lead to lower monthly mortgage payments than a 30-year term modification, which will allow more borrowers to retain their homes and all the benefits that accompany homeownership, including long-term wealth building. Although a shorter term loan allows for quicker wealth accumulation, the use of a 40-year loan modification may be the single option allowing the borrower to retain their home. Thus, the 40-year loan modification will allow these borrowers to retain the wealth they have already accrued and allow them to continue to build wealth, albeit at a slower pace, by retaining their home—instead of losing their home.

The Proposed Rule Will Help Borrowers Harmed by the COVID–19 Pandemic

Commenters said that 40-year loan modifications could help homeowners negatively affected by the COVID–19 pandemic. Commenters said that the COVID–19 pandemic caused many homeowners to struggle with their mortgage payments, particularly those who experienced pandemic-related job loss or disruption. A commenter also said that 40-year loan modifications could benefit borrowers who re-default after completing a COVID–19 Loss Mitigation Recovery Option. Another commenter said that the proposed rule would ameliorate negative impacts on struggling homeowners in the post-pandemic environment.

HUD Response: HUD agrees with these commenters. The unprecedented

[4] 24 CFR 203.616.

[5] 87 FR 19037.

nature of the COVID–19 pandemic caused many borrowers to utilize a loss mitigation option to bring their mortgage current after becoming delinquent or utilizing a forbearance. As a result, many borrowers have used much of their Partial Claim allotment or have received a loan modification at historically low interest rates. If a borrower impacted by COVID–19 who brought their mortgage current experiences a future default episode, they will likely have fewer loss mitigation options available. Therefore, a 40-year loan modification will be critical in helping those borrowers achieve an affordable monthly mortgage payment in the event of a future default episode or natural disaster.

The Proposed Rule Will Promote Financial Inclusion and Equity

A commenter said that 40-year loan modifications would promote financial inclusion. Commenters said that 40-year loan modifications would be particularly helpful for individuals with low and moderate incomes, especially those living in regions with high home prices. Commenters said that first-time homebuyers could benefit from 40-year loan modifications, especially given the lack of entry level housing and rising home sale prices. Commenters said that mortgagors who had lost their jobs were more likely to need reductions in their monthly payments. A commenter said that homeowners facing long-term hardships would also benefit. Another commenter said the proposed rule would help ordinary families and their communities. Another commenter described the proposed rule as a win for everyone.

A commenter said that the proposed rule supports equity. This commenter said that the proposed rule would positively impact American Indians and Alaska Natives, who had higher levels of job loss during the pandemic than other racial groups and who tend to be less financially literate and experience higher foreclosure rates. Another commenter said that 40-year loan modifications would benefit Black and Hispanic borrowers who are more likely than White borrowers to be in forbearance, need loss mitigation, or be delinquent on their loans.

A commenter said that the simplicity of a 40-year loan recast is beneficial to borrowers who have lower financial literacy and who may have less ability to evaluate risk and choose among financial courses of action. This commenter said that negotiating with a bank's servicing agent can be confusing or adversarial for borrowers. This commenter also said that American Indians, Alaska Natives, and individuals who are Black are more likely to benefit from simplified loss mitigation policies because they may have lower financial literacy than other racial groups.

HUD Response: HUD agrees that this rule, for all the reasons identified by these commenters, will promote financial inclusion and equity through sustained homeownership. It will provide a useful home retention tool for borrowers including low-to-moderate income borrowers, first-time homeowners, borrowers of color, and borrowers from underserved neighborhoods and communities, particularly in a rising interest rate environment.

According to internal data from HUD's Single Family Data Warehouse, as of September 30, 2022, borrowers who identify as Black are in default at much higher rates than other borrowers. Borrowers who identify as Black make up 15.86 percent of FHA's total portfolio, but 22.46 percent of mortgages in default. The race and ethnicity of all other borrowers in default, including Native Americans and Hispanics, are roughly proportional to the racial and ethnic breakdown of the total FHA portfolio. Therefore, the 40-year loan modification that will help borrowers retain their homes by extending the term of their mortgage to help reduce monthly mortgage payments will especially help Black borrowers who are presently in default at disproportionate rates.

The Regulatory Impact Analysis (RIA) that accompanied the proposed rule reviewed the impacts of the rule on equity and found: ''The loan modification policy is intended to promote equity by preserving the housing wealth of lower income households.'' The RIA reviewed studies over whether there have been differences in loss mitigation by race or ethnicity and noted that the findings vary. Ultimately, the RIA concluded: ''Evidence supports that the 40-year term would be implemented fairly to advance the economic interests of all protected classes.''

The Proposed Rule Will Benefit the Housing Market

Commenters said that the foreclosure mitigation effects of 40-year loan modifications would support the stability of the housing market, allowing the housing market to thrive and benefiting the economy as a whole. A commenter said that foreclosures harm the home values of adjacent properties, increasing the likelihood of additional future foreclosures in the area. This commenter said these vicious cycles of home price deterioration can be pervasive in low-income neighborhoods.

HUD Response: HUD agrees that introducing the 40-year loan modification will help reduce foreclosures and thereby reduce the secondary effects of foreclosure, such as neighborhood blight. Given the rising interest rate environment, the longer term of a loan modification will be particularly critical in helping borrowers retain their homes after a default episode. By helping reduce foreclosures, this rule will help stabilize the housing market especially during a period of potential economic instability. The RIA cited various studies looking at the impact of foreclosures on the immediate housing market, which found that property sales located within 300 feet of a foreclosed property experience about a 1 percent discount per foreclosure and that the absolute impact of neighboring foreclosures is greater for lower-priced properties. When implemented as part of HUD's Single Family loss mitigation program, this loss mitigation tool will help more borrowers retain their homes and continue to build their communities.

The Proposed Rule Aligns FHA Loss Mitigation Policy With That of Other Financial Institutions

Commenters said the proposed rule would align loss mitigation policies between different regulators. Commenters said that the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), the Government National Mortgage Association (Ginnie Mae), the National Credit Union Association, the U.S. Department of Agriculture, the Government-Sponsored Enterprise (GSEs), the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency already support various 40-year loan modification programs. A commenter said that the effective use of 40-year loan term modifications by Fannie Mae and Freddie Mac demonstrate the merit of the proposed rule change.

Commenters said aligning loss mitigation policies between different regulators is good public policy. A commenter said that aligning loss mitigation policies is a long-standing industry priority. Another commenter said that aligning loss mitigation policies creates operational ease for mortgage servicers. Commenters said that allowing 40-year loan modifications would create parity among lenders by providing borrowers who have FHA-insured mortgages with the same

options available to borrowers whose mortgages are backed by other financial institutions. A commenter said that parity among all lenders is necessary for the housing finance system.

Commenters said that standardizing loss mitigation policies would make federal regulations more consistent, more predictable, and easier to understand. A commenter said that consistent program terms help loan servicers communicate and educate consumers on the available loss mitigation options.

HUD Response: HUD agrees with these comments. Once implemented, this rule will provide borrowers with the ability to extend the term of their modified mortgage to 480 months, similar to what is offered by other federal agencies and the GSEs. This will also ensure that borrowers are not disadvantaged compared to non-FHA-insured mortgages.

The Proposed Rule Will Benefit the FHA Lending Program

Commenters said that 40-year loan modifications could help mitigate losses to FHA's Mutual Mortgage Insurance (MMI) Fund. A commenter noted that the MMI Fund reimburses FHA lenders' foreclosure losses, transferring losses from FHA lenders to the MMI Fund. Another commenter said mitigating losses to the MMI Fund would increase liquidity for FHA lenders.

Commenters said that allowing 40-year term loan modifications for FHA-insured loans would incentivize more credit unions to become FHA lenders. A commenter said that the significant amount of staff expertise and specialization necessary to become an FHA lender is a barrier to credit unions providing FHA-insured loans. This commenter also said that the proposed rule's alignment of FHA requirements with other federal regulators' policies would significantly ease the burden of achieving FHA eligibility and increase the participation of community-based financial institutions in FHA programs. Another commenter said that federal credit unions could offer 40-year loan modifications if the proposed rule is adopted because the National Credit Union Administration already authorizes federal credit unions to make FHA-insured mortgages with terms of up to 40 years. This commenter also said that state laws in Massachusetts, New Hampshire, and Delaware would allow state-chartered credit unions to modify FHA-insured mortgages to 40-year terms. Commenters said that having the option to provide 40-year loan modifications for FHA-insured loans would allow credit unions to better serve their members.

HUD Response: HUD agrees that the 40-year loan modification would reduce risk of losses to the MMI Fund, thereby strengthening HUD's ability to provide access to homeownership to low-to-moderate income borrowers and first-time homeowners in accordance with HUD's overall mission.

HUD values the work of credit unions and their service to underserved borrowers. HUD is pleased that credit unions will be able to provide 40-year loan modifications in line with HUD's requirements as a loss mitigation option for borrowers.

The Proposed Rule Aligns With HUD's Mission Statement

Commenters said that the proposed 40-year term modifications are commendable because they further HUD's mission of creating strong, sustainable, inclusive communities and quality affordable homes for all. A commenter said the proposed rule demonstrates that HUD is proactively providing borrowers with additional support and helping them keep their homes. Commenters also said that the lower-income, struggling mortgagors who would most likely benefit from the proposed rule are the types of borrowers the FHA was created to assist.

HUD Response: HUD appreciates the support from commenters and continually reviews and evaluates options to assist borrowers while safeguarding the MMI Fund.

The Benefits of the Proposed Rule Outweigh the Downsides of Extended Loan Terms

Commenters said that the benefits of the proposed rule outweighed the potential that 40-year loan terms would slow the equity building process, increase borrowing costs, and increase the chances that a homebuyer will go ''underwater'' when home values decline. A commenter said that it is more important for defaulting borrowers to retain their homes than to build equity quickly, especially if there is no other option to prevent foreclosure. Another commenter said that as long as the equity requirement is sufficient, there is no reason not to allow a longer payback. A commenter said that the length of a 40-year loan was less of a concern for young homebuyers, who could still pay the loan in full by the time they retire. Another commenter said that, while 40-year loans have downsides, they could allow struggling borrowers a chance to pursue their dreams of homeownership.

HUD Response: HUD agrees with these commenters. There are potential downsides to all loss mitigation options, which have to be weighed against the benefits. For borrowers who would be eligible for a 40-year loan modification, this option is intended to be the last tool utilized to help borrowers retain their home.

B. Opposition to the Proposed Rule

The Proposed Rule Will Distort the Housing Market and Reduce Affordability

A commenter said that home prices are governed by the monthly payments made by mortgagors and that adding ten years of additional payments for the same homes would cause prices to rise over time. Another commenter said that the free market should regulate the housing market and that the private sector would not provide the type of loans HUD proposes because the higher interest rates would offset any savings. A commenter said federal policies have already created too much debt, endangering the banking system and society. Another commenter said the proposed rule would only be keeping a housing bubble propped up to boost tax revenue.

Commenters said that blocking foreclosures reduces the supply of available houses and causes the remaining housing supply to be overvalued. Commenters said that the proposed rule would only provide temporary relief to borrowers in exchange for reducing the supply of affordable housing. A commenter said the rule would be saving the less prudent at the expense of the responsible. This commenter said that an 18-month forbearance was more than enough time for people to get back on their feet and save.

HUD Response: HUD appreciates this feedback and recognizes the complexity of this issue. The Department of Veterans Affairs (VA) and the GSEs already offer a 40-year loan modification; therefore, by taking this step, FHA is aligning with VA and the GSEs to provide FHA-borrowers with a similar option. The high cost of housing across the country is the result of multiple inter-related causes and 40-year loan modifications offered by VA and the GSEs have not been shown to cause higher housing prices. Moreover, rising interest rates may result in the need for loan modification with a longer term to help borrowers keep their homes. The 40-year loan modification, once implemented, will further help stabilize neighborhoods and avoid neighborhood blight.

Regarding the comment that an 18-month forbearance was more than enough time for people to get back on their feet and save; although this was true for some borrowers, many other borrowers did seek loss mitigation assistance after their forbearance to help bring their mortgage current and to provide a more affordable monthly payment. HUD does not anticipate that all borrowers in default would be given a 40-year loan modification. For borrowers who can afford to bring their mortgage current and make their monthly mortgage payments through a different loss mitigation option, such as with a 30-year loan modification, a 40-year loan modification would not be required.

Borrowers Are Better Off Without the Proposed 40-Year Term Loan Modifications

Commenters said struggling borrowers would be better off losing their homes and stabilizing their finances through other means. A commenter said that defaulting borrowers would likely not end up making their payments, even with the extended loan terms. Commenters suggested that borrowers use bankruptcy to write off debts and start over with a clean slate. A commenter said that, even if borrowers make their payments, a 40-year term is so long that borrowers would become permanently indebted.

HUD Response: HUD appreciates this feedback. However, based on HUD's analysis of mortgage performance after loss mitigation and the rising interest rate environment, the 40-year modification will assist many borrowers in retaining their home through a more affordable monthly mortgage payment. FHA's existing standard loss mitigation options rely on a review of the borrower's income to determine affordability. When the 40-year loan modification is incorporated into FHA's standard loss mitigation policy, HUD will adjust the requirements for this review to ensure that mortgagees' use of this tool is targeted for where it will be most effective to respond to each borrower's specific circumstances and to help borrowers avoid foreclosure.

HUD believes that, generally, borrowers who could avoid foreclosure through loss mitigation would benefit much more from loss mitigation than from declaring bankruptcy, which is a drastic measure with long-lasting consequences. However, HUD notes that loss mitigation is optional, and a borrower may choose to decline loss mitigation assistance.

Additionally, borrowers would not be permanently locked into a 40-year term. The average life of an FHA-insured mortgage is approximately seven years. After time, borrowers generally either refinance or sell their home. HUD anticipates that, in most cases, borrowers who take advantage of the 40-year modification will not retain the mortgage for the full 40-year term.

C. Suggested Revisions and Additions to the Proposed Rule

Forty-Year Loan Terms Should Be Available From Origination

Commenters suggested that HUD approve an option for the FHA to insure 40-year term mortgages from origination. Commenters said that 40-year terms at origination could provide homebuyers with more affordable monthly payments and more flexibility to find a mortgage that fits their needs. A commenter said that many credit unions have demonstrated that 40-year loan terms can enable borrowers to enter loans with more affordable monthly payments. Commenters suggested that allowing 40-year terms from loan origination would particularly benefit young and lower-income homebuyers by providing access to longer amortization. A commenter also said that offering 40-year terms at loan origination could help close the racial homeownership gap.

A commenter said that allowing 40-year loan terms at origination would not affect the stability of the housing finance system. This commenter said that loans are less risky for lenders when borrowers have affordable mortgage payments. This commenter also said that borrowers who enter 40-year loans could later refinance for shorter terms to reduce the total amount of interest paid and build equity faster.

HUD Response: HUD appreciates these comments; however, HUD does not have statutory authority to provide 40-year mortgages at origination and is therefore not considering that option as part of this rulemaking.

FHA Lenders Should Continue To Use 30-Year Terms for Loan Modifications

A commenter suggested that the existing loss mitigation structure should not be eliminated and that 40-year loan modifications should not replace 30-year modifications as the standard. This commenter said that many borrowers can afford payments with a 30-year loan modification and that these borrowers would build home equity more quickly and pay less interest with a shorter loan term. Commenters suggested that FHA lenders calculate loan terms flexibly to address each borrower's unique circumstances. A commenter suggested that FHA lenders should evaluate the array of possible modification terms to balance additional interest costs and slower equity building with the need for immediate payment relief. Another commenter suggested that HUD and the FHA should narrowly tailor their guidance around 40-year loan modifications to ensure that FHA lenders incrementally extend loan terms beyond 360 months only as necessary to achieve affordability and home retention for borrowers.

HUD Response: HUD appreciates the feedback and agrees that the 40-year loan modification should not replace the 30-year loan modification, but that both should be used by mortgagees where they would best assist the borrower in retaining their home and reducing risks to FHA'S MMI Fund. Where HUD added a 40-year loan modification with partial claim into the COVID–19 Recovery Modification, the 40-year modification is only utilized when the 30-year modification cannot achieve the target payment. Similarly, HUD will evaluate the most appropriate use for the 40-year modification as it drafts its guidance for utilization of 40-year modifications as part of FHA's standard loss mitigation tools. HUD will also take these comments into consideration as it drafts that guidance.

HUD Should Consider Additional Methods of Providing Payment Relief in Conjunction With 40-Year Term Loan Modifications

A commenter supported the proposed rule but said that high interest rates reduce the effectiveness of extended loan terms to lower monthly payments. This commenter noted that the current COVID–19 waterfall target is a 25 percent principal and interest (P&I) reduction and said that a loan with a 4.50 percent note rate and twenty-six years remaining would fail to reach a 25 percent P&I reduction with a 40-year modification that uses the maximum amount of principal deferral. The commenter further said that if interest rates continue to rise, the ability of loan providers to achieve payment reduction goals through 40-year term loan modification will decrease.

This commenter said that current adverse market conditions such as increasing interest rates and continued COVID-related hardship require further steps to provide payment relief to struggling homeowners. This commenter suggested that HUD should allow borrowers to access their statutory maximum partial claims to achieve affordable payments. This commenter noted that, currently, HUD does not allow borrowers to use their full partial

claim to address COVID–19 hardship. The commenter suggested that the additional partial claim capacity could be used to defer principal and generate an additional 4 to 6 percentage points of payment reduction. The commenter also suggested that HUD should combine extended term modifications with a partial claim to help achieve affordable monthly payments for borrowers who have a remaining partial claim amount.

Commenters also suggested that HUD should not increase and should consider reducing or waiving annual mortgage insurance premiums (MIP) for all loss mitigation programs. A commenter suggested that MIP reductions could help provide affordable monthly payments for borrowers if high interest rates prevented a 40-year term loan modification from achieving payment reduction goals.

This commenter suggested that reducing the MIP for some borrowers would not harm the MMI Fund. The commenter noted that reducing MIP will cut revenue for the MMI Fund, but suggested that the further reductions in monthly payments could prevent additional foreclosures, offsetting the lost MIP revenue. This commenter also said that MIP reductions could be targeted only to borrowers at the highest risk of foreclosure. The commenter suggested that HUD work with industry stakeholders to develop an efficient and feasible process for servicers to reduce the MIP.

This commenter also suggested that HUD should set the maximum interest rate for new 40-year modification terms at 25 basis points above Freddie Mac's Primary Mortgage Market Survey (PMMS) and not the current 50 basis points. The commenter said that adding 50 basis points onto an already high PMMS rate would limit the payment relief HUD can offer. The commenter said that a reduction of 25 basis points properly balances the marketplace's needs with the needs of borrowers. This commenter estimated that such a reduction would provide an additional 2 to 3 percentage points of payment relief.

HUD Response: HUD appreciates this feedback. HUD agrees that high interest rates will reduce the ability of the extended loan term to provide such significant payment relief. However, the 40-year modification will still be effective in the higher interest rate environment in helping borrowers achieve greater payment reduction than they would achieve from a 30-year modification. This difference may help borrowers retain their homes, who might not be able to do so with a 30-year modification.

HUD continues to review all possible options and changes to policies and procedures for mortgagees to assist borrowers in retaining their homes and to be a responsible steward of the MMI Fund. This rule does not preclude HUD from making additional changes or providing additional options for mortgagees to use with struggling borrowers. This rule enables HUD to exercise its statutory authority to allow for the 40-year loan modification to be used in the future as one of FHA's loss mitigation tools or in combination with others. Further guidance about how this will be implemented inside of HUD's loss mitigation program will be published in HUD policy.

Additional Government Programs Should Include 40-Year Term Loan Modifications

A commenter suggested that 40-year terms should be available for the Home Affordable Modification Program (FHA–HAMP) and Presidentially Declared Major Disaster Areas (PDMDA) modification programs (either with or without a partial claim) to achieve target payments. This commenter recommended that FHA introduce a term of up to 40 years into standard FHA–HAMP and PDMDA waterfalls outlined in the *FHA Single Family Housing Policy* Handbook (Handbook 4000.1), Section III, Servicing and Loss Mitigation, in a future policy update.

HUD Response: This rule enables HUD to exercise its statutory authority to allow for the 40-year loan modification to be used as one of FHA's loss mitigation tools or in combination with others. This rule allows HUD to use this authority in FHA–HAMP and in modifications for borrowers impacted by disasters. Further guidance about how this will be implemented within HUD's loss mitigation program will be published in HUD policy, and HUD will take these comments into consideration in this context. This rule does not preclude HUD from making additional changes or making additional options available for mortgagees to use with struggling borrowers.

Ensure Secondary Market Liquidity

A commenter supported the proposed rule but said there might not be sufficient liquidity to support 40-year loan modifications. This commenter said that the ability to deliver a modification with an extended term into a Ginnie Mae pool is a necessary condition for servicer participation in a 40-year modification program. This commenter also said that, although Ginnie Mae introduced a designated security for extended term modifications in October 2021, there is limited data and loan volume to demonstrate a deep and liquid securitization market for these pools. This commenter suggested that the FHA and Ginnie Mae should ensure secondary market certainty, including multi-issuer pools for extended term modification, before finalizing the proposed rule change.

HUD Response: Although Ginnie Mae previously did not have a secondary market for longer term modifications, Ginnie Mae's pool for modified mortgages that are over 360 months, up to and including 480 months, was established in October 2021 and is currently available for future loan modifications. FHA waited for the creation of an appropriate Ginnie Mae pool before proposing establishing 40-year modifications to ensure that these modified mortgages will continue to benefit from Ginnie Mae securitization. Ginnie Mae is closely monitoring the pool and its sustainability. FHA and Ginnie Mae work closely together to ensure the viability of their programs.

HUD Should Add Additional Materials to the Supporting and Related Materials Document Posted on *Regulations.gov*

A commenter suggested two additions for Table 6, Summary of Economic Impacts posted in the Regulatory Impact Analysis (''RIA'') prepared for the proposed rule. This commenter suggested adding ''No tax liability on mortgage debt canceled as part of a loan modification'' as a benefit to borrowers. This commenter said the lack of tax liability resulted from the most recent extension of The Mortgage Debt Relief Act of 2007 through December 31, 2025. This commenter said that this addition would help ensure that Native Americans who may have lower financial literacy know that a loan modification will not result in a large additional tax bill.

Under the Equity Considerations section, this commenter suggested adding ''Mitigation of disproportionate impact of COVID–19 pandemic on Native American jobless rate and economic status.'' This commenter said that this addition would demonstrate the proposed rule's positive impact on equity by highlighting how it will reduce the odds that Native Americans will suffer disproportionately from the effects of COVID–19.

HUD Response: HUD appreciates the feedback but believes that these suggested changes to the RIA would be outside the scope of the RIA. While HUD agrees that the tax relief for debt forgiveness as part of loss mitigation is a valuable tool in loss mitigation, this

rule does not itself involve principal reductions, debt forgiveness, or cancellation of the mortgage debt. Modifying a loan to extend its term is not debt cancellation and therefore cannot be added to the listed benefits of the rule.

Regarding equity considerations, HUD agrees, as discussed in the *Equity Impacts* section of the proposed rule's RIA, that American Indians and Alaska Natives are among the underserved groups who will disproportionately benefit from the rule. The Equity Considerations column in Table 6 of the proposed rule's RIA presented a generalized summary. The proposed rule is not limited to the COVID–19 pandemic—it is intended to assist borrowers with FHA-insured mortgages who are experiencing financial hardship due to negative life events or economic conditions, whose existing mortgages are in default or imminent default.

HUD Should Seek Additional Input From Industry Stakeholders

A commenter suggested that HUD further engage with industry stakeholders to help determine how to integrate 40-year terms into the permanent loss mitigation waterfall. Another commenter suggested that the FHA should use the ''drafting table'' to solicit comments on the FHA guidance that will implement the final rule.

HUD Response: HUD regularly considers feedback from the public and stakeholders including industry partners and advocacy groups on changes to policies and procedures, implementation, and additional concerns. HUD looks forward to continuing to engage with stakeholders to ensure that the best outcomes for borrowers can be achieved.

III. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Pursuant to Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

This rule was determined to be a ''significant regulatory action'' because it is likely to have an annual effect on the economy of $100 million or more. This rule will increase available loss mitigation options for borrowers and enable more borrowers to avoid foreclosure and remain in their homes. HUD also anticipates that this will have a positive effect on the FHA MMI Fund by lowering defaults. The docket file is available for public inspection on *http://www.regulations.gov* and in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Division at 202–402–3055 (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.*

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The change of this rule will be limited to requiring mortgagees to consider and, where appropriate, utilize an extended term limit. Mortgagees are already required to consider mortgage modification so this change should not have an economic impact on mortgagees. If there is an economic effect on mortgagees, it would fall equally on all mortgagees. Further, HUD anticipates that allowing an additional loss mitigation tool will have a net positive economic impact on mortgagees by decreasing the number of defaults and therefore the costs associated with those defaults. Accordingly, the undersigned certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available through the Federal eRulemaking Portal at *http://www.regulations.gov.* The FONSI is also available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–0500.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either: (i) imposes substantial direct compliance costs on state and local governments and is not required by statute, or (ii) preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This rule does not impose any federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

List of Subjects in 24 CFR Part 203

Hawaiian Natives, Home improvement, Indians-lands, Loan programs-housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, and Solar energy.

For the reasons discussed in the preamble, HUD amends 24 CFR part 203 as follows:

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

■ 1. The authority for 24 CFR part 203 continues to read as follows:

Authority: 12 U.S.C. 1707, 1709, 1710, 1715b, 1715z–16, 1715u, and 1715z–21; 15 U.S.C. 1639c; 42 U.S.C. 3535(d).

§ 203.616 [Amended]

■ 2. In § 203.616, remove the number ''360'' and add, in its place, the number ''480''.

Julia R. Gordon,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2023–04284 Filed 3–7–23; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9970]

RIN 1545–BQ11

Information Reporting of Health Insurance Coverage and Other Issues Under Sections 5000A, 6055, and 6056; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to a final regulation that was published in the **Federal Register** on Thursday, December 15, 2022. The December rule contains final regulations under the Internal Revenue Code that provide an automatic extension of time for providers of minimum essential coverage (including health insurance issuers, self-insured employers, and government agencies) to furnish individual statements regarding such coverage and an alternative method for furnishing individual statements when the individual shared responsibility payment amount is zero.

DATES: This correction is effective on March 8, 2023 and applicable on December 15, 2022.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Gerald Semasek, at (202) 317–7006 or Lisa Mojiri-Azad at (202) 317–4649 (not a toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9970) that are the subject of this correction is under sections 5000A, 6055 and 6056 of the Internal Revenue Code.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting, and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 301 is corrected by making the following correcting amendment:

PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1.** The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 301.6056–1 [Amended]

■ **Par. 2.** Section 301.6056–1 is amended by removing paragraphs (g)(1)(i) and (ii).

Oluwafunmilayo A. Taylor,

Branch Chief, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2023–04552 Filed 3–7–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2023–0128]

Special Local Regulations; Riverfest Power Boat Races, Neches River, Port Neches, Texas

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulation for the Riverfest boat races on the Neches River in Port Neches, TX from May 5, 2023 through May 7, 2023 to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Eighth Coast Guard District identifies the regulated area for this event in Port Neches, TX. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or designated representative.

DATES: The regulations in 33 CFR 100.801, Table 3, line 4 will be enforced from 2 p.m. through 6 p.m. on May 5, 2023 and from 8:30 a.m. through 6 p.m. on May 6 and 7, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Mr. Scott Whalen, U.S. Coast Guard; telephone 409–719–5086, email *scott.k.whalen@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.801 Table 3, Line 4, for the Port Neches Riverfest boat races display from 2 p.m. through 6 p.m. on May 5, 2023, and from 8:30 a.m. through 6 p.m. on May 6 and May 7, 2023. This action is being taken to provide for the safety of life on navigable waterways during this three-day event. Our regulations for marine events within the Eighth Coast Guard District, § 100.801, specifies the location of the safety zone for the Riverfest boat races which encompasses a portions of the Neches River adjacent to Port Neches Park. During the enforcement period, as reflected in § 100.801, Table 3, if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or designated representative.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of the enforcement periods via Local Notice to Mariners, Marine Safety Information Bulletin and Vessel Traffic Service Advisory.

Dated: March 3, 2023.

Molly A. Wike,

Captain, U.S. Coast Guard, Captain of the Port Marine Safety Zone Port Arthur.

[FR Doc. 2023–04744 Filed 3–7–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2023–0055]

RIN 1625–AA00

Safety Zone; Atlantic Ocean, Cape Canaveral Offshore Launch Area, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for waters of the Atlantic Ocean, adjacent to Cape Canaveral, FL. This safety zone would implement a special activities provision of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. The Coast Guard is establishing this safety zone for the launch of the Terran I rocket, which is being launched by Relativity Space. The temporary safety zone will be located within the Coast

Guard District Seven area of responsibility offshore of Cape Canaveral, Florida. This rule prohibits U.S.-flagged vessels from entering the temporary safety zone unless authorized by the District Commander of the Seventh Coast Guard District or a designated representative. Foreign-flagged vessels are encouraged to remain outside the safety zone. This action is necessary to protect vessels and waterway users from the potential hazards created by launch of the Terran I rocket, flying over the U.S. Exclusive Economic Zone (EEZ).

DATES: This rule is effective without actual notice from March 8, 2023through 4 p.m., March 13, 2023. For the purposes of enforcement, actual notice will be used from 10 a.m., March 7, 2023 until March 8, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0860 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 LT Ryan Gilbert, District Seven, Waterways Management Branch, U.S. Coast Guard; telephone 305–415–6750, email *Ryan.A.Gilbert@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BNM Broadcast Notice to Mariners
CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
EEZ Exclusive Economic Zone
FAA Federal Aviation Administration
FL Florida
FR Federal Register
MSIB Marine Safety Information Bulletin
NASA National Aeronautics and Space Administration
NM Nautical Mile
NPRM Notice of Proposed Rulemaking
RNA Regulated Navigation Area
§ Section
U.S. United States
U.S.C. United States Code

II. Background Information and Regulatory History

On January 1, 2021, the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283) (Authorization Act) was enacted. Section 8343 (134 Stat. 4710) calls for the Coast Guard to conduct a 2-year pilot program to establish and implement a process to establish safety zones to address special activities,[1] including space activities carried out by United States (U.S.) citizens in the U.S. Exclusive Economic Zone (EEZ).[2] Terms used to describe space activities, including *launch,* are defined in 51 U.S.C. 50902.

The Coast Guard has long monitored space activities impacting the maritime domain and taken actions to ensure the safety of vessels and the public as needed during space launch operations. In conducting this activity, the Coast Guard engages with other government agencies, including the Federal Aviation Administration (FAA) and National Aeronautics and Space Administration (NASA). This engagement is necessary to ensure statutory and regulatory obligations are met to ensure the safety of launch operations and waterway users.

The Coast Guard has an existing permanent regulated navigation area (RNA) that prevents vessels from operating in the waters adjacent to the Cape Canaveral launch area; however, that area only extends to the limits of the territorial seas.[3] With this temporary final rule, the Coast Guard is establishing a temporary safety zone in the Atlantic Ocean in the U.S. EEZ that will abut the existing RNA near Cape Canaveral, FL. The Coast Guard intends to activate the existing RNA in 33 CFR 165.775 concurrently with the temporary safety zone established by this rule for the launch of the Terran I rocket.

The Terran 1 will be the first launched rocket of the Terran Program. Rockets built by Realitivity Space for the Terran program are constructed using a novel 3D printing technology that has never been successfully employed in the United States. While the Terran rocket has conducted tests of its engines, it has not yet been launched into low earth orbit. Therefore, this launch presents a higher risk profile than with a typical launch. Based on these factors it has been determined that the best way to reduce risk is to establish this temporary safety zone abutting the established RNA in § 165.775.

Once the Terran I rocket has been launched, the Coast Guard will notify the public through a Broadcast Notice to Mariners (BNM) that any remaining safety zone enforcement times and dates are no longer needed.

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 doing so would be impracticable. This safety zone must be established by March 7, 2023, in order to protect vessels and waterway users from the potential hazards associated with the launch of the Terran I rocket.

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 rule's objectives of ensuring the protection of vessels and waterway users in the U.S. EEZ from the potential hazards created by the launch operation.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under section 8343 of the Authorization Act. The Seventh District Commander has determined that there are potential hazards in the U.S. EEZ created by the launch of the Terran I rocket. The purpose of this rule is to ensure safety of vessels and waterway users before, during, and after the scheduled launch.

IV. Discussion of the Rule

This rule establishes a temporary safety zone that will be subject to enforcement starting on March 7, 2023, through March 13, 2023, from 10 a.m. to 4 p.m. each day, until the Terran-1 rocket is launched. Once the Terran I rocket has been launched, the Coast Guard will notify the public that the temporary safety zone has been cancelled, through a Broadcast Notice to Mariners (BNM).

This temporary safety zone will cover certain navigable waters in the path of the rocket being launched from Cape Canaveral, FL. The safety zone will cover approximately 650 square miles, and is roughly shaped like an elongated trapezoid. It will directly abut the RNA established in § 165.775. U.S.-flagged vessels will be prohibited from entering the temporary safety zone unless authorized by the District Commander of the Seventh Coast Guard District or a designated representative. Foreign-

[1] *Special Activities* means space activities, including launch and reentry, as such terms are defined in section 50902 of Title 51, United States Code, carried out by United States citizens.

[2] The Coast Guard defines the U.S. *exclusive economic zone* in 33 CFR 2.30(a). *Territorial sea* is defined in 33 CFR 2.22.

[3] See 33 CFR 165.775.

flagged vessels are encouraged to remain outside the safety zone. The coordinates of the safety zone are provided in the regulatory text, and a map will be provided in the docket.

No U.S. flagged vessel or person will be permitted to enter the safety zone without obtaining permission from the District Commander or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and scope of the temporary safety zone. The temporary safety zone is limited in size and location to only to the areas where Terran I rocket launch may pose a danger to vessels outside the RNA. The temporary safety zone is limited in scope, as vessel traffic will be able to safely transit around the zone. The safety zone is expected to be enforced for approximately 8 hours. After the launch has been completed, and there is no longer any danger to vessels from the Terran I rocket, the Coast Guard will notify waterway users and vessels that the safety zone is no longer subject to enforcement. The safety zone will ensure the protection of vessels and waterway users from the potential hazards created by the launch of the Terran I rocket.

B. Impact on Small Entities

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves enforcement of a safety zone for approximately 5 or 6 hours during the duration of the rocket launch of the Terran I rocket. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T07–0055 to read as follows:

§ 165.T07–0055 Safety Zone; Atlantic Ocean, Cape Canaveral Offshore Launch Area, Cape Canaveral, FL.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean, from surface to bottom, encompassed by a line connecting the following points beginning at Point 1: 28°38′19.3″ N 80°21′22.9″ W, thence to Point 2: 28°45′14″ N 79°58′51.2″ W, thence to Point 3: 28°15′39.7″ N 79°58′51.2″ W, thence to Point 4: 28°22′27.7″ N 80°18′59″ W, thence following the 12NM line back to point 1. These coordinates are based on WGS 84.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel, U.S. Space Force range safety personnel, and Federal, State, and local officers designated by or assisting the District Commander in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, U.S.-flagged vessels may not enter the safety zone described in paragraph (a) of this section unless authorized by the District Commander or a designated representative. All foreign-flagged vessels are encouraged to remain outside the safety zone.

(2) To seek permission to enter, transit through, anchor in or remain within the safety zone contact Sector Jacksonville by telephone at (904) 714–7557 or the District Commander's representative via VHF–FM radio on channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the District Commander or a designated representative.

(d) *Notification of enforcement.* (1) The Coast Guard intends to enforce the temporary safety zone for the Terran I rocket launch with assets on scene to ensure the temporary safety zone is cleared of persons and vessels.

(2) Once the Terran I rocket has been launched, the safety zone will no longer be needed. At that time, the Coast Guard will notify the public of the cancellation of the safety zone through a Broadcast Notice to Mariners on VHF–FM channel 16, and through social media.

(e) *Effective and enforcement periods.* This section is effective from 10 a.m. on March 7, 2023 through 4 p.m. on March 23, 2023. This section is subject to enforcement from 10 a.m.to 4 p.m. each day.

Dated: March 2, 2023.

Brendan C. McPherson,

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

[FR Doc. 2023–04730 Filed 3–7–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0174]

Safety Zone; Fireworks Display, Elizabeth River, Town Point Reach, Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone regulation for Norfolk's 41st Annual Independence Day Fireworks on July 4, 2023, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Norfolk, VA. During the enforcement period, entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Virginia.

DATES: The regulations in 33 CFR 165.506 will be enforced for the location identified as Item 13 in table 3 to paragraph (h)(3) from 9:30 p.m. until 9:50 p.m. on July 4, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LCDR Ashley Holm, Chief, Waterways Management Division, Sector Virginia, U.S. Coast Guard; telephone 757–668–5580 email *Ashley.E.Holm@uscg.mil.*

SUPPLEMENTARY INFORMATION: As noted in paragraph (c) of § 165.506, the enforcement period(s) for each safety zone identified in paragraph (h) of this section is subject to change, and the enforcement period announced here differs from the enforcement period noted in Table 3 to paragraph (h). The Coast Guard will enforce the safety zone in 33 CFR 165.506 for Norfolk's 41st Annual Independence Day Fireworks regulated area from 9:30 p.m. to 9:50 p.m. on July 4, 2023. This action is being taken to provide for the safety of life on navigable waterways during this 20-minute event. Our regulation for marine events within the Fifth Coast Guard District, § 165.506, specifies the location of the regulated area which encompasses portions of the Elizabeth River and Town Point Reach. During the enforcement periods, entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Virginia.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Dated: March 1, 2023.

Jennifer A. Stockwell,

Captain, U.S. Coast Guard, Captain of the Port Virginia.

[FR Doc. 2023–04788 Filed 3–7–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0895]

RIN 1625–AA00

Safety Zone; Potomac River, Between Charles County, MD and King George County, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Potomac River. This action is necessary to provide for the safety of life on these navigable waters at the old Governor Harry W. Nice/Senator Thomas ''Mac'' Middleton Memorial (US–301) Bridge during demolition operations from March 13, 2023 through March 29, 2023. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port, Maryland-National Capital Region or a designated representative.

DATES: This rule is effective from 12:01 a.m., March 13, 2023 through 11:59 p.m., March 29, 2023.

ADDRESSES: To view documents mentioned in this preamble as being

available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0895 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 MST2 Courtney Perry, Sector Maryland-NCR, Waterways Management Division, U.S. Coast Guard: telephone 410–576–2596, email *MDNCRWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
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

Skanska-Corman-McLean, Joint Venture notified the Coast Guard that it will be conducting demolition of the old Governor Harry W. Nice/Senator Thomas ''Mac'' Middleton Memorial (US–301) Bridge. Although the original notice provided a different set of dates, the demolition is now set to occur from 12:01 a.m. on March 13, 2023 to 11:59 p.m. on March 29, 2023. The bridge is located on the Potomac River, at mile 43.3, between Charles County, MD and King George County, VA. Demolition of the segment of the old bridge over waters that include the steel truss sections between Piers 7 and 13 (including the main span over the Federal navigational channel) requires the use of explosives, and debris removal and hydrographic surveying equipment.

In response to information originally provided by the demolition contractor, on November 8, 2022, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Potomac River, Between Charles County, MD and King George County, VA (87 FR 67430). The NPRM indicated that the safety zone would occur from February 1, 2023 through February 17, 2023, stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this demolition. During the comment period that ended December 8, 2022, we received 3 comments. A fourth comment was received on December 9, 2022 from the demolition contractor that prompted the Coast Guard to publish a Supplemental NPRM (SNPRM) indicating that the safety zone would occur from March 1, 2023 through March 17, 2023, and to the west of the Federal channel. During the comment period for the SNPRM, a fifth comment was received on January 26, 2023 from the demolition contractor indicating that the demolition work would occur between March 13, 2023 and March 29, 2023, the dates used in this Temporary Final Rule.

On February 17, 2023, the demolition contractor notified the Coast Guard that they were requesting traffic to be halted in the area originally identified and along the Federal channel, as well, for brief periods (during actual detonations) for safety reasons. In response, we are promulgating this final regulation to include an ''Area 3'' which will encompass the entire Federal channel. This ''Area 3'' will only be enforced on one day in between March 13, 2023 and March 29, 2023, for a short duration with law enforcement assets on scene.

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 of the final dates and areas in the **Federal Register**. Delaying the effective date of this rule to provide notice of changes necessitated by changes in the demolition contractor's actual plans would be impracticable because immediate action is needed to respond to the potential safety hazards associated with explosive demolition of the bridge.

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 Maryland-National Capital Region (COTP) has determined that potential hazards associated the demolition and removal of the old Governor Harry W. Nice/Senator Thomas ''Mac'' Middleton Memorial (US–301) Bridge would be a safety concern for anyone within or near the Federal navigation channel. The purpose of this rule is to ensure safety of vessels and the navigable waters within or near the Federal navigation channel at the old Governor Harry W. Nice/Senator Thomas ''Mac'' Middleton Memorial (US–301) Bridge before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received 4 comments on our NPRM published November 8, 2022 as well as 1 more comment following the SNPRM published January 3, 2023. Three comments expressed support of the rulemaking and the Coast Guard concurs. Two comments were submitted by the demolition contractor requesting changes to the proposed rule. The first comment submitted from the demolition contractor was to inform the Coast Guard that there had been a change to the scheduled date and location sequence in which the demolition will occur. The second comment submitted from the demolition contractor was noted that the portion of the bridge to be demolished is between Pier 7 and Pier 13, and not Pier 8 and Pier 13 as initially described. Additionally, the commenter indicated that the demolition will occur on March 13, 2023 through March 29, 2023 rather than March 1, 2023 through March 17, 2023. We confirmed this updated information with the demolition contractor and have revised the regulatory text to reflect these changes.

This rule establishes a safety zone from 12:01 a.m. on March 13, 2023, to 11:59 p.m. on March 29, 2023. The safety zone will cover the following areas:

Area 1. All navigable waters of the Potomac River, encompassed by a line connecting the following points beginning at 38°21′51.57″ N, 076°59′14.53″ W, thence south to 38°21′41.35″ N, 076°59′12.33″ W, thence west to 38°21′37.90″ N, 076°59′38.25″ W, thence north to 38°21′48.14″ N, 076°59′40.45″ W, and east back to the beginning point, located between Charles County, MD and King George County, VA.

Area 2. All navigable waters of the Potomac River, within 1,500 feet of the explosives barge located in approximate position 38°21′21.47″ N, 076°59′45.40″ W.

Area 3. All navigable waters of the Potomac River, encompassed by a line connecting the following points beginning at 38°21′48.14″ N, 076°59′40.45″ W, thence south to 38°21′37.90″ N, 076°59′38.25″, thence west to 38°21′41.40″ N, 076°59′22.80″ W, thence north to 38°21′51.00″ N, 076°59′22.80″ W, and east back to the beginning point, located between Charles County, MD and King George County, VA.

The duration of the zone is intended to ensure the safety of the vessels and these navigable waters before, during, and after the scheduled demolition and debris removal. Except for the marine equipment and vessels operated by Skanska-Corman-McLean, Joint Venture, or its subcontractors, no vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The term designated representative also includes an employee or contractor of Skanska-Corman-McLean, Joint Venture for the

sole purpose of designating and establishing safe transit corridors, to permit passage into or through the safety zone, or to notify vessels and individuals that they have entered the safety zone and are required to leave.

The COTP will notify the public that the safety zone will be enforced by all appropriate means to the affected segments of the public, in accordance with 33 CFR 165.7(a). Such means of notification will include, but are not limited to, Broadcast Notice to Mariners. Vessels or persons violating this rule are subject to the penalties set forth in 46 U.S.C. 70036 and 46 U.S.C. 70052.

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 time of year of the safety zone. The temporary safety zone is approximately 1200 yards in width and 350 yards in length. This safety zone will impact a small designated area of the Potomac River for 17 total days, but we anticipate that there would be no vessels that are unable to conduct business. Excursion vessels and commercial fishing vessels are not impacted by this rulemaking. Excursion vessels do not operate in this area, and commercial fishing vessels are not impacted because of their draft. Some towing vessels may be impacted, but bridge project personnel have been conducting outreach throughout the project in order to coordinate with those vessels. This safety zone will be established outside the normal recreational boating season for this area, which occurs during the summer season. Additionally, vessel traffic, including recreational vessels, not required to use the navigational channel will be able to safely transit around the safety zone. Such vessels may be able to transit to the east or the west of the Federal navigation channel, as similar vertical clearance and water depth exist under the next bridge span to the east and west. Moreover, the Coast Guard will issue Local Notice to Mariners and a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 17 days that will prohibit entry within a portion of the Potomac River. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0895 to read as follows:

§ 165.T05–0895 Safety Zone; Potomac River, Between Charles County, MD and King George County, VA.

(a) *Location.* The following areas are a safety zone: These coordinates are based on datumNAD 83.

(1) *Area 1.* All navigable waters of the Potomac River, encompassed by a line connecting the following points beginning at 38°21′48.14″ N, 076°59′40.45″ W, thence south to 38°21′37.90″ N, 076°59′38.25″ W, thence west to 38°21′35.18″ N, 076°59′59.06″ W, thence north to 38°21′45.57″ N, 077°00′01.84″ W, and east back to the beginning point, located between Charles County, MD and King George County, VA.

(2) *Area 2.* All navigable waters of the Potomac River within 1,500 feet of the explosives barge located in approximate position 38°21′21.47″ N, 076°59′45.40″ W.

(3) *Area 3.* All navigable waters of the Potomac River, encompassed by a line connecting the following points beginning at 38°21′48.14″ N, 076°59′40.45″ W, thence south to 38°21′37.90″ N, 076°59′38.25″, thence west to 38°21′41.40″ N, 076°59′22.80″ W, thence north to 38°21′51.00″ N, 076°59′22.80″ W, and east back to the beginning point, located between Charles County, MD and King George County, VA.

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

Captain of the Port (COTP) means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

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 Maryland-National Capital Region (COTP) in the enforcement of the safety zone. The term also includes an employee or contractor of Skanska-Corma-McLean, Joint Venture for the sole purposes of designating and establishing safe transit corridors, to permis passage into or through the safety zone, or to notify vessels and individuals that they have entered the safety zone and are required to leave.

Marine equipment means any vessel, barge or other equipment operated by Skanska-Corman-McLean, Joint Venture, or its subcontractors.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, except for marine equipment, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP, Skanska-Corman-McLean, Joint Venture, or the COTP's designated representative. If a vessel or person is notified by the COTP, Skanska-Corman-McLean, Joint Venture, or the COTP's designated representative that they have entered the safety zone without permission, they are required to immediately leave in a safe manner following the directions given.

(2) Mariners requesting to transit any of these safety zone areas must first contact the Skanska-Corman-McLean, Joint Venture designated representative, the on-site project manager by telephone number 785–953–1465 or on Marine Band Radio VHF–FM channels 13 and 16 from the pusher tug Miss Stacy. If permission is granted, mariners must proceed at their own risk and strictly observe any and all instructions provided by the COTP, Skanska-Corman-McLean, Joint Venture, or designated representative to the mariner regarding the conditions of entry to and exit from any area of the safety zone. The COTP or the COTP's representative can be contacted by telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz).

(3) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue marine information broadcasts on VHF–FM marine band radio announcing specific enforcement dates and times.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 12:01 a.m. on March 13, 2023, to 11:59 p.m. on March 29, 2023.

Dated: March 2, 2023.

David E. O'Connell,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2023–04719 Filed 3–7–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0172]

Safety Zone; Fireworks Display, Chesapeake Bay, Virginia Beach, VA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone regulation for Ocean Park Civic League on July 1st, 2023, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Virginia Beach, VA. During the enforcement period, entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Virginia.

DATES: The regulations in 33 CFR 165.506 will be enforced for the location identified as Item 8 in table 3 to paragraph (h)(3) from 9 p.m. until 10 p.m. on July 1, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LCDR Ashley Holm, Chief, Waterways Management Division, Sector Virginia, U.S. Coast Guard; telephone 757–668–5580 email *Ashley.E.Holm@uscg.mil.*

SUPPLEMENTARY INFORMATION: As noted in paragraph (c) of § 165.506, the enforcement period(s) for each safety zone in paragraph (h) of this section are subject to change, and the enforcement period announced here differs from the enforcement period noted in Table 3 to paragraph (h). The Coast Guard will

enforce the safety zone in 33 CFR 165.506 for Ocean Park Civic League regulated area from 9 p.m. to 10 p.m. on July 1st, 2023, which is the first Saturday in July. This action is being taken to provide for the safety of life on navigable waterways during this 1-hour event. Our regulation for marine events within the Fifth Coast Guard District, § 165.506, specifies the location of the regulated area for the Ocean Park Civic League which encompasses portions of the Chesapeake Bay. During the enforcement periods, entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Virginia.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Dated: March 1, 2023.

Jennifer A. Stockwell,

Captain, U.S. Coast Guard, Captain of the Port Virginia.

[FR Doc. 2023–04768 Filed 3–7–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0138]

Safety Zone; Riverfest Fireworks Display, Neches River, Port Neches, Texas

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the Riverfest fireworks display on the Neches River in Port Neches, TX from 8:30 p.m. through 10 p.m. on May 6, 2023 to provide for the safety of life on navigable waterways during this event. Our regulation for fireworks displays and other events within the Eighth Coast Guard District identifies the regulated area for this event in Port Neches, TX. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or designated representative.

DATES: The regulations in 33 CFR 165.801, Table 3, line 1 will be enforced from 8:30 p.m. through 10 p.m. on May 6, 2023, or in the event of postponement due to rain, on May 7, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Mr. Scott Whalen, U.S. Coast Guard; telephone 409–719–5086, email *scott.k.whalen@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce safety zone regulations in 33 CFR 165.801 Table 3, Line 1, for the Port Neches Riverfest fireworks display from 8:30 p.m. through 10 p.m. on May 6, 2023, or in the event of rain, on May 7, 2023. This action is being taken to provide for the safety of life on navigable waterways during before, during, and after a pyrotechnics display. Our annual fireworks displays and other events in the Eighth Coast Guard District requiring safety zones, § 165.801, specifies the location of the safety zone for the Riverfest fireworks display which encompasses a 500-yard radius around the fireworks barge anchored on the Neches River in approximate position 29°59′51″ N 093°57′06″ W (NAD83). During the enforcement period, as reflected in § 165.801, Table 3, if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or designated representative.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of the enforcement periods via Local Notice to Mariners, Marine Safety Information Bulletin and Vessel Traffic Service Advisory.

Dated: March 3, 2023.

Molly A. Wike,

Captain, U.S. Coast Guard, Captain of the Port Marine Safety Zone Port Arthur.

[FR Doc. 2023–04745 Filed 3–7–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF TRANSPORTATION

Great Lakes St. Lawrence Seaway Development Corporation

33 CFR Part 401

RIN 2135–AA53

Seaway Regulations and Rules: Periodic Update, Various Categories

AGENCY: Great Lakes St. Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: The Great Lakes St. Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the GLS is amending the joint regulations by updating the Regulations and Rules in various categories. These changes are to clarify existing requirements in the regulations.

DATES: This rule is effective on March 22, 2023.

ADDRESSES:

Docket: For access to the docket to read background documents or comments received, go to *http://www.Regulations.gov;* or in person at the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Carrie Mann Lavigne, Chief Counsel, Great Lakes St. Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, New York 13662; (315) 764–3200.

SUPPLEMENTARY INFORMATION: The Great Lakes St. Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the GLS is amending the joint regulations by updating the Regulations and Rules in various categories. The changes update the following sections of the Regulations and Rules: Condition of Vessels, Seaway Navigation, Radio Communications, Dangerous Cargo, General. These changes are to clarify existing requirements in the regulations.

Regulatory Notices: Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.Regulations.gov.*

The joint regulations will become effective in Canada on March 22, 2023. For consistency, because these are joint regulations under international agreement, and to avoid confusion

among users of the Seaway, the GLS finds that there is good cause to make the U.S. version of the amendments effective on the same date.

Regulatory Evaluation

This regulation involves a foreign affairs function of the United States and therefore, Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

Regulatory Flexibility Act Determination

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) because it is not a major federal action significantly affecting the quality of the human environment.

Federalism

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and has determined that this proposal does not have sufficient federalism implications to warrant a Federalism Assessment.

Unfunded Mandates

The Corporation has analyzed this rule under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

Paperwork Reduction Act

This regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Great Lakes St. Lawrence Seaway Development Corporation is amending 33 CFR part 401 as follows:

PART 401—SEAWAY REGULATIONS AND RULES

Subpart A—Regulations

■ 1. Amend § 401.7 by revising paragraph (a)(1) to read as follows:

§ 401.7 Fenders.

(a) * * *

(1) That are made of steel, are of a thickness not exceeding 15 cm, with well tapered ends, and are located along the hull, close to the main deck level; and

* * * * *

■ 2. Revise § 401.8 to read as follows:

§ 401.8 Landing booms.

(a) Vessels of more than 50 m in overall length and a freeboard of 2m or more shall either be equipped with landing booms or make provisions for tie-up service at the approach walls.

(b) For vessels with landing booms:

(1) Vessel must be equipped with an adequate landing boom on each side;

(2) Landing booms must be in compliance with applicable regulations;

(3) Vessel's crews shall be adequately trained in the use of landing booms for the purpose of landing crew ashore.

(4) Vessel must have onboard for inspection the following documents:

(i) A copy of the test certificates for each of the landing booms from either a classification society or a third party, dated within 5 years;

(ii) Documents to demonstrate appropriate training;

(iii) Documented tests and maintenance records of landing boom equipment.

(c) Vessels not equipped with or not using landing booms shall make arrangements with a third party tie-up service provider for tie-up at Seaway Approach walls at the Canadian Locks prior to commencing transit of the Seaway.

■ 3. Amend § 401.9 by revising paragraph (c) to read as follows:

§ 401.9 Radio telephone and navigation equipment.

* * * * *

(c) Gyro compass error greater than 2 degrees must be serviced prior to transiting the Seaway, if noted during a Seaway transit, it must be reported to the nearest Seaway station and the gyro compass must be serviced at first opportunity.

* * * * *

■ 4. Amend § 401.14 by revising paragraph (a) to read as follows:

§ 401.14 Anchors, Anchor Marking Buoys.

(a) Every vessel shall have their anchors cleared and ready to be released prior to entering the Seaway.

* * * * *

■ 5. Amend § 401.20 by revising paragraphs (b)(2), (b)(3), and (b)(6) through (8) to read as follows:

§ 401.20 Automatic Identification System.

* * * * *

(b) * * *

(2) International Telecommunication Union, ITU–R Recommendation M.1371–5: 2014, Technical Characteristics For A Universal Shipborne AIS Using Time Division Multiple Access In The VHF Maritime Mobile Band, as amended;

(3) International Electrotechnical Commission, IEC 61993–2 Ed.3, Maritime Navigation and Radio Communication Equipment and Systems—AIS—Part 2: Class A Shipborne Equipment of the Universal AIS—Operational and Performance Requirements, Methods of Test and Required Test Results, as amended;

* * * * *

(6) Computation of AIS position reports using a Satellite Based Augmentation System (SBAS); or

(7) The use of a temporary unit meeting the requirements of subparagraphs (b)(1) through (6) of this section is permissible; or

(8) For each vessel with LOA less than 30 meters, the use of portable AIS compatible with the requirements of subparagraphs (b)(1) through (3) and subparagraphs (5) and (6) of this section is permissible.

■ 6. Amend § 401.28 by redesignating paragraph (d) as paragraph (e) and adding new paragraph (d) to read as follows:

§ 401.28 Speed limits.

* * * * *

(d) Every vessel passing a moored vessel or equipment working in a canal shall proceed at a speed that will not endanger the moored vessel, the moored equipment or the occupants of either.

* * * * *

■ 7. Amend § 401.29 by adding paragraph (c)(1)(iv) and revising paragraphs (c)(2) introductory text and (c)(2)(iii) to read as follows:

§ 401.75 Maximum draft.

* * * * *

(c) * * *

(1) * * *

(iv) Vessels equipped with a bow thruster shall have it operational.

(2) The DIS Tool Display shall be located as close to the primary conning position and be visible and legible.

* * * * *

(iii) Any vessel intending to use the DIS for the first time must notify the Manager or the Corporation in writing at least 24 hours prior to commencement of its initial transit in the System with the DIS in order to arrange for appropriate testing for approval to use the DIS.

* * * * *

■ 8. Amend § 401.40 by revising paragraph (d) to read as follows:

§ 401.40 Entering, exiting or position in lock.

* * * * *

(d) No vessel shall use thrusters when passing a lock gate or a Hands Free Mooring (HFM) unit.

* * * * *

■ 9. Amend § 401.44 by revising paragraph (d) to read as follows:

§ 401.44 Mooring in locks.

* * * * *

(d) Vessels being moored by ''Hands Free Mooring'' system (HFM) or passing through a lock without the use of mooring lines shall have a minimum of one well rested crew member on deck during the lockage to assist the Bridge team.

* * * * *

■ 10. Amend § 401.65 by adding paragraph (d) to read as follows:

§ 401.65 Communication—ports, docks and anchorages.

* * * * *

(d) Every vessel intending to conduct a dive operation at a dock, wharf or approach wall shall provide a 24-hour minimum notice of diving operations to the appropriate Seaway Traffic Control Center.

* * * * *

■ 11. Amend § 401.68 by revising paragraph (c) to read as follows:

§ 401.68 Explosives permission letter.

* * * * *

(c) A written application for a Seaway Explosives Permission Letter certifying that the cargo is packed, marked and stowed in accordance with the *Transportation of Dangerous Goods Regulations (Canada),* the United States regulations under the *Dangerous Cargo Act* and the *International Maritime Dangerous Goods Code* may be made to The St. Lawrence Seaway Management Corporation, 202 Pitt Street, Cornwall, Ontario, K6J 3P7, or to the Great Lakes St. Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York, U.S.A., 13662.

* * * * *

■ 12. Amend § 401.73 by revising paragraph (b) introductory text, redesignating paragraphs (b)(1) through (6) as paragraph (b)(1)(i) through (vi) and adding (b)(1) introductory text to read as follows:

§ 401.73 Cleaning tanks—hazardous cargo vessels.

* * * * *

(b) *Hot Work Permission.* Before any hot work, defined as any work that uses flame or that can produce a source of ignition, cutting or welding, is carried out by any vessel on any designated St. Lawrence Seaway Management Corporation (SLSMC) Approach walls or wharfs, a written request must be sent to the SLSMC, preferably 24 hours prior to the vessel's arrival on SLSMC Approach walls or wharfs. The hot work shall not commence until approval is obtained from a SLSMC Traffic Control Center.

(1) Permission is granted under the following conditions:

* * * * *

■ 13. Amend § 401.90 by revising paragraph (a)(1) to read as follows:

§ 401.90 Boarding for inspections.

(a) * * *

(1) Examine the vessel, its equipment and cargo; and

* * * * *

Issued at Washington, DC, under authority delegated at 49 CFR part 1.101 Great Lakes St. Lawrence Seaway Development Corporation

Carrie Lavigne,

Chief Counsel.

[FR Doc. 2023–04503 Filed 3–7–23; 8:45 am]

BILLING CODE 4910–61–P

POSTAL SERVICE

39 CFR Part 111

Mailing Currency

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is amending *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) to clarify the standards for mailing currency.

DATES: *Effective:* April 30, 2023.

FOR FURTHER INFORMATION CONTACT: Dale Kennedy at (202) 268–6592 or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: On January 23, 2023, the Postal Service published a notice of proposed rulemaking (88 FR 3944–3945) to clarify the standards for mailing currency. The proposed standards required commercial cash deposits over $500.00 be sent using Registered Mail® service. In response to the proposed rule, the Postal Service received comments from nine commenters.

Comment: All commenters, four in part, requested an extension of the effective date, with varying timeframes, stating that they need additional time to make alternate arrangements for their cash deposits.

Response: The Postal Service agrees and believes that extending the effective date from March 1, 2023, to April 30, 2023, is a commercially reasonable amount of time.

Comment: Three commenters requested an increase of the $500.00 threshold for mailing cash deposits with Registered Mail service to $1,000.00 or $2,000.00.

Response: The Postal Service has decided to maintain the $500.00 threshold requiring cash deposits be mailed with Registered Mail service. In March 2022 the OIG recommended that the Postal Service conduct a cost-benefit analysis of the deposit by mail concept. Through this analysis, the Postal Service determined that a $500.00 threshold was appropriate to provide customers with additional security controls while mitigating employee safety and theft risk.

Comment: One commenter included a request to make an exemption for seasonal mailers. When cash deposits by mail do not occur throughout the year, the expense of alternate deposit arrangements is higher, putting these businesses at a competitive disadvantage.

Response: The Postal Service recognizes that some customers may be seasonal, however most customers conduct these types of transactions throughout the year. To issue a seasonal exception, would create operational and processing complexities which could produce security and service risks. This could also pose unintended impacts on the registered mail product.

While not specifically addressed in the comments, there appeared to be some confusion on the term ''commercial cash deposits.'' As a result, the Postal Service is providing a clarification by stating ''commercial cash transactions.''

The Postal Service is revising subsection 503.2.1 to require commercial cash transactions over $500.00 be sent using Registered Mail® service.

In addition, the Postal Service is adding new subsection 601.1.3, *Mailing Currency,* to provide clarity in the mailing of currency including the requirement to send a commercial cash transaction over $500.00 as Registered Mail.

The DMM requirements in subsection 601.1.3 in the proposed rule provided ''mailers must not use any USPS-provided packaging'' (*i.e.,* expedited packaging supplies) for commercial cash deposits over $500.00. The Postal Service is extending this requirement to read any commercial cash transaction regardless of amount.

The Postal Service believes this revision will provide customers with a safe and secure service for their mailing needs.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations.*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

500 Additional Mailing Services

503 Extra Services

* * * * *

2.0 Registered Mail

2.1 Basic Standards

* * * * *

[Revise the text of 2.1 by adding new 2.1.6 to read as follows:]

2.1.6 Mailing Cash Transactions

Items mailed containing commercial cash transactions over $500.00 must be sent as Registered Mail (see 601.1.3.4).

* * * * *

600 Basic Standards for All Mailing Services

601 Mailability

* * * * *

[Renumber 1.3 and 1.4 as 1.4 and 1.5, add new 1.3 to read as follows:]

1.3 Mailing Currency

1.3.1 General

Currency (*i.e.,* coins, Federal Reserve notes or other bank notes is mailable under any class of mail except where prohibited by standards.

1.3.2 Insurance

Except for philatelic items and numismatic coins under 609.4.1g, eligible classes of mail containing currency may be insured with a maximum indemnity of $15.00.

1.3.3 Registered Mail

Except under 1.3.4, eligible classes of mail containing currency may use Registered Mail service with included insurance payable at full value up to the applicable limit. (see 503.2.2.1).

1.3.4 Mailing Cash Transactions

The following standards apply for sending commercial cash transactions:

a. Mailers must use Registered Mail service under 503.2.1.6 for commercial cash transactions over $500.00.

b. Mailers must not use any USPS-provided packaging (*i.e.,* expedited packaging supplies) when mailing commercial cash transactions regardless of the amount.

* * * * *

Tram T. Pham,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2023–04475 Filed 3–7–23; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2022–0746; FRL–10184–02–R7]

Air Plan Approval; MO; Restriction of Visible Air Contaminant Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Missouri State Implementation Plan (SIP) received on November 29, 2016, and March 7, 2019. The revisions were submitted by Missouri in response to a finding of substantial inadequacy and SIP call published on June 12, 2015, for a provision in the Missouri SIP related to excess emissions during startup, shutdown, and malfunction (SSM) events. In the submissions, Missouri requests to revise a regulation related to restriction of emissions of visible air contaminants. The revisions to the rule include removing a statement from the compliance and performance testing provisions that does not meet Clean Air Act (CAA) requirements, adding exemptions for emission units regulated by stricter federal and state regulations or that do not have the capability of exceeding the emission limits of the rule, adding an alternative test method and making other administrative changes. Approval of these revisions will ensure consistency between state and federally approved rules.

DATES: This final rule is effective on April 7, 2023.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2022–0746 to *www.regulations.gov.* All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Ashley Keas, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7629; email address: *keas.ashley@epa.gov.*

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

Table of Contents

I. Background

On September 12, 2022, EPA proposed to approve SIP revisions submitted by the State of Missouri, on

November 29, 2016, and March 7, 2019 (87 FR 55739). In that proposal, we also proposed to determine that the SIP revision corrects the deficiency with respect to Missouri that we identified in our June 12, 2015 action entitled ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction'' (''2015 SSM SIP call'') (80 FR 33839, June 12, 2015). The reasons for our proposed approval and determination are stated in the proposed action (87 FR 55739, September 12, 2022) and are not restated here. The public comment period for our proposed approval and determination ended on October 12, 2022. During the comment period, EPA received comments from one entity and responds to those comments in section IV of this document.

II. What is being addressed in this document?

The EPA is taking final action to approve Missouri's revisions to 10 CSR 10–6.220, *Restriction of Emissions of Visible Air Contaminants,* in the Missouri SIP. The EPA received two SIP revision submissions related to this state rule from the Missouri Department of Natural Resources (MoDNR) on November 29, 2016, and March 7, 2019. On September 12, 2022, the EPA published a notice of proposed rulemaking (NPRM) proposing to approve Missouri's submissions (87 FR 55739). The full text of Missouri's requested rule changes as well as EPA's analysis of the changes can be found in the NPRM and technical support document (TSD), which is included in the docket for this action.

In its November 29, 2016, submission, MoDNR requested to remove the provision that was identified by EPA as being substantially inadequate to meet CAA requirements in EPA's 2015 SSM SIP Action. As explained in our NPRM, EPA finds that removal of this provision is consistent with EPA's policy outlined in the 2015 SSM SIP Action and sufficiently addresses the deficiencies identified by the 2015 SSM SIP Call.

In addition to the removal of the identified SSM deficiency, MoDNR, in both the 2016 and 2019 submissions, also requested revisions related to opacity monitoring requirements and exemptions from the opacity limits and recordkeeping and reporting requirements of 10 CSR 10–6.220 for certain source types. Specifically, MoDNR exempted specific, limited, emission units regulated by stricter federal and state regulations. MoDNR also provided an exemption for certain emission units that do not have the capability of exceeding the emission limits of the rule.

Missouri provided a demonstration pursuant to CAA section 110(l) to ensure the rule revisions, including the added exemptions, do not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act. Specifically, Missouri demonstrates that sources being exempted from the state opacity limit generally are either subject to an equivalent or more stringent limit in federal or state law or are physically incapable of exceeding the state opacity limit and therefore exempting these sources from the state opacity limit will not result in a net emissions change. Based on EPA's review of Missouri's section 110(l) demonstration and our analysis of these changes as discussed below and more fully described in the NPRM and TSD in the docket for this rule, EPA finds these revisions will result in no net emissions change and no change to status quo air quality. For these reasons, EPA finds the revisions will not interfere with attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) or other CAA requirements consistent with CAA section 110(l).

MoDNR also added an alternative test method and made other administrative wording changes such as adding rule specific definitions. For the reasons explained in the NPRM, TSD, and this document, EPA finds these edits are consistent with CAA requirements, therefore EPA is approving the revisions to 10 CSR 10–6.220 as requested by Missouri.

III. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on the November 29, 2016, SIP revision from June 1, 2016, to August 4, 2016, and held a public hearing on July 28, 2016. During the public comment period, the State received seven comments from five sources, consisting primarily of supportive or clarifying comments from industry groups. The State addresses the comments in its submittal included in the docket for this proposal. The State provided public notice on the March 7, 2019, SIP revision from August 1, 2018, to October 4, 2018, and held a public hearing on September 27, 2018. During the public comment period, the State received nine comments, seven of which were from EPA. The State addresses the comments in its submittal. Further discussion of the state responses to comments received is included in the TSD and the state submittal documents in the docket. In addition, as explained above and in the TSD, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. The EPA's Responses to Comments

The public comment period on the EPA's proposed rule opened September 12, 2022, the date of its publication in the **Federal Register** and closed on October 12, 2022. During this period, EPA received one comment letter from the Sierra Club.

Comment 1: The commenter supports EPA's proposed approval of Missouri's removal of 10 CSR 10–6.220(3)(C) as satisfying EPA's 2015 SSM SIP Call to Missouri and requests EPA to act quickly to approval removal of this provision from the Missouri SIP.

Response 1: EPA appreciates the supportive comment and as part of today's action is finalizing approval of removal of this deficient provision consistent with the commenter's request.

Comment 2: The commenter expresses concern with Missouri's expansion of the exemption for internal combustion engines. The commenter states EPA previously expressed concern with this change and argues the state did not adequately support the change nor address EPA's concerns. The commenter argues EPA's rationale for proposed approval of this expanded exemption is insufficient. Specifically, the commenter argues reliance on federal mobile source regulations is insufficient because the federal regulations are outdated and only apply to new engines. The commenter asserts that old, dirty engines continue to pollute along roads and highways, disproportionately affecting people of color. The commenter then references the State of Nevada's opacity standard as an example state opacity program that could limit visible emissions from certain vehicles. For these reasons, the commenter requests EPA not approve the proposed exemption for internal combustion engines or that EPA conditionally approve the revisions, provided the state removes the internal combustion exemption no later than one year after EPA's approval.

Response 2: First, in response to the commenter's claim that Missouri did

not address EPA's comment on this exemption, this is in reference to Missouri's 2019 SIP revision. The change to this exemption was included in Missouri's 2016 SIP revision. Therefore, in Missouri's 2019 SIP revision, as referenced by commenter, Missouri explained that this exemption was not being changed, public comment was not solicited for this change and therefore Missouri did not make changes as a result of EPA's comment on this provision in the 2019 SIP revision. When this exemption was revised and proposed for public comment during Missouri's 2016 SIP revision, EPA did comment requesting Missouri add supportive information to the TSD, which Missouri responded to and addressed as part of the 2016 SIP revision. EPA discussed this information in the proposed rule and associated TSD included in the docket for this action.

As fully described in EPA's proposed rule and TSD in the docket for this action and as referenced by the commenter, the opacity limits currently in the Missouri SIP only apply to non-stationary internal combustion (IC) engines in the St. Louis and Kansas City metropolitan areas and the requested revision would expand the exemption to all internal combustion engines throughout the state. As the commenter references, the state explains the limits were first adopted in the 1960's to address emissions from older and less efficient vehicles and fuels. Since that time, EPA has enacted more stringent requirements and limits for newer model year vehicles and cleaner fuels and the vehicle population has continued to turnover to newer and cleaner vehicles.

As further explained in the NPRM and TSD, EPA's approval of this revision is consistent with CAA section 110(l) because the revision will not increase net emissions of criteria pollutants or their precursors. The primary basis for this determination is that the sources subject to the state opacity limit, for which Missouri is expanding this exemption in section (1)(A), continue to be subject to more stringent federal requirements. Therefore, sources that are in compliance with the more stringent federal requirements will not exceed the state opacity limit. Therefore, those sources subject to the federal requirements will not have a net increase in emissions. EPA's judgment that such SIP revisions do not ''interfere'' with attainment of the NAAQS is consistent with the plain and ordinary meaning of the statute, its structure, and EPA's past practice in conducting analyses under section 7410(*l*). The CAA, 42 U.S.C. 7410(*l*), provides, in relevant part that ''[t]he Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment.'' For over fifteen years, EPA has interpreted section 7410(*l*) as permitting approval of a SIP revision as long as ''emissions in the air are not increased,'' thereby preserving ''status quo air quality.'' *Kentucky Resources Council, Inc.* v. *EPA,* 467 F.3d 986, 991, 996 (6th Cir. 2006); *see also Indiana* v. *EPA,* 796 F.3d 803, 806 (7th Cir. 2015) (same); *Alabama Environmental Council* v. *EPA,* 711 F.3d 1277, 1292–93 (11th Cir. 2013) (same); *Galveston-Houston Association for Smog Prevention* v. *EPA,* 289 F. Appendix 745, 754 (5th Cir. 2008) (hereinafter ''*GHASP*'') (same). EPA implements this interpretation of section 7410(*l*) by approving SIP revisions if they do not result in a change to status quo air quality and thereby will not interfere with attainment or other CAA requirements. In doing so, ''the level of rigor needed for any CAA [section 7410(*l*)] demonstration will vary depending on the nature and circumstances of the revision.'' See EPA final rule 86 FR 48908, 48910; 86 FR 60172. Where EPA anticipates that a SIP revision may increase emissions, it typically requires that a state either (1) submit air quality analysis to demonstrate that the revision would not interfere with any applicable requirement or (2) substitute equivalent or greater emissions reductions in order to preserve status quo air quality. *See* 86 FR 48910; 86 FR 60172; *see also Ky. Res. Council,* 467 F.3d at 995 (denying petition challenging under section 7410(*l*) SIP revision approval where the revision would not increase net emissions). However, where the SIP revision does not relax or remove any pollution controls—and therefore does not involve an increase in emissions—such requirements are unnecessary, because there is no reason to believe that such a SIP revision will interfere with any applicable requirement concerning attainment, or, in other words, there is no reason to believe that such a SIP revision would make air quality worse. *See* 86 FR 48911; 86 FR 60173; *see also WildEarth Guardians* v. *EPA,* 759 F.3d 1064, 1074 (9th Cir. 2014). EPA applied the same interpretation of section 7410(*l*) in proposing to approve Missouri's SIP revision. Specifically, because the expanded exemption in section (1)(A) does relax the stringency of state rule 10–6.220, Missouri and EPA evaluated whether this expanded exemption would result in a net change to emissions or change in status quo air quality. As described previously, EPA agrees with Missouri's assertion that due to the continued implementation of the current federal requirements, which are the controlling requirements for this source sector rather than the state opacity limit, this revision will not result in increased net emissions or a change to status quo air quality.

To the commenter's point that the EPA's currently implemented heavy-duty diesel regulations are outdated, the currently implemented heavy-duty vehicle regulations established stringent PM emission standards beginning with model year 2007 vehicles and engines.[1] Therefore, all new heavy-duty vehicles and engines sold since then have been required to comply with those stringent emission standards for PM. On December 20, 2022, EPA finalized more stringent emission standards for PM from heavy-duty vehicles and engines, beginning with model year 2027.[2] Similarly, EPA has issued stringent PM emissions standards for various types of nonroad equipment and engines such as construction equipment and locomotives.[3] EPA is not obligated to issue federal regulations on a specific time schedule and further, the state cannot be held responsible for EPA's regulations addressing emissions from this source sector becoming outdated in the commenter's opinion. The CAA provides EPA with the authority to regulate emissions from mobile source emissions, such as those from cars, trucks and various types of nonroad equipment and engines.[4] Congress has generally preempted states from setting mobile source emissions standards. *Jensen Family Farms, Inc.* v. *Monterey Bay Unified Air Pollution Control Dist.,* 644 F.3d 934, 938 (9th Cir. 2011) (citing 42 U.S.C. 7543(a)). States such as Missouri do not have the authority to regulate mobile source emissions or fuels directly and per Missouri law may not adopt rules that are more stringent than federal law. In its demonstration, the state also referred to its vehicle emissions inspections in the St. Louis Metropolitan Area to ensure light-duty vehicle emissions control equipment is functioning properly (10 CSR 10–5.381

[1] *See* 66 FR 5002, January 18, 2001.

[2] *See* 88 FR 4296, January 24, 2023.

[3] For example, Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel (69 FR 38958, June 29, 2004) and Control of Emissions of Air Pollution from Locomotive Engines and Marine Compression-Ignition Engines Less Than 30 Liters per Cylinder; Republication (73 FR 37096, June 30, 2008).

[4] *See* CAA sections 202(a) and 213(a).

On-Board Diagnostics Motor Vehicle Emission Inspection), and regulations limiting heavy duty diesel vehicle idling in both Kansas City and St. Louis Metropolitan Areas (10 CSR 10–2.385 and 5.385 Control of Heavy Duty Diesel Vehicle Idling Emissions).

Additionally, there are many voluntary programs being implemented by EPA and states that are targeted at replacing older diesel engines with new cleaner engines or retrofitting older diesel engines to reduce particulate matter emissions. For example, through the Diesel Emissions Reduction Act (DERA) EPA continues to provide millions of dollars of grant funding per year to state, local, and tribal air agencies as well as directly to nonprofit organizations through competitive grant opportunities to replace older diesel engines with new cleaner models.[5] Specifically, previously awarded national competitive DERA grants included projects to replace school buses, trucks, and commercial marine engines with new cleaner versions in both of these metropolitan areas.[6] Another example of a program that targets replacement of older diesel engines include the Volkswagen trust fund, which accounts for a major investment in Missouri, up to $41 million by 2027 awarded to Missouri-specific projects to mitigate emissions from diesel engines in Missouri.[7] While these are voluntary programs and therefore not federally enforceable, and EPA is thus not relying on these programs for its section 110(l) analysis, the replacements and upgrades funded through these programs have played a major role and will continue to result in real reductions of emissions in local communities including the Kansas City and St. Louis metropolitan areas.

To the commenter's point about Nevada's opacity program, EPA agrees that states have this discretion to enforce opacity limits either through regularly required inspections or through roadside pullover programs in their state, however it is not in the scope of this rulemaking action to prescribe how Missouri could potentially alter its rulemaking and enforcement of opacity limits in the future. At issue, is the question of whether this rule revision will result in a net emissions increase. As described in the proposed rule and TSD, EPA finds that the information provided by the state and available to EPA supports the conclusion that this revision will not result in a net emissions increase and therefore will not interfere with attainment or other CAA requirements.

Finally, to the commenter's point about disproportionate impacts from older diesel engines on people of color, in section I.C. of the final rule ''Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards'' EPA states that, ''Our consideration of environmental justice literature indicates that people of color and people with low income are disproportionately exposed to elevated concentrations of many pollutants in close proximity to major roadways.'' [8] EPA includes additional discussion of the available literature in sections II.C and II.D. of that final rule.[9]

For these reasons, EPA continues to find that this rule revision to expand the exemption to all IC engines in the state will result in no net emissions change in these areas and therefore will not interfere with attainment or maintenance of the NAAQS or any other CAA requirements.

To further respond to the commenter's concern, EPA reviewed available emissions data for these areas, from the most recent complete national emissions inventory (NEI) for 2017. In that inventory, we evaluated what percentage of the total particulate matter (PM_{10}) emissions in these areas are from the mobile source sector and more specifically from onroad mobile sources. All emissions data referenced here is included in the spreadsheet titled, ''2017 NEI MO PM Emissions Data'' included in the docket for this action. The key comparisons as shown in Table 1 are contained in the summary tab while the other tabs contain the full datasets.

TABLE 1—2017 NEI PM_{10} EMISSIONS FOR THE MISSOURI PORTIONS OF THE ST. LOUIS AND KANSAS CITY METROPOLITAN AREAS

Missouri metropolitan area	PM_{10} emissions (tons per year)			Percent of total PM_{10} emissions	
	Total	All mobile sources	Onroad mobile sources	All mobile sources	Onroad mobile sources
Kansas City	137,622	1,755	1,248	1.3	0.9
St. Louis	89,020	2,661	1,931	3.0	2.2

Table 1 shows the total PM_{10} emissions for the Missouri portion of each metropolitan area as well as the percentage attributable to the mobile source sector and the percentage attributable to onroad mobile sources. The mobile source category includes onroad, nonroad, airport, watercraft and rail source categories. The mobile source category accounts for 1.3% and 3.0% of total PM emissions in the Missouri portions of Kansas City and St. Louis, respectively. The onroad mobile source category includes sources such as heavy duty trucks, transit and school buses. And onroad mobile sources account for 0.9% and 2.2% of total PM emissions in the Missouri portions of Kansas City and St. Louis, respectively. As shown in the table, emissions from onroad mobile sources, including diesel engines, account for a relatively small percentage of overall PM emissions in these areas.

As discussed above and as more fully described in the NPRM and TSD, in reviewing Missouri's requested rule revisions, EPA evaluated all available relevant information including information provided by the state. Based on EPA's review of that information, EPA finds that Missouri's revision to section (1)(A) of state rule 10–6.220, would not result in a net change to emissions or a change in status quo air quality and therefore will not interfere

[5] EPA posts previously awarded grants to the national DERA website, *https://www.epa.gov/dera.*

[6] See listing of nationally awarded competitive grants sorted by state and local organization at *https://www.epa.gov/dera/national-dera-awarded-grants.* For example, St. Louis (Regional) Clean Cities, Mid America Regional Council, and Metropolitan Energy Center have previously managed nationally awarded DERA grants in the St. Louis and Kansas City metropolitan areas, respectively.

[7] *https://dnr.mo.gov/air/what-were-doing/volkswagen-trust-funds/awarded-projects.*

[8] *See* 88 FR 4310, January 24, 2023.

[9] *See* Id.

with attainment of the NAAQS or any other applicable requirements, consistent with CAA section 110(l).

Comment 3: The commenter expresses concern with Missouri's addition of an exemption for emission units burning certain fuels. The commenter questions whether AP–42 factors accurately estimate emissions from these fuels. The commenter then argues that while these fuels may generally have lower visible emissions, they may have the potential to emit levels of other pollutants that contribute to opacity.

Response 3: First, with respect to the added section (1)(L) in 10–6.220, EPA continues to find that the units burning the listed fuels are not physically capable of exceeding the state rule opacity limit as demonstrated by Missouri. For this reason, this rule revision will result in no net emissions change and subsequently no change to status quo air quality. Therefore, as explained in response to comment 2, will not interfere with attainment or maintenance or any other CAA requirement consistent with CAA section 110(l). Further, the EPA disagrees with the commenter's assertion that EPA's ''Compilation of Air Pollutant Emissions Factors,'' also known as AP–42, does not accurately estimate emissions associated with combustion of these fuels. As referenced by the commenter, Missouri includes the calculation used to estimate potential emissions associated with combustion of these fuels and references the appropriate sections of the publicly available AP–42 information maintained by EPA. Through these calculations, the state demonstrates that units combusting the fuels covered by this provision are not physically capable of emitting greater than the 20% opacity limits of the state rule. Further, the state calculations show that the maximum expected percent opacity emissions are at least 25% below the 20% state rule opacity limit (*i.e.,* cannot exceed 15% opacity) and in most cases at least 50% below the 20% state rule opacity limit (*i.e.,* cannot exceed 10% opacity) to allow for a reasonable margin of safety in the estimations. For these reasons, EPA continues to find that exempting units that combust only the gaseous fuels listed by Missouri in section (1)(L) of state rule 10–6.220 will result in no net emissions change and therefore will not interfere with attainment or maintenance of the NAAQS or any other CAA requirements, consistent with CAA section 110(l).

Comment 4: The commenter expresses concern with Missouri's added exemption for units subject to an equivalent or more restrictive emission limit under 10 CSR 10–6.075 or any federally enforceable permit. The commenter argues that Missouri did not satisfactorily support this added exemption with a demonstration for EPA to review. The commenter further argues that this exemption violates the Act's SIP revision requirements and EPA's SSM SIP Call policy by allowing sources to be exempt on a case-by-case basis outside the SIP revision process which the commenter argues could also limit the public's ability to participate in the public review process. For these reasons, the commenter requests EPA not approve this exemption or alternately conditionally approve, provided Missouri removes this added exemption no later than one year after EPA's approval.

Response 4: As referenced in Missouri's submittals, the statewide opacity rule was consolidated from several area-specific rules which were originally promulgated in the late 1960's and early 1970's, prior to the enactment of the Clean Air Act. The opacity limits established in 10 CSR 10–6.220 were carried over from these early rules and apply to all sources of visible emissions in Missouri, including a vast array of air pollution sources. These air pollution sources are also subject to federal or state regulations with stricter emission limits and more comprehensive requirements. This has created redundancies in air pollution regulation and duplicative requirements. Missouri's basis for revising this rule was to remove the less stringent requirements on sources and thereby remove duplicative monitoring, reporting and recordkeeping (MRR) requirements to allow sources to focus on compliance with the more stringent requirements that are not being impacted by this rulemaking. Contrary to commenter's assertion, Missouri did provide support for this rule revision in the technical support document included in the submittal for the 2019 revision on page 12 of 38 in the document with Docket ID # EPA–R07–OAR–2022–0746–0008. The state explains that State rule 10 CSR 10–6.075 Maximum Achievable Control Technology Regulations incorporates by reference the delegable federal subparts of 40 CFR part 63 National Emission Standards for Hazardous Air Pollutants for Source Categories. These federal Maximum Achievable Control Technology (MACT) regulations are source-specific and establish detailed requirements tailored to numerous processes and operations emitting hazardous air pollutants. The state goes on to note that many sources and emission units subject to stringent opacity and PM limits under 40 CFR part 63 are also subject to 10 CSR 10–6.220 due to the broad applicability of the opacity rule. The state further explains that since the opacity limits in 10 CSR 10–6.220 are less stringent than those specified in numerous subparts incorporated in 10 CSR 10–6.075, it is appropriate to add an exemption for emission units subject to an equivalent or stricter emission limit under 10 CSR 10–6.075 or a federally enforceable permit condition. The state concludes by stating the addition of this exemption to the opacity rule will eliminate regulatory overlap, simplify the Title V permit application process, streamline permit conditions, and decrease permit review time.

As the commenter points out, Missouri provided a thorough demonstration correlating PM and opacity emissions to show limits for certain sources are indeed stricter than the state rule limit and EPA reviewed this demonstration as explained in the proposed rule and associated TSD. This correlation demonstration was necessary because the state was comparing different types of emission limits, specifically opacity and PM limits. For the ''equivalent or more restrictive emission limit'' that Missouri includes in this provision, EPA interprets this as a direct comparison between limits involving the same pollutant and same unit of measure. Specifically, EPA interprets this revision as allowing an exemption from the state rule opacity limits only when a limit is very clearly equivalent or more stringent in all cases such that the limits would in fact be duplicitous and that such an exemption be accompanied by a clear comparison demonstrating the stringency of the limits in order to support an exemption from the less stringent limit. This evaluation of stringency must clearly show that when the source complies with the more stringent requirement, the source can be considered to be in compliance with the less stringent requirement. Further, as discussed in the NPRM, in order for a limit to be equivalent or more stringent than the state opacity limit it must be continuous in nature and not allow for exemptions for periods of SSM given EPA's approval through this action to remove section (3)(C) from state rule 10–6.220 as discussed in our response to comment 1.

With EPA's approval and Missouri's implementation of this provision, sources would still be subject to the more stringent limit but no longer be subject to the less stringent limit and its

associated MRR requirements. And as stated in our proposed rule and TSD and as referenced by the commenter, exemption from a less stringent limit while continuing to be required to comply with an equivalent or more stringent limit would indeed result in no net emissions change and subsequently no change to status quo air quality as a result of the rule revision. Further, the only material change would be the removal of the MRR requirements associated with the less stringent limit thereby removing unnecessary duplicative requirements.

Missouri also added provisions in sections (1)(J) and (1)(M) of 10–6.220 which, as further discussed in EPA's TSD included in the docket for this action, exempt sources from the state opacity rule that are also subject to specific National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations which require the covered sources to comply with more stringent emissions limits than the state opacity limits. Missouri's reference to state rule 10–6.075 in section (1)(P) of 10–6.220 is intended to encompass the other MACT and NESHAP regulations that Missouri has accepted delegation for through this state rule. Those MACT and NESHAP regulations incorporated by reference in 10–6.075 include emissions limits set by EPA for certain source categories. Similar to the provisions in sections (1)(J) and (1)(M), section (1)(P) relies on EPA's more stringent requirements for the relevant source categories in order to be exempt from the state opacity limit provided it is indeed shown to be less stringent. This intention is further supported by Missouri's response to comments from EPA (comment and response #2 on page 26 of 38 in Missouri's 2019 submittal in the docket for this action). Specifically, the state's intention in adding this exemption for sources subject to 10–6.075, and the MACT and NESHAP requirements that are incorporated by reference through this state rule, is to exempt emissions units subject to equivalent or more stringent emission limits contained in these federal regulations under 40 CFR part 63 for which Missouri has accepted delegation without explicitly listing each NESHAP or federal regulation as a separate provision under the applicability section in 10–6.220. This method of referring to 10–6.075 where the MACT and NESHAP requirements are incorporated by reference, and for which Missouri has accepted delegation, is a reasonable way of streamlining requirements for impacted sources while maintaining that the most stringent or controlling limit and associated MRR requirements continue to apply.

For these reasons, EPA continues to find there will be no net emissions change and subsequently no change to status quo air quality associated with this revision and therefore, as described at length in our response to comment 2, this revision would not interfere with attainment or other CAA requirements.

Second, EPA disagrees with the commenter's assertion that approval of this exemption would be inconsistent with the Act's SIP revision requirements and EPA's SSM SIP Call policy. First, EPA's action on Missouri delegations and acceptance of enforcement authority for federal regulations, including 10 CSR 10–6.075, is also subject to 40 CFR 51.102 requiring EPA's public notice and comment process. EPA last granted Missouri's delegation authority for 10 CSR 10–6.075, among other rules, on June 1, 2018 (83 FR 25382).

In order for additional source categories subject to MACT and NESHAP regulations that are not already included in 10–6.075 to be exempted from the opacity limits of 10–6.220, Missouri must update 10–6.075 through the normal state rulemaking process, including public notice and comment and submittal to EPA for action. Only after EPA's delegation to the state of the implementation and enforcement authority of the relevant requirements for any newly added source categories could these sources then be eligible for exemption from the opacity limits of 10–6.220 pending the evaluation of stringency showed the delegated limits incorporated in 10–6.075 were indeed equivalent or more stringent than the opacity limits of 10–6.220. Delegation confers primary responsibility for implementation and enforcement of the listed standards to the respective state air agency. However, EPA also retains the concurrent authority to enforce the standards so granting delegation to a state does not affect EPA's ability to enforce a standard nor does it prohibit the ability for citizens to file lawsuits under Clean Air Act § 304, 42 U.S.C. 7604. Additionally, through the second clause of this provision, Missouri clarifies this revision is limited to federally enforceable permits which are subject to Missouri's SIP approved permitting program which also includes public notice and comment requirements. Further, EPA has an oversight role in permitting and has the ability to review and influence via comment permits which will be relied upon to exempt a source from the state rule opacity limit. EPA also retains authority and discretion pursuant to CAA section 110(k)(5) to require states to revise previously approved SIP provisions if EPA becomes aware that they do not meet CAA requirements. Finally, this revision does not violate EPA's SSM SIP Policy because as described in EPA's NPRM and above, in order to be considered equivalent or more stringent the emissions limit must be continuous in nature and not include exemptions for periods of SSM.

For these reasons, EPA continues to find there will be no net emissions change associated with this revision and for the reasons described in Response to Comment 2, the revision would therefore not interfere with attainment or maintenance of the NAAQS or any other CAA requirements, consistent with CAA section 110(l).

V. What action is the EPA taking?

The EPA is taking final action to approve the revisions to 10 CSR 10–6.220 as requested by Missouri in submissions dated November 29, 2016 and March 7, 2019.

VI. Environmental Justice Considerations

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.''

The state did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. While EPA did not perform an area-specific EJ analysis for purposes of this action, due to the nature of the action being taken here, *i.e.,* to remove an exemption for excess emissions

during periods of SSM and add exemptions for sources subject to equivalent or more stringent limits, as explained in this preamble, the preamble to the proposed rule, and the technical support document in this docket, this action is expected to have a neutral to positive impact on air quality. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

This action approves revisions to a Missouri state rule concerning visible emissions. As explained in this preamble, the preamble to the proposed rule, and technical support document, EPA finds the revisions will result in no net emissions change and subsequently no change to status quo air quality. Therefore, we expect that this action will not interfere with attainment or maintenance of the NAAQS, reasonable further progress, or other CAA requirements. For these reasons, this action is not expected to have a disproportionately high or adverse human health or environmental effects on a particular group of people.

VII. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Missouri Regulation, 10 CSR 10–6.220, state effective March 30, 2019, which regulates visible air contaminant emissions from certain sources throughout the state. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VIII. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- This action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The basis for this determination is contained in section VI of this action, ''Environmental Justice Considerations.''
- In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).
- This action is subject to the Congressional Review Act, and 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).
- Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 2023. Filing a petition for reconsideration by the Administrator of this final rule 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 may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: February 28, 2023.

Meghan A. McCollister,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–6.220'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.220	Restriction of Emission of Visible Air Contaminants.	3/30/2019	3/8/2023, [insert **Federal Register** citation].	Subsection (1)(I) referring to the open burning rule, 10 CSR 10–6.045, is not SIP approved.
*	*	*	*	*

* * * * *

[FR Doc. 2023–04507 Filed 3–7–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2022–0158; FRL–10541–02–R4]

Air Plan Approval; Tennessee; Eastman Chemical Company Nitrogen Oxides SIP Call Alternative Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is conditionally approving a revision to the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), through a letter dated August 11, 2021. This revision establishes alternative monitoring, recordkeeping, and reporting requirements under the Nitrogen Oxides (NO_X) SIP Call. EPA is approving these changes pursuant to the Clean Air Act (CAA or Act).

DATES: This rule is effective April 7, 2023.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2022–0158. All documents in the docket are listed on the *regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that, if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Steven Scofield, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9034. Mr. Scofield can also be reached via electronic mail at *scofield.steve@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Eastman Chemical Company (Eastman) petitioned TDEC to adopt revised permit conditions applicable to its Kingsport, Tennessee facility with an alternative monitoring option for this large non-EGU, along with corresponding revised recordkeeping and reporting conditions. This petition resulted in the issuance of the permit for Eastman included as part of TDEC's SIP submittal. The changes allow Eastman to address the NO_X SIP Call's requirements for enforceable limits on ozone season NO_X mass emissions through alternative monitoring and reporting methodologies. The August 11, 2021, source-specific SIP revision submitted by TDEC contains the permit provisions that TDEC modified to specifically address the alternative monitoring provisions allowed under the NO_X SIP Call and requests conditional approval of those provisions into the SIP.

Through a notice of proposed rulemaking (NPRM), published on January 11, 2023 (88 FR 1533), EPA proposed to conditionally approve into Tennessee's SIP Tennessee Air Pollution Control Board operating permit No. 077509 for Eastman, state effective on August 11, 2021, to provide alternative NO_X monitoring and reporting for Natural Gas-Fired Boilers 25–29 (PES B–253–1) at this facility in accordance with 40 CFR 51.121(i). TDEC requests that this approval be conditioned on Tennessee's commitment to modify the provisions at Chapter 1200–03–27.12(11) to specify allowable non-Part 75 permissible alternative monitoring and reporting methodologies for large industrial non-EGUs subject to the NO_X SIP Call, such as the alternative monitoring and reporting provisions in permit No. 077509. The details of Tennessee's submission, as well as the background and EPA's rationale for conditionally approving the changes, are described in more detail in the January 11, 2023, NPRM. Comments on the January 11, 2023, NPRM were due on or before February 10, 2023.

II. Response to Comments

EPA received three sets of supportive comments on the NPRM and one set of adverse comments, all from members of the general public.[1] EPA summarizes

[1] The comment ''in support of the EPA approving [the] TN Air Pollution Control Board, for the Eastman Chemical Company,'' is unclear and may be based on a misunderstanding regarding the

and responds to the set of adverse comments below.

Comment: The commenter claims that the State's proposal regarding alternative monitoring and reporting requirements is ''vague'' and ''harmful'' and would set a ''dangerous precedent'' by establishing ''conditions beneath already lax federal regulations'' that would enable states and industry to ''seek a carve-out for a particular law instead of complying with rules designed to provoke compliance with good neighbor provisions.'' According to the commenter, this approach would allow the establishment of standards ''that could not register a problem if it occurred or give the company permission to develop lax, uninformed, and purposefully negligent reporting and monitoring requirements.''

Response: EPA disagrees with the commenter. As discussed in the January 11, 2023, NPRM, EPA revised its NO_X SIP Call rules at 40 CFR 51.121 in 2019 to make Part 75 monitoring, recordkeeping, and reporting optional for subject sources, such that a SIP may establish alternative monitoring for NO_X SIP Call budget units if the SIP containing the alternative meets the general requirements of 40 CFR 51.121(f)(1) and (i)(1). These general requirements ensure that alternative monitoring is sufficient to determine whether sources are in compliance with the NO_X SIP Call budgets. Tennessee utilized this flexibility in modifying Eastman's air permit to allow for alternative monitoring and in submitting that permit to EPA for incorporation into its SIP. The permit conditions contain clear and specific alternative monitoring provisions that EPA described in detail in the NPRM, and the SIP revision containing those provisions satisfies 40 CFR 51.121. More specifically, the level of detail and monitoring rigor required by 40 CFR part 75, Appendices D and E (as an alternative to the methodologies in 40 CFR 75.12 and 40 CFR 75.17) are adequate to ensure that Eastman is in compliance with its source-specific allocation of Tennessee's NO_X SIP Call budget.[2] Compliance with the NO_X monitoring provisions within 40 CFR part 75, Appendices D and E is required by Condition 2 of Tennessee Air Pollution Control Board operating permit No. 077509, which is being conditionally approved into Tennessee's SIP.

III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Section I of this preamble and the January 11, 2023, NPRM, EPA is finalizing the incorporation by reference of Tennessee Air Pollution Control Board operating permit No. 077509 for Eastman, state effective on August 11, 2021, into the Tennessee SIP. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[3]

IV. Final Action

EPA is taking final action to conditionally approve Tennessee Air Pollution Control Board operating permit No. 077509 for Eastman, state effective August 11, 2021, for incorporation into the Tennessee SIP. These changes were submitted by Tennessee on August 11, 2021. As discussed in more detail in the January 11, 2023 NPRM, these changes to Tennessee's SIP are approved subject to the condition that Tennessee meets its commitment to submit a SIP revision modifying the provisions of TAPCR 1200–03–27.12(11) to specify permissible non-Part 75 alternative monitoring and reporting methodologies, as allowed under 40 CFR 51.121(i)(1) and (4), by 12 months from the date of this final approval. If the State fails to submit this revision on or before 12 months from the date of final approval of this action, the conditional approval will become a disapproval pursuant to CAA section 110(k)(4).

V. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9,

nature of this rulemaking. To clarify, EPA is not approving the Tennessee Air Pollution Control Board. EPA is conditionally approving a permit issued to Eastman by the Tennessee Air Pollution Control Board into Tennessee's SIP.

[2] Furthermore, as discussed in Section III of the NPRM, NO_X emissions from Eastman's affected units are substantially below the facility's NO_X budget, and the work practice requirements of 40 CFR part 63, subpart DDDDD (periodic tune-ups) provide additional assurance that the boilers are operating properly.

[3] *See* 62 FR 27968 (May 22, 1997).

2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

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 appropriate circuit by May 8, 2023. Filing a petition for reconsideration by the Administrator of this final rule 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 may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: February 28, 2023.

Daniel Blackman,

Regional Administrator, Region 4.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart RR—Tennessee

■ 2. In § 52.2219, add paragraph (b) to read as follows:

§ 52.2219 Conditional approval.

* * * * *

(b) Tennessee submitted a source-specific SIP revision to EPA on August 11, 2021, regarding the Eastman Chemical Company's Kingsport, Tennessee facility, along with a commitment to modify the provisions at Tennessee Air Pollution Control Regulation 1200–03–27.12(11) to specify allowable non-Part 75 permissible alternative monitoring and reporting methodologies for large industrial non-EGUs subject to the NO_X SIP Call. EPA conditionally approved the August 11, 2021, SIP revision in an action published in the **Federal Register** on March 8, 2023. If Tennessee fails to meet its commitment by March 8, 2024, the conditional approval will become a disapproval on March 8, 2024.

■ 3. In § 52.2220, add an entry for ''Eastman Chemical Company'' at the end of the table in paragraph (d) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED TENNESSEE SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
*	*	*	*	* * *
Eastman Chemical Company.	077509	8/11/2021	3/8/2023, [Insert citation of publication].	Conditional approval based on TDEC's commitment to modify the provisions at Chapter 1200–03–27.12(11) to specify allowable non-Part 75 permissible alternative monitoring and reporting methodologies for large industrial non-EGUs subject to the NO_X SIP Call.

* * * * *

[FR Doc. 2023–04504 Filed 3–7–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2022–0203; FRL–10510–02–R4]

Air Plan Approval; Georgia; Macon Area Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of a state implementation plan (SIP) revision submitted by the State of Georgia, through the Georgia Environmental Protection Division (EPD), on October 20, 2021. The SIP revision includes the Limited Maintenance Plan (LMP) for the Macon 1997 8-hour ozone national ambient air quality standards (NAAQS) maintenance area (hereinafter referred to as the Macon 1997 8-hour Ozone NAAQS Area or Macon Area or Area). The Macon 1997 8-hour NAAQS Area consists of all of Bibb County and a portion of Monroe County located in middle Georgia. EPA is finalizing approval because the Macon Area LMP provides for the maintenance of the 1997 8-hour ozone NAAQS within the Area through the end of the second 10-year portion of the maintenance period. This action makes certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in the Area federally enforceable as part of the Georgia SIP.

DATES: This rule is effective April 7, 2023.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2022–0203. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form.

Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that, if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9088. Ms. Bell can also be reached via electronic mail at *bell.tiereny@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Clean Air Act (CAA or Act), EPA is approving the Macon Area LMP for the 1997 8-hour ozone NAAQS, adopted by Georgia EPD on October 12, 2021, and submitted by Georgia EPD as a revision to the Georgia SIP on October 20, 2021. On April 30, 2004, the Macon Area was designated as nonattainment for the 1997 8-hour ozone NAAQS, effective June 15, 2004. *See* 69 FR 23858 (April 30, 2004). Subsequently, in 2007 the Macon Area was redesignated to attainment for the 1997 8-hour ozone NAAQS with EPA's approval of the first 10-year maintenance plan, which was designed to keep the Area in attainment through 2017. *See* 72 FR 53432 (September 19, 2007). The Macon Area LMP is designed to maintain the 1997 8-hour ozone NAAQS within the Macon Area through the end of the second 10-year portion of the maintenance period beyond redesignation.

EPA is finalizing approval of the plan because it meets all applicable requirements under CAA sections 110 and 175A. As a general matter, the Macon Area LMP relies on the same control measures and contingency provisions to maintain the 1997 8-hour ozone NAAQS during the second 10-year portion of the maintenance period as the maintenance plan submitted by Georgia EPD for the first 10-year period.

In a notice of proposed rulemaking (NPRM) published on December 28, 2022 (87 FR 79830), EPA proposed to approve the Macon Area LMP because the State made a showing, consistent with EPA's prior LMP guidance, that the Macon Area ozone concentrations are well below the 1997 8-hour ozone NAAQS and have been historically stable and that the Area has met all other maintenance plan requirements. The details of Georgia's submission, as well as EPA's rationale, are explained further in the December 28, 2022, NPRM. Comments on the December 28, 2022, NPRM were due on or before January 27, 2023. No adverse comments were received on the December 28, 2022, NPRM.

II. Final Action

In accordance with sections 110(k) and 175A of the CAA, and for the reasons set forth in the NPRM, EPA is finalizing approval of the Macon Area LMP for the 1997 8-hour ozone NAAQS, as submitted by Georgia EPD on October 20, 2021. EPA is finalizing approval of the Macon Area LMP because it includes an acceptable update of various elements of the 1997 8-hour ozone NAAQS Maintenance Plan approved by EPA for the first 10-year period (including emissions inventory, assurance of adequate monitoring and verification of continued attainment, and contingency provisions) and retains the relevant provisions of the SIP. EPA also finds that the Macon Area qualifies for the LMP option and that the Area's LMP adequately demonstrates maintenance of the 1997 8-hour ozone NAAQS through documentation of monitoring data showing maximum 1997 8-hour ozone levels well below the NAAQS and continuation of existing control measures. EPA believes that the Area's 1997 8-Hour Ozone LMP is sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in the Macon Area over the second 10-year maintenance period, through 2027, and thereby satisfies the requirements for such a plan under CAA section 175A(b).

III. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose information collection burdens under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having significant economic impacts on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandates 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 SIP revision is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule

cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

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 appropriate circuit by May 8, 2023. Filing a petition for reconsideration by the Administrator of this final rule 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 may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental Protection, Air Pollution Control, Incorporation by Reference, Intergovernmental Relations, Nitrogen Oxides, Ozone, Reporting and Recordkeeping Requirements, Volatile Organic Compounds.

Dated: February 28, 2023.

Daniel Blackman,

Regional Administrator, Region 4.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart L—Georgia

■ 2. In § 52.570, amend the table in paragraph (e) by adding an entry for ''1997 8-hour Ozone 2nd Maintenance Plan (Limited Maintenance Plan) for the Macon Area'' at the end of the table to read as follows:

§ 52.570 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
*	*	*	*	*
1997 8-hour Ozone 2nd Maintenance Plan (Limited Maintenance Plan) for the Macon Area.	Bibb County and a portion of Monroe County.	10/20/2021	3/8/2023, [Insert citation of publication].	

[FR Doc. 2023–04505 Filed 3–7–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2021–0133; FRL–8473–03–OAR]

RIN 2060–AV27

National Emission Standards for Hazardous Air Pollutants: Wood Preserving Area Sources Technology Review; Technical Correction for Surface Coating of Wood Building Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes the technology review (TR) conducted for the Wood Preserving Area Sources category regulated under national emission standards for hazardous air pollutants (NESHAP). While the Environmental Protection Agency (EPA) is making no changes to the existing standards as a result of the TR, this action establishes minor editorial and formatting changes to the Wood Preserving Area Sources NESHAP table of applicable general provisions. In addition, the EPA is finalizing technical corrections to the Surface Coating of Wood Building Products NESHAP.

DATES: This final rule is effective on March 8, 2023.

ADDRESSES: The U.S. Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA–HQ–OAR–2021–0133. All documents in the docket are listed on the *https://www.regulations.gov/* website. Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *https://www.regulations.gov/,* or in hard copy at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Cyrus Ma, Sector Policies and Programs Division (mail code E143–03), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–4210; and email address: *Ma.Cyrus@epa.gov.*

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. Throughout this preamble the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
CBI Confidential Business Information
CCA Chromated Copper Arsenate
CFR Code of Federal Regulations
CRA Congressional Review Act
EJ Environmental Justice
EPA Environmental Protection Agency
EST Eastern Standard Time
GACT Generally Available Control Technology
HAP Hazardous Air Pollutant(s)
KM Kilometer

MACT Maximum Achievable Control Technology
NESHAP National Emission Standards for Hazardous Air Pollutants
NTTAA National Technology Transfer and Advancement Act
OCSPP Office of Chemical Safety and Pollution Prevention
OMB Office of Management and Budget
OSHA Occupational Safety and Health Administration
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
TR Technology Review
UMRA Unfunded Mandates Reform Act

Background information. On March 7, 2022, the EPA proposed revisions to the Wood Preserving Area Sources NESHAP based on our TR. In this action, we are finalizing decisions and revisions for the rule. We summarize comments we received regarding the proposed rule and provide our responses in this preamble. A ''track changes'' version of the regulatory language that incorporates the changes in this action is available in the docket (docket ID No. EPA–HQ–OAR–2021–0133).

Organization of this document. The information in this preamble is organized as follows:

I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

NESHAP	Source category	NAICS [1] code
40 CFR part 63, subpart QQQQQQ	Wood Preserving Area Sources	321114.
40 CFR part 63, subpart QQQQ	Surface Coating of Wood Building Products	321211, 321212, 321218, 321219, 321911, 321999.

[1] North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a

copy of this final action at: *https://www.epa.gov/stationary-sources-air-pollution/wood-preserving-area-sources-national-emission-standards-hazardous.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

Additional information is available at *https://www.epa.gov/stationary-sources-air-pollution/wood-preserving-area-sources-national-emission-standards-hazardous.* This information includes a summary of the NESHAP, links to the various regulatory actions for the source category, and other related documents.

C. Judicial Review and Administrative Reconsideration

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by May 8, 2023. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

The statutory authority for this action is provided by sections 112 and 301 of the CAA, as amended (42 U.S.C. 7401 *et seq.*). Section 112(d)(6) requires the EPA to review standards promulgated under CAA section 112(d) and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less often than every 8 years following promulgation of those standards. This is referred to as a ''technology review'' and is required for all standards established under CAA section 112(d) including generally available control technology (GACT) standards that apply to area sources.[1] This action finalizes the 112(d)(6) technology review for the Wood Preserving Area Sources area source NESHAP.

Several additional CAA sections are relevant to this action as they specifically address regulation of hazardous air pollutant (HAP) emissions from area sources. Collectively, CAA sections 112(c)(3), (d)(5), and (k)(3) are the basis of the Area Source Program under the Urban Air Toxics Strategy, which provides the framework for regulation of area sources under CAA section 112.

Section 112(k)(3)(B) of the CAA requires the EPA to identify at least 30 HAP that pose the greatest potential health threat in urban areas with a primary goal of achieving a 75 percent reduction in cancer incidence attributable to HAP emitted from stationary sources. As discussed in the Integrated Urban Air Toxics Strategy (64 FR 38706, 38715, July 19, 1999), the EPA identified 30 HAP emitted from area sources that pose the greatest potential health threat in urban areas, and these HAP are commonly referred to as the ''30 urban HAP.''

Section 112(c)(3), in turn, requires the EPA to list sufficient categories or subcategories of area sources to ensure that area sources representing 90 percent of the emissions of the 30 urban HAP are subject to regulation. The EPA implemented these requirements through the Integrated Urban Air Toxics Strategy by identifying and setting standards for categories of area sources including the Wood Preserving Area Sources source category that is addressed in this action.

CAA section 112(d)(5) provides that for area source categories, in lieu of setting maximum achievable control technology (MACT) standards (which are generally required for major source categories), the EPA may elect to promulgate standards or requirements for area sources ''which provide for the use of generally available control technology or management practices [GACT] by such sources to reduce emissions of hazardous air pollutants.'' In developing such standards, the EPA evaluates the control technologies and management practices that reduce HAP emissions that are generally available for each area source category. Consistent with the legislative history, we can consider costs and economic impacts in determining what constitutes GACT.

GACT standards were set for the Wood Preserving Area Sources source category in 2007. As noted above, this action finalizes the required CAA 112(d)(6) technology review for that source category.

B. What is the Wood Preserving Area Sources source category and how does the NESHAP regulate HAP emissions from the source category?

The EPA promulgated the Wood Preserving Area Sources NESHAP on July 16, 2007 (72 FR 38864). The standards are codified at 40 CFR part 63, subpart QQQQQQ. The Wood Preserving Area Sources industry consists of facilities that use either a pressurized or thermal treatment process to impregnate wood with chemicals that provide long-term resistance to attack by fungi, bacteria, insects, or marine borers. Some of the products produced by the wood preserving industry include posts, cross ties, switch ties, utility poles, round timber pilings, lumber for aquatic applications, and fire-retardant lumber products.

More than 95 percent of all treated wood is preserved through pressurized processes. Almost all pressurized wood preservation processes use a closed treating cylinder or retort. A retort is an airtight pressure vessel, typically a long horizontal cylinder, used for the pressure impregnation of wood products with a liquid preservative. In a thermal treatment process, the wood is exposed to the preservative in an open vessel. The wood is immersed between separate tanks containing heated and cold preservative, which are either oil-borne or waterborne. Alternatively, thermal treated wood may be immersed in one tank that is first heated then allowed to cool. During the hot bath, the expansion of air in the wood forces some air out and improves the penetration of preservatives. In the cold bath, air in the wood contracts, creating a partial

[1] For categories of area sources subject to GACT standards, CAA sections 112(d)(5) and (f)(5) provide that the EPA is not required to conduct a residual risk review under CAA section 112(f)(2).

vacuum, and atmospheric pressure forces more preservative into the wood.

There are three general classes of wood preservatives: (a) oils, such as creosote and petroleum solutions of pentachlorophenol (PCP) and copper naphthenate, (b) waterborne salts that are applied as water solutions, such as chromated copper arsenate (CCA), and (c) light organic solvents, which serve as carriers for synthetic insecticides. Over the past few decades, the wood preserving industry has undergone several changes related to the types of preservatives used for certain applications and the associated emissions. Of the variety of wood preservatives being used today, some contain HAP while others do not.

Per 40 CFR 63.11428, the NESHAP is applicable to any wood preserving operation located at an area source that emits HAP. However, the urban HAP for which the source category was listed are arsenic, chromium, methylene chloride, and dioxins (72 FR 16652). As such, the Wood Preserving Area Sources NESHAP only applies to operations with the potential to emit these four urban HAP. Three wood preservatives, PCP, CCA, and ammoniacal copper zinc arsenate (ACZA), contain at least one of the urban HAP. The HAP PCP contains trace concentrations of dioxins, which are an urban HAP. The urban HAP arsenic and chromium are contained in CCA. The urban HAP arsenic is contained in ACZA. The EPA is not aware of any facilities currently using a wood preservative containing the urban HAP methylene chloride. No methylene chloride emissions were reported in the 2019 Toxic Release Inventory (TRI) and the EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) does not currently identify the use of methylene chloride as a wood preservative. Altogether, the source category covered by the GACT standards currently includes 322 facilities. The EPA estimates that 177 of the 322 Wood Preserving Area Sources use a wood preservative containing an urban HAP and are therefore subject to the GACT standards. The remaining area sources use wood preservatives that do not contain HAP or use creosote, which contains the HAP naphthalene.

The GACT standards require any facility using a pressure treatment process to use a retort or similarly enclosed vessel for the preservative treatment. Facilities using a thermal treatment process are required to use process treatment tanks equipped with air scavenging systems to capture and control air emissions. In addition, all facilities must prepare and operate according to a management practice plan to minimize air emissions, including emissions from process tanks and equipment (*e.g.,* retorts, other enclosed vessels, thermal treatment tanks), storage, handling, and transfer operations. These standards are required to be documented in a management practices plan. See 40 CFR 63.11430(c).

C. What changes did we propose for the Wood Preserving Area Sources source category in our March 7, 2022, proposal?

On March 7, 2022, the EPA published a proposed rule in the **Federal Register** for the Wood Preserving Area Source NESHAP, 40 CFR part 63, subpart QQQQQQ, that took into consideration the TR analyses. In the proposed rule, we proposed no changes to the standards as a result of the TR. The EPA proposed minor editorial and formatting changes to Table 1 in the Wood Preserving Area Sources NESHAP which outlines the applicability of CAA General Provisions (see docket ID EPA–HQ–OAR–2021–0133–0017 for Redline Version of 40 CFR part 63, subpart QQQQQQ Showing Proposed Changes).

III. What is included in this final rule?

This action finalizes the EPA's determinations pursuant to the TR provisions of CAA section 112 for the Wood Preserving Area Sources source category. This action also finalizes other changes to the NESHAP, including minor editorial and formatting changes to Table 1 in the Wood Preserving Area Sources NESHAP.

A. What are the final rule amendments based on the technology review for the Wood Preserving Area Sources source category?

We determined that there are no developments in practices, processes, and control technologies that warrant revisions to the GACT standards for this source category. Therefore, this final rule does not make any revisions to the GACT standards under CAA section 112(d)(6).

B. What other changes are we finalizing in the NESHAP for Wood Preserving Area Sources?

This action also finalizes, as proposed, minor editorial and formatting changes to the Wood Preserving Area Sources NESHAP Table 1, which outlines the applicability of CAA General Provisions. The notice of proposed rulemaking described the changes to the Subpart QQQQQQ Table 1, and a redline strikeout version of the Subpart QQQQQQ Table 1 showing proposed changes was available in the docket (see docket ID EPA–HQ–OAR–2021–0133–0017). This action finalizes the changes as detailed in that document.

C. What are the technical corrections to the NESHAP for Surface Coating of Wood Building Products?

This action finalizes technical corrections to the NESHAP for Surface Coating of Wood Building Products. As described in the March 7, 2022, proposal, changes are necessary because the NESHAP for Surface Coating of Wood Building Products contains a reference to an Occupational Safety and Health Administration (OSHA) provision that has since been removed.

IV. What is the rationale for our final decisions and amendments for the Wood Preserving Area Sources source category and the technical corrections to the NESHAP for Surface Coating of Wood Building Products?

For each issue, this section provides a description of what we proposed and what we are finalizing for the issue, the EPA's rationale for the final decisions and amendments, and a summary of comments and responses.

A. Technology Review for the Wood Preserving Area Sources Source Category

1. What did we propose pursuant to CAA section 112(d)(6) for the Wood Preserving Area Sources source category?

Based on our TR described in the March 7, 2022, proposal (87 FR 12633), we found no developments in practices, processes, or control technologies that necessitate revisions to the standards for the Wood Preserving Area Sources NESHAP (40 CFR part 63, subpart QQQQQQ).

2. How did the TR change for the Wood Preserving Area Sources source category?

After considering the comments received on the proposed rule and given that commenters did not identify any new practices, processes, and control technologies to further reduce emissions of arsenic, chromium, dioxins, or methylene chloride, the EPA has decided that no changes to the TR are necessary. Therefore, the EPA is finalizing its findings in the proposed rule that revisions to the emission standards for the Wood Preserving Area Sources NESHAP are not warranted under CAA section 112(d)(6).

3. What comments did we receive on the TR, and what are our responses?

Two comments were received on the proposed rulemaking. To access these

comments in the docket for the proposed rule, see Docket ID No. EPA–HQ–OAR–2021–0133–0022 and EPA–HQ–OAR–2021–0133–0021.

Comment: A commenter acknowledged that EPA regulations minimize emissions of the urban HAP (arsenic, chromium, dioxins, and methylene chloride) but expressed concern regarding the health impacts associated with long-term exposure. The commenter stated that the EPA's determination that there was no cost-effective measure to further reduce emissions failed to consider the human health costs related to the bioaccumulation of HAP in surrounding environments and the secondary exposure to people beyond those directly affected at the source. The commenter suggested that the EPA consider natural and sustainable ways of preserving wood that do not incorporate synthetic chemicals and referenced an article on the complex nanostructure of cicada wings. The article, last updated in 2021, indicates that the surface of cicada wings is comprised of microscopic ''nanopillars'' and is naturally coated with waxy substances that repel water, dirt, and bacteria. The author of the article writes that scientists are currently exploring ways to design and manufacture nanoscale surfaces that possess these properties.

Response: The TR did not identify any generally available non-synthetic methods of wood preserving, and the commenter did not provide any direct information identifying an industrial-scale natural method of treating wood that would produce long-term resistance to attack by fungi, bacteria, insects, or marine borers for use as posts, cross ties, switch ties, utility poles, round timber pilings, lumber for aquatic applications, and fire-retardant wood products. The EPA did not identify any natural wood preserving methods that imitate the nanostructure of cicada wings and their ability to repel water, dirt, and bacteria.

Comment: A commenter opposed the proposal on the basis that there should be stronger standards to protect populations of concern. The commenter stated that although air quality would not be negatively impacted by the proposed action, it would also not improve it for populations of concern. The commenter restated results from our demographic analysis and pointed out that people of lower socioeconomic status and minorities are being exposed to emissions at a higher rate than other populations. The commenter noted that if arsenic levels are high enough, it can negatively impact the environment. The commenter requested that the EPA reevaluate the proposed decision.

Response: This action implements CAA section 112(d)(6), which requires the EPA to review standards promulgated under CAA section 112(d) and revise them ''as necessary (taking into account developments in practices, processes, and control technologies).'' The TR and neither commenter identified any cost-effective developments in practices, processes, and control technologies for wood preserving facilities that would further reduce emissions beyond the management practice and reporting requirements that currently exist in the rule. As the commenter noted, the proposal would not negatively impact air quality. The EPA notes that reducing emissions of urban air toxics has been a priority for EPA since the passage of the Clean Air Act Amendments in 1990. There have been significant reductions in urban air toxics because of EPA regulations, including the Wood Preserving Area Sources NESHAP, and enforcement actions. The EPA expects compliance with the Wood Preserving Area Sources NESHAP has reduced and will continue to reduce the effects of emissions on populations in proximity to wood preserving facilities, including in communities potentially overburdened by pollution. For more information on our analysis of environmental justice, see Section VI.F.

4. What is the rationale for our final approach for the TR?

Based on the TR and after evaluating all comments received on the TR, we determined that no changes to the review are necessary. Therefore, pursuant to CAA section 112(d)(6), we are finalizing the TR as proposed.

B. Changes to Wood Preserving Area Sources NESHAP Table 1 to Subpart QQQQQQ of Part 63—Applicability of General Provisions to Subpart QQQQQQ

1. What changes did we propose to Table 1 to Subpart QQQQQQ of Part 63—Applicability of General Provisions to Subpart QQQQQQ?

In the March 7, 2022, proposal (87 FR 12633), we proposed minor editorial and formatting changes to Table 1 to Subpart QQQQQQ of Part 63 for the Wood Preserving Area Sources NESHAP listing the applicable general provisions. The notice of proposed rulemaking described the changes and a redline strikeout version of Table 1 showing proposed changes was available in the docket.

2. How did revisions in the final action change Table 1 to Subpart QQQQQQ of Part 63—Applicability of General Provisions to Subpart QQQQQQ?

In the final rule, the EPA is making the revisions to Table 1 to Subpart QQQQQQ of Part 63 for the Wood Preserving Area Sources NESHAP as described in the proposal published on March 7, 2022.

3. What comments did we receive on the proposed changes to Table 1 to Subpart QQQQQQ of Part 63—Applicability of General Provisions to Subpart QQQQQQ, and what are our responses?

No comments were received on the proposed changes to Table 1 to Subpart QQQQQQ of Part 63 for the Wood Preserving Area Sources source category.

4. What is the rationale for our final approach for the changes to Table 1 to Subpart QQQQQQ of Part 63—Applicability of General Provisions to Subpart QQQQQQ?

No comments were received regarding the proposed changes to Table 1 to Subpart QQQQQQ of Part 63 for the Wood Preserving Area Sources source category. Therefore, those changes are being finalized as proposed.

C. Technical Corrections to the NESHAP for Surface Coating of Wood Building Products

1. What technical corrections were proposed to the NESHAP for Surface Coating of Wood Building Products?

In the March 7, 2022, proposal (87 FR 12633), we proposed technical corrections to the NESHAP for Surface Coating of Wood Building Products. The proposed technical corrections were necessary because the NESHAP for Surface Coating of Wood Building Products contains a reference to an OSHA provision that has changed. The EPA proposed to amend 40 CFR 63.4741(a)(1)(i) and (a)(4), which describe how to determine the mass fraction of organic HAP in each material used, to remove references to OSHA-defined carcinogens as specified in 29 CFR 1910.1200(d)(4). The reference to OSHA-defined carcinogens as specified in 29 CFR 1910.1200(d)(4) is intended to specify which compounds must be included in calculating total organic HAP content of a coating material if they are present at 0.1 percent or greater by mass. The EPA is eliminating this reference because OSHA revised its hazard communication standard in 2012 and completely removed 29 CFR 1910.1200(d)(4) from the CFR (58 FR

17574, March 26, 2012). Consequently, the NESHAP for Surface Coating of Wood Building Products cross-references a regulatory citation that no longer exists. The EPA proposed to replace these references to OSHA-defined carcinogens and 29 CFR 1910.1200(d)(4) with a new table explicitly included in the regulatory text (proposed as Table 7 to 40 CFR part 63, subpart QQQQ) of those organic HAP that must be included in calculating the total organic HAP content of a coating material if they are present at 0.1 percent or greater by mass. The proposed redline strikeout regulatory edits that would be necessary to incorporate the changes were included in the docket.

2. How did the technical corrections to the NESHAP for Surface Coating of Wood Building Products change?

The EPA is finalizing the technical corrections to the NESHAP for Surface Coating of Wood Building Products as proposed.

3. What comments did we receive on the technical corrections to the NESHAP for Surface Coating of Wood Building Products?

No comments were received on the proposed technical corrections to the NESHAP for Surface Coating of Wood Building Products.

4. What is the rationale for our final approach for the technical corrections to the NESHAP for Surface Coating of Wood Building Products?

No comments were received on the proposed technical corrections to the NESHAP for Surface Coating of Wood Building Products. Therefore, the technical corrections to the NESHAP for Surface Coating of Wood Building Products are being finalized as proposed.

V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

A. What are the affected facilities?

Approximately 322 area source wood preserving facilities in the United States are subject to 40 CFR part 63, subpart QQQQQQ. Approximately 177 of those facilities use or are permitted to use a wood preservative containing arsenic, chromium, dioxins, or methylene chloride, and therefore must comply with the management practice requirements.

B. What are the air quality impacts?

Because we are not revising the standards for Wood Preserving Area Sources, we do not anticipate any quantifiable air quality impacts as a result of the final action.

C. What are the cost impacts?

We expect that the action will have minimal cost impacts for Wood Preserving Area Sources. In the March 7, 2022, proposed rule we estimated a one-time cost of $270 per facility (in 2019 dollars) associated with an affected facility reviewing the rule. Because the EPA is finalizing the rule as proposed, there are no changes to this cost estimate.

D. What are the economic impacts?

Economic impact analyses focus on changes in market prices and output levels. If changes in market prices and output levels in the primary markets are significant enough, impacts on other markets may also be examined. Both the magnitude of costs needed to comply with a final rule and the distribution of these costs among affected facilities can have a role in determining how the market will change in response to a final rule. Because the costs associated with the final revisions are minimal, no significant economic impacts are anticipated as a result of the final amendments. As presented in the March 7, 2022, proposed rule, the total cost associated with this action is estimated to be approximately $87,000. This estimate is based on the one-time cost of $270 per facility with 322 facilities estimated to be subject to the regulation.

E. What are the benefits?

The final amendments to the Wood Preserving Areas Sources NESHAP are limited to editorial and technical corrections to Table 1 at the end of the regulation listing the applicable part 63 General Provisions. These changes improve the accuracy and clarity of the rule.

F. What analysis of environmental justice did we conduct?

Executive Order 12898 directs the EPA to identify the populations of concern who are most likely to experience unequal burdens from environmental harms; specifically, minority populations (*i.e.,* people of color), low-income populations, and Indigenous peoples (59 FR 7629, February 16, 1994). Additionally, Executive Order 13985 is intended to advance racial equity and support underserved communities through Federal government actions (86 FR 7009, January 20, 2021). The EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.'' In recognizing that people of color and low-income populations often bear an unequal burden of environmental harms and risks, the EPA continues to consider ways of protecting them from adverse public health and environmental effects of air pollution.

To examine the potential for any EJ issues that might be associated with the source category, we performed a demographic analysis at proposal, and have determined that the data and affected facilities did not change as a result of public comments. Therefore, the analysis from the proposed rule is still applicable for this final action. The results of the demographic analysis can be found in section IV(F) of the proposed rule's preamble (see 87 FR 12633, March 7, 2022). The analysis included an assessment of individual demographic groups of the populations living within 5 km and within 50 km of the facilities. We then compared the data from the analysis to the national average for each of the demographic groups. The results show that for populations within 5 km of the 322 existing facilities, the following demographic groups were above the national average: African American (21 percent versus 12 percent nationally), Hispanic/Latino (21 percent versus 19 percent nationally), and people living below the poverty level (18 percent versus 13 percent nationally). The results show that for populations within 50 km of the 322 existing facilities, the percent African American population was above the national average (14 percent versus 12 percent nationally). The methodology and the results of the demographic analysis are presented in a technical report, ''Analysis of Demographic Factors for Populations Living Near Wood Preserving Area Sources,'' available in the docket for this action (Docket ID No. EPA–HQ–OAR–2021–0133).

Given that the EPA is not revising the standards for Wood Preserving Area Sources, we do not anticipate any quantifiable air quality impacts as a result of the final action. The final amendments are limited to editorial and technical corrections to Table 1 at the end of the regulation listing the

applicable part 63 General Provisions. These changes improve the accuracy and clarity of the rule. We note that wood preservatives containing the urban HAP arsenic, chromium, methylene chloride, and dioxin (a trace contaminant in PCP) either have been significantly reduced, are in the process of being phased out, or have been phased out completely since this source category was listed (see Docket ID No. EPA–HQ–OAR–2021–0133–0016 Technology Review for the Wood Preserving Area Sources NESHAP, page 6, and Docket ID No. EPA–HQ–OPP–2014–0653 Pentachlorophenol Final Registration Review Decision).

G. What analysis of children's environmental health did we conduct?

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

VI. Statutory and Executive Order Reviews

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 any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0598. This action does not include any new reporting or recordkeeping requirements and therefore does not impose an information collection burden.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities subject to the requirements of this action are small businesses. The Agency has determined that all small entities affected by this action, estimated to be 173 entities, may experience an impact of less than 0.7 percent of revenues, with approximately 91 percent of these entities estimated to experience a potential impact of less than 0.1 percent of revenues. Details of the analysis were presented in the spreadsheet titled *RFA_Analysis_Wood_2022_Final.xlsx,* which is found in the docket.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. While this action creates an enforceable duty on the private sector, the cost does not exceed $100 million or more.

E. Executive Order 13132: Federalism

This action does not have federalism implications in relation to Executive Order 13132. 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. None of the Wood Preserving Area Sources that have been identified as being affected by this action are owned or operated by tribal governments. However, we determined that 145 tribes were located near a Wood Preserving Area Source facility. Consistent with the EPA Policy on Coordination and Consultation with Indian Tribes, the EPA offered tribal leadership the opportunity for government-to-government consultation with no response.

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

This action is not subject to Executive Order 13045 because the EPA does not believe the environmental health risks or safety risks addressed by this action present a disproportionate risk to children.

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 action does not involve any 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 demographic analysis presented in Section V.F. of this preamble provides information on the demographic characteristics (*e.g.,* race, ethnicity, income) of the populations living near wood preserving facilities but does not provide information on health or environmental effects from these sources. From the demographic analysis, EPA determined that for populations living within 5 km of wood preserving facilities the percentage of residents who are African American, Hispanic/Latino, or living below the poverty level are higher than the nationwide average (see section IV.F. of 87 FR 12633, March 7, 2022).

Because percentages of people of color and low-income individuals living near wood preserving facilities are higher than nationwide averages, the EPA acknowledges that the human health or environmental conditions that exist prior to this action have the potential to result in disproportionate and adverse human health or environmental effects on people of color, low-income populations, and/or Indigenous peoples. However, we note that wood preservatives containing the urban HAP arsenic, chromium, methylene chloride, and dioxin (a trace contaminant in PCP) either have been significantly reduced, are in the process of being phased out, or have been phased out completely since this source category was listed. This action is not likely to change any potential existing disproportionate effects on people of color, low-income populations and/or Indigenous peoples because we are not amending existing emission standards in the Wood Preserving Area Sources NESHAP and are finalizing minor editorial and formatting changes as discussed earlier in this preamble.

The information supporting this Executive Order review is contained in a technical report, Analysis of Demographic Factors for Populations Living Near National Emission Standard for Hazardous Air Pollutants: Technology Review for Wood Preserving Area Sources (see Docket ID No. EPA–HQ–OAR–2021–0133–0020) and is discussed in section V.F of this final rule.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report for this action to each House of the Congress and to the Comptroller General of the United States. Neither of the NESHAP amended by this action constitute a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Michael S. Regan,
Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart QQQQ—[Amended]

■ 2. Section 63.4741 is amended by revising paragraphs (a)(1)(i) and (a)(4) to read as follows:

§ 63.4741 How do I demonstrate initial compliance with the emission limitations?

* * * * *

(a) * * *

(1) * * *

(i) Count each organic HAP in Table 7 to Subpart QQQQ of Part 63 that is measured to be present at 0.1 percent by mass or more and at 1.0 percent by mass or more for other compounds. For example, if toluene (not listed in Table 7 to this subpart) is measured to be 0.5 percent of the material by mass, you do not have to count it. Express the mass fraction of each organic HAP you count as a value truncated to four places after the decimal point (*e.g.,* 0.3791).

* * * * *

(4) *Information from the supplier or manufacturer of the material.* You may rely on information other than that generated by the test methods specified in paragraphs (a)(1) through (3) of this section, such as manufacturer's formulation data, if it represents each organic HAP in Table 7 to this subpart that is present at 0.1 percent by mass or more and at 1.0 percent by mass or more for other compounds. For example, if toluene (not listed in Table 7 to this subpart) is 0.5 percent of the material by mass, you do not have to count it. For reactive adhesives in which some of the HAP react to form solids and are not emitted to the atmosphere, you may rely on manufacturer's data that expressly states the organic HAP or volatile matter mass fraction emitted. If there is a disagreement between such information and results of a test conducted according to paragraphs (a)(1) through (3) of this section, then the test method results will take precedence unless, after consultation, you demonstrate to the satisfaction of the enforcement agency the formulation data are correct.

* * * * *

■ 3. Table 7 to subpart QQQQ of part 63 is added to read as follows:

TABLE 7 TO SUBPART QQQQ OF PART 63—LIST OF HAP THAT MUST BE COUNTED TOWARD ORGANIC HAP CONTENT IF PRESENT AT 0.1 PERCENT OR MORE BY MASS

Chemical name	CAS No.
1,1,2,2-Tetrachloroethane	79–34–5
1,1,2-Trichloroethane	79–00–5
1,1-Dimethylhydrazine	57–14–7
1,2-Dibromo-3-chloropropane	96–12–8
1,2-Diphenylhydrazine	122–66–7
1,3-Butadiene	106–99–0
1,3-Dichloropropene	542–75–6
1,4-Dioxane 123–91–1.	
2,4,6-Trichlorophenol	88–06–2
2,4/2,6-Dinitrotoluene (mixture)	25321–14–6
2,4-Dinitrotoluene	121–14–2
2,4-Toluene diamine	95–80–7
2-Nitropropane	79–46–9
3,3′-Dichlorobenzidine	91–94–1
3,3′-Dimethoxybenzidine	119–90–4
3,3′-Dimethylbenzidine	119–93–7
4,4′-Methylene bis(2-chloroaniline)	101–14–4
Acetaldehyde	75–07–0
Acrylamide	79–06–1
Acrylonitrile	107–13–1
Allyl chloride	107–05–1
alpha-Hexachlorocyclohexane (a-HCH)	319–84–6
Aniline	62–53–3
Benzene	71–43–2
Benzidine	92–87–5
Benzotrichloride	98–07–7
Benzyl chloride	100–44–7
beta-Hexachlorocyclohexane (b-HCH)	319–85–7
Bis(2-ethylhexyl)phthalate	117–81–7
Bis(chloromethyl)ether	542–88–1
Bromoform	75–25–2

TABLE 7 TO SUBPART QQQQ OF PART 63—LIST OF HAP THAT MUST BE COUNTED TOWARD ORGANIC HAP CONTENT IF PRESENT AT 0.1 PERCENT OR MORE BY MASS—Continued

Chemical name	CAS No.
Captan	133–06–2
Carbon tetrachloride	56–23–5
Chlordane	57–74–9
Chlorobenzilate	510–15–6
Chloroform	67–66–3
Chloroprene	126–99–8
Cresols (mixed)	1319–77–3
DDE	3547–04–4
Dichloroethyl ether	111–44–4
Dichlorvos	62–73–7
Epichlorohydrin	106–89–8
Ethyl acrylate	140–88–5
Ethylene dibromide	106–93–4
Ethylene dichloride	107–06–2
Ethylene oxide	75–21–8
Ethylene thiourea	96–45–7
Ethylidene dichloride (1,1-Dichloroethane)	75–34–3
Formaldehyde	50–00–0
Heptachlor	76–44–8
Hexachlorobenzene	118–74–1
Hexachlorobutadiene	87–68–3
Hexachloroethane	67–72–1
Hydrazine	302–01–2
Isophorone	78–59–1
Lindane (hexachlorocyclohexane, all isomers)	58–89–9
m-Cresol	108–39–4
Methylene chloride	75–09–2
Naphthalene	91–20–3
Nitrobenzene	98–95–3
Nitrosodimethylamine	62–75–9
o-Cresol	95–48–7
o-Toluidine	95–53–4
Parathion	56–38–2
p-Cresol	106–44–5
p-Dichlorobenzene	106–46–7
Pentachloronitrobenzene	82–68–8
Pentachlorophenol	87–86–5
Propoxur	114–26–1
Propylene dichloride	78–87–5
Propylene oxide	75–56–9
Quinoline	91–22–5
Tetrachloroethene	127–18–4
Toxaphene	8001–35–2
Trichloroethylene	79–01–6
Trifluralin	1582–09–8
Vinyl bromide	593–60–2
Vinyl chloride	75–01–4
Vinylidene chloride	75–35–4

Subpart QQQQQQ—[Amended]

■ 4. Table 1 to subpart QQQQQQ of part 63 is revised to read as follows:

Table 1 to Subpart QQQQQQ of Part 63—Applicability of General Provisions to Subpart QQQQQQ

As required in § 63.11432, you must comply with the requirements of the NESHAP General Provisions (40 CFR part 63, subpart A) as shown in the following table.

Citation	Subject	Applies to subpart QQQQQQ?	Explanation
63.1(a)(1)–(4)	General applicability of the General Provisions	Yes.	
63.1(a)(5)	Reserved	No.	
63.1(a)(6)	General applicability of the General Provisions	Yes.	
63.1(a)(7)–(9)	Reserved	No.	
63.1(a)(10)–(12)	General applicability of the General Provisions	Yes.	
63.1(b)(1)	Initial applicability determination	Yes.	
63.1(b)(2)	Reserved	No.	
63.1(b)(3)	Record of applicability determination	Yes.	

Citation	Subject	Applies to subpart QQQQQQ?	Explanation
63.1(c)(1)–(2)	Applicability of subpart A of this part after a relevant standard has been set.	Yes.	
63.1(c)(3)–(4)	Reserved	No.	
63.1(c)(5)	Notification requirements for an area source that increases HAP emissions to major source levels.	Yes.	
63.1(c)(6)	Reclassification	Yes.	
63.1(d)	Reserved	No.	
63.1(e)	Applicability of permit program before a relevant standard has been set.	Yes.	
63.2	Definitions	Yes.	
63.3	Units and abbreviations	Yes.	
63.4	Prohibited activities and circumvention	Yes.	
63.5(a)(1)	Applicability of preconstruction review requirements.	No.	
63.5(a)(2)	Applicability of notification requirements	Yes.	
63.5(b)(1)	Requirements for newly constructed and reconstructed sources.	Yes.	
63.5(b)(2)	Reserved	No.	
63.5(b)(3)	Required preconstruction approval required for major source construction and reconstruction.	No	Subpart QQQQQQ does not regulate major sources.
63.5(b)(4)	Notification requirements for construction or reconstruction of area sources.	Yes.	
63.5(b)(5)	Reserved	No.	
63.5(b)(6)	Added equipment (or a process change) must be considered part of the affected source and subject to all provisions in the relevant standards.	Yes.	
63.5(c)	Reserved	No.	
63.5(d)	Application for approval of construction or reconstruction.	No	Subpart QQQQQQ does not require an application for construction or reconstruction.
63.5(e)	Approval of construction or reconstruction	No	Subpart QQQQQQ does not require application approval before construction or reconstruction.
63.5(f)	Approval of construction or reconstruction based on prior State preconstruction review.	No	Subpart QQQQQQ does not require approval of construction or reconstruction based on prior State preconstruction review.
63.6(a)	Compliance with standards and maintenance requirements.	Yes.	
63.6(b)(1)–(5)	Compliance dates for new and reconstructed sources.	Yes.	
63(b)(6)	Reserved	No.	
63(b)(7)	Compliance dates for new and reconstructed sources.	Yes.	
63.6(c)(1)–(2)	Compliance dates for existing sources	Yes.	
63.6(c)(3)–(4)	Reserved	No.	
63.6(c)(5)	Compliance dates for existing sources	Yes.	
63.6(d)	Reserved	No	
63.6(e)(1)	Operation and maintenance requirements	Yes.	
63.6(e)(2)	Reserved	No.	
63.6(e)(3)(i)	Startup, shutdown, and malfunction plan	No	Subpart QQQQQQ does not require a startup, shutdown, and malfunction plan.
63.6(e)(3)(ii)	Reserved	No.	
63.6(e)(3)(iii)–(ix)	Startup, shutdown, and malfunction plan	No	Subpart QQQQQQ does not require a startup, shutdown, and malfunction plan.
63.6(f)	Compliance with nonopacity emission standards	No	Subpart QQQQQQ does not contain emission or opacity limits.
63.6(g)	Use of an alternative nonopacity emission standard.	No	Subpart QQQQQQ does not contain emission or opacity limits.
63.6(h)(1)	Compliance with opacity and visible emissions standards.	No	Subpart QQQQQQ does not contain emission or opacity limits.
63.6(h)(2)(i)	Compliance with opacity and visible emissions standards.	No	Subpart QQQQQQ does not contain emission or opacity limits.
63.6(h)(2)(ii)	Reserved	No.	
63.6(h)(2)(iii)	Compliance with opacity and visible emissions standards.	No	Subpart QQQQQQ does not contain emission or opacity limits.
63.6(h)(3)	Reserved	No.	
63.6(h)(4)	Notification of opacity or visible emission observations.	No	Subpart QQQQQQ does not contain emission or opacity limits.
63.6 (h)(5)(i)–(iii)	Conduct of opacity or visible emission observations.	No	Subpart QQQQQQ does not contain emission or opacity limits.
63.6(h)(5)(iv)	Reserved	No.	
63.6(h)(5)(v)	Conduct of opacity or visible emission observations.	No	Subpart QQQQQQ does not contain emission or opacity limits.

Citation	Subject	Applies to subpart QQQQQQ?	Explanation
63.6(h)(6)–(9)	Availability of records and use of continuous opacity monitoring system.	No	Subpart QQQQQQ does not contain emission or opacity limits.
63.6(i)	Extension of compliance with emissions standards	Yes.	
63.6(j)	Exemption from compliance with emissions standards.	Yes.	
63.7	Performance Testing Requirements	No	Subpart QQQQQQ does not require performance tests.
63.8(a)(1)–(2)	Applicability of monitoring requirements	No	Subpart QQQQQQ does not require monitoring of emissions.
63.8(a)(3)	Reserved	No.	
63.8(a)(4)	Applicability of monitoring requirements	No	Subpart QQQQQQ does not require monitoring of emissions.
63.8(b)–(g)	Conduct of monitoring	No	Subpart QQQQQQ does not require monitoring of emissions.
63.9(a)	Applicability and general information for notification requirements.	Yes.	
63.9(b)(1)–(2)	Initial notifications	Yes.	
63.9(b)(3)	Reserved	No.	
63.9(b)(4)–(5)	Initial notifications	Yes.	
63.9(c)–(d)	Extension of compliance and special compliance requirements.	Yes.	
63.9(e), (f), (g)	Notification of performance test, opacity and visible emission observation, and requirements for sources with continuous monitoring systems.	No	Subpart QQQQQQ does not require monitoring of emissions.
63.9(h)(1)–(3)	Notification of compliance status	Yes.	
63.9(h)(4)	Reserved	No.	
63.9(h)(5)–(6)	Notification of compliance status	Yes.	
63.9(i)–(j)	Adjustment to time periods or postmark deadlines for submittal and review of required communications, and change in information already provided.	Yes.	
63.9(k)	Electronic submission of notifications and reports	No	Subpart QQQQQQ does not require electronic reporting.
63.10(a)–(b)	Recordkeeping and reporting requirement applicability and general information.	No	Subpart QQQQQQ establishes requirements for a report of deviations within 30 days.
63.10(c)(1)	Additional recordkeeping requirements for sources with continuous monitoring systems.	No	Subpart QQQQQQ does not require the use of continuous monitoring systems.
63.10(c)(2)–(4)	Reserved	No.	
63.10(c)(5)–(8)	Additional recordkeeping requirements for sources with continuous monitoring systems.	No	Subpart QQQQQQ does not require the use of continuous monitoring systems.
63.10(c)(9)	Reserved	No.	
63.10(c)(10)–(15)	Additional recordkeeping requirements for sources with continuous monitoring systems.	No	Subpart QQQQQQ does not require the use of continuous monitoring systems.
63.10(d)–(f)	General reporting requirements, additional requirements for sources with continuous monitoring systems, and waiver of recordkeeping or reporting requirements.	No	Subpart QQQQQQ establishes requirements for a report of deviations within 30 days.
63.11	Control device requirements for flares and work practice requirements for monitoring leaks.	No	Subpart QQQQQQ does not require flares and does not require monitoring for leaks.
63.12	State authorities and delegations	Yes.	
63.13	Addresses of state air pollution control agencies and EPA Regional Offices.	Yes.	
63.14	Incorporations by Reference	Yes.	
63.15	Availability of information and confidentiality	Yes.	
63.16	Requirements for Performance Track member facilities.	Yes.	

[FR Doc. 2023–04376 Filed 3–7–23; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R09–OAR–2022–0953; FRL–10502–02–R9]

Designation of Areas for Air Quality Planning Purposes; California; Coachella Valley Ozone Nonattainment Area; Reclassification to Extreme

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is granting requests by the California Air Resources Board (CARB) to reclassify the Coachella Valley ozone nonattainment area in California from ''Severe–15'' to ''Extreme'' for the 2008 ozone national ambient air quality standards (NAAQS). This action does not reclassify any areas of Indian country within the boundaries of the Coachella Valley 2008 ozone nonattainment area. The new applicable attainment date for the Coachella Valley ozone nonattainment area for the 2008 ozone NAAQS will be the date by which attainment can be achieved as expeditiously as practicable, but no later than July 20, 2032. In connection with the reclassification, the EPA is approving a deadline of no later than 18 months from the effective date of this rule for submittal of revisions to the Coachella Valley portion of the California state implementation plan (SIP) to meet additional requirements for Extreme ozone nonattainment areas. Lastly, the EPA is extending our previous limited approval of the motor vehicle emissions budgets to new budgets to be developed as part of a SIP meeting the Extreme area requirements for the Coachella Valley.

DATES: This rule is effective April 7, 2023.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2022–0953. 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.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Khoi Nguyen, Planning & Analysis Branch (AIR–2–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 947–4120, or by email at *nguyen.khoi@epa.gov.*

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

Table of Contents

I. Proposed Action

On January 11, 2023, the EPA proposed to grant a request by the State of California to reclassify the Riverside County (Coachella Valley), CA ozone nonattainment (''Coachella Valley'') area from Severe–15 to Extreme for the 2008 ozone NAAQS.[1] Our January 11, 2023 proposed rule provides background information on the EPA's promulgation of the 2008 ozone NAAQS and the area designations and classifications for the 2008 ozone NAAQS.

The proposed rule describes CARB's requests for reclassification of the Coachella Valley from Severe–15 to Extreme for the 2008 ozone NAAQS and the basis for our proposed approval of the requests. The proposed rule also describes the Extreme area requirements applicable to the Coachella Valley nonattainment area following the EPA's approval of the voluntary reclassification requests and proposes a deadline of no later than 18 months from the effective date of reclassification for submittal of revisions to the Coachella Valley portion of the California SIP that address the Extreme ozone nonattainment area requirements. The proposed rule further describes the EPA's proposal to continue to limit the duration of our approval of the budgets in the 2016 Coachella Valley Ozone SIP until we find revised budgets developed for the Extreme area plan to be adequate.[2] Lastly, the proposed rule clarifies that this action would not reclassify any areas of Indian country within the Coachella Valley. Please see the proposed rule for further detail concerning these topics.

Today, we are taking final action to grant CARB's requests to reclassify the Coachella Valley nonattainment area to Extreme nonattainment for the 2008 ozone NAAQS. Pursuant to the reclassification, the Coachella Valley nonattainment area will be required to attain the 2008 ozone NAAQS as expeditiously as practicable, but no later than July 20, 2032. We are also taking final action to establish a schedule of no later than 18 months from the effective date of this final action for CARB to submit SIP revisions addressing Extreme area requirements for the Coachella Valley and to submit revisions to the title V operating permit rules for the Coachella Valley. Lastly, we are finalizing our action to continue to limit the duration of our approval of the budgets in the 2016 Coachella Valley Ozone SIP until we find revised budgets developed for the Extreme area plan to be adequate. As explained in the proposal, this action does not reclassify any areas of Indian country within the Coachella Valley.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, the EPA received two comments from private individuals. The full text of these comments is available in the docket for this rulemaking.

The first commenter generally supported our proposed action and indicated that the action will help to improve air quality by setting stricter standards for the region. We acknowledge the commenter's support of the EPA's proposed action and agree that reclassification of the area is appropriate for reasons cited by the commenter. As described below, we are finalizing the action as proposed.

The second commenter also supported the rulemaking action and asked that the EPA, if it has the authority to do so, insert additional requirements that further limit road transportation within the airshed or require the expansion of zero-emission public-transit networks within the Coachella Valley to further offset and reduce transportation emissions. The commenter also asserted that the state should be prohibited from issuing any new construction and/or operating permits for title V sources and other regulated stationary sources in the Coachella Valley. The EPA appreciates the commenter's support for the proposed action. While the measures suggested in the comment are outside of

[1] 88 FR 1543.

[2] The EPA previously approved motor vehicle emissions budgets for the Coachella Valley for the 2008 ozone NAAQS in 2020. 85 FR 57714 (September 16, 2020).

the scope of this rulemaking action and outside of the scope of the EPA's statutory authority, we note that the purpose of the reclassification action is to require CARB and the local air district to develop more stringent control measures to improve air quality under part D of title I of the CAA. The commenter may wish to raise ideas regarding specific control measures during the state plan development process.

III. EPA Action

Pursuant to CAA section 181(b)(3), the EPA is granting a request by the State of California to reclassify the Coachella Valley ozone nonattainment area from Severe–15 to Extreme for the 2008 ozone NAAQS. Upon reclassification, the Coachella Valley will be required to attain the 2008 ozone NAAQS as expeditiously as practicable, but no later than July 20, 2032.

In connection with the reclassification, and pursuant to our general CAA section 301(a) authority, the EPA is establishing a deadline of no later than 18 months from the effective date of this action for the submittal of SIP revisions addressing the Extreme area requirements applicable to the Coachella Valley nonattainment area.[3] We are also establishing 18 months from the effective date of this action as the deadline for the submittal of any corresponding revisions, or certifications, as appropriate, to the NSR and title V program rules that apply in the affected area.[4] Lastly, we are finalizing our action to continue to limit the duration of our approval of the motor vehicle emissions budgets in the 2016 Coachella Valley Ozone SIP until we find revised budgets developed for the Extreme area plan to be adequate.

This action does not reclassify any areas of Indian country. Under the EPA's Consultation Policy, the EPA consults on a government-to-government basis with federally recognized tribal governments when the EPA's actions and decisions may affect tribal interests.[5] The EPA is currently undergoing this consultation process and any proposed reclassification of tribal lands will be addressed in a future rulemaking action.

With this action, we are updating the designation table at 40 CFR 81.305 to identify the new attainment classification for state lands within the Coachella Valley nonattainment area. We are also updating the table to revise the listing for the ''Cabazon Band of Mission Indians'' to specify the ''Cabazon Band of Cahuilla Indians,'' which reflects the tribe's current federally recognized name.[6]

IV. Statutory and Executive Order Reviews

Under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011), this final action is not a ''significant regulatory action'' and therefore is not subject to Executive Order 12866. With respect to lands under state jurisdiction, voluntary reclassifications under CAA section 181(b)(3) are based solely upon requests by the state, and the EPA is required under the CAA to grant them. These actions do not, in and of themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by reclassification, reclassification does not impose a materially adverse impact under Executive Order 12866. For these reasons, this final action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

In addition, I certify that this final action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and that this final action 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), because the EPA is required to grant requests by states for voluntary reclassifications, and such reclassifications in and of themselves do not impose any federal intergovernmental mandate, and because tribes are not subject to implementation plan submittal deadlines that apply to states as a result of reclassifications.

This final action also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898, ''Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, Feb. 16, 1994), directs Federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.''

The air agency did not evaluate environmental justice considerations as part of its reclassification request; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

This final action also does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, nor on the distribution of power and

[3] As described in the proposed rule, these requirements include: a base year emissions inventory, an emissions statement rule, a new source review (NSR) program, additional reasonably available control technology rules for the lower Extreme area major source threshold, a reasonably available control measures demonstration, an attainment demonstration, a reasonable further progress demonstration, contingency measures, an enhanced motor vehicle inspection and maintenance program, a clean fuels fleet program, enhanced ambient air monitoring, transportation control strategies and measures to offset emissions increases from vehicle miles traveled, a CAA section 185 fee program, and use of clean fuels or advanced control technology for boilers. The proposed rule includes more information about these requirements.

[4] We note that this timeline is consistent with CAA section 502(i), which provides permitting authorities 18 months to correct problems related to administration of a title V program.

[5] The EPA's Consultation Policy is available at *https://www.epa.gov/tribal/epa-policy-consultation-and-coordination-indian-tribes.*

[6] See 88 FR 1543, 1544 n.5. See also 88 FR 2112 (January 12, 2023) (noting the change in tribal name as recognized by the Bureau of Indian Affairs).

responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This final action does not alter the relationship or the distribution of power and responsibilities established in the CAA.

This final action also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because the EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of Executive Order 13045 has the potential to influence the regulation.

As this final action establishes a deadline for the submittal of CAA required plans and information, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This final action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 2023. Filing a petition for reconsideration by the Administrator of this final rule 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 may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA.)

List of Subjects in 40 CFR Part 81

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

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

Dated: March 2, 2023.

Martha Guzman Aceves,

Regional Administrator, Region IX.

For the reasons stated in the preamble, the EPA amends part 81, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 2. Section 81.305 is amended by revising the entry for ''Riverside County (Coachella Valley), CA'' in the table titled ''California—2008 8-Hour Ozone NAAQS [Primary and Secondary]'' to read as follows:

§ 81.305 California.

* * * * *

CALIFORNIA—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* * * *	*	*	*	
Riverside County (Coachella Valley), CA: [2]				
Riverside County (part)	.....	Nonattainment	4/7/2023	Extreme.
That portion of Riverside County which lies to the east of a line described as follows: Beginning at the Riverside-San Diego County boundary and running north along the range line common to Range 4 East and Range 3 East, San Bernardino Base and Meridian; then east along the Township line common to Township 8 South and Township 7 South; then north along the range line common to Range 5 East and Range 4 East; then west along the Township line common to Township 6 South and Township 7 South to the southwest corner of Section 34, Township 6 South, Range 4 East; then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, Township 6 South, Range 4 East; then west along the Township line common to Township 5 South and Township 6 South; then north along the range line common to Range 4 East and Range 3 East; then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 5 South, Range 3 East; then north along the range line common to Range 2 East and Range 3 East; to the Riverside-San Bernardino County line. And that portion of Riverside County which lies to the west of a line described as follows: That segment of the southwestern boundary line of hydrologic Unit Number 18100100 within Riverside County.				
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation [3].	.....	Nonattainment	.....	Severe–15.
Augustine Band of Cahuilla Indians [3]	.....	Nonattainment	.....	Severe–15.
Cabazon Band of Cahuilla Indians [3]	.....	Nonattainment	.....	Severe–15.8
Santa Rosa Band of Cahuilla Indians [3]	.....	Nonattainment	.....	Severe–15.

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued

[Primary and secondary]

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Torres Martinez Desert Cahuilla Indians [3]	.....	Nonattainment	.....	Severe–15.
Twenty-Nine Palms Band of Mission Indians of California [3]	.....	Nonattainment	.....	Severe–15.
* * * * * * *				

[1] This date is July 20, 2012, unless otherwise noted.
[2] Excludes Indian country located in each area, unless otherwise noted.
[3] Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

* * * * *

[FR Doc. 2023–04736 Filed 3–7–23; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 23–165; MB Docket No. 22–398; RM–11935; FR ID 129866]

Radio Broadcasting Services; Ralston, Wyoming

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the FM Table of Allotments, of the Commission's rules, by adding Channel 233C at Ralston, Wyoming. Channel 233C would provide a first local service at Ralston, Wyoming. A staff engineering analysis indicates that Channel 233C can be allotted to Ralston, Wyoming, consistent with the minimum distance separation requirements of the Commission's rules, with a site restriction of 32.1 km (19.9 miles) southwest of the community. The reference coordinates are 44–29–42 NL and 109–09–12 WL.

DATES: Effective April 17, 2023.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Federal Communications Commission's (Commission) Report and Order, adopted March 1, 2023 and released March 1, 2023. The full text of this Commission decision is available online at *https://apps.fcc.gov/ecfs/*. This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.202(b), amend the table 1, under Wyoming, by adding in alphabetical order an entry for ''Ralston'' to read as follows:

§ 73.202 Table of Allotments.

* * * * *

(b) *Table of FM Allotments.*

TABLE 1 TO PARAGRAPH (b)

U.S. states	Channel No.
Wyoming	
* * * * *	
Ralston	233C
* * * * *	

* * * * *

[FR Doc. 2023–04630 Filed 3–7–23; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 230224–0053]

RTID 0648–XC730

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

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

ACTION: Temporary rule; closure.

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

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 4, 2023, through 1200 hours, A.l.t., June 10, 2023.

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

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

The A season allowance of the 2023 Pacific cod total allowable catch (TAC) apportioned to catcher vessels using trawl gear in the Western Regulatory Area of the GOA is 1,607 metric tons (mt) as established by the final 2023 and 2024 harvest specifications for groundfish in the GOA (88 FR 13238, March 2, 2023).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2023 Pacific cod TAC apportioned to catcher vessels using trawl gear in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,607 mt and is setting aside the remaining 0 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA.

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

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the closure of Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 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: March 3, 2023.

Jennifer M. Wallace,

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

[FR Doc. 2023–04728 Filed 3–3–23; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 88, No. 45
Wednesday, March 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[Doc. No. AMS–SC–21–0091, SC–22–326]

United States Standards for Grades of Processed Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to revise the United States Standards for Grades of Processed Raisins. AMS is proposing to modify two references to the allowances for capstems within the standards to modernize the standards to reflect current industry practices. The proposal also includes minor editorial changes to table headings to align with updated Code of Federal Regulations (CFR) formatting requirements.

DATES: Comments must be submitted on or before May 8, 2023.

ADDRESSES: Interested persons are invited to submit comments to the Standardization Branch, Specialty Crops Inspection Division, Specialty Crops Program, Agricultural Marketing Service, U.S. Department of Agriculture, National Training and Development Center; 100 Riverside Parkway, Suite 101; Fredericksburg, Virginia 22406; fax: (540) 361–1199, or via the internet at: *https://www.regulations.gov.* Comments should reference the date and page numbers of this issue of the **Federal Register**. All comments submitted in response to this proposed rule will become a part of the public record and be made available to the public including any personal information provided at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Brian E. Griffin at the address above, or at phone (202) 748–2155; fax (540) 361–1199; or email *Brian.Griffin@usda.gov.* Copies of the proposed U.S. Standards for Grades of Processed Raisins are available on the internet at *https://www.regulations.gov.* Copies of the current U.S. Standards for Grades of Processed Raisins are available at *https://www.ams.usda.gov/grades-standards/fruits.*

SUPPLEMENTARY INFORMATION: This proposed action, pursuant to 5 U.S.C. 553, would amend regulations at 7 CFR part 52 issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended. These revisions to the U.S. grade standards would also be reflected in enforcement of the grade requirements under the Federal marketing order, 7 CFR part 989, issued under the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601–674) which regulates the handling of raisins produced from grapes grown in California, and 7 CFR part 999, which regulates the importation of raisins into the United States.

Executive Orders 12866 and 13563

The U.S. Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866 and 13563. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This proposed action falls within a category of regulatory actions that the Office of Management and Budget (OMB) has exempted from review under Executive Order 12866.

Executive Order 13175

This proposed rule has been reviewed under E.O. 13175—Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have tribal implications.

AMS has determined that this proposed rule is unlikely to have substantial direct effects 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.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed action is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule.

Background

AMS continually reviews all fruit and vegetable grade standards to ensure their usefulness to the industry, and to modernize language and remove duplicative terminology. Changes to the headings for all tables within the U.S. Standards for Grades of Processed Raisins are required to reflect current CFR formatting requirements. Conforming changes to cross references to those tables within the standards are also proposed.

On October 13, 2017, AMS received a petition from the Raisin Administrative Committee (RAC), which locally administers the Federal marketing order regulating the handling of raisins produced from grapes grown in California (7 CFR part 989). The petition requested that AMS reduce the number of allowable capstems for all varietals, except Zante Currants, in all three Grades (A, B, and C) as follows: for Type I, Seedless Raisins and Type II, Golden Seedless Raisins the allowances for capstems would change in Grade A, from 15 to 10, in Grade B from 25 to 15, and in Grade C from 35 to 20. For Sultana Raisins the allowances for capstems would change in Grade A from 25 to 10, in Grade B from 45 to 15, and in Grade C from 65 to 20. The RAC further stated that, since 1978, the industry has adopted major improvements, including laser sorters, x-rays, and super vacuums, which allow the industry to clean and sort with far superior results that ultimately exceed the current U.S. Standards for Grades of Processed Raisins.

Prior to developing proposed revisions to these grade standards, AMS solicited comments and suggestions from the RAC in the form of a discussion draft of the revised standards. On December 20, 2017, the RAC provided a positive response to the discussion draft.

The AMS Agricultural Analytics Division helped develop a study to compare USDA inspection results for capstems for a specified period of time with those that would be obtained under the proposed changes submitted by the RAC based on data collected from AMS offices. The date range for the study was from October 4, 2016, to August 15, 2019, encompassing a total of 28,059 inspection results of all varietals, except Zante Currants, of both domestically produced raisins and imported raisins. AMS received the final report from the Agricultural Analytics Division on May 26, 2020. The report indicates that only 1.03% of all inspections—for both domestic and imported raisins—during the study's date range would result in raisins grading differently under the proposed capstem allowances than they did under the current allowances, leaving a full 98.97% of lots of raisins inspected unchanged in their classification. See Report on Changing Capstem Allowances as supporting documentation to this notice.

Aware of the potential international implications that could result from tightening the allowances for capstems, the AMS International Standards Coordinator engaged with the Codex Committee on Processed Fruits and Vegetables regarding the draft revised standard for raisins to mitigate any opposition on the pending proposal. To gauge reaction to proposed changes in the U.S. Standards for Grades of Processed Raisins, AMS also contacted the United Nations Economic Commission for Europe's (UNECE) largest member countries that produce raisins; Turkey; Germany, Europe's largest importer and consumer of raisins and dean of the European Union standardization sector; and the International Nut and Dried Fruit Council (INC), the largest international dry produce (fruits and nuts) member organization. SCI reached out in July 2020 and heard responses from October 2020 to February 2021 and ultimately made the decision to continue forward. While there was not consensus on the changes, which is not uncommon, with the AMS Agricultural Analytics Division finding that only slightly more than 1% of recent raisin inspections would result in a change of grade under the proposed rule, AMS does not expect the proposal to be overly burdensome on the international market, if enacted. Furthermore, the RAC believes that reducing the amount of allowable capstems would incentivize the use of the improved, modern technologies available to the industry. As the RAC also has stated that reduction in the amount of allowable capstems would result in a safer and better product for consumers, AMS is moving forward with this proposed rule to elicit comments from stakeholders concerning the proposal's efficacy.

A 60-day comment period is provided for interested persons to submit comments on the proposed revised grade standards. Copies of the proposed revised standards are at *https://www.regulations.gov.* After the 60-day comment period, AMS will move forward in accordance with 7 CFR 36.3 (a) (1 through 3).

Initial Regulatory Flexibility Analysis

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened.

According to the industry, there are approximately 2,000 raisin growers in California. According to the National Agricultural Statistics Service, for the 2020/21 season, the total value of production for raisin grapes was $353,200,000. Taking the total value of production for raisins and dividing it by the total number of raisin growers provides a return per grower of $176,600. A small grower as defined by the Small Business Administration (SBA) (13 CFR 121.201) is one that grosses $3,500,000 or less, annually. Therefore, most raisin producers are considered small entities under SBA's standards.

According to the industry, for the 2020/21 season there are 22 handlers. A small agricultural service firm as defined by the SBA is one that grosses $30,000,000 or less, annually. Based on the annual NASS handler report, for the 2020/21 season, 242,427 tons of raisins have been transferred to handlers for packing and shipment as of August 31, 2021. The average grower price for raisins, for the 2020 crop, was $1,191 per ton. A reasonable assumption is that handlers would sell at a 10 percent markup over the grower price, resulting in a selling price of approximately $1,310 per ton. Multiplying the handler's selling price per ton by the total number of packed tons shipped during the 2020 season provides a gross revenue of $317,579,370. Dividing the total revenue by the number of handlers reveals an average revenue per handler of $14,435,425. A small agricultural service firm as defined by the SBA is one that grosses $30,000,000 or less, annually. Based on the calculations above, the majority of raisin handlers are considered small entities under SBA's standards. This action should not have any impact on handlers' or growers' benefits or costs.

List of Subjects in 7 CFR Part 52

Administrative practice, Fees, Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, Vegetables.

For reasons set forth in the preamble, the Agricultural Marketing Service proposes to amend 7 CFR part 52 as follows:

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 7 U.S.C. 1621—1627.

■ 2. Amend § 52.1846 by:

■ a. Removing, in paragraphs (a), (b), and (c) the words ''Table I of this subpart'' and adding in their places the words ''Table 1 to this section''; and

■ b. Revising, in the table following paragraph (d), the heading and the entry for capstems.

The revisions read as follows:

§ 52.1846 Grades of seedless raisins.

* * * * *

TABLE 1 TO § 52.1846—ALLOWANCES FOR DEFECTS IN TYPE I, SEEDLESS RAISINS AND TYPE II, GOLDEN SEEDLESS RAISINS

Defects	U.S. Grade A	U.S. Grade B	U.S. Grade C
* * * * * * *			
Maximum count (per 16 ounces)			

TABLE 1 TO § 52.1846—ALLOWANCES FOR DEFECTS IN TYPE I, SEEDLESS RAISINS AND TYPE II, GOLDEN SEEDLESS RAISINS—Continued

Defects	U.S. Grade A	U.S. Grade B	U.S. Grade C
Capstems	10	15	20
* * * * *	*	*	

§ 52.1849 [Amended]

■ 3. Amend § 52.1849 by removing the words ''Table I'' and adding in their place the words ''Table 1 to § 52.1846''.

§ 52.1852 [Amended]

■ 4. Amend § 52.1852 by:

■ a. Removing, in paragraphs (a), (b), and (c), the words ''Table II of this subpart'' and adding in their places the words ''Table 1 to this section''; and

■ b. Revising the heading of the table following paragraph (d) to read ''Table 1 to § 52.1852—Allowances for Defects in Raisins with Seeds—Except Layer or Cluster''.

§ 52.1853 [Amended]

■ 5. Amend § 52.1853 by:

■ a. Removing, in paragraphs (a) and (b), the words ''Table III of this subpart'' and adding in their place the words ''Table 1 to this section''; and

■ b. Revising the heading of the table following paragraph (c) to read ''Table 1 to § 52.1853—Allowances for Defects in Layer or Cluster Raisins with Seeds''.

■ 6. Amend § 52.1855 by:

■ a. Removing, in paragraphs (a), (b), and (c), the words ''Table IV of this subpart'' and adding in their places the words ''Table 1 to this section''; and

■ b. Revising, in the table following paragraph (b), the heading and the entry for capstems.

The revisions read as follows:

§ 52.1855 Grades of Sultana raisins.

* * * * *

TABLE 1 TO § 52.1855—ALLOWANCES FOR DEFECTS IN SULTANA RAISINS

Defects	U.S. Grade A	U.S. Grade B	U.S. Grade C
* * * * *	*	*	
	Maximum count (per 16 ounces)		
Capstems	10	15	20
* * * * *	*	*	

§ 52.1857 [Amended]

■ 7. Amend § 52.1857 by:

■ a. Removing in paragraphs (a) and (b) the words ''Table V of this subpart'' and adding in their places the words ''Table 1 to this section''; and

■ b. Revising the heading of the table following paragraph (a) to read ''Table 1 to § 52.1857—Allowances for Defects in Zante Currant Raisins''.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2023–04741 Filed 3–7–23; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0427; Project Identifier MCAI–2022–01370–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A318, A319, A320, and A321 series airplanes. This proposed AD was prompted by reports where the passenger door external handle mechanism was not retrieving its normal, flush position when the door was being closed. This proposed AD would require a one-time cleaning and lubrication of the external door handle mechanism of each affected door, and would limit the installation of affected parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 24, 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–2023–0427; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For 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;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.* It is also available at *regulations.gov* under Docket No. FAA–2023–0427.
- You may view this service information at the FAA, Airworthiness

Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Dat Le, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone 817–228–7317; email *Dat.V.Le@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–2023–0427; Project Identifier MCAI–2022–01370–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dat Le, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone 817–228–7317; email *Dat.V.Le@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022–0213 R1, dated November 8, 2022 (EASA AD 2022–0213 R1) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A318–111, A318–112, A318–121, A318–122, A319–111, A319–112, A319–113, A319–114, A319–115, A319–131, A319–132, A319–133, A319–151N, A319–153N, A319–171N, A320–211, A320–212, A320–214, A320–215, A320–216, A320–231, A320–232, A320–233, A320–251N, A320–252N, A320–253N, A320–271N, A320–272N, A320–273N, A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231, A321–232, A321–251N, A321–251NX, A321–252N, A321–252NX, A321–253N, A321–253NX, A321–271N, A321–271NX, A321–272N and A321–272NX airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability.

The MCAI states one operator has reported two cases of a passenger/flight crew door external handle flap remaining stuck in an intermediate or fully pushed position (not flush with the door skin) on two recently delivered Model A320 series airplanes after the door was opened from outside. With the external handle flap in this intermediate position, in one of the reported cases, the operator was not able to open the door normally from inside Subsequent investigation determined that on the production line of one door supplier, corrosion protection compound (CPC) was inadvertently applied to the movable parts of the mechanism during production. The CPC, when applied to these parts leads to a sticky effect and prevents the passenger door external handle flap from moving to the closed position, which is flush with the fuselage skin. The unsafe condition, if not addressed, could inhibit opening the door from the inside, or allow the door to open, automatically disarming the slide/raft, which would result in its non-automatic deployment. Both scenarios could delay a safe evacuation of airplane occupants during an emergency. The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0427.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0213 R1 specifies procedures for cleaning and lubricating the movable parts of the external passenger door handle mechanism of affected doors. EASA AD 2022–0213 R1 also limits the installation of affected parts.

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 **ADDRESSES**.

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0213 R1 described previously, except for any differences identified as exceptions in the regulatory text of this proposed 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 2022–0213 R1 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0213 R1 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same, as the heading of a particular section in EASA AD 2022–0213 R1 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required

actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2022–0213 R1. Service information required by EASA AD 2022–0213 R1 for compliance will be available at *regulations.gov* under Docket No. FAA–2023–0427 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,864 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 4 work-hours × $85 per hour = $340	$50	Up to $390	Up to $726,960.

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 SAS: Docket No. FAA–2023–0427; Project Identifier MCAI–2022–01370–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 24, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category.

(1) Model A318–111, A318–112, A318–121, and A318–122 airplanes.

(2) Model A319–111, A319–112, A319–113, A319–114, A319–115, A319–131, A319–132, A319–133, A319–151N, A319–153N, and A319–171N airplanes.

(3) Model A320–211, A320–212, A320–214, A320–216, A320–231, A320–232, A320–233, A320–251N, A320–252N, A320–253N, A320–271N, A320–272N, and A320–273N airplanes.

(4) Model A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231, A321–232, A321–251N, A321–251NX, A321–252N, A321–252NX, A321–253N, A321–253NX, A321–271N, A321–271NX, A321–272N, and A321–272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by reports where the passenger door external handle mechanism was not allowing the flap handle to return to its normal, flush position when the door was being closed. Subsequent investigation concluded corrosion protection compound (CPC) was inadvertently applied to the movable parts of the mechanism during production. The CPC prevents the handle flap from moving to the closed position, flush with the fuselage skin. The unsafe condition, if not addressed, could inhibit opening the door from the inside, or allow the door to open, automatically disarming the slide/raft, which would result in its non-automatic deployment. Both scenarios could delay a safe evacuation of airplane occupants during an emergency.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0213 R1, dated November 8, 2022 (EASA AD 2022–0213 R1).

(h) Exceptions to EASA AD 2022–0213 R1

(1) Where EASA AD 2022–0213 R1, refers to November 3, 2022 (the effective of EASA AD 2022–0213, dated October 20, 2022), this AD requires using the effective date of this AD.

(2) This AD does not adopt the ''Remarks'' section of EASA AD 2022–0213 R1.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must

be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any service information referenced in EASA AD 2022–0213 R1 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Dat Le, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone 817–228–7317; email *Dat.V.Le@faa.gov*.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0213 R1, dated November 8. 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0213 R1, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on March 2, 2023.

Christina Underwood,

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

[FR Doc. 2023–04639 Filed 3–7–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0425; Project Identifier MCAI–2022–00980–A]

RIN 2120–AA64

Airworthiness Directives; DAHER AEROSPACE (Type Certificate Previously Held by SOCATA) Airplanes

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 DAHER AEROSPACE (type certificate previously held by SOCATA) Model TBM 700 airplanes. This proposed AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as interference between the emergency exit trim panel and the upholstery panel, which could result in additional effort required to open the emergency exit door. This proposed AD would require modification of the gripping strap, which maintains the upholstery panel on the emergency exit trim panel. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by April 24, 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–2023–0425; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For service information identified in this NPRM, contact DAHER AEROSPACE, Customer Support, Airplane Business Unit, Tarbes Cedex 9, France 65921; phone: (833) 826–2273; email: *tbmcare@daher.com;* website: *daher.com*.
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Fred Guerin, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 2300 S 216th Street, Des Moines, WA 98198; phone: 206–231–2346; email: *fred.guerin@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–2023–0425; Project Identifier MCAI–2022–00980–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend 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 Fred Guerin, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 2300 S. 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022–0149, dated July 21, 2022 (referred to after this as ''the MCAI''), to correct an unsafe condition on certain serial-numbered DAHER AEROSPACE (type certificate previously held by SOCATA) Model TBM 700 airplanes.

The MCAI was prompted by a report that, due to interference between the emergency exit trim panel and the upholstery panel, additional effort may be required to open the emergency exit door. An investigation revealed that the gripping strap, which maintains the upholstery panel on the emergency exit trim panel, is not properly sized. The MCAI requires inserting a temporary revision (TR) into the emergency procedures section of the applicable pilot's operating handbook (POH), informing all flight crews, operating the airplane accordingly, and modifying the gripping strap, at which time the TR can be removed from the POH. The unsafe condition, if not addressed, could lead to failure of the emergency exit door to perform its intended function during an emergency opening, possibly resulting in reduced evacuation capacity from the airplane and injury to occupants.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0425.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Daher Aerospace Service Bulletin SB 70–304–25, dated July 2022, which specifies procedures for modifying the gripping strap on the emergency exit trim panel.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

FAA's Determination

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information described above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the MCAI, except as discussed under ''Differences Between this Proposed AD and the MCAI.''

Differences Between This Proposed AD and the MCAI

The MCAI requires inserting a TR into the emergency procedures section of the applicable POH, informing all flight crews, and thereafter, operating the airplane accordingly until the modification of the gripping strap, at which time the TR can be removed from the POH. This proposed AD would only require modifying the gripping strap because FAA regulations mandate compliance with only the operating limitations section of the POH and not the emergency procedures section.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 841 airplanes of U.S. registry.

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

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification of the gripping strap	1 work-hour × $85 per hour = $85	$300	$385	$323,785

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

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:

DAHER AEROSPACE (Type Certificate Previously Held by SOCATA): Docket No. FAA–2023–0425; Project Identifier MCAI–2022–00980–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 24, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to DAHER AEROSPACE (type certificate previously held by SOCATA) Model TBM 700 airplanes, serial numbers 434 through 1424 inclusive, except serial numbers 1408 and 1420, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as interference between the emergency exit trim panel and the upholstery panel, which could result in additional effort required to open the emergency exit door. The FAA is issuing this AD to address this condition. The unsafe condition, if not addressed, could lead to failure of the emergency exit door to perform its intended function during an emergency opening, resulting in reduced evacuation capacity from the airplane and injury to occupants.

(f) Compliance

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

(g) Required Actions

Within 12 months after the effective date of this AD, modify the gripping strap on the emergency exit trim panel by following, as applicable for your serial-numbered airplane, sections A, B, and C in the Description of Accomplishment Instructions in Daher Aerospace Service Bulletin SB 70–304–25, dated July 2022 (Daher SB 70–304–25), except where Daher SB 70–304–25 specifies to discard certain parts, this AD requires removing those parts from service. If the operational check of the emergency exit fails, before further flight, re-modify the gripping strap on the emergency exit trim panel by following, as applicable for your serial-numbered airplane, sections A, B, and C in the Description of Accomplishment Instructions in Daher SB 70–304–25 until it passes this operational check, except where Daher SB 70–304–25 specifies to discard certain parts, this AD requires removing those parts from service.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in § 39.19. In accordance with § 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (i)(2) of this AD or email to: *9-AVS-AIR-730-AMOC@faa.gov.* If mailing information, also submit information by email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Additional Information

(1) Refer to European Union Aviation Safety Agency (EASA) AD 2022–0149, dated July 21, 2022, for related information. This EASA AD may be found in the AD docket at *regulations.gov* under Docket No. FAA–2023–0425.

(2) For more information about this AD, contact Fred Guerin, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 2300 S 216th Street, Des Moines, WA 98198; phone: 206–231–2346; email: *fred.guerin@faa.gov.*

(j) 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) Daher Aerospace Service Bulletin SB 70–304–25, dated July 2022.

(ii) [Reserved]

(3) For service information identified in this AD, contact DAHER AEROSPACE, Customer Support, Airplane Business Unit, Tarbes Cedex 9, France 65921; phone: (833) 826–2273; email: *tbmcare@daher.com;* website: *daher.com.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on March 2, 2023.

Christina Underwood,

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

[FR Doc. 2023–04620 Filed 3–7–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0428; Project Identifier MCAI–2022–01250–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2017–06–07, which applies to all Airbus SAS Model A330–200 Freighter, –200, and –300 series airplanes; and A340–200, –300, –500, and –600 series airplanes. AD 2017–06–07 requires identification of potentially affected inboard flap parts, a one-time eddy current inspection to identify which material the parts are made of, and, depending on findings, replacement with serviceable parts. Since the FAA issued AD 2017–06–07, it was determined that, even if affected inboard flaps were not installed on airplanes during production, affected inboard flaps could be installed on airplanes as spare parts. This proposed AD would continue to require the actions in AD 2017–06–07, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). This proposed AD would also reduce the allowance for the installation of affected parts under certain conditions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 24, 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–2023–0428; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

• For the EASA AD identified in this NPRM, you may contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2023–0428.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3229; email *Vladimir.Ulyanov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2023–0428; Project Identifier MCAI–2022–01250–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3229; email *Vladimir.Ulyanov@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2017–06–07, Amendment 39–18831 (82 FR 17107, April 10, 2017) (AD 2017–06–07), for all Airbus SAS Model A330–223F and –243F airplanes; A330–201, –202, –203, –223, and –243 airplanes; A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; A340–211, –212, and –213 airplanes; A340–311, –312, and –313 airplanes; A340–541 airplanes; and A340–642 airplanes. AD 2017–06–07 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2016–0231, dated November 22, 2016 (EASA AD 2016–0231), which superseded EASA AD 2016–0082, dated April 27, 2016, to correct an unsafe condition identified as structural parts of inboard flaps made of nonconforming aluminum alloy, which could result in reduced structural integrity of the airplane.

AD 2017–06–07 requires identification of potentially affected inboard flap parts, a one-time eddy current inspection to identify which material the parts are made of, and, depending on findings, replacement with serviceable parts. The FAA issued AD 2017–06–07 to detect and correct structural parts of inboard flaps made of nonconforming aluminum alloy, which could result in reduced structural integrity of the airplane.

Actions Since AD 2017–06–07 Was Issued

Since the FAA issued AD 2017–06–07, EASA superseded AD 2016–0231 and issued EASA AD 2022–0189, dated September 19, 2022 (EASA AD 2022–0189) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, and –743L airplanes; and A340–211, –212, –213, –311, –312, –313, –541, –542, –642, and –643 airplanes. Airbus SAS Model A330–743L, A340–542, and A340–643 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that since EASA AD 2016–0231 was issued, it was determined that, even if affected inboard flaps were not installed on airplanes during production, affected inboard flaps could be installed on airplanes as spare parts. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

The FAA is proposing this AD to detect and correct structural parts of inboard flaps made of nonconforming aluminum alloy. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0428.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2017–06–07, this proposed AD would retain all of the requirements of AD 2017–06–07. Those requirements are referenced in EASA AD 2022–0189, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0189 specifies procedures for identification of potentially affected inboard flap parts, a one-time special detailed inspection (eddy current) to identify which material the parts are made of, and, depending on findings, replacement with serviceable parts. The MCAI also reduces the allowance for the installation of affected parts under certain conditions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop

in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0189 described previously, except for any differences identified as exceptions in the regulatory text of this proposed 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 2022–0189 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0189 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0189 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2022–0189. Service information required by EASA AD 2022–0189 for compliance will be available at *regulations.gov* under Docket No. FAA–2023–0428 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 36 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2017-06-07	10 work-hours × $85 per hour = $850	$0	$850	$30,600

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
60 work-hours × $85 per hour = $5,100	$1,345,000	$1,350,100

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2017–06–07, Amendment 39–18831 (82 FR 17107, April 10, 2017); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2023–0428; Project Identifier MCAI–2022–01250–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 24, 2023.

(b) Affected ADs

This AD replaces AD 2017–06–07, Amendment 39–18831 (82 FR 17107, April 10, 2017) (AD 2017–06–07).

(c) Applicability

This AD applies to all Airbus SAS Model A330–223F and –243F airplanes; A330–201, –202, –203, –223, and –243 airplanes; A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; A340–211, –212, and –213 airplanes; A340–311, –312, and –313 airplanes; A340–541 airplanes; and A340–642 airplanes; certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports that nonconforming aluminum alloy was used to manufacture structural parts on the inboard flap. The FAA is issuing this AD to detect and correct structural parts of inboard flaps made of nonconforming aluminum alloy. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

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, European Union Aviation Safety Agency (EASA) AD 2022–0189, dated September 19, 2022 (EASA AD 2022–0189).

(h) Exceptions to EASA AD 2022–0189

(1) Where EASA AD 2022–0189 refers to May 11, 2016 (the effective date of EASA AD 2016–0082, dated April 27, 2016), this AD requires using May 15, 2017 (the effective date of AD 2017–06–07).

(2) Where EASA AD 2022–0189 refers to its effective date, this AD requires using the effective date of this AD.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2022–0189.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2022–0189 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(ii) AMOCs approved previously for AD 2017–06–07 are approved as AMOCs for the corresponding provisions of EASA AD 2022–0189 that are required by paragraph (g) of this AD.

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

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

(k) Additional Information

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

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0189, dated September 19, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0189, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(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 March 2, 2023.

Christina Underwood,

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

[FR Doc. 2023–04654 Filed 3–7–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0426; Project Identifier MCAI–2022–01324–A]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2021–10–28, which applies to all Pilatus Aircraft Ltd. (Pilatus) Model PC–24 airplanes. AD 2021–10–28 requires incorporating new revisions to the airworthiness limitations section (ALS) of the existing airplane maintenance manual (AMM) or Instructions for Continued Airworthiness (ICA) to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2021–10–28, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the ALS of the existing AMM or ICA for your airplane, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by April 24, 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–2023–0426; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference

- For material that is proposed for IBR in this NPRM, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4059; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2023–0426; Project Identifier MCAI–2022–01324–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *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 Doug Rudolph, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2021–10–28, Amendment 39–21561 (86 FR 30763, June 10, 2021) (AD 2021–10–28), for all Pilatus Model PC–24 airplanes. AD 2021–10–28 was prompted by MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2020–0202, dated September 22, 2020 (EASA AD 2020–0202) to prevent reduction in the structural integrity of the airframe and components, as well as an unrecognized failure of the manual pitch trim, which could lead to loss of control of the airplane. This prompted the FAA to issue AD 2021–10–28.

AD 2021–10–28 requires incorporating new revisions to the ALS of the existing AMM or ICA to incorporate new tasks for the control column sprocket gear assembly and control wheel column assembly, to address the new limit of validity and update the usage assumptions and conditions for operations on unpaved and grass runways, and to correct an error in the horizontal stabilizer primary trim system secondary power source operational test.

Actions Since AD 2021–10–28 Was Issued

Since the FAA issued AD 2021–10–28, EASA superseded EASA AD 2020–0202 and issued EASA AD 2022–0207, dated October 10, 2022 (EASA AD 2022–0207) (referred to after this as the MCAI), for all Pilatus Model PC–24 airplanes. The MCAI states that new or more restrictive tasks and limitations have been developed. These new or more restrictive airworthiness limitations include introducing new Certification Maintenance Requirement (CMR) Task AL–24–60–004, Emergency Power Contactor 2, by converting the existing Scheduled Maintenance Task SM–24–60–0004, Emergency Contactor 2 Test (EC2 Test) into that CMR task. The FAA is issuing this AD to address failure of certain parts, which could result in loss of control of the airplane. Additionally, the actions required to address the unsafe condition in AD 2021–10–28 are included in ''the applicable ALS,'' as defined in EASA AD 2022–0207. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0426.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0207 requires certain actions and associated thresholds and intervals, including life limits and maintenance tasks.

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 **ADDRESSES.**

FAA's Determination

These products have been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI described above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would retain none of the requirements of AD 2021–10–28. This proposed AD would require revising the ALS of the existing AMM or ICA for your airplane as specified in EASA AD 2022–0207, described previously. The owner/operator (pilot) holding at least a private pilot certificate may revise the ALS of the existing AMM

or ICA for your airplane, and performance of this incorporation must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0207 by reference in the FAA final rule. Service information required by the EASA AD for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2023–0426 after the FAA final rule is published.

Differences Between This Proposed AD and EASA AD 2022–0207

Paragraph (2) of EASA AD 2022–0207 requires corrective action in accordance with the applicable Pilatus maintenance documentation or contacting Pilatus for approved instructions and accomplishing those instructions accordingly. Paragraph (3) of EASA AD 2022–0207 requires revising the approved aircraft maintenance program. Paragraph (4) of EASA AD 2022–0207 provides credit for performing actions in accordance with previous revisions of the Pilatus AMM. Paragraph (5) of EASA AD 2022–0207 explains that after revision of the approved aircraft maintenance program, it is not necessary to record accomplishment of individual actions for demonstration of AD compliance. This proposed AD would not require compliance with paragraphs (2) through (5) of EASA AD 2022–0207.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 73 airplanes of U.S. registry. Labor rates are estimated at $85 per work-hour. Based on these figures, the FAA estimates that revising the ALS of the existing AMM or ICA for your airplane would require about 1 work-hour for an estimated cost on U.S. operators of $6,205 or $85 per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2021–10–28, Amendment 39–21561 (86 FR 30763, June 10, 2021); and

■ b. Adding the following new AD:

Pilatus Aircraft Ltd.: Docket No. FAA–2023–0426; Project Identifier MCAI–2022–01324–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 24, 2023.

(b) Affected ADs

This AD replaces AD 2021–10–28, Amendment 39–21561 (86 FR 30763, June 10, 2021) (AD 2021–10–28).

(c) Applicability

This AD applies to Pilatus Aircraft Ltd. Model PC–24 airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 0500, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI states that failure to revise the airworthiness limitations section (ALS) of the existing aircraft maintenance manual (AMM) by introducing new or more restrictive tasks and limitations, which introduces a new certification maintenance requirement (CMR) task to test emergency power contactor 2, could result in an unsafe condition. The FAA is issuing this AD to address failure of certain parts, which could result in loss of control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Before further flight after the effective date of this AD, revise the ALS of the existing AMM or Instructions for Continued Airworthiness for your airplane by incorporating the requirements specified in paragraph (1) of European Union Aviation Safety Agency AD 2022–0207, dated October 10, 2022 (EASA AD 2022–0207).

(2) The actions required by paragraph (g)(1) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with §§ 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by § 91.417, 121.380, or 135.439.

(h) Provisions for Alternative Requirements (Airworthiness Limitations)

After the actions required by paragraph (g) of this AD have been done, no alternative requirements (airworthiness limitations) are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2022–0207.

(i) 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 § 39.19. In accordance with § 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD or email to: *9-AVS-AIR-730-AMOC@faa.gov.* If mailing information, also submit information by email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) Global AMOC AIR–730–22–248, dated July 12, 2022, was approved as an AMOC for the requirements of AD 2021–10–28, and is approved as an AMOC for the requirements of paragraph (g) of this AD. Other AMOCs previously issued for the requirements of AD 2021–10–28 are not approved as an AMOC for the requirements of this AD.

(j) Additional Information

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

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0207, dated October 10, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0207, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on March 2, 2023.

Christina Underwood,

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

[FR Doc. 2023–04623 Filed 3–7–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2023–0176]

RIN 1625–AA08

Special Local Regulation; Sail Grand Prix, Season 3 Race Event; San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary special local regulation in the navigable waters of San Francisco Bay in San Francisco, CA in support of the San Francisco Sail Grand Prix, Season 3 race periods on May 4, 2023, through May 7, 2023. This special local regulation is necessary to provide for the safety of life on these navigable waters and to ensure the safety of mariners transiting the area from the dangers associated with high-speed sailing activities associated with the Sail Grand Prix race event. This proposed rulemaking would temporarily prohibit persons and vessels from entering, transiting through, anchoring, blocking, or loitering within the event area adjacent to the city of San Francisco waterfront near the Golden Gate Bridge and Alcatraz Island, unless authorized by the Captain of the Port San Francisco or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 7, 2023.

ADDRESSES: You may submit comments identified by docket number USCG–2023–0176 using the Federal Decision Making Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Anthony I. Solares, U.S. Coast Guard District 11, Sector San Francisco, at 415–399–3585, *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
COTP Captain of the Port
PATCOM Patrol Commander
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On December 19, 2022, the Silverback Pacific Company notified the Coast Guard of an intention to conduct the ''Sail Grand Prix, Season 3'' in the San Francisco Bay. Sail Grand Prix (SailGP) is a sailing league featuring world-class sailors racing 50-foot foiling catamarans. The 2022–2023 season started May 14, 2022, and the season will conclude with the San Francisco Bay race in May 2023. In San Francisco, they propose to take advantage of the natural amphitheater that the central bay and city waterfront provide.

SailGP has applied for a Marine Event Permit to hold the Sail Grand Prix race event on the waters of San Francisco Bay in California. At this time, the Coast Guard has not approved the Marine Event Permit and is still evaluating the application. If the permit is approved, however, we anticipate that a special local regulation may be necessary to ensure public safety during the race. To provide adequate time for public input, we are proposing this special local regulation prior to a decision on the Marine Event Permit.

The SailGP event has previously been conducted in San Francisco Bay and each time the Coast Guard solicited input from maritime stakeholders to better understand the nature of commercial and recreational activities on the Bay. As done in previous year planning, the Coast Guard will participate in local Harbor Safety Committee (HSC) meetings to meet with stakeholders, obtain information, and gather feedback on approaches to enact the regulation in connection with the Sail Grand Prix.

These regulations are needed to keep persons and vessels away from the sailing race vessels, which exhibit unpredictable maneuverability and have a demonstrated likelihood during the simulation of racing scenarios for capsizing. The proposed special local regulation would help prevent injuries and property damage that may be caused upon impact by these fast-moving vessels. The provisions of this temporary special local regulation would not exempt racing vessels from any federal, state, or local laws or

regulations, including Nautical Rules of the Road. The Coast Guard proposes this rulemaking under authority in 46 U.S.C. 70041.

Under 33 CFR 100.35, the Coast Guard District Commander has authority to promulgate certain special local regulations deemed necessary to ensure the safety of life on the navigable waters immediately before, during, and immediately after an approved regatta. Pursuant to 33 CFR 1.05–1(i), the Commander of Coast Guard District 11 has delegated to the COTP San Francisco the responsibility of issuing such regulations.

III. Discussion of Proposed Rule

The COTP San Francisco proposes to establish a special local regulation associated with the Sail Grand Prix race event from noon to 5:30 p.m. each day from May 4, 2023, through May 7, 2023. The areas regulated by this special local regulation would be east of the Golden Gate Bridge, south of Alcatraz Island, west of Treasure Island, and in the vicinity of the city of San Francisco waterfront. The Coast Guard proposes to establish a primary race area, a spectator area, and a waterfront passage area. An image of these proposed regulated areas may be found in the docket. The special local regulation will cover all navigable waters of the San Francisco Bay, from surface to bottom, within the area formed by connecting the following latitude and longitude points in the following order: 37°48′24.3″ N, 122°27′53.5″ W; thence to 37°49′15.6″ N, 122°27′58.1″ W; thence to 37°49′28.9″ N, 122°25′52.1″ W; thence to 37°49′7.5″ N, 122°25′13″ W; thence to 37°48′42″ N, 122°25′13″ W; thence to 37°48′30.5″ N, 122°26′22.6″ W; thence along the shore to 37°48′26.9″ N, 122°26′50.5″ W and thence to the point of beginning.

Located within this footprint, there will be three separate regulated areas: Zone ''A'', the Official Practice Box Area; Zone ''B'', the Official Race Box Area; and Zone ''C'', the Spectator Area.

Zone ''A'', the Official Practice Box Area, will be marked by colored visual markers. The position of these markers would be specified via Local Notice to Mariners at least two weeks prior to the event and via Broadcast Notice to Mariners at least seven days prior to the event. Zone ''A'' would be used by the race and support vessels during the official practice period on May 4, 2023, and May 5, 2023. Zone ''A'', the Official Practice Box Area, will be enforced during the official practices from noon to 5:30 p.m. on May 4, 2023, and from noon to 5:30 p.m. on May 5, 2023, or as announced via Broadcast Notice to Mariners. Excluding the public from entering Zone ''A'' is necessary to provide protection from the operation of the high-speed sailing vessels within this area.

Zone ''B'', the Official Race Box Area, would be marked by 12 or more colored visual markers. The position of these markers would be confirmed via Broadcast Notice to Mariners at least three days prior to the event. Only designated Sail Grand Prix 2021 race, support, and VIP vessels would be permitted to enter Zone ''B''. Zone ''B'', the Official Race Box Area, will be enforced during the official practices from noon to 5:30 p.m. on May 6, 2023, and from noon to 5:30 p.m. on May 7, 2023. Because of the hazards posed by the sailing competition, excluding non-race vessel traffic from Zone ''B'' is necessary to provide protection from the operation of the high-speed sailing vessels within this area.

Zone ''C'', the Spectator Area, would be within the special local regulation area designated in paragraph (a) and outside of Zone ''B'', the Official Race Box Area. Zone ''C'' will be defined by latitude and longitude points per Broadcast Notice to Mariners. Zone ''C'' will be managed by marine event sponsor officials. Vessels would be prohibited from anchoring within the confines of Zone ''C.''

The duration of the establishment of the proposed special local regulation is intended to ensure the safety of vessels in these navigable waters during the scheduled practice and race periods. This proposed temporary special local regulation would temporarily restrict vessel traffic adjacent to the city of San Francisco waterfront in the vicinity of the Golden Gate Bridge and Alcatraz Island and prohibit vessels and persons not participating in the race event from entering the dedicated race area. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed 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 NPRM has not been designated a ''significant regulatory action'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the special local regulation. With this special local regulation, the Coast Guard intends to maintain commercial access to the ports through an alternate vessel traffic management scheme. The special local regulation is limited in duration and is limited to a narrowly tailored geographic area with designated and adequate space for transiting vessels to pass when permitted by the COTP or a designated representative. In addition, although this proposed rule restricts access to the waters encompassed by the special local regulation, the effect of this proposed rule will not be significant because the local waterway users will be notified in advance via public Broadcast Notice to Mariners to ensure the special local regulation will result in minimum impact. Therefore, mariners will be able to plan and transit outside of the periods of enforcement of the special local regulation, or alternatively, they will be able to transit the city of San Francisco Waterfront with approval from the COTP or designated representative. The entities most likely to be affected are commercial vessels and pleasure craft engaged in recreational activities.

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 proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule may affect owners and operators of commercial vessels and pleasure craft engaged in recreational activities and sightseeing for a limited duration. This special location regulation would not have a significant economic impact on a substantial number of small entities for the reasons stated in Section IV.A above. When the special local regulation is in effect, vessel traffic can pass safely around the regulated area. The maritime public would be advised in advance of this special local regulation via Broadcast Notice to Mariners.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

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 proposed 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 contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would 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. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a special local regulation that would create regulated areas of limited size and duration that includes defined regulated areas for vessel traffic to pass. Normally such actions are categorically excluded from further review under paragraphs L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact 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.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2023–0176 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T11–0122 to read as follows:

§ 100.T11–122 Special Local Regulation; Sail Grand Prix 2021 Race Event, San Francisco, CA.

(a) *Regulated area.* The regulations in this section apply to all navigable waters of the San Francisco Bay, from surface to bottom, encompassed by a line connecting the following latititude and longitude points, beginning at 37°48′24.3″ N, 122°27′53.5″ W; thence to 37°49′15.6″ N, 122°27′58.1″ W; thence to

37°49′28.9″ N, 122°25′52.1″ W; thence to 37°49′7.5″ N, 122°25′13″ W; thence to 37°48′42″ N, 122°25′13″ W; thence to 37°48′30.5″ N, 122°26′22.6″ W; thence along shore to 37°48′26.9″ N, 122°26′50.5″ W and thence to the point of beginning.

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

(1) ''*Designated representative*'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the special local regulation.

(2) *Zone* ''*A*'' means the Official Practice Box Area. This zone will encompass all navigable waters of the San Francisco Bay, from surface to bottom, within the area formed by connecting the following latitude and longitude points in the following order: 37°49′19″ N, 122°27′19″ W; thence to 37°49′28″ N, 122°25′52″ W; thence to 37°48′40.9″ N, 122°25′43.6″ W; thence to 37°49′7.5″ N, 122°25′13″ W and thence to the point of beginning. These coordinates are the current projected position for the Official Practice Box Area and will also be announced via Broadcast Notice to Mariners.

(3) *Zone* ''*B*'' Zone ''B'' means the Official Race Box Area, which will be marked by 12 or more colored visual markers within the special regulation area designated in paragraph (a) of this section. The position of these markers will be specified via Broadcast Notice to Mariners at least three days prior to the event.

(4) *Zone* ''*C*'' means the Spectator Area, which is within the special local regulation area designated in paragraph (a) of this section and outside of Zone ''B,'' the Official Race Box Area. Zone ''C'' will be defined by latitude and longitude points per Broadcast Notice to Mariners and will be managed by marine event sponsor officials. Vessels shall not anchor within the confines of Zone ''C.''

(c) *Special Local Regulation.* The following regulations apply between noon and 5:30 p.m. on the Sail Grand Prix official practice and race days.

(1) Only support and race vessels will be authorized by the COTP or designated representative to enter Zone ''B'' during the race event. Vessel operators desiring to enter or operate within Zone ''A'' or Zone ''B'' must contact the COTP or a designated representative to obtain permission to do so. Persons and vessels may request permission to transit Zone ''A'' on VHF–23A.

(2) Spectator vessels in Zone ''C'' must maneuver as directed by the COTP or designated representative. When hailed or signaled by the COTP or designated representative by a succession of sharp, short signals by whistle or horn, the hailed vessel must come to an immediate stop and comply with the lawful direction issued. Failure to comply with a lawful direction may result in additional operating restrictions, citation for failure to comply, or both.

(3) Spectator vessels in Zone ''C'' must operate at safe speeds, which will create minimal wake.

(4) Vessels with approval from COTP or designated representative to transit through the associated event zones shall maintain headway and not loiter or anchor within the confines of the regulated area.

(5) Rafting and anchoring of vessels is prohibited within the regulated area.

(d) *Enforcement periods.* This special local regulation will be enforced for the official practices and race events from noon to 5:30 p.m. each day from May 4, 2023, through May 7, 2023. At least 24 hours in advance of the official practice and race events commencing on May 4, 2023, the COTP will notify the maritime community of periods during which these zones will be enforced via Broadcast Notice to Mariners and in writing via the Coast Guard Boating Public Safety Notice.

Dated: February 28, 2023.

Jordan M. Baldueza,

Captain, U.S. Coast Guard, Alternate Captain of the Port, San Francisco.

[FR Doc. 2023–04671 Filed 3–7–23; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 21–232, EA Docket No. 21–233; FCC 22–84; FR ID 129145]

Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization Program and the Competitive Bidding Program

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks further comment on potential additional revisions to the rules and procedures associated with prohibiting the authorization of ''covered'' equipment in the Commission's equipment authorization program. The Commission also invites additional comment on proposed rule revisions to the Commission's competitive bidding program.

DATES: Comments are due April 7, 2023. Reply comments are due May 8, 2023. All filings must refer to ET Docket No. 21–232 or EA Docket No. 21–233.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (Further Notice or FNPRM), ET Docket No. 21–232, EA Docket No. 21–233, FCC 22–84, adopted November 11, 2022, and released November 25, 2022. The full text of the Further Notice is available by downloading the text from the Commission's website at: *https://www.fcc.gov/document/fcc-bans-authorizations-devices-pose-national-security-threat.* When the FCC Headquarters reopens to the public, the full text of this document will also be available for public inspection and copying during regular business hours in the FCC Reference Center, 45 L Street NE, Washington, DC 20554. Alternative formats are available for people with disabilities (braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Paperwork Reduction Act. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Initial Regulatory Flexibility Analysis. As required by the RFA, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities of the proposals addressed in this FNPRM. The full IRFA is found in Appendix C at *https://www.fcc.gov/document/fcc-bans-authorizations-devices-pose-national-security-threat..* Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the FNPRM, and they should have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of

this FNPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the RFA.

Filing Requirements.

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the Commission's Electronic Comment Filing System (ECFS), *http://apps.fcc.gov/ecfs/. See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
  - Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. *See* FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*

Ex Parte Rules—Permit but Disclose. Pursuant to section 1.1200(a) of the Commission's rules, this Further Notice of Proposed Rulemaking shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

FOR FURTHER INFORMATION CONTACT: Jamie Coleman, Office of Engineering and Technology, 202–418–2705, *Jamie.Coleman@fcc.gov.*

Synopsis

Further Notice on Part 2 Equipment Authorization

In this Further Notice of Proposed Rulemaking (Further Notice or FNPRM), the Commission seeks further comment on some of the issues the Commission raised in the Notice of Proposed Rulemaking of ET Docket No. 21–232 and EA Docket No. 21–233 (NPRM) (86 FR 4664) regarding revisions to the part 2 equipment authorization rules to prohibit authorization of equipment that has been determined to pose an unacceptable risk to national security. The Commission also invites comment on additional issues that have been raised with the establishment of the Commission's revised rules and approach in the Report and Order of this proceeding 88 FR 7592. The Commission encourages commenters and other interested parties to submit further comments on these or other issues related to revisions to the equipment authorization process to address the prohibition on authorization of equipment on the Covered List.

Component Parts

In the Report and Order, the Commission adopted requirements for applicants for equipment certification and responsible parties authorizing equipment via the Supplier's Declaration of Conformity (SDoC) process to make attestations that the equipment for which authorization is sought is not ''covered'' equipment. The Commission is not, however, requiring at this time that these attestations address the individual component part(s) contained within the subject equipment. As discussed in the Report and Order, several commenters raised various concerns regarding potential practical complications and difficulties that could result from inclusion of component parts within the scope of the prohibition. In this Further Notice, the Commission seeks to address these concerns as the Commission further considers issues concerning component parts with regard to prohibitions on authorization of ''covered'' equipment.

In seeking comment on component parts, the Commission notes at the outset that it believes that certain component parts produced by entities identified on the Covered List, if included in finished products, could potentially pose an unacceptable national security risk, similar to the security risk posed by the ''covered'' equipment that the Commission is now prohibiting from authorization. Similarly, Congress, in establishing the Reimbursement Program under the Secure Networks Act, shared the same concerns. It required that Huawei Technologies Company (Huawei) and ZTE Corporation (ZTE) equipment be destroyed as part of the rip and replace process, indicating that even components of untrusted and insecure equipment could pose a danger to the United States. In the Reimbursement Program, consistent with Congressional guidance, the Commission required that categories of equipment that include components that process data be destroyed so they do not get reused and continue to pose a risk. Given the challenge to protect against component parts that pose the same risk as covered equipment, the Commission endeavors to ensure that equipment that includes component parts that pose an unacceptable risk to national security also be prohibited from authorization. In this Further Notice, the Commission seeks comment to help identify such component parts and to consider how the Commission might best ensure prohibiting authorization of equipment that includes such components. In particular, the Commission seeks comment on whether and how individual component parts may need to be factored into decisions regarding authorizing equipment. This raises

several issues that need to be more carefully evaluated to determine whether equipment with certain component parts should be considered ''covered'' equipment and thus prohibited from authorization. The Commission also recognizes that one complication is that many part 2 equipment authorization rules and part 15 rules reference ''components,'' but they do so in a variety of different contexts, and there is no single or consistent meaning of the term in the Commission's rules.

The Commission seeks comment about the extent to which component parts should be considered as the Commission implements its prohibition on ''covered'' equipment in its equipment authorization program. As the Commission considers how component parts should be treated in this process, the Commission notes that establishing a prohibition that includes considering component parts could require changes to the Commission's existing equipment authorization application process, which does not currently capture detailed information about the source of components that make up such equipment. As this proceeding examines the equipment authorization process, which is the gateway for equipment entering the U.S. marketplace with potential to ultimately become part of a telecommunication system or network, the Commission believes it is within the purview of the statute and the Commission's duty to address all equipment on the Covered List, including component parts of devices where the inclusion of such component parts would render the equipment ''covered.'' The Commission seeks comment on this view.

In seeking comment on how the Commission should address component parts with respect to the prohibition on authorization of ''covered'' equipment, the Commission also invites comment on how best to address the concerns previously raised by commenters regarding component parts. These concerns include what the Commission would consider to be component parts for purposes of implementing any potential prohibition on equipment authorizations that include such parts, including the extent to which only some types of component parts, or all such parts, should be considered. The Commission also seeks comment on practical considerations that would be involved with extending the prohibition to include component parts, including the requirements placed on applicants for equipment authorizations to identify any particular components.

As discussed above, in implementing the Secure Networks Act with regard to the Reimbursement Program, the Commission determined that categories of equipment that include components that process and retain data, or that process data, be destroyed so they do not get reused and continue to pose a risk. As the Commission considers how to address components in this proceeding, the Commission seeks comment on whether the Commission should attempt to identify ranges of components based on their risk assessment. For example, similar to the Reimbursement Program, does equipment that includes components that process and retain data, or that even process data, produced by entities identified on the Covered List, pose too much of a risk to the United States and its people to be authorized?

In proposing to include component parts within the scope of ''covered'' equipment in the NPRM, the Commission did not define the term and referred to both ''components'' and ''component parts.'' To ensure that equipment manufacturers, importers, assemblers, FCC-recognized Telecommunications Certification Bodies (TCBs), and other parties associated with the Commission's equipment authorization program are clear as to what equipment may be impacted by a prohibition on component parts from entities on the Covered List, the Commission would need to first develop and provide guidance on what component parts would need to be considered.

At a high level, the Commission notes that it permits modules as well as composite systems (or devices) to obtain equipment certification. A module generally consists of a completely self-contained transmitter that is missing only an input signal and power source to make it functional. Modules are designed to be incorporated into another device such as a personal computer. The advantage of using modules is that a transmitter with a modular grant can be installed in different end-user products (or hosts) by the grantee or other equipment manufacturer without the need for additional testing or a new equipment authorization for the transmitter. A composite system incorporates different devices contained within a single enclosure or in separate enclosures connected by wire or cable. A single equipment authorization application may be filed for a composite system that incorporates devices (including modules) subject to certification under multiple rule parts. Commission rules are flexible regarding the types of equipment that can be certified as modules and then incorporated into another device with no further action from the Commission and composite systems that could contain components (in this case a device). Telecommunications equipment or video surveillance equipment could contain one or more modules or could be assembled as a composite system and contain equipment produced by any of the entities (or their respective subsidiaries or affiliates) specified on the Covered List.

To ensure compliance with the prohibition on authorization of equipment identified on the Covered List, the Commission seeks comment on whether it should require that applicants or responsible parties, as applicable, obtain a separate equipment certification for any device that contains a module produced by any of the entities (or their respective subsidiaries or affiliates) specified on the Covered List. If the Commission were to adopt such a requirement, the Commission seeks comment as to how it should be applied. Should the Commission require that devices that incorporate previously-certified modules produced by any of the entities (or their subsidiaries or affiliates) on the Covered List would need to obtain a separate equipment authorization and certify that the device is not ''covered'' equipment? The Commission seeks comment on this view. Would such actions be sufficient to ensure against the availability of equipment containing modules that could present a security risk? Would a policy of requiring certain devices containing modules to go through the certification process and the associated attestation requirement adopted in the Report and Order, strike the right balance between providing the same flexibility for delivering products to the American public as is available today for most devices containing modules, while adding additional oversight on devices that could potentially be a security risk? What additional costs in terms of time or money would such a policy impose on device developers? What other approaches could be used to ensure devices containing modules do not cause a security risk to the United States and its citizens?

Similarly, because a composite system could be assembled by a third party and incorporate multiple devices including devices produced by any of the entities (or their respective subsidiaries or affiliates) specified on the Covered List, the Commission seeks comment on how to treat composite systems. First, recognizing that a composite system could contain only already-certified

modules, the Commission seeks comment on treating them in the same manner described above for modules. That is, if any module in such a device is produced by any of the entities (or their respective subsidiaries or affiliates) specified on the Covered List, that device would be required to obtain a separate certification (including the attestation requirement adopted in the Report and Order stating that the composite system does not contain any ''covered'' equipment). The Commission seeks comment on this approach. Second, in cases where a composite system contains only devices that on their own would require certification or a mix of such devices and already approved modules, the Commission notes that the rules already required such devices to obtain a separate certification. Because such devices can be assembled by parties other than the original device manufacturer, the Commission seeks comment on requiring the attestation the Commission adopted in the Report and Order to affirmatively state that none of the devices that comprise the composite system are on the Covered List. The Commission does not believe such a requirement would impose any cost or undue burden on equipment certification applicants as such a requirement would be consistent with the requirements adopted in the Report and Order. The Commission seeks comment on this approach. The Commission also seeks comment on other approaches to dealing with composite systems in the certification process to ensure that such devices do not pose a security risk to the United States and its citizens.

The Commission also seeks comment on other broad approaches that could appropriately address concerns about component parts in the Commission's equipment authorization program. For instance, if equipment includes any component parts that could be authorized on a standalone basis, and such a component on its own would be considered ''covered'' equipment prohibited from authorization, then the equipment would be deemed ''covered'' equipment and thus prohibited from obtaining an equipment authorization. In addition, the Commission notes that if any determinations about ''covered'' equipment made by any enumerated source pursuant to the Secure Networks Act includes component parts, then this too would mean that equipment that includes such component parts would be ''covered'' equipment for purposes of the Commission's prohibition. The Commission seeks comment on this as well.

The Commission believes that dealing with component parts as described above is relatively straightforward. However, focusing on component parts at a more granular level, *i.e.,* looking at all of the individual component parts that might be used to assemble a final device, would be more complicated. In the record of the NPRM, several commenters contend that, for purposes of prohibiting authorization of ''covered'' equipment, many component parts would not raise security concerns. The Commission invites comment, including specific comment on whether certain types of component parts potentially raise such a concern, while others do not. For example, do passive electronic components such as resistors, diodes, inductors, etc., pose a security risk by themselves? Do random access memory (RAM) chips, whose stored data is lost once power is disconnected or turned off, or components that comprise the bus, whose function is solely to link input and output ports, pose any security risk? Should the Commission focus instead on those components that have the ability to examine data traffic and route such traffic or provide the instructions to do so, or might otherwise pose an unacceptable risk to national security? The Commission includes here read only memory (ROM), flash memory, the central processing unit (CPU) or any other processor within the device, and the input and output ports (as they may be able to carry out routing functions). Should the Commission be concerned about semiconductors? Do commenters think that the Commission should consider rules regarding other component parts and if so, what rules would be appropriate? Should the Commission here be guided by the Reimbursement Program and, rather than try to identify every type of component, simply prohibit authorization of components that process and/or retain data? Notwithstanding any specific method of addressing these component parts within the equipment authorization process as described below, the Commission seeks comment on any overall approach to separating out component parts of interest that could pose a security risk versus component parts that do not. Does equipment need to be examined down to this level to ensure compliance with the prohibition on authorization of communications equipment that poses an unacceptable risk to national security under the Secure Networks Act? Should equipment that contains certain component parts produced by any of the entities listed on the Covered List be considered ''covered''? If the Commission were to adopt rules to address component parts, what types of components may need to be considered as posing an unacceptable security risk? Commenters also should explain the reasons that particular component(s) would create an unacceptable risk. For example, should such components be limited to only those able to examine and route data or execute certain functions on an incoming or outgoing data stream? Would the Commission need to specifically define the components of interest in its rules or would a descriptive statement suffice? For example, would it be sufficient to specify that any component part within a device that is capable of examining an incoming or outgoing data stream and performing routing functions would fall under the umbrella of component parts of interest within the equipment?

In addition to categorizing the component parts that may be of interest when determining whether certain equipment should be considered covered equipment, the Commission seeks comment on how any identified component parts would be addressed in the equipment authorization process, both for certified devices and devices authorized through the SDoC process. Because parties seeking an equipment authorization must attest that the equipment in question is not ''covered'' equipment, how would a manufacturer, assembler, or other entity ascertain whether the components in question could result in their intended end product being ''covered'' equipment? Could an end-product produced or assembled by an entity not identified on the Covered List become ''covered'' equipment if it includes certain components produced by any entity identified on the Covered List? Should entities producing or assembling end products themselves obtain statements from their suppliers that certain components within any products obtained for inclusion in a Commission-regulated end product for the U.S. market do not contain components that are covered equipment or that could result in a device being classified as ''covered'' equipment? If so, should such statements be required to be provided in the authorization process, and/or available to the Commission upon request? What criteria could be used to decide when such equipment should be considered ''covered'' equipment? Are there objective standards for determining when a final

product produced by an entity not identified on the Covered List that contains at least one component part produced by an entity named on the Covered List (or any of its affiliates or subsidiaries) is considered to be ''covered'' equipment? To what extent must the applicant for equipment certification be responsible for knowing whether any component part of its equipment was produced by any entity identified on the Covered List?

Elsewhere within the federal government, pursuant to E.O. 13873, efforts are underway to address the national security risks stemming from vulnerabilities in information and communications technology (ICT) hardware, software, and services. Among these efforts, the Cybersecurity & Infrastructure Security Agency (CISA) established the ICT supply chain risk management (SCRM) Task Force, which is working on developing a taxonomy of a ''hardware bill of materials'' that can be used when procuring ICT products (*e.g.,* an inventory of elements that makes up a particular piece of equipment) as well as a ''software bill of materials.'' The Task Force's efforts potentially could provide guidance and certainty in the equipment authorization process as to whether a piece of equipment complies with the Commission's rules. Should the Commission work with this Task Force to identify potential solutions to the lack of awareness of equipment components? How should this Task Force inform the Commission's potential treatment of component parts in its equipment authorization process? Should the Commission consider an applicant's exercise of reasonable diligence in seeking to determine whether the equipment includes a component part that potentially raises national security concerns be sufficient for purposes of its attestation about whether the equipment is ''covered''? What other steps could an applicant take to ensure that all component parts comply with the Commission's rules? What specific attestation should the Commission require? Would an attestation that the device is not ''covered'' equipment be sufficient, and should the attestation include more specific information about component parts? What additional information should an entity provide to a TCB along with the application for certification or retain with records for SDoC authorizations? How can the Commission ensure that any action on components that it takes falls within the whole-of-government approach toward network and United States security?

The Commission seeks comment on each of these questions, and also on the overarching questions of the impact on both equipment security and the economy of considering component parts in the Commission's analysis of ''covered'' equipment. Specifically, the Commission seeks comment and data on the quantity and market share of entities on the Covered List in supplying modules or other devices for products intended for sale in the U.S. market, including composite devices as well as component parts as described above. The Commission further seeks comment, and encourages commenters to provide data, on the availability and costs of substitute modules, devices, and component parts from suppliers that are not identified on the Covered List, as well as the average lifespan/product cycle of affected final products. In the case that a component part may be identified as ''covered'' equipment, the Commission seeks comment on the feasibility and costs of replacing such component part. Would taking account of component parts broadly to include modules, devices, and the building block parts that make up a device produce an overall net positive benefit, taking into account both equipment security and economic impact? Is there a particular approach to identifying component parts that would maximize net benefits, such as focusing only on those component parts or type of parts that have been determined as posing an unacceptable risk to national security or the security and safety of U.S. persons?

Revocation of Existing Equipment Authorizations Involving ''Covered'' Equipment

In the NPRM, the Commission sought comment on the extent to which the Commission should revoke any existing equipment authorization if it adopted rules to prohibit future authorization of ''covered'' equipment. In the Report and Order, the Commission concluded that it has the existing authority to revoke such authorizations, including those granted prior to adoption of the Report and Order. With regard to revocation of any existing authorizations of ''covered'' equipment, in the NPRM the Commission did not propose to revoke any existing authorizations (and does not do so in this Report and Order), but instead sought comment on whether there are particular circumstances that would merit revocation of specific equipment, and if so, the procedures that should apply (including possible revisions to those procedures).

In the NPRM, the Commission sought comment on what particular circumstances would merit Commission action to revoke any existing authorization of ''covered'' equipment. To the extent revocation of any ''covered'' equipment might be appropriate, the Commission inquired about whether there was some process in which the Commission should engage to help identify particular equipment that should be considered for revocation. The Commission recognized that, in many situations, the revocation of any particular equipment might benefit from an appropriate and reasonable transition period for removing the equipment, but also sought comment on whether any situations might merit immediate compliance with a revocation. Further, the Commission sought comment on appropriate enforcement policies that should be associated with any revocation, including whether any monetary penalties should be considered. The Commission also inquired whether any educational or outreach efforts should be undertaken in the event of any equipment revocation. In addition, the Commission also asked about the specific procedures that the Commission should use if it were to seek to revoke any existing authorization of ''covered'' equipment. In particular, it noted that the existing procedures for revocation of equipment authorizations, as set forth in section 2.939(b), are the same procedures as for revocation of radio station licenses, which include several involved steps and procedures (*e.g.,* Commission order to show cause, and opportunity for a hearing). The Commission sought comment on whether these extensive procedures would be appropriate considering that ''covered'' equipment has been determined to pose an unacceptable risk to national security.

As the Commission noted in the Report and Order, commenters raised a range of concerns about whether the Commission should revoke any existing authorizations of ''covered'' equipment, and the Commission seeks further comment here on the issues the Commission raised in the NPRM on this topic. The Commission's further consideration here also complies with the Secure Equipment Act, in which Congress recognized the Commission's authority to examine the necessity for review and possible revocation of previously existing equipment authorizations and/or to consider the Commission's rules providing for possible revocation of previously granted equipment authorizations. The Commission uses this Further Notice to further explore the issues concerning equipment authorization revocation

with respect to ''covered'' equipment authorized prior to the Commission's adoption of a prohibition on authorization of such equipment, and to expand the record on this topic, particularly in light of the actions taken and guidance provided in the Report and Order.

Scope of revocation. In the NPRM, the Commission sought comment on whether, following adoption of the rules in the Report and Order, it should consider revoking any existing authorizations involving ''covered'' equipment. Many commenters generally oppose action by the Commission to revoke existing authorizations of ''covered'' equipment, however worthy the security goal, expressing various concerns such as the potential for adverse impact to consumers and the supply chain. Others advocated that the Commission should revoke authorizations if the equipment would now be considered ''covered'' equipment. The Commission seeks comment on the scope of possible revocation of existing authorizations that it should consider, and whether there might be situations that would warrant revocation in certain circumstances.

Identification of devices that possibly should be revoked. In considering whether any existing equipment authorizations of ''covered'' equipment should be revoked, the Commission in the NPRM sought comment on whether there should be some process in which the Commission should engage to identify particular equipment authorizations that should be considered for revocation. It invited commenters to suggest such a process. The Commission also asked whether it should rely on outside parties' reports in its considerations. The Commission recognized the need to avoid taking any actions that would be overbroad in terms of affecting users of the previously-authorized equipment or would require removal of this equipment faster than it reasonably can be replaced.

The Commission now seeks further comment on whether there should be some process for identifying particular ''covered'' equipment whose authorization should be revoked because its continued authorization poses an unacceptable risk to national security. The Commission notes that it previously has authorized equipment produced by the companies producing equipment on the current Covered List, and the Commission anticipates that additional equipment produced by other companies may be determined to pose an unacceptable risk to national security and added to the Covered List as that list is updated in the future. How might the Commission or others identify existing authorizations among these if considering whether some of this equipment might merit revocation? Are there any specific cases of equipment that might merit immediate revocation? To what extent should the risk of such equipment to national security be considered, and how could such risk be evaluated? What are the benefits of eliminating this risk and the associated costs of revoking equipment necessary to eliminate this risk? The Commission concludes that it has the authority, as affirmed by Congress in the Secure Equipment Act, to consider the necessity to review or revoke an existing authorization of ''covered'' equipment approved prior to adoption of the Report and Order, and that it has such authority to consider such action without considering additional rules providing for any such review or revocation of existing authorizations. Considering the potential risk to national security concern, should the Commission consider revoking all authorizations of ''covered'' equipment, and if so how would such a potential revocation be implemented given the wide variety of existing authorizations? Also, to what extent should revocation of any particular equipment depend on establishment of a reimbursement program?

Considerations related to revocation of existing authorizations. In the event the Commission conclude that revocation of an equipment authorization may be appropriate, the Commission notes that such revocation might take different shapes. For instance, the revocation potentially could go so far as to involve not only prohibiting the future manufacture, importation, marketing, and sale of specified devices, but also requiring that the equipment no longer be used. On the other hand, the revocation of an existing authorization could conceivably be partial and limited, such as a revocation of an existing authorization that could, at some time in the future, preclude further importation, marketing, or sale of the affected equipment.

The Commission sought comment in the NPRM on the appropriate and reasonable transition period that may be necessary if the Commission decides to revoke an existing authorization. The Commission now requests additional comment on determining an appropriate transition period and whether and how that might depend on the scope of the revocation and the particular equipment involved. Should the Commission provide a suitable amortization period for equipment already in the hands of users? To what extent might the expected life-cycle of the equipment be taken into account? Pursuant to section 2.939(c), which provides for the revocation of any equipment authorization in the event of changes in its technical standards, the Commission previously sought comment on the provision of a suitable amortization period for equipment already in the hands of users or in the manufacturing process, and invites further comment here.

The Commission also seeks comment on the extent to which issues related to the supply chain and consumer-related concerns might figure in the Commission's considerations. How might the Commission evaluate supply chain issues in its consideration of whether to revoke an existing authorization, and what information and data (*e.g.,* number of devices, market share, substitutes, and prices) might be useful to such a consideration?

How should consumer-related concerns be factored in? In its comments on the NPRM, CTIA raises concerns relating to consumers. CTIA states that revoking existing authorizations for consumer products without a mechanism for removing them from the market would create significant confusion for consumers and could pass significant costs on to consumers who would presumably be placed in the difficult position of needing to replace newly-unauthorized devices. CTIA further argues that building a mechanism to remove retroactively de-authorized devices from the market would be complex and would need to consider how consumers would be made aware of the need to replace devices.

As noted above, there could be more than one type of revocation of existing equipment authorizations. Many commenters express concerns in the event the Commission revoked an existing authorization and required users to stop using that equipment. The Commission also might consider a kind of partial revocation of an existing authorization, such as in the case in which, at some specified date in the future, the importation, sale, or marketing of equipment that had previously been authorized could be prohibited. Such an action could eliminate any costs on users that would be associated with a requirement that existing equipment be replaced, while also promoting national security by preventing further purchasing and use of ''covered'' equipment that has been determined to pose an unacceptable risk

to national security. The Commission seeks comment on the market impact of various types of revocation mentioned above, including estimates of the impact on costs and availability of equipment. The Commission also seeks comment on how the transition period for any such revocation affect the costs of revocation and availability of equipment.

To what extent should the time at which the equipment authorization was initially granted be a factor? For instance, in its comments on the NPRM, IPVM contends that, to the extent that some equipment that could no longer be authorized under the rules and procedures adopted in the Report and Order may only recently have been authorized (such as in the months immediately before adoption of the new rules), it would be reasonable for the Commission to revoke such authorizations; IPVM notes that in these cases revocation of the equipment would have minimal impact on American end-users because most of these products have not yet been widely sold or installed. The Commission seeks comment, including on the extent to which ''covered'' equipment has been authorized recently (*e.g.,* after issuance of the NPRM, or at any time before the effective date of the rules adopted in the Report and Order. Alternatively, to the extent that the equipment was authorized many years ago and has surpassed its expected life-cycle, might that be more reasonable grounds for the Commission to revoke the authorization?

Also, the Commission notes that there might be other alternatives to that of requiring complete revocation of an authorization. For instance, might there be measures, such as requiring the particular components of equipment be replaced or certain security patches be implemented, that might avoid the need to replace equipment that had been previously authorized? If so, how would such an approach be implemented? Should the estimated costs associated with these alternative measures be taken into account? If so, the Commission seeks comment and quantitative data associated with the costs of the alternative measures. Finally, the Commission requests any additional thoughts on other considerations that the Commission should take into account with regard to potential revocation of particular existing authorizations.

Procedures for revocation. In the NPRM, the Commission asked whether the Commission should revise or clarify the existing processes for revocation set forth in section 2.939(b) with regard to existing authorizations of ''covered'' equipment, given that the equipment has been determined to pose an unacceptable risk to national security. Under section 2.939(b), the procedures for revoking an equipment authorization are the same procedures as revoking a radio station license under section 312 of the Communications Act. Section 2.939(b) requires that revocation of an equipment authorization must be made in the ''same manner as revocation of radio station licenses,'' and thus generally would include the requirement that the Commission serves the grantee/responsible party with an order to show cause why revocation should not be issued and must provide that party with an opportunity for a hearing. As discussed in the Report and Order, however, applying section 312's procedures to revocation of equipment authorizations is not statutorily required.

In its comments on the NPRM, Hytera recommends that, if the Commission pursues revocation of existing authorizations, it should provide full and complete due process protections for the holders of the authorizations as spelled out in section 2.939(b). The Commission notes that Huawei, Dahua, and Hikvision also object to any revocation of existing equipment authorizations premised on potential constitutional claims related to due process. In considering the serious concerns surrounding equipment on the Covered List, the Commission seeks additional comment on the potential for expedited or otherwise different procedures for revocation of ''covered'' equipment. The Commission seeks comment on the necessity for section 312 procedures, which apply to the revocation of a ''station license or construction permit'' as defined in the Act, to apply with respect to revocation of any existing ''covered'' equipment. Should the process the Commission adopts in new rule 2.939(d) apply more broadly to existing equipment authorization revocations? The Commission also seeks comment on the scope of any due process or other constitutional requirements for such revocation procedures.

Enforcement. In the NPRM, the Commission sought comment on enforcement issues that could arise if the Commission revoked equipment authorizations. It noted that, pursuant to section 503(b)(5) of the Act, the Commission must first issue citations against non-regulatees for violations of FCC rules before proposing any monetary penalties. Such citations ''provide notice to parties that one or more actions violate the Act and/or the FCC's rules—and that they could face a monetary forfeiture if the conduct continues.'' In contrast, pursuant to section 503(b)(1)(A) of the Act, the Commission may assess a monetary forfeiture against grantees for violations of the Commission's rules without first issuing a citation. Therefore, the Commission may take enforcement action against a grantee who continues to market equipment after the authorization for that equipment has been revoked. The Commission also notes that third party suppliers, importers, retailers, and end users (*i.e.,* non-regulatees), who are not Commission regulatees, may not be aware that they are subject to Commission rules. Similarly, such non-regulatees may not be aware when equipment they market or use has been revoked by the Commission.

The Commission seeks comment on the best enforcement mechanisms the Commission should employ to swiftly curb the potential for post-revocation equipment marketing or use by such parties. Are there obligations that could be imposed on grantees or responsible parties that would help alleviate these concerns? The Commission also seeks comment on how it might revise its rules or work with federal partners and the communications industry to address existing ''covered'' equipment that may be in the marketplace post-revocation without adversely affecting consumers and others downstream in the supply chain. The Commission seeks further comment on these issues, as well as any comment that could help the Commission enforce the requirements imposed following revocation, such as an appropriate enforcement policy for the continued marketing, sale, or operation of equipment if the revocation involves a transition period.

Other revisions. The Commission again requests comment on whether it should make any other revisions to section 2.939 that would address revocation of ''covered'' equipment. Should specific provisions be included that focus on revocation of equipment that involve the types of equipment prohibited based on an unacceptable risk to national security? Do these concerns merit particular procedures commensurate with the risk to national security? If so, the Commission asks that commenters provide details and explain the rationale with the suggestions.

Outreach. In the NPRM, the Commission asked about whether it should undertake any educational and outreach efforts to inform the public regarding any revocations of ''covered'' equipment that may be made, such as regarding the legal effect of revocations. The Commission did not receive any

comments on this particular question and again invites comment on this issue.

Supply Chain Considerations

In commenting on the proposals in the NPRM, some commenters ask whether, in the event that there are additions of ''covered'' equipment to the Covered List, the Commission should consider the potential impact of certain prohibitions where immediate implementation of a prohibition could result in supply chain problems. For instance, Drone Deploy expresses concerns that certain equipment used by U.S. businesses may be produced by only a few suppliers, and that in the event that equipment from such suppliers is placed on the Covered List, urges the Commission to consider providing clear market signaling and adequate notice before such a prohibition on authorization takes effect, so as not to harm US businesses. Drone Deploy further asks that the Commission work with other federal agencies in promoting the development of alternatives to equipment that may ultimately be added to the Covered List and to consider the market realities and ensure that adequate alternatives exist before restrictions on authorizations take effect. The Commission seeks comment on whether it should, in certain instances, take into account how the prohibition of particular ''covered'' equipment, and if such a prohibition could, if implemented immediately without sufficient advance notice or opportunity for the development of alternative sources of equipment, have a deleterious effect on the public interest.

United States Point of Presence Concerning Certified Equipment

In seeking comment in the NPRM on actions that the Commission should take that would better ensure compliance with, and enforcement of, Commission rules, the Commission proposed requiring that the party responsible for compliance with the Commission's certified equipment rules have a party located within the United States that would be responsible for compliance, akin to the current requirement applicable for equipment authorized through the SDoC process. The Commission observed that if there were a responsible party for certified equipment that has a physical presence in the United States, this would allow the Commission to conduct timely investigations and readily take effective enforcement action in instances of noncompliance, including noncompliance with the requirements promulgated in this proceeding. Only one commenter provided directly addressed comment in response to the Commission's proposal, supporting the identification of a U.S.-based responsible party.

The Commission continues to believe that it is important to facilitate enforcement of the Commission's rules and that requiring a U.S.-based responsible party for certified equipment would represent a significant step in achieving this goal. The Commission's actions in this proceeding to prohibit future authorization of ''covered'' equipment that poses an unacceptable risk to national security underscore the need for effective enforcement of applicable rules associated with certified equipment. Many certified devices that are imported to and marketed in the United States are manufactured in foreign countries and grantees of equipment authorizations with those devices are located outside of the United States. It can be difficult to effectively communicate with grantees, particularly foreign-based grantees, to engage in relevant inquiries, determine compliance, or enforce the Commission's rules when appropriate. Accordingly, it is important to have a reliable and effective means by which the Commission can readily identify and directly engage the grantee of an FCC equipment certification, which would be facilitated by requiring a U.S.-based presence for associated with certified equipment.

Under the current equipment certification rules set forth in section 2.909(a), the grantee obtaining the certification is the responsible party, and the only party responsible for compliance with applicable Commission requirements concerning that equipment. Requiring that, for certified equipment, there be a responsible party in the United States, would require revisions to the Commission's rules. In the NPRM, the Commission proposed adopting a general requirement that all applicants for equipment certification have a responsible party located in the United States, which could help ensure compliance with appliable Commission rules regarding the authorized equipment. At a minimum, such a requirement would require that any grantee that resides outside the United States to designate a party located within the United States that would have legal responsibility concerning compliance with such rules.

The Commission requests comment on the appropriate approach to implementing a U.S.-based responsible party requirement, as well as the details of implementing the approach in the Commission's rules. The Commission believes that it remains important that the grantee of the equipment authorization always be a responsible party for ensuring compliance under the Commission's rules, as this helps ensure that there are a wide range of tools available to the Commission that can be leveraged with respect to the grantee to help promote compliance. If the grantee continues to be a responsible party, but is not located in the United States and therefore names a separate entity located in the United States as a responsible party, how would this affect the Commission's goal of promoting compliance? Would this result in there being two responsible parties? Under this approach, what would be the relationship between the U.S.-based responsible party and the grantee, and should the Commission impose certain minimal requirements on that relationship? Would the grantee and the U.S.-located responsible party act as a co-equal in responsibility for compliance? Would both the applicant (if foreign-based) and designated U.S.-based responsible party have to attest and sign the FCC Form 731 application for equipment certification or would a single attestation be sufficient?

Should the Commission revise section 2.909(a) concerning the responsible party for certified equipment to more closely align with the approach concerning responsible parties set forth in section 2.909(b), *i.e.,* the rule already in place for equipment authorized under the SDoC process? Are there important differences between certified equipment and SDoC-authorized equipment that should be taken into consideration as the Commission considers requiring a U.S. point of presence for certified equipment? Under the SDoC approach, the responsible party must be located in the United States, and could be, depending on the situation, the manufacturer, the assembler, the importer, or the retailer. Specifically, the Commission notes that under 2.909(b), if the manufacturer or assembler of the equipment is not located in the United States, and the equipment is imported, the importer of the equipment would be the responsible party unless the retailer(s) in the U.S. enter into agreement(s) with the importer or manufacturer (or assembler) to become the new responsible party. The Commission seeks comment on the extent to which a similar approach should be adopted for certified equipment. Should the Commission consider requiring that the importer, the retailer, the distributor, or some other entity be the U.S.-located responsible

party? Should there only be one U.S.-located responsible party permitted? The Commission seeks comment on these issues and the rules and implementation details that commenters request that the Commission consider.

If the Commission requires a U.S.-located responsible party, how does the Commission ensure that any designated U.S.-based responsible party has the requisite qualifications, necessary organizational or corporate authority, capabilities, abilities and connection to the grantee to enable it to appropriately and fully respond to Commission inquiries and remedy violations of the Act and the Commission's rules? Should the Commission, for instance, require there be a formal agreement between the responsible party and the grantee? Should the Commission specify a particular status for the U.S.-based responsible party (*i.e.,* a citizen, a lawful resident, etc.)? What minimum criteria should the Commission consider for a U.S.-based responsible party's physical presence in the United States? Should the Commission require some form of financial security to ensure the Commission's ability to enforce its rules? How should the Commission collect and maintain information on any designated responsible party, through the TCB or directly with the Commission? What requirements are needed to ensure the grantee and/or the U.S.-based responsible party keeps its contact information up-to-date with the Commission? The Commission notes that these possible procedures could require updating FCC Form 731 and the Commission-maintained equipment authorization system (EAS) database procedures to address this additional entry and require necessary updating if there are any subsequent changes.

If the Commission adopts a requirement to have a U.S.-based responsible, is there any reason for the U.S.-based responsible party to be the same designee as the U.S.-based entity for service of process required by section 2.911(d)(7), or should they be different designees? In order to effectuate enforcement over time, should the grantee be required to maintain a U.S.-based responsible party for a certain period of time after the grantee ceases marketing the device? Finally, as the Commission considers which approach to take, the Commission seeks comment on the burdens placed on applicants and the TCBs in implementing the appropriate approach.

Other Issues

Now that the Commission's revised rules and approach have been established in the Report and Order, commenters and other interested parties may wish to submit further comments on these issues or other issues. The Commission seeks further comment on some of the issues the Commission raised in the NPRM. The Commission also invites comment on additional issues.

Additional information under section 2.1033. In the NPRM, the Commission asked whether to require the applicant to provide, under section 2.1033, additional information (possibly including a parts list) that could help establish that the equipment is not ''covered'' in order to assist TCBs and the Commission in the effort to prohibit authorization of ''covered'' equipment. If so, what additional information might be helpful or appropriate, and how should the requirement be crafted to mitigate any undue burden on applicants?

Review of the equipment authorization post-grant. Following a TCB's grant of certification, the Commission will post information on that grant ''in a timely manner'' on the Commission-maintained public EAS database, and that the TCB or Commission may set aside a grant of certification within 30 days of the grant date if it is determined that such authorization does not comply with applicable requirements or is not in the public interest. In the NPRM, the Commission invited comment on whether it should consider adopting any new procedures for gathering and considering information on potentially relevant concerns that the initial grant is not in the public interest and should be set aside. In particular, the Commission asked about the extent to which interested parties, whether the public or government entities (*e.g.,* other expert agencies) should be invited to help inform the Commission as to whether particular equipment inadvertently received a grant by the TCB and is in fact ''covered'' equipment such that the grant should be set aside. The Commission notes that commenters on the NPRM generally opposed establishing any new procedures. The Commission, however, invites further comment about whether procedures for a post-grant review process should be established now that the specific new rules and procedures are effective.

Post-market surveillance. In the NPRM, the Commission also sought comment on whether the Commission should consider any revisions or clarifications to the section 2.962(g) rules concerning ''post-market surveillance'' activities with respect to products that have been certified. Those rules currently require TCBs to perform appropriate post-market surveillance activities with respect to testing samples of certified equipment for compliance with technical regulations. The Commission noted that OET has delegated authority to develop procedures that TCBs will use for performing such post-market surveillance, and sought comment on whether any revisions or clarifications should be adopted with respect to post-market surveillance. In its comments on the NPRM, CTIA expresses concern that increasing the scope of TCBs' post-market surveillance responsibilities could result in delays in authorizing equipment and higher TCB costs. Now that rules and procedures for prohibiting authorization of ''covered'' equipment are effective, the Commission invites additional comment on this issue. Beyond the existing requirements under section 2.962(g), are there particular additional activities that TCBs should conduct in light of the goals of this proceeding?

Certification process for equipment that is prohibited from using SDoC. In the Report and Order of this proceeding, the Commission adopted a rule prohibiting any of the entities named on the Covered List as producing ''covered'' equipment, and their respective subsidiaries or affiliates, from using the SDoC process to authorize any equipment—not just ''covered'' equipment identified on the Covered List. Thus, any equipment eligible for equipment authorization that is produced by any entities so identified on the Covered List, or their respective subsidiaries or affiliates, must be processed pursuant to the Commission's certification process, regardless of any Commission rule that would otherwise permit use of the SDoC process. While the Commission maintains its belief that the implementation of this rule is not unnecessarily burdensome, the Commission did note in adopting it that as the Commission, industry, and manufacturers gain more experience over time on the effectiveness of its procedures concerning ''covered'' equipment, the Commission may wish to revisit this process. As such, the Commission takes this opportunity to seek comment on alternative procedures that the Commission could consider to maintain oversight over equipment identified on the Covered List, while ensuring consistent application of the Commission's equipment authorization procedures. What procedures should the Commission consider to specifically address the authorization of equipment produced by entities named on the

Covered List as producing ''covered'' equipment? What specific aspects of the standard SDoC process and the Certification process should the Commission combine to ensure the necessary oversight for the Commission to readily identify and address equipment of concern?

Enforcement. In light of the rules and approach that the Commission adopted in the Report and Order, the Commission invites comment on other actions it should consider to promote enforcement of the prohibitions in the Commission's equipment authorization program relating to ''covered'' equipment.

Other issues. Finally, the Commission invites comment on other rules or procedures that the Commission should consider as it moves forward with implementation of the prohibition on authorization of ''covered'' equipment.

Further Notice on Competitive Bidding

In addition to considering revisions to the Commission's equipment authorization program, the Commission sought comment in the NPRM on whether to ''require an applicant to participate in competitive bidding [for Commission spectrum licenses] to certify that its bids do not and will not rely on financial support from any entity that the Commission has designated under section 54.9 of its rules as a national security threat to the integrity of communications networks or the communications supply chain.''

If adopted, such a requirement could prevent the entities designated pursuant to section 54.9 from influencing the bidding in an auction for Commission spectrum licenses. The Commission has designated Huawei and ZTE, and their subsidiaries, parents, or affiliates, pursuant to section 54.9. In doing so, the Commission noted Huawei's and ZTE's ties to the Chinese government and military apparatus, along with Chinese laws obligating those companies to cooperate with any Chinese government requests to use or access their systems. It also is well-established that the Chinese government helped fuel Huawei's growth by deploying powerful industrial policies to make Huawei equipment cheaper to deploy than the alternatives. These policies include both direct subsidies to Huawei and state-funded export financing. The Chinese government support for Huawei has been repeatedly documented.

In the NPRM, the Commission stated that indirect subsidies may include ''[d]istortionary financing intended to support participation in spectrum auctions of network operators who then deploy covered equipment and services [and thereby] may raise concerns about risks to the national security of the United States and the security and safety of United States persons.'' The Commission noted concerns that such financing had enabled a party to outbid others for spectrum licenses at auction, effectively blocking other equipment providers. It sought comment on whether a potential certification might address the risk of such distortionary financing in Commission auctions.

Only a handful of commenters responding to the NPRM address the potential auction certification. None dispute the potential risk, though each raises different concerns with a certification requirement and each offers different suggestions to address those concerns. Addressing the potential difficulty of identifying the ultimate sources of financing, one commenter suggests that the Commission accept a certification based on reasonable belief ''after sufficient due diligence.'' Another commenter alternatively proposes that the certification only apply to applicants receiving ''financial support'' of greater than 10%, though it does not detail how this is to be measured. That commenter also notes some risk that the potential certification may interfere with allowing market forces to determine the use of spectrum by artificially limiting the number of applicants seeking the licenses. Echoing another commenter's concern with the breadth of the potential certification, an additional commenter suggests that the certification concern only those funds ''specifically for the purpose of auction participation.'' They further recommend limiting the certification to those entities specifically designated, and proposes clarifications that subsequent changes in the list of those designated would have no effect on earlier certifications. A different commenter, on the other hand, proposes expanding the entities covered by the certification to include relevant Chinese financial institutions. Finally, rather than focus on financing, another commenter would refocus the certification and make it into a bar on specific entities participating in Commission spectrum license auctions or the use by auction winners of equipment provided by those entities. Concerns about Huawei and ZTE and the risks posed by their equipment have continued since adoption of the NPRM and submission of the record in response, both in connection with spectrum license auctions and more generally. Concerns about the security of Huawei equipment were a significant topic in connection with Brazil's 2021 auction of spectrum licenses for use with 5G wireless technology. More recently, separate from any license auction, Canada issued a ban on equipment from Huawei and ZTE with respect to all licenses.

In light of the record in response to the NPRM, continuing concerns regarding Huawei and ZTE, and the Commission's action in the Report and Order with respect to equipment certification, the Commission seeks further comment on the risk of distortionary auction financing and potentially addressing that risk with a required auction application certification. Given developments since the NPRM, including the steps taken with respect to equipment approvals, has the risk of distortionary auction financing to benefit section 54.9 companies lessened or increased? As additional actions are taken with respect to untrusted equipment and vendors, is a potential auction certification more or less likely to be effective in addressing the underlying concern? As noted in response to the NPRM, such an inquiry can be difficult to tailor to address the underlying concern without imposing a burden on or creating uncertainty for auction participants. Would any of the alternatives suggested in the record address the underlying risk more effectively? Are there alternative ways to narrow or otherwise target the certification that would address the national security concerns, while limiting any negative impacts on competitive bidding?

Ordering Clauses

Accordingly, *it is ordered*, pursuant to the authority found in sections 4(i), 301, 302, 303, 309(j), 312, 403, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 302a, 303, 309(j), 312, 403, 503, and the Secure Equipment Act of 2021, Public Law 117–55, 135 Stat. 423, that the Further Notice of Proposed Rulemaking *is hereby adopted*.

It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to Congress and the Government

Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2023–04608 Filed 3–7–23; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 371

[Docket No. FMCSA–2022–0134]

Definitions of Broker and Bona Fide Agents

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notification of interim guidance; reopening of comment period.

SUMMARY: FMCSA is reopening the comment period for its interim guidance, Definitions of Broker and Bona Fide Agents. The interim guidance informs the public and regulated entities about FMCSA's interpretation of the definitions of *broker* and *bona fide agents* as it relates to all brokers of transportation by commercial motor vehicle. FMCSA is taking this action to better define the terms in response to a mandate in the Infrastructure Investment and Jobs Act (IIJA). After consideration of public comments received, FMCSA provided clarification on its interpretation of the definitions of *broker* and *bona fide agents,* in addition to meeting other criteria required by the IIJA. While the interim guidance was effective immediately upon publication, FMCSA sought comments to the interim guidance and will issue final guidance by June 16, 2023. FMCSA is reopening the comment period in anticipation of hosting a public listening session allowing comments on this topic. FMCSA will host the session at 10 a.m. on March 31, 2023, in Louisville, KY, and concurrently with the Mid America Trucking Show (MATS). Anyone wishing to attend can register at: *https://www.eventbrite.com/e/fmcsa-session-2-broker-regulatory-session-tickets-549535173497.* In addition, a transcript of the public listening session will be placed in the guidance docket.

DATES: The comment period for the interim guidance published on November 16, 2022, at 87 FR 68635, will be reopened on March 31, 2023. Comments must be received on or before April 6, 2023.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2022–0134 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/docket/FMCSA-2022-0134/document.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey L. Secrist, Chief, Registration, Licensing, and Insurance Division, Office of Registration, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 385–2367; *Jeff.Secrist@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number FMCSA–2022–0134 for this notice, indicate the specific section of the guidance to which your comment applies and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2022-0134/document,* click on this notification, click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the interim guidance contain commercial or financial information that is customarily treated as private, that you actually treat as private, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the interim guidance. Submissions containing CBI should be sent to Mr. Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2022-0134/document* and choose the document to review. To view comments, click this notification of interim guidance, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with its regulatory procedures and policies, DOT solicits

comments from the public to better inform its regulatory process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov.* As described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

The November 16, 2022, notification of interim guidance (87 FR 68635) requested comment on FMCSA's interpretation of the term *broker,* which is defined in 49 CFR 371.2(a) as a ''person who, for compensation, arranges, or offers to arrange, the transportation of property by an authorized motor carrier. Motor carriers, or persons who are employees or bona fide agents of carriers, are not brokers within the meaning of this section when they arrange or offer to arrange the transportation of shipments which they are authorized to transport and which they have accepted and legally bound themselves to transport.''

The interim guidance also requested comment on FMCSA's interpretation of the term *bona fide agent,* which is defined as ''persons who are part of the normal organization of a motor carrier and perform duties under the carrier's directions pursuant to a preexisting agreement which provides for a continuing relationship, precluding the exercise of discretion on the part of the agent in allocating traffic between the carrier and others'' (49 CFR 371.2(b)).

Section 23021 of the IIJA (Pub. L. 117–58, 135 Stat. 429) directed the Secretary (through FMCSA) to issue this guidance, taking into consideration the extent to which technology has changed the nature of freight brokerage, the role of bona fide agents, and other aspects of the freight transportation industry. Additionally, when issuing the guidance, Congress directed that FMCSA must, at a minimum: (1) examine the role of a dispatch service in the transportation industry; (2) examine the extent to which dispatch services could be considered brokers or bona fide agents; and (3) clarify the level of financial penalties for unauthorized brokerage activities under 49 U.S.C. 14916, applicable to a dispatch service (87 FR 68635).

The comment period for the interim guidance closed on January 17, 2023. However, FMCSA will host a public listening session on issues related to brokers on March 31, 2023, concurrent with the 2023 MATS conference. Therefore, FMCSA believes it is in the interest of the public to reopen the comment period so FMCSA may consider comments on the guidance made at the session and for a short period thereafter. Accordingly, FMCSA is reopening the comment period on the date of the session, March 31, 2023, and will accept additional comments until April 6, 2023.

Issued under authority delegated in 49 CFR 1.87.

Robin Hutcheson,

Administrator.

[FR Doc. 2023–04717 Filed 3–7–23; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 386 and 387

[Docket No. FMCSA–2016–0102]

RIN 2126–AC10

Broker and Freight Forwarder Financial Responsibility

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM); extension of comment period.

SUMMARY: FMCSA is extending the comment period for its January 5, 2023, NPRM proposing rules to regulate broker and freight forwarder financial responsibility in five separate areas: Assets readily available; immediate suspension of broker/freight forwarder operating authority; surety or trust responsibilities in cases of broker/freight forwarder financial failure or insolvency; enforcement authority; and entities eligible to provide trust funds for form BMC–85 trust fund filings. As originally published in the NPRM, the deadline for comments was March 5, 2023. However, FMCSA is extending this comment period to April 6, 2023, in anticipation of a public listening session allowing comments on this topic. The session will be hosted by FMCSA at 10:00 a.m. on March 31, 2023, in Louisville, KY, and held concurrently with the Mid America Trucking Show (MATS). Anyone wishing to attend can register at: *https://www.eventbrite.com/e/fmcsa-session-2-broker-regulatory-session-tickets-549535173497.* In addition, a transcript of the public listening session will be placed in the rulemaking docket.

DATES: The comment period for the NPRM published January 5, 2023, at 88 FR 830 is extended by 31 days. Comments must be received on or before April 6, 2023.

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2016–0102 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/docket/FMCSA-2016-0102/document.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey L. Secrist, Chief, Registration, Licensing, and Insurance Division, Office of Registration, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 385–2367; *Jeff.Secrist@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (FMCSA–2016–0102) and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/*

FMCSA-2016-0102/document, click on this NPRM, click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the 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 the NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the NPRM. Submissions containing CBI should be sent to Mr. Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2016-0102/document* and choose the document to review. To view comments, click this NPRM, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy

In accordance with 49 U.S.C. 13301(a) and 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov.* As described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

The January 5, 2023, NPRM (88 FR 830) requested public comment in five separate areas: Assets readily available; immediate suspension of broker/freight forwarder operating authority; surety or trust responsibilities in cases of broker/freight forwarder financial failure or insolvency; enforcement authority; and entities eligible to provide trust funds for form BMC–85 trust fund filings.

The comment period for the NPRM is scheduled to expire on March 6, 2023. FMCSA believes it is in the interest of the public to allow for public comment on this proposal at a public listening session, which will be held at 10:00 a.m. on Friday, March 31, 2023. Accordingly, FMCSA extends the comment period for all comments on the NPRM and its related documents until April 6, 2023.

Issued under authority delegated in 49 CFR 1.87.

Robin Hutcheson,

Administrator.

[FR Doc. 2023–04716 Filed 3–7–23; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register
Vol. 88, No. 45
Wednesday, March 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

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to 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. Comments regarding this information collection received by April 7, 2023 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Research Service

Title: Evaluation of User Satisfaction with NAL Internet Sites.

OMB Control Number: 0518–0040.

Summary of Collection: The National Agricultural Library (NAL) measures user satisfaction with internet sites in order for NAL to comply with Executive Order 12862, which directs federal agencies that provide significant services directly to the public to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. NAL internet sites are a vast collection of web pages created and maintained by component organizations of NAL.

Need and Use of the Information: The purpose of the research is to ensure that intended audiences find the information provided on the internet sites easy to access, clear, informative, and useful. The research will provide a means by which to classify visitors to the NAL internet sites, to better understand how to serve them. The information generated from this research will enable NAL to evaluate the success of its web presence in support of its mission to facilitate the creation of agricultural knowledge through the acquisition, curation, and dissemination of the information needed to solve agricultural challenges today and in the future. If the information is not collected, NAL will be limited in its ability to provide accurate, timely information to its user community.

Description of Respondents: Individuals or households; business or other for-profit; not-for-profit institutions; farms; State, local or Tribal government.

Number of Respondents: 2,460.

Frequency of Responses: Reporting: annually.

Total Burden Hours: 328.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2023–04678 Filed 3–7–23; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to 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.

Comments regarding this information collection received by April 7, 2023 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Institute of Food and Agriculture

Title: Expanded Food and Nutrition Education Program (EFNEP).

OMB Control Number: 0524–0044.

Summary of Collection: The Expanded Food and Nutrition Education Program (EFNEP) is a Federal Extension (community outreach)

program that currently operates through 1862 and 1890 Land-Grant Universities in every state, the District of Columbia, and the six U.S. territories. The program uses education to support participants' efforts towards self-sufficiency, nutritional health, and well-being. EFNEP combines hands-on learning, applied science, and program data to ensure program effectiveness, efficiency, and accountability. The evaluation processes of EFNEP remain consistent with the requirements of Congressional legislation and OMB and supports the reporting requirements requested in the Government Performance and Results Act of 1993 (GPRA) (Pub. L. 103–62), the Federal Activities Inventory Reform Act of 1998 (FAIR Act) (Pub. L. 105–270), and the Agricultural, Research, Extension and Education Reform Act of 1998 AREERA) (Pub. L. 105–185).

Need and Use of the Information: The National Institute of Food and Agriculture (NIFA) will collect information using Web-Based Nutrition Education Evaluation and Reporting System (WebNEERS), which is an integrated database system that stores information on: (1) programmatic results: (A) adult program participants, their family structure and dietary practices; (B) youth group participants; and (C) staff; and (2) programmatic plans (D) annual budget; and (E) annual program plans. NIFA would be unable to compare, assess, and analyze the effectiveness and the impact of EFNEP without the annual collection of data.

Description of Respondents: State, local or Tribal government.

Number of Respondents: 76.

Frequency of Responses: Recordkeeping; Reporting: Annually.

Total Burden Hours: 14,744.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2023–04742 Filed 3–7–23; 8:45 am]

BILLING CODE 3410–09–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket ID NRCS–2023–0004]

Request for Public Input About Implementation of the Mississippi River Basin Healthy Watersheds Initiative and the National Water Quality Initiative

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Request for information.

SUMMARY: The Natural Resources Conservation Service (NRCS) requests public input for NRCS to use in refining the Mississippi River Basin Healthy Watershed Initiative (MRBI) and the National Water Quality Initiative (NWQI) to better protect and improve water quality. NRCS also requests comments on how we can streamline and improve MRBI and NWQI to increase efficiencies and expand access for underserved communities and producers. Finally, NRCS requests comments on how we can engage with partners to provide technical assistance for MRBI and NWQI implementation. This effort will help NRCS identify and prioritize improvements to MRBI and NWQI starting in fiscal year (FY) 2024.

DATES: We will consider comments that we receive by April 7, 2023. Comments received after that date will be considered to the extent possible.

ADDRESSES: We invite you to send comments in response to this notice. You may send comments through the method below:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and search for Docket ID NRCS–2023–0004. Follow the online instructions for submitting comments.

All comments received, including those received by mail, will be posted without change and will be publicly available on *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

Background

MRBI and NWQI are targeted efforts to address water quality resource concerns. In 2009, USDA announced MRBI as a multiyear partnership effort with the Mississippi River/Gulf of Mexico Hypoxia Task Force (HTF), a Federal and state partnership established to address excess nutrients in the Mississippi River and the associated dead zone in the Gulf of Mexico. NWQI was initiated in 2012 as a partnership effort between the Environmental Protection Agency (EPA) and NRCS to work with states to address nutrient, sediment, and pathogen water quality issues that lead to the impairment of water quality in agricultural watersheds. MRBI is delivered in the 12 member states of HTF, and NWQI is available in all U.S. states and territories.

Both initiatives operate by increasing the effectiveness of Farm Bill assistance within prioritized small watersheds. Delivery of assistance through the Environmental Quality Incentive Program (EQIP) and, in MRBI, the Conservation Stewardship Program (CSP) is guided by watershed plans that identify critical treatment needs. Both initiatives are conducted under authorities that permit NRCS to identify and target opportunities to address priority resource concerns.

MRBI initially focused on a broad range of issues in the Mississippi River basin, including water quantity and wildlife habitat. The 2008 HTF action plan prioritized developing nutrient loss reduction strategies by states no later than 2013. Nutrient loss reduction strategies identify locally appropriate ways for states to reduce nutrient contributions to the Mississippi River and the Gulf of Mexico. MRBI is now focused on delivering assistance that aligns with the various state nutrient reduction strategies. In addition, NRCS has made MRBI more effective over time by incorporating watershed assessments and other improvements.

NWQI was designed to support watershed plans that address the water quality concerns being targeted. Starting in 2017, NRCS improved the effectiveness of associated plans by adopting a watershed assessment framework to ensure that all prioritized watersheds followed a pathway to success. In 2019, NRCS worked with EPA to expand the scope of the initiative to include source water protection as a purpose for prioritizing watersheds.

Request for Input

Maximizing the Value of Public Feedback

Responses to the list of questions in this notice will assist NRCS in the delivery of MRBI and NWQI. NRCS encourages public comment on these questions and requests any other information that commenters believe is relevant to this notice. The feedback that is most useful to NRCS identifies specific policies or processes and includes actionable information, data, or viable alternatives that meet statutory goals and requirements. Feedback that only provides a commenter's suggestion for a change but does not contain specific information on what change should be considered, how a proposed change will meet statutory goals and requirements, or how the change would improve existing processes is less useful to NRCS.

To provide comments that will be most useful to NRCS, commenters should respond, in as much detail as possible, to the questions in this notice by:

- Identifying the NRCS regulation or policy at issue, providing the Code of Federal Regulation (CFR) and NRCS Manual citation where available or

applicable (see *https://directives.sc.egov.usda.gov* for NRCS current policy manuals and handbooks);

- Explaining why an NRCS regulation, policy, form, or program process should be modified, streamlined, expanded, or removed, as well as specific suggestions about how NRCS can better achieve MRBI and NWQI objectives and reduce unnecessary burdens on producers and partners;
- Providing specific data that document how the proposed recommendations would increase benefits achievable through MRBI and NWQI; and
- Addressing how NRCS can best quantify or otherwise obtain and consider accurate, objective information and data about outcomes achieved through MRBI and NWQI.

You may contact us by sending an email to: *SM.NRCS.LandscapeConservationInitiatives@usda.gov* if you have questions or concerns. Please specify the docket ID Docket ID: NRCS–2023–0004 in the subject line.

List of Questions for Commenters

The following list of questions is not exhaustive. However, it is meant to assist members of the public in formulating comments on important issues NRCS is considering as we implement MRBI and NWQI. This list is not intended to restrict the feedback that members of the public may provide:

(1) How should NRCS improve the effectiveness of MRBI and NWQI when addressing water quality concerns?

(2) To effectively deliver water quality improvement and protection, MRBI and NWQI require watershed assessments to guide conservation assistance. How should NRCS improve the watershed assessment process to target delivery of conservation assistance achieved through MRBI and NWQI?

(3) How can NRCS ensure that MRBI and NWQI provide the benefits of water quality conservation to disadvantaged communities and underserved producers?

(4) Under the Clean Water Act, water quality impairments have been removed from many water bodies in MRBI and NWQI watersheds, and in-stream monitoring in many NWQI watersheds has shown improvements related to agricultural conservation. How should NRCS improve and potentially expand the metrics for the measurement of outcomes targeted and achieved through MRBI and NWQI?

Review of Public Feedback

NRCS will use the public's feedback to improve its program delivery through MRBI and NWQI. This notice is issued solely for information and program-planning purposes. Public input provided in response to this notice does not bind NRCS to any further actions, including publication of any formal response or agreement to initiate a recommended change. NRCS will consider the feedback and make changes or process improvements at its sole discretion. Finally, comments submitted in response to this notice will not be considered as petitions for rulemaking submitted pursuant to 5 U.S.C. 553(e).

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Individuals who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720–2600 (voice and text telephone (TTY) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410 or email: *OAC@usda.gov.*

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Terry Cosby,

Chief, Natural Resources Conservation Service.

[FR Doc. 2023–04762 Filed 3–7–23; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Request for Nominations to the Task Force on Agricultural Air Quality Research

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of request for nominations to the Task Force on Agricultural Air Quality Research.

SUMMARY: The Secretary of Agriculture invites nominations of qualified candidates to be considered for a 2-year term on the Task Force on Agricultural Air Quality Research, typically referred to as the Agricultural Air Quality Task Force (AAQTF), established by the Federal Agriculture Improvement and Reform Act of 1996 to provide recommendations to the Secretary of Agriculture on agricultural air quality issues. This notice solicits nominations for membership to AAQTF.

DATES: *Nominations due:* We will consider nominations that are postmarked by May 8, 2023.

ADDRESSES: Submit nominations to Greg Zwicke, Designated Federal Officer, Department of Agriculture, Natural Resources Conservation Service, West National Technology Support Center, 2150 Centre Avenue, Building A, Suite 314B, Fort Collins, CO 80526; or send by email to: *Greg.Zwicke@usda.gov.*

FOR FURTHER INFORMATION CONTACT: Greg Zwicke; telephone: (970) 295–5621; email: *Greg.Zwicke@usda.gov.*

SUPPLEMENTARY INFORMATION:

AAQTF Purpose

Section 391 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104–127, 7 U.S.C. 5405) requires the Chief of the Natural Resources Conservation Service (NRCS) to establish a task force to address agricultural air quality issues. AAQTF advises the Secretary of Agriculture on the role of the Secretary for providing oversight and coordination related to agricultural air quality.

The requirements of the Federal Advisory Committee Act, 5 U.S.C. 10., apply to AAQTF.

AAQTF will:

1. Strengthen vital research efforts related to agricultural air quality;

2. Determine the extent to which agricultural activities contribute to air pollution;

3. Determine cost-effective ways in which the agricultural industry can improve air quality;

4. Coordinate and ensure intergovernmental cooperation on research activities related to agricultural air quality issues to avoid duplication, and ensure data quality and sound interpretation of data; and

5. Advise the Secretary of Agriculture with the information to provide oversight and coordination related to agricultural air quality.

AAQTF Membership

USDA expects AAQTF to meet two to three times each year, with meetings held at various locations across the United States. AAQTF members will serve for a term of 2 years, starting with the date of appointment to AAQTF. The Chief of NRCS serves as Chair of AAQTF. AAQTF is composed of members representing a broad spectrum of individuals with interest and expertise in agricultural air quality issues. This includes, but is not limited to, agricultural producers, representatives from the agricultural production and processing sector, as well as those from academia, agribusiness, regulatory organizations, environmental organizations, and local or State agencies.

Nominees to AAQTF will be evaluated on a number of criteria, including expertise in or experience with agricultural air quality research, agricultural production, and air quality environmental or regulatory issues.

Serving as an AAQTF member will not constitute employment by, or the holding of, an office of the United States for the purpose of any Federal law. Persons selected for membership on AAQTF will not receive compensation from NRCS for their service, except while away from home or regular place of business, members will be eligible for travel expenses paid by NRCS, including per diem in lieu of subsistence, at the same rate as a person employed intermittently in the government service, under 5 U.S.C. 5703.

Additional information about AAQTF is available at: *https://www.nrcs.usda.gov/conservation-basics/natural-resource-concerns/air.*

Member Nominations

Any interested person or organization may nominate qualified individuals for membership. Interested candidates may nominate themselves. Previous nominees and AAQTF members who wish to be considered for membership on AAQTF must submit a new nomination with updated information, including a new background disclosure form (Form AD–755).

Nominations should be typed and include the following:

1. A brief summary, no more than two pages, explaining the nominee's qualifications to serve on AAQTF and addressing the criteria described above.

2. A resume providing the nominee's background, experience, and educational qualifications.

3. A completed background disclosure form (Form AD–755) signed by the nominee. The form is available on-line at: *https://www.usda.gov/sites/default/files/documents/ad-755.pdf.*

4. Any recent publications by the nominee relative to air quality (if appropriate).

5. Letter(s) of endorsement (optional).

Send nominations to Greg Zwicke, Designated Federal Officer, Department of Agriculture, Natural Resources Conservation Service, West National Technology Support Center, 2150 Centre Avenue, Building A, Suite 314B, Fort Collins, CO 80526; or email to *Greg.Zwicke@usda.gov.* The Designated Federal Officer will acknowledge receipt of nominations.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Individuals who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720–2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone). Additionally, program information may be made available in languages other than English.

Equal opportunity practices in accordance with USDA's policies, will be followed in all appointments to AAQTF. To ensure that the recommendations of AAQTF have taken into account the needs of the diverse groups served by USDA, membership will include to the extent possible, individuals with demonstrated ability to represent minorities, women, and person with disabilities.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410 or email: *OAC@usda.gov.*

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Dated: February 28, 2023.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2023–04703 Filed 3–6–23; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–16–2023]

Foreign-Trade Zone (FTZ) 44, Notification of Proposed Production Activity; Givaudan Fragrances Corporation; (Fragrance Compounds); Mount Olive, Flanders, and Towaco, New Jersey

Givaudan Fragrances Corporation submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Mount Olive, Flanders, and Towaco, New Jersey within FTZ 44. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on February 28, 2023.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem

from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.* The proposed material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed foreign-status materials include: dibasic ester, methyl soyate and, edetate disodium solution (duty rate ranges from 4.6% to 5%). The request indicates that the materials are subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is April 17, 2023.

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

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

Dated: March 2, 2023.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2023–04708 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Technology Letter of Explanation

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites 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. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before May 8, 2023.

ADDRESSES: Interested persons are invited to submit comments by email to Mark Crace, IC Liaison, Bureau of Industry and Security, at *mark.crace@bis.doc.gov* or to *PRAcomments@doc.gov*). Please reference OMB Control Number 0694–0047 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Mark Crace, IC Liaison, Bureau of Industry and Security, phone 202–482–8093 or by email at *mark.crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection is necessary under section 748.8(o) and Supplement 2 section (o) to Part 748 of the Export Administration Regulations (EAR). Licensing officers must make decisions on licensing the export of United States commodities and technical data to foreign countries. When an export involves certain technical data or knowhow described in the Export Administration Regulation, additional information is required to fully understand the transaction and make a licensing decision. The Technology Letter of Explanation provides a written description of the technology proposed for export sufficient to allow BIS technical staff to evaluate the impact of licensing the export on United States national security and foreign policy. The letter of assurance puts the consignee on notice that the technology is subject to U.S. export controls and causes the consignee to certify that it will not release the data or the direct product of the data to certain specified country group nationals; thus providing assurance that U.S. national security data will be safeguarded and used only for the stated end use. The additional information is necessary to evaluate technology exports as covered under this collection.

II. Method of Collection

Paper or Electronic.

III. Data

OMB Control Number: 0694–0047.

Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 6,283.

Estimated Time per Response: 30 minutes to 2 hours.

Estimated Total Annual Burden Hours: 9,416.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Voluntary.

Legal Authority: EAR Sections 748.8 and Sup 2 Section (o) to Part 748.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

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 may 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.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2023–04715 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–830]

Strontium Chromate From France: 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) is conducting an administrative review of the antidumping duty order on strontium chromate from France. The period of review (POR) is November 1, 2020, through October 31, 2021. The review covers one producer/exporter of the subject merchandise, Société Nouvelle des Couleurs Zinciques (SNCZ). We determine that sales of subject merchandise by SNCZ were made at less than normal value (NV).

DATES: Applicable March 8, 2023.

FOR FURTHER INFORMATION CONTACT: Jonathan Schueler, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9175.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* on November 4, 2022.[1] We invited interested parties to comment on the *Preliminary Results.* For a complete description of the events that occurred after the *Preliminary Results, see* the Issues and Decision Memorandum.[2] Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [3]

The product covered by this *Order* is strontium chromate from France. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

The sole issue raised in the parties' case and rebuttal brief is addressed in the Issues and Decision Memorandum and is listed in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on-file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *https://access.trade.gov/public/FRNNoticesListLayout.aspx.*

Changes Since the Preliminary Results

Based on the comments received from interested parties and our examination of record information, we made no changes to our preliminary dumping margin calculation for SNCZ.

Final Results of Review

As a result of this review, we determine the following weighted-average dumping margin exists for the POR:

Exporter or producer	Weighted-average dumping margin (percent)
Société Nouvelle des Couleurs Zinciques	2.04

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results of review within five days of a public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we have made no changes from the *Preliminary Results,* there are no calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. As there are no entered values on the record for SNCZ's sales, pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific per-unit duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total quantity of those sales.[4] Where an importer-specific assessment rate is zero or *de minimis* (*i.e.,* less than 0.5 percent), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[5] To determine whether an importer-specific per-unit duty assessment rate is *de minimis,* we calculated an estimated entered value.

Commerce's ''reseller policy'' will apply to entries of subject merchandise during the POR produced by the company included in these final results of review for which the reviewed company did not know that the merchandise it sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instance, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[6]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for SNCZ will be equal to the weighted-average dumping margin established in the final results of this administrative review (*i.e.,* 2.04 percent); (2) for merchandise exported by a producer or exporter 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 for the

[1] *See Strontium Chromate from France: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021;* 87 FR 66652 (November 4, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results in the 2020–2021 Antidumping Duty Administrative Review of Strontium Chromate from France,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Strontium Chromate from Austria and France: Antidumping Duty Orders,* 84 FR 65349 (November 27, 2019) (*Order*).

[4] We incorrectly stated in the *Preliminary Results* that we intended to calculate *ad valorem* importer-specific assessment rates. *See Preliminary Results,* 87 FR at 66652.

[5] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8102 (February 14, 2012).

[6] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 32.16 percent *ad valorem,* the all-others rate established in the LTFV investigation.[7] 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 the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: March 1, 2023.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2023–04707 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See Order,* 84 FR at 65350.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–011]

Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies were provided to a producer and/or exporter of certain crystalline silicon photovoltaic products (solar products) from the People's Republic of China (China) during the period of review (POR) January 1, 2021, through December 31, 2021. Interested parties are invited to comment on these preliminary results.

DATES: Applicable March 8, 2023.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8356.

SUPPLEMENTARY INFORMATION:

Background

On April 12, 2022, Commerce initiated this administrative review of the countervailing duty (CVD) order on solar products from China.[1] The sole mandatory company respondent is Trina Solar (Changzhou) Science & Technology Co., Ltd. (Trina Solar). On January 24, 2023, Commerce extended the time limit for these preliminary results to February 28, 2023.[2]

For a complete description of the events that followed the initiation of the review, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as an Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade/gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The merchandise covered by the order is modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials. For purposes of the order, subject merchandise includes modules, laminates and/or panels assembled in China consisting of crystalline silicon photovoltaic cells produced in a customs territory other than China. For a complete description of the scope of this order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs preliminarily found to be countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution from an authority that gives rise to a benefit to the recipient and that the subsidy is specific.[4] For a full description of the methodology underlying Commerce's preliminary conclusions, including Commerce's reliance, in part, on facts available with adverse inferences pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

Commerce preliminarily determines the net countervailable subsidy rate for

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 21619 (April 12, 2022).

[2] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated October 17, 2022; *see also* Memorandum, ''Extension of Deadline for Preliminary Results of 2021 Countervailing Duty Administrative Review,'' dated January 24, 2023.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review, Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China; 2021,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

the period January 1, 2021, through December 31, 2021:

Company	Subsidy rate (percent *ad valorem*)
Trina Solar (Changzhou) Science & Technology Co., Ltd[5]	8.75

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), Commerce preliminarily assigned a subsidy rate in the amount for the producer/exporter shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Rates

Pursuant to section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits in the amounts indicated for the producer/exporter listed above with regard to shipments of subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailable duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed in reaching the preliminary results within five days of publication of these preliminary results, in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written documents may be submitted to the Assistant Secretary for Enforcement and Compliance.[6] A timeline for the submission of case and rebuttal briefs and written comments will be provided to interested parties at a later date.

Pursuant to 19 CFR 351.301(c) and (d)(2), parties who wish to submit case or rebuttal briefs in this review are requested to submit for each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All briefs must be filed electronically using ACCESS. Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information, until further notice.[7]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must do so within 30 days after the date of publication of this notice by submitting a written request to the Assistant Secretary for Enforcement and Compliance.[8] Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether a participant is a foreign national; and (3) a list of the issues to be discussed. If a hearing request is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended, Commerce intends to issue the final results of this administrative review, which will include the results of Commerce's analysis of the issues raised in the case briefs, within 120 days after the date of the preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Interested Parties

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: February 28, 2023.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2023–04756 Filed 3–7–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–895]

Low Melt Polyester Staple Fiber From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020–2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Toray Advanced Materials Korea, Inc. (TAK) made sales of subject merchandise at less than normal value during the period of review (POR), August 1, 2020, through July 31, 2021.

DATES: Applicable March 8, 2023.

FOR FURTHER INFORMATION CONTACT: Alice Maldonado, Melissa Porpotage, or Andrew Hart, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4682, (202) 482–1413, and (202) 482–1058 respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 16, 2018, Commerce published in the **Federal Register** an AD order on low melt polyester staple fiber (low melt PSF) from the Republic of Korea (Korea).[1] On September 6, 2022,

[5] This rate applies to Trina Solar (Changzhou) Science & Technology Co., Ltd. and its cross-owned companies: Yancheng Trina Solar Guoneng Science & Technology Co., Ltd.; Trina Solar (Su Qian) Technology Co., Ltd.; Trina Solar Yiwu Technology Co., Ltd.; Trina Solar Co., Ltd.; Trina Solar (Yancheng Dafeng) Co., Ltd.; Trina Solar Science & Technology (Yancheng) Co., Ltd.; Trina Solar (Suqian) Optoelectronics Co., Ltd.; Trina Solar (Changzhou) Optoelectronic Device Co., Ltd.; Changzhou Trina Solar Yabang Energy Co., Ltd.; Hubei Trina Solar Energy Co., Ltd.; Turpan Trina Solar Energy Co., Ltd.; Trina Solar (Hefei) Science and Technology Co., Ltd.; Changzhou Hesai PV Ribbon Materials Co., Ltd.; Changzhou Hewei New Material Technology Co., Ltd.; Changzhou Trina Hezhong PV Co., Ltd.; and Changzhou Trina PV Ribbon Materials Co., Ltd.

[6] *See* 19 CFR 351.309(c) and (d).

[7] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[8] *See* 19 CFR 351.310(c).

[1] *See Low Melt Polyester Staple Fiber from the Republic of Korea and Taiwan: Antidumping Duty Orders,* 83 FR 40752 (August 16, 2018) (*Order*).

Commerce published the *Preliminary Results* of this administrative review.[2] On December 6, 2022, Commerce released the verification report and invited parties to comment on the *Preliminary Results.*[3] Also in December 2022, Commerce received a case brief from Nan Ya plastics Corporation, America (the petitioner) and a rebuttal brief from TAK.[4] On December 20, 2022, Commerce extended the deadline for the final results until March 3, 2023.[5] For a description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[6]

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 merchandise subject to the *Order* is synthetic staple fibers, not carded or combed, specifically bi-component polyester fibers having a polyester fiber component that melts at a lower temperature than the other polyester fiber component (low melt PSF). The scope includes bi-component polyester staple fibers of any denier or cut length. The subject merchandise may be coated, usually with a finish or dye, or not coated.

Low melt PSF is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 5503.20.0015. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.

Verification

On August 31, 2021, the petitioner requested that Commerce conduct verification of TAK's responses. Accordingly, as provided in section 782(i)(3) of the Act, we verified information relied upon for the final results of this review.[7]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we made certain changes to the preliminary weighted-average margin calculations for TAK.[8]

Final Results of Review

We are assigning the following weighted-average dumping margin to TAK for the period August 1, 2020, through July 31, 2021:

Producer/exporter	Weighted-average dumping margin (percent)
Toray Advanced Materials Korea, Inc	1.97

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to parties in this review within five days after public announcement of the 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

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales. Where either the respondent's weighted-average dumping margin is zero or *de minimis,* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[9]

Commerce's ''automatic assessment'' will apply to entries of subject merchandise during the POR produced by TAK for which TAK did not know that the merchandise it sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a

[2] *See Low Melt Polyester Staple Fiber from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021,* 87 FR 54456 (September 6, 2022) (*Preliminary Results*).

[3] *See* Memoranda, ''Verification of Toray Advanced Materials Korea, Inc.,'' dated December 6, 2022 (TAK Verification Report); and ''Briefing Schedule for the Final Results,'' dated December 7, 2022.

[4] *See* Petitioner's Letter, ''Petitioner's Case Brief for Toray Advanced Materials Korea, Inc.,'' dated December 14, 2022; *see also* TAK's Letter, ''TAK's Rebuttal Brief,'' dated December 21, 2022.

[5] *See* Memorandum, ''Extension of Deadline for Final Results of 2020–2021 Antidumping Duty Administrative Review,'' dated December 20, 2022.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2020–2021 Administrative Review of the Antidumping Duty Order on Low Melt Polyester Staple Fiber from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *See* TAK Verification Report.

[8] *See* Issues and Decision Memorandum.

[9] *See* section 751(a)(2)(C) of the Act.

firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 16.27 percent, the all-others rate established in the LTFV investigation.[10] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping 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 serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is being issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: March 2, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2023–04757 Filed 3–7–23; 8:45 am]

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[10] *See Low Melt Polyester Staple Fiber from the Republic of Korea and Taiwan: Antidumping Duty Orders,* 83 FR 40752, (August 16, 2018).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–839]

Steel Propane Cylinders From Thailand: 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 Sahamitr Pressure Container Plc. (also known as Sahamitr Pressure Container Public Company Limited) (SMPC) made sales of subject merchandise in the United States at prices below normal value (NV) during the period of review (POR) August 1, 2020, through July 31, 2021.

DATES: Applicable March 8, 2023.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7851.

SUPPLEMENTARY INFORMATION:

Background

On September 6, 2022, Commerce published the *Preliminary Results* of the 2020–2021 administrative review of the antidumping duty order on steel propane cylinders from Thailand and invited interested parties to comment.[1] This review covers one producer/exporter of the subject merchandise, SMPC.[2] For a summary of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[3] Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

[1] *See Steel Propane Cylinders from Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021,* 87 FR 54476 (September 6, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 55811 (October 7, 2021).

[3] *See* Memorandum, ''Steel Propane Cylinders from Thailand: Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review; 2020–2021,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Scope of the Order [4]

The merchandise covered by this *Order* is steel propane cylinders from Thailand. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by parties in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is included in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade/gov/public/FRNoticesListLayout.aspx.*

Changes Since the Preliminary Results

Based on comments received from interested parties regarding our *Preliminary Results* and our review of the record to address those comments, we made certain changes to the preliminary weighted-average dumping margin calculations for SMPC, as detailed in the Issues and Decision Memorandum.

Final Results of Review

As a result of this administrative review, Commerce determines that the following weighted-average dumping margin exists for the POR, August 1, 2020, through July 31, 2021:

Exporter/producer	Weighted-average dumping margin (percent)
Sahamitr Pressure Container Plc	10.64

Disclosure

Commerce intends to disclose the calculations performed for these final results 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

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act),

[4] *See Steel Propane Cylinders from the People's Republic of China and Thailand: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Orders,* 84 FR 41703 (August 15, 2019) (*Order*).

19 CFR 351.213, and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results of review.[5] Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's ''reseller policy'' will apply to entries of subject merchandise during the POR produced by SMPC for which the reviewed company did not know that the merchandise it sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[6]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for SMPC will be equal to the weighted-average dumping margin that is established in the final results of this review (except if that rate is *de minimis,* in which situation the cash deposit rate will be zero); (2) for merchandise exported by a company not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published 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 complete segment of this proceeding, the cash deposit rate will be the company-specific rate established in the completed segment for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers and exporters will continue to be 10.77 percent *ad valorem,* the all-others rate established in the LTFV investigation.[7]

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. 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 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

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: March 2, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2023–04758 Filed 3–7–23; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC709]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to SouthCoast Wind Energy, LLC's Marine Site Characterization Surveys Off Massachusetts and Rhode Island

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

ACTION: Notice; proposed issuance of an Incidental Harassment Authorization (IHA); request for comments.

SUMMARY: NMFS has received a request from SouthCoast Wind Energy, LLC (SouthCoast Wind; formerly known as Mayflower Wind Energy, LLC) for authorization to take marine mammals incidental to marine site characterization surveys offshore of Massachusetts and Rhode Island in the area of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Lease Area (OCS)–A–0521. The activities described in SouthCoast Wind's request, the overall survey duration, the project location, and the

[5] *See* 19 CFR 351.212(b).

[6] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[7] *See Steel Propane Cylinders from Thailand: Final Determination of Sales at Less Than Fair Value,* 84 FR 29168, 29169 (June 21, 2019).

acoustic sources proposed for use are similar in scope as to what was previously analyzed in support of the IHA issued by NMFS to SouthCoast Wind for the 2021–2022 site characterization surveys (2021 IHA) (86 FR 38033, July 19, 2021). All proposed mitigation, monitoring, and reporting requirements remain the same. While SouthCoast Wind's planned activity would qualify for renewal of the 2021 IHA, due to the availability of updated marine mammal density data (*https://seamap.env.duke.edu/models/Duke/EC/*), which NMFS has determined represents the best available scientific data, NMFS has determined it appropriate to provide a 30-day period for the public to comment on this proposed action. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible 1-year renewal IHA that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than April 7, 2023.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Written comments should be submitted via email to *ITP.Potlock@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. Attachments to comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection*-act without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Kelsey Potlock, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA(s)), as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment. This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review

We will review all comments submitted in response to this notification prior to concluding our NEPA process or making a final decision on the IHA request.

History of Request

On October 23, 2020, NMFS received a request from SouthCoast Wind seeking authorization to take of marine mammals incidental to high-resolution geophysical site characterization surveys (HRG) off Massachusetts and Rhode Island in the area of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Lease Area OCS–A–0521. Within this request, the applicant had requested authorization to harass (by Level B harassment only) up to 14 species of marine mammals (comprising 13 cetacean species and 1 collective pinniped guild). NMFS published notice of the proposed IHA in the **Federal Register** on March 1, 2021 (86 FR 11930). Following publication of the proposed IHA notice, SouthCoast Wind adjusted the proposed survey routes and submitted a modified IHA application to NMFS on April 19, 2021. Based on this modified application, an updated notice of proposed IHA was published in the **Federal Register** on May 20, 2021 (86 FR 27393). NMFS subsequently issued an IHA that was effective for a period of one year, from July 1, 2021 through June 30, 2022 (86 FR 38033; July 19, 2021). SouthCoast Wind submitted a marine mammal monitoring report and complied with all the requirements *(e.g.,* mitigation, monitoring, and reporting) of the previous IHA. Information regarding their monitoring results has been taken into consideration for the Estimated Take section. This monitoring report can be found on NMFS' website: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-mayflower-wind-energy-llc-marine-site-characterization-0.*

On November 16, 2022, SouthCoast Wind submitted an application for a renewal IHA in order to complete the

remaining subset of the planned survey activity that could not be completed under the 2021 IHA. This request is for take of a small numbers of 15 species of marine mammals, (comprising 13 cetacean and 2 pinniped species), by Level B harassment only. Neither SouthCoast Wind, nor NMFS expect serious injury or mortality to result from this activity. Take by Level A harassment (injury) is considered unlikely, even absent mitigation, based on the characteristics of the signals produced by the acoustic sources planned for use.

Since Duke University's Marine Geospatial Ecology Laboratory (*https://seamap.env.duke.edu/models/Duke/EC/*) finalized updated marine mammal density information on June 20, 2022 for all species NMFS determined that IHA renewal is not appropriate in this circumstance. However, given that the activity would otherwise qualify for a renewal of the initial IHA, *i.e.,* the scope of the activities, the survey location, the acoustic source use, and the level of impact expected to occur (*i.e.,* Level B harassment only) remain the same, NMFS relies substantially herein on the information previously presented in notices associated with issuance of the initial IHA. (86 FR 11930, March 1, 2021; 86 FR 27393, May 20, 2021; 86 FR 38033, July 19, 2021). Following additional discussions with NMFS, SouthCoast Wind submitted an updated request for a standard IHA on January 13, 2023 rather than a renewal IHA. The updated application was deemed adequate and complete on January 24, 2023.

SouthCoast Wind's current request covers the same activities (using the same sound sources), in the same location, and the mitigation, monitoring, and reporting requirements are unchanged. The only changes are that the total number of survey days have been reduced, the number of vessels performing survey activities have been reduced, reduction in the assumed survey distance per day, and a reduction in total survey trackline as described in greater detail below.

Description of the Proposed Activity

Overview

SouthCoast Wind proposes to conduct geotechnical and high-resolution geophysical (HRG) surveys in the Lease Area OCS–A–0521 and along potential submarine export cable routes (ECRs) to landfall locations in Falmouth, Massachusetts and Narragansett Bay, Rhode Island. The purpose of the proposed surveys are to acquire high resolution geophysical (HRG) and geotechnical data on the bathymetry, seafloor morphology, subsurface geology, environmental/biological sites, seafloor obstructions, soil conditions, and locations of any man-made, historical or archaeological resources within the Lease Area and along the proposed ECR corridor. Three survey vessels may operate concurrently as part of the proposed surveys running at a maximum speed of 3 to 4 knots (3.5 to 4.6 miles per hour). Additionally, a shallow-water vessel may survey the nearshore areas of the project location, but this would only occur during daylight hours and for a maximum of 12-hours daily. Underwater sound resulting from SouthCoast Wind's proposed activities, specifically the HRG surveys, have the potential to result in incidental take of marine mammals in the form of behavioral harassment (*i.e.,* Level B harassment). SouthCoast is requesting issuance of an IHA authorizing the take, by Level B harassment only, of 15 species of marine mammals incidental to marine site characterization surveys, specifically in association with the use of HRG survey equipment.

Dates and Duration

The estimated duration of the planned HRG survey activity is 114 total survey days over the course of a year (Table 1). As multiple vessels (*i.e.,* two survey vessels and a shallow-water vessel) may be operating concurrently across the proposed project area, each day that a single survey vessel is operating counts as a single survey day. For example, if two vessels are operating with one in a single export cable route and one in the Lease Area, concurrently, this would count as two survey days. SouthCoast Wind's survey schedule is based on 24-hours of operations throughout 12 months. The schedule presented here for this proposed project has accounted for potential down time due to inclement weather or other project-related delays.

TABLE 1—NUMBER OF SURVEY DAYS THAT SOUTHCOAST WIND PLANS TO PERFORM THE DESCRIBED HRG SURVEY ACTIVITIES

Survey location	Number of days of active acoustic source use
Lease Area	39
Export Cable Routes	75
Total Number of Days	114

Specific Geographic Region

SouthCoast Wind's proposed activities would occur in the Northwest Atlantic Ocean within Federal and state waters off Massachusetts and Rhode Island (see Figure 1). Surveys would occur in the Lease Area and potential ECRs to landfall locations in Falmouth, Massachusetts and Narragansett Bay, Rhode Island in and around OCS–A–0521. The survey area is the same as that previously described in the application for the 2021 IHA (86 FR 27393, May 20, 2021; 86 FR 38033, July 19, 2021), consisting of approximately 127,388 acres (515.5 square kilometers (km^2)) and extends approximately 20 nautical miles (nm; 23.6 miles (mi); 38 kilometers (km)) offshore. Water depths in the Lease Area are approximately 38–62 meters (m).

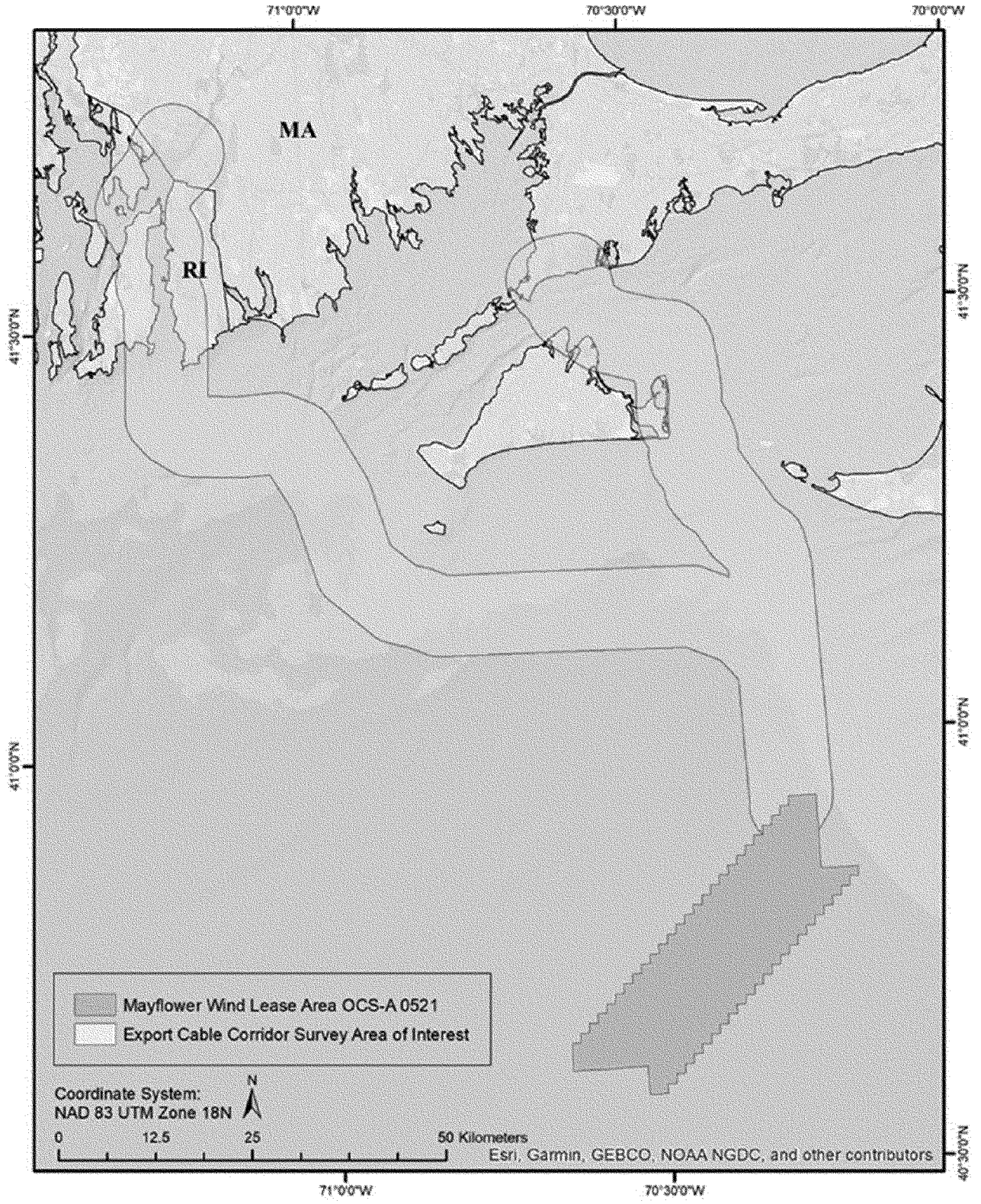

Figure 1. Map of the Proposed Survey Areas By SouthCoast Wind Energy, LLC

Detailed Description of the Action

A detailed description of the proposed survey activities can be found in the previous **Federal Register** notices and documents associated with the initial issued IHA (86 FR 27393, May 20, 2021; 86 FR 38033, July 19, 2021). The survey location (the full area of OCS–A–0521, the ECRs, and some of the surrounding area) and the nature of the activities that could cause take of marine mammals (high-resolution geophysical surveys), including the types of acoustic sources planned for use (boomers, sparkers, and CHIRPs),

are identical to those described in the previous notices for the 2021 IHA. Differences include a reduction in planned survey effort (114 survey days versus 471 survey days in the prior survey plan), a reduced number of active vessels surveying concurrently (up to three vessels versus four vessels for the prior survey), reduction in assumed survey distance per day (50 km per day in the Lease Area (versus 80 km in the previous survey) and 20 km per day in the ECRs (versus 15–60 km per day in the previous survey, depending on water depth in the ECR)), and a reduction in total survey trackline (3,450 km versus the 15,350 from the previous surveys). Of the total survey trackline for this proposed IHA, 1,950 km would occur in the Lease Area and 1,500 km in the ECRs. Please see the previous notices for a detailed description of the planned survey activity (86 FR 27393, May 20, 2021; 86 FR 38033, July 19, 2021).

Geotechnical surveys are planned to occur and would consist of the same activities previously described by SouthCoast Wind in its application for the 2021 IHA (86 FR 11930, March 1, 2021; 86 FR 27393, May 20, 2021; 86 FR 38033, July 19, 2021; *i.e.,* vibracores, seabed cone penetration tests (CPTs), and boreholes). Consistent with NMFS' previous analysis of these activities, no take of marine mammals is expected to occur as a result of geotechnical survey activities. As a result, these activities will not be discussed further herein.

Description of Marine Mammals

A description of the marine mammals in the area of the activities, which remains applicable to this proposed IHA, can be found in the previous documents and notices for the 2021 IHA (86 FR 27393, May 20, 2021; 86 FR 38033, July 19, 2021). In addition, Atlantic spotted dolphin (*Stenella frontalis*), for which take was not previously authorized based on the analysis supporting issuance of SouthCoast Wind's 2021 IHA, is addressed in this notice. For this species, other IHA-holders performing HRG surveys in the region have recorded observations of this species (see the 2019–2020 monitoring report for the Orsted Wind Power North America, LLC project off New York to Massachusetts on NMFS' website). SouthCoast Wind's use of the new density data (Roberts and Halpin, 2022) also produces estimated exposures greater than zero for the species, which differs from the previous analysis supporting the 2021 IHA which did not include authorized takes for Atlantic spotted dolphin. Previously available density information indicated that the species are typically found further south than the Project Area (86 FR 11930, March 1, 2021).

For all other marine mammal species likely to be found within the project area and upon reviewing the most recent Stock Assessment Reports (draft 2022 U.S. Atlantic and Gulf of Mexico Marine Mammal SAR; available on NMFS' website at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*), up-to-date information on any relevant Unusual Mortality Events (UMEs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-unusual-mortality-events*), and recent scientific literature, NMFS has determined that no new information affects the original analysis supporting issuance of the 2021 IHA. This information is available in Table 2.

TABLE 2—MARINE MAMMALS LIKELY TO OCCUR IN THE PROJECT AREA THAT MAY BE AFFECTED BY SOUTHCOAST WIND'S PROPOSED ACTIVITY

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR [3]	Annual M/SI [3]
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
Family Balaenidae:						
North Atlantic Right Whale	*Eubalaena glacialis*	Western North Atlantic	E, D, Y	338 (0, 332, 2020)	0.7	8.1
Family Balaenopteridae (rorquals):						
Fin Whale	*Balaenoptera physalus*	Western North Atlantic	E, D, Y	6,802 (0.24; 5,573; 2016)	11	1.8
Humpback Whale	*Megaptera novaeangliae*	Gulf of Maine	-, -, Y	1,396 (0; 1,380; 2016)	22	12.15
Minke Whale	*Balaenoptera acutorostrata*	Canadian Eastern Coastal	-, -, N	21,968 (0.31; 17,002; 2016)	170	10.6
Sei Whale	*Balaenoptera borealis*	Nova Scotia	E, D, Y	6,292 (1.02; 3,098; 2016)	6.2	0.8
Odontoceti (toothed whales, dolphins, and porpoises)						
Family Physeteridae:						
Sperm Whale	*Physeter macrocephalus*	North Atlantic	E, D, Y	4,349 (0.28; 3451; 2016)	3.9	0
Family Delphinidae:						
Atlantic Spotted Dolphin	*Stenella frontalis*	Western North Atlantic	-, -, N	39,921 (0.27; 32,032; 2016)	320	0
Atlantic White-Sided Dolphin.	*Lagenorhynchus acutus*	Western North Atlantic	-, -, N	93,233 (0.71; 54,443; 2016)	544	27
Bottlenose Dolphin	*Tursiops truncatus*	Western North Atlantic—Offshore.	-, -, N	62,851 b (0.23; 51,914; 2016)	519	28
Long-Finned Pilot Whale	*Globicephala melas*	Western North Atlantic	-, -, N	39,215 (0.3; 30,627; 2016)	306	29
Risso's Dolphin	*Grampus griseus*	Western North Atlantic	-, -, N	35,215 (0.19; 30,051; 2016)	301	34
Common Dolphin	*Delphinus delphis*	Western North Atlantic	-, -, N	172,947 (0.21; 145,216; 2016)	1452	390
Family Phocoenidae (porpoises):						
Harbor Porpoise	*Phocoena phocoena*	Gulf of Maine/Bay of Fundy	-, -, N	95,543 (0.31; 74,034; 2016)	851	164
Order Carnivora—Pinnipedia						
Family Phocidae (earless seals):						
Gray Seal [4]	*Halichoerus grypus*	Western North Atlantic	-, -, N	27,300 (0.22; 22,785; 2016)	1389	4453

TABLE 2—MARINE MAMMALS LIKELY TO OCCUR IN THE PROJECT AREA THAT MAY BE AFFECTED BY SOUTHCOAST WIND'S PROPOSED ACTIVITY—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR [3]	Annual M/SI [3]
Harbor Seal	*Phoca vitulina*	Western North Atlantic	-, -, N	61,336 (0.08; 57,637; 2018)	1729	339

[1] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.* CV is the coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS' SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike).

[4] NMFS' gray seal stock abundance estimate (and associated PBR value) applies to U.S. population only. Total stock abundance (including animals in Canada) is approximately 450,000. The annual mortality and serious injury (M/SI) value given is for the total stock.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activities on marine mammals and their habitat may be found in the documents supporting the initial IHA (86 FR 11930, March 1, 2021; 86 FR 27393, May 20, 2021; 86 FR 38033, July 19, 2021). At present, there is no new information on potential effects that would impact our analysis.

Estimated Take

A detailed description of the acoustic sources planned for use and the methods used to estimate take anticipated to occur incidental to the project is found in the previous **Federal Register** notices (86 FR 11930, March 1, 2021; 86 FR 27393, May 20, 2021; 86 FR 38033, July 19, 2021). The acoustic sources that may result in take, as well as the associated source levels, estimated isopleth distances to the 160 dB Level B harassment threshold (maximum of 141 m), resulting estimated ensonified areas, and the methods of take estimation, including the use of group size adjustments and Protected Species Observer (PSO) data, remain applicable to this proposed authorization and are unchanged from those described for the 2021 IHA. Therefore, this information is not repeated here and we refer the reader to the previous notices for detailed descriptions (86 FR 27393, May 20, 2021; 86 FR 38033, July 19, 2021). The only exception to this is the incorporation of newly updated density information (Roberts *et al.,* 2016; Roberts and Halpin, 2022), available online at: *https://seamap.env.duke.edu/.* We refer the reader to Tables 1 and 2 in the ITA Request from SouthCoast Wind for specific density values used in the analysis, as found on our website (*https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable*).

The take that NMFS proposes for authorization can be found below in Table 3. Table 3 presents the results of SouthCoast's density-based calculations, estimated potential take numbers based on observational data presented in region-specific PSO reports, and mean group sizes from both NMFS' Atlantic Marine Assessment Program for Protected Species (AMAPPS) survey data and references presented by SouthCoast in its application. The largest value for each species, across these sources, is proposed for authorization. For comparative purposes, we have provided the take that was previously authorized in the 2021 IHA (86 FR 38033, July 19, 2021). NMFS notes that take by Level A harassment was not requested, nor does NMFS anticipate that it could occur. Therefore, NMFS has not proposed to authorize any take by Level A harassment. No mortality or serious injury is anticipated to occur or proposed for authorization.

TABLE 3—TOTAL ESTIMATED TAKE, BY LEVEL B HARASSMENT ONLY, RELATIVE TO POPULATION SIZE FOR SOUTHCOAST WIND'S PROPOSED 2023 HRG SURVEYS

Marine mammal species	Scientific name	Stock	Estimated population	Total density-based calculated take	PSO data take estimate	Mean group size		Take authorized under previous 2021 IHA	Proposed 2023 IHA	
						SouthCoast Wind	AMAPPS		Take proposed for authorization	Percentage of stock abundance
Mysticetes										
Fin Whale	*Balaenoptera physalus*	Western North Atlantic	6,802	3.0	6.5	1.8	1.25	6	7	0.1
Humpback Whale	*Megaptera novaeangliae*	Gulf of Maine	1,396	2.3	55.3	2.0	1.6	33	55	3.94
Minke Whale	*Balaenoptera acutorostrata*	Canadian Eastern Coastal	21,968	12.9	12.1	1.2	1.12	14	13	0.06
North Atlantic Right Whale	*Eubalaena glacialis*	Western North Atlantic	338	5.5	0.2	2.4	1.58	9	6	1.78
Sei Whale	*Balaenoptera borealis*	Nova Scotia	6,292	1.3	1.0	1.6	1.21	6	2	0.03
Odontocetes										
Atlantic Spotted Dolphin	*Stenella frontalis*	Western North Atlantic	39,921	3.5	.....	29	24.2	[a] *n/a*	29	0.07
Atlantic White-sided Dolphin	*Lagenorhynchus acutus*	Western North Atlantic	93,233	24.4	.....	27.9	12.2	57	28	0.03
Bottlenose Dolphin	*Tursiops truncatus*	Western North Atlantic—Offshore.	62,851	12.8	151.9	7.8	9.9	536	152	0.24
Common Dolphin	*Delphinus delphis*	Western North Atlantic	172,947	198.8	2,093.7	34.9	30.2	1,969	2,094	1.21
Harbor Porpoise	*Phocoena phocoena*	Gulf of Maine/Bay of Fundy	95,543	83.2	0.2	2.7	2.5	46	83	0.09
Long-finned Pilot Whale	*Globicephala melas*	Western North Atlantic	39,215	1.7	4.4	8.4	8.2	27	8	0.02
Risso's Dolphin	*Grampus griseus*	Western North Atlantic	35,215	2.0	-	5.4	7.3	18	7	0.01
Sperm Whale	*Physeter macrocephalus*	N Atlantic	4,349	0.9	0.3	1.5	1.7	6	2	0.04
Pinnipeds										
Harbor Seal	*Phoca vitulina*	Western North Atlantic	61,336	74.2	2.3	1.4	[c] *n/a*	[b] *n/a*	74	0.12
Gray Seal	*Halichoerus grypus*	Western North Atlantic	[d] 27,300	166.7	38.7	1.4	[c] *n/a*	[b] *n/a*	167	[d] 0.04

[a] No takes for this species were authorized in the 2021 IHA (86 FR 38033, July 19, 2021).
[b] In the 2021 IHA (86 FR 38033, July 19, 2021), both seal species were combined into a single guild of 718 total authorized takes.
[c] No AMAPPS data was available for seals.
[d] NMFS' stock abundance estimate (and associated PBR value) applies to U.S. population only. Total stock abundance (including animals in Canada) is approximately 451,600. This value was used in the percentage of stock abundance estimated to be taken by the proposed project.

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures are similar to those described in the **Federal Register** notice announcing issuance of the 2021 IHA (86 FR 38033, July 19, 2021; with the exception discussed below), and the discussion of the least practicable adverse impact included in that document remains accurate.

Following issuance of the 2021 IHA to SouthCoast Wind, NMFS' Greater Atlantic Regional Fisheries Office (GARFO) concluded a programmatic informal consultation regarding wind energy development-related surveys conducted in three Atlantic Renewable Energy Regions (*https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-take-reporting-programmatics-greater-atlantic#offshore-wind-site-assessment-and-site-characterization-activities-programmatic-consultation*). Therefore, in addition to the mitigation, monitoring, and reporting measures prescribed through the 2021 IHA, SouthCoast Wind would be required to adhere to relevant Project Design Criteria (PDC) described in the GARFO consultation document (specifically PDCs 4, 5, and 7). The following measures are proposed for inclusion in this IHA: Visual Monitoring and Shutdown Zones.

NMFS-approved visual observers must be used. During survey operations (*e.g.,* any day on which use of the sparker source is planned to occur, and whenever the sparker source is in the water, whether activated or not), a minimum of one visual marine mammal observer (*i.e.,* PSO) must be on duty on each source vessel and conducting visual observations at all times during daylight hours (*i.e.,* from 30 minutes prior to sunrise through 30 minutes following sunset). A minimum of two PSOs must be on duty on each source vessel during nighttime hours. Visual monitoring must begin no less than 30 minutes prior to ramp-up (described below) and must continue until one hour after use of the sparker source ceases.

Visual PSOs shall coordinate to ensure 360° visual coverage around each vessel from the most appropriate observation posts and shall conduct visual observations using binoculars and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. PSOs shall establish and monitor applicable shutdown zones (see below). These zones shall be based upon the radial distance from the sparker source (rather than being based around the vessel itself).

Two shutdown zones are defined, depending on the species and context. Here, an extended shutdown zone encompassing the area at and below the sea surface out to a radius of 500 meters from the sparker source (0–500 meters) is defined for North Atlantic right whales. For all other marine mammals, the shutdown zone encompasses a standard distance of 100 meters (0–100 meters). Any observations of marine mammals by crew members aboard any vessel associated with the survey shall be relayed to the PSO team.

Visual PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least one hour between watches and may conduct a maximum of 12 hours of observation per 24-hour period.

Pre-Start Clearance and Ramp-up

A ramp-up procedure, involving a gradual increase in source level output, is required at all times as part of the activation of the sparker source when technically feasible. Operators should ramp up sparkers to half power for 5 minutes and then proceed to full power. A 30-minute pre-start clearance observation period must occur prior to the start of ramp-up. The intent of pre-start clearance observation (30 minutes) is to ensure no marine mammals are within the shutdown zones prior to the beginning of ramp-up. The intent of ramp-up is to warn marine mammals of pending operations and to allow sufficient time for those animals to leave the immediate vicinity. All operators must adhere to the following pre-start clearance and ramp-up requirements:

- The operator must notify a designated PSO of the planned start of ramp-up as agreed upon with the lead PSO; the notification time should not be less than 60 minutes prior to the planned ramp-up in order to allow the PSOs time to monitor the shutdown zones for 30 minutes prior to the initiation of ramp-up (pre-start clearance). During this 30 minute pre-start clearance period the entire shutdown zone must be visible, except as indicated below.
- Ramp-ups shall be scheduled so as to minimize the time spent with the source activated.
- A visual PSO conducting pre-start clearance observations must be notified again immediately prior to initiating ramp-up procedures and the operator must receive confirmation from the PSO to proceed.
- Any PSO on duty has the authority to delay the start of survey operations if a marine mammal is detected within the applicable pre-start clearance zone.
- The operator must establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the acoustic source to ensure that mitigation commands are conveyed swiftly while allowing PSOs to maintain watch.
- The pre-start clearance requirement is waived for small delphinids and pinnipeds. Detection of a small delphinid (individual belonging to the following genera of the Family Delphinidae: *Steno, Delphinus, Lagenorhynchus, Stenella,* and *Tursiops*) or pinniped within the shutdown zone does not preclude beginning of ramp-up, unless the PSO confirms the individual to be of a genus other than those listed, in which case normal pre-clearance requirements apply.
- If there is uncertainty regarding identification of a marine mammal species (*i.e.,* whether the observed marine mammal(s) belongs to one of the delphinid genera for which the pre-clearance requirement is waived), PSOs must use best professional judgment in making the decision to call for a shutdown.
- Ramp-up must not be initiated if any marine mammal to which the prestart clearance requirement applies is within the shutdown zone. If a marine mammal is observed within the shutdown zone during the 30 minute pre-start clearance period, ramp-up may not begin until the animal(s) has been observed exiting the zones or until an additional time period has elapsed with no further sightings (30 minutes for all baleen whale species and sperm whales and 15 minutes for all other species).
- PSOs must monitor the shutdown zones 30 minutes before and during ramp-up, and ramp-up must cease and the source must be shut down upon observation of a marine mammal within the applicable shutdown zone.
- Ramp-up may occur at times of poor visibility, including nighttime, if appropriate visual monitoring has occurred with no detections of marine mammals in the 30 minutes prior to beginning ramp-up. Sparker activation may only occur at night where operational planning cannot reasonably avoid such circumstances.
- If the acoustic source is shut down for brief periods (*i.e.,* less than 30 minutes) for reasons other than implementation of prescribed mitigation (*e.g.,* mechanical difficulty), it may be activated again without ramp-up if PSOs have maintained constant visual observation and no detections of marine mammals have occurred within the

applicable shutdown zone. For any longer shutdown, pre-start clearance observation and ramp-up are required.

Shutdown

All operators must adhere to the following shutdown requirements:

- Any PSO on duty has the authority to call for shutdown of the sparker source if a marine mammal is detected within the applicable shutdown zone.
- The operator must establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the source to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch.
- When the sparker source is active and a marine mammal appears within or enters the applicable shutdown zone, the source must be shut down. When shutdown is instructed by a PSO, the source must be immediately deactivated and any dispute resolved only following deactivation.
- The shutdown requirement is waived for small delphinids and pinnipeds. If a small delphinid (individual belonging to the following genera of the Family Delphinidae: *Steno, Delphinus, Lagenorhynchus, Stenella,* and *Tursiops*) or pinniped is visually detected within the shutdown zone, no shutdown is required unless the PSO confirms the individual to be of a genus other than those listed, in which case a shutdown is required.
- If there is uncertainty regarding identification of a marine mammal species (*i.e.,* whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived or one of the species with a larger shutdown zone), PSOs must use best professional judgment in making the decision to call for a shutdown.
- Upon implementation of shutdown, the source may be reactivated after the marine mammal has been observed exiting the applicable shutdown zone or following a clearance period (30 minutes for all baleen whale species and sperm whales and 15 minutes for all other species) with no further detection of the marine mammal.

If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the Level B harassment zone, shutdown would occur.

Vessel Strike Avoidance

Crew and supply vessel personnel should use an appropriate reference guide that includes identifying information on all marine mammals that may be encountered. Vessel operators must comply with the below measures except under extraordinary circumstances when the safety of the vessel or crew is in doubt or the safety of life at sea is in question. These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

- Vessel operators and crews must maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any marine mammal. A single marine mammal at the surface may indicate the presence of submerged animals in the vicinity of the vessel; therefore, precautionary measures should always be exercised. A visual observer aboard the vessel must monitor a vessel strike avoidance zone around the vessel (species-specific distances detailed below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.,* PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to: (1) distinguish marine mammal from other phenomena and (2) broadly to identify a marine mammal as a right whale, other whale (defined in this context as sperm whales or baleen whales other than right whales), or other marine mammals.
- All vessels, regardless of size, must observe a 10-knot speed restriction in specific areas designated by NMFS for the protection of North Atlantic right whales from vessel strikes. These include all Seasonal Management Areas (SMA) (when in effect), any dynamic management areas (DMA) (when in effect), and Slow Zones. See *www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-shipstrikes-north-atlantic-right-whales* for specific detail regarding these areas.
- Vessel speeds must also be reduced to 10 knots or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel.
- All vessels must maintain a minimum separation distance of 500 m from right whales. If a right whale is sighted within the relevant separation distance, the vessel must steer a course away at 10 knots or less until the 500-m separation distance has been established. If a whale is observed but cannot be confirmed as a species other than a right whale, the vessel operator must assume that it is a right whale and take appropriate action.
- All vessels must maintain a minimum separation distance of 100 m from sperm whales and all other baleen whales.
- All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.,* for animals that approach the vessel).
- When marine mammals are sighted while a vessel is underway, the vessel shall take action as necessary to avoid violating the relevant separation distance (*e.g.,* attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area, reduce speed and shift the engine to neutral). This does not apply to any vessel towing gear or any vessel that is navigationally constrained.

Members of the PSO team will consult NMFS' North Atlantic right whale reporting system and Whale Alert, daily and as able, for the presence of North Atlantic right whales throughout survey operations, and for the establishment of DMAs and/or Slow Zones. It is SouthCoast Wind's responsibility to maintain awareness of the establishment and location of any such areas and to abide by these requirements accordingly.

SouthCoast Wind must use independent, dedicated, trained PSOs, meaning that the PSOs must be employed by a third-party observer provider, must have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammal and mitigation requirements (including brief alerts regarding maritime hazards), and must have successfully completed an approved PSO training course for geophysical surveys. Visual monitoring must be performed by qualified, NMFS-approved PSOs. PSO resumes must be provided to NMFS for review and approval prior to the start of survey activities.

PSO names must be provided to NMFS by the operator for review and confirmation of their approval for specific roles prior to commencement of the survey. For prospective PSOs not previously approved, or for PSOs whose approval is not current, NMFS must review and approve PSO qualifications. Resumes should include information related to relevant education, experience, and training, including dates, duration, location, and description of prior PSO experience.

Resumes must be accompanied by relevant documentation of successful completion of necessary training.

NMFS may approve PSOs as conditional or unconditional. A conditionally approved PSO may be one who is trained but has not yet attained the requisite experience. An unconditionally-approved PSO is one who has attained the necessary experience. For unconditional approval, the PSO must have a minimum of 90 days at sea performing the role during a geophysical survey, with the conclusion of the most recent relevant experience not more than 18 months previous.

At least one of the visual PSOs aboard the vessel must be unconditionally approved. One unconditionally-approved visual PSO shall be designated as the lead for the entire PSO team. This lead should typically be the PSO with the most experience, who would coordinate duty schedules and roles for the PSO team and serve as primary point of contact for the vessel operator. To the maximum extent practicable, the duty schedule shall be planned such that unconditionally-approved PSOs are on duty with conditionally-approved PSOs

PSOs must successfully complete relevant training, including completion of all required coursework and passing (80 percent or greater) a written and/or oral examination developed for the training program.

PSOs must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences, a minimum of 30 semester hours or equivalent in the biological sciences, and at least one undergraduate course in math or statistics. The educational requirements may be waived if the PSO has acquired the relevant skills through alternate experience. Requests for such a waiver shall be submitted to NMFS and must include written justification. Alternate experience that may be considered includes, but is not limited to (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored marine mammal surveys; and (3) previous work experience as a PSO (PSO must be in good standing and demonstrate good performance of PSO duties).

SouthCoast Wind must work with the selected third-party PSO provider to ensure PSOs have all equipment (including backup equipment) needed to adequately perform necessary tasks, including accurate determination of distance and bearing to observed marine mammals, and to ensure that PSOs are capable of calibrating equipment as necessary for accurate distance estimates and species identification. Such equipment, at a minimum, shall include:

- At least one thermal (infrared) imagine device suited for the marine environment;
- Reticle binoculars (*e.g.,* 7 x 50) of appropriate quality (at least one per PSO, plus backups);
- Global Positioning Units (GPS) (at least one plus backups);
- Digital cameras with a telephoto lens that is at least 300-mm or equivalent on a full-frame single lens reflex (SLR) (at least one plus backups). The camera or lens should also have an image stabilization system;
- Equipment necessary for accurate measurement of distances to marine mammal;
- Compasses (at least one plus backups);
- Means of communication among vessel crew and PSOs; and
- Any other tools deemed necessary to adequately and effectively perform PSO tasks.

The equipment specified above may be provided by an individual PSO, the third-party PSO provider, or the operator, but SouthCoast Wind is responsible for ensuring PSOs have the proper equipment required to perform the duties specified in the IHA.

The PSOs will be responsible for monitoring the waters surrounding the survey vessel to the farthest extent permitted by sighting conditions, including shutdown zones, during all HRG survey operations. PSOs will visually monitor and identify marine mammals, including those approaching or entering the established shutdown zones during survey activities. It will be the responsibility of the PSO(s) on duty to communicate the presence of marine mammals as well as to communicate the action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate.

PSOs must be equipped with binoculars and have the ability to estimate distance and bearing to detect marine mammals, particularly in proximity to shutdown zones. Reticulated binoculars must also be available to PSOs for use as appropriate based on conditions and visibility to support the sighting and monitoring of marine mammals. During nighttime operations, night-vision goggles with thermal clip-ons and infrared technology must be available for use. Position data would be recorded using hand-held or vessel GPS units for each sighting.

During good conditions (*e.g.,* daylight hours; Beaufort sea state (BSS) 3 or less), to the maximum extent practicable, PSOs should also conduct observations when the acoustic source is not operating for comparison of sighting rates and behavior with and without use of the active acoustic sources. Any observations of marine mammals by crew members aboard the vessel associated with the survey would be relayed to the PSO team. Data on all PSO observations would be recorded based on standard PSO collection requirements (see *Proposed Reporting Measures*). This would include dates, times, and locations of survey operations; dates and times of observations, location and weather; details of marine mammal sightings (*e.g.,* species, numbers, behavior); and details of any observed marine mammal behavior that occurs (*e.g.,* noted behavioral disturbances).

SouthCoast Wind shall submit a draft summary report on all activities and monitoring results within 90 days of the completion of the survey or expiration of the IHA, whichever comes sooner. The report must describe all activities conducted and sightings of marine mammals, must provide full documentation of methods, results, and interpretation pertaining to all monitoring, and must summarize the dates and locations of survey operations and all marine mammals sightings (dates, times, locations, activities, associated survey activities). The draft report shall also include geo-referenced, timestamped vessel tracklines for all time periods during which acoustic sources were operating. Tracklines should include points recording any change in acoustic source status (*e.g.,* when the sources began operating, when they were turned off, or when they changed operational status such as from full array to single gun or vice versa). GIS files shall be provided in ESRI shapefile format and include the UTC date and time, latitude in decimal degrees, and longitude in decimal degrees. All coordinates shall be referenced to the WGS84 geographic coordinate system. In addition to the report, all raw observational data shall be made available. The report must summarize the information. A final report must be submitted within 30 days following resolution of any comments on the draft report. All draft and final marine mammal monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *nmfs.gar.incidental-take@noaa.gov.*

PSOs must use standardized electronic data forms to record data. PSOs shall record detailed information

about any implementation of mitigation requirements, including the distance of marine mammal to the acoustic source and description of specific actions that ensued, the behavior of the animal(s), any observed changes in behavior before and after implementation of mitigation, and if shutdown was implemented, the length of time before any subsequent ramp-up of the acoustic source. If required mitigation was not implemented, PSOs should record a description of the circumstances. At a minimum, the following information must be recorded:

1. Vessel name (source vessel), vessel size and type, maximum speed capability of vessel;
2. Dates of departures and returns to port with port name;
3. PSO names and affiliations;
4. Date and participants of PSO briefings;
5. Visual monitoring equipment used;
6. PSO location on vessel and height of observation location above water surface;
7. Dates and times (Greenwich Mean Time) of survey on/off effort and times corresponding with PSO on/off effort;
8. Vessel location (decimal degrees) when survey effort begins and ends and vessel location at beginning and end of visual PSO duty shifts;
9. Vessel location at 30-second intervals if obtainable from data collection software, otherwise at practical regular interval;
10. Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any change;
11. Water depth (if obtainable from data collection software);
12. Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon;
13. Factors that may contribute to impaired observations during each PSO shift change or as needed as environmental conditions change (*e.g.,* vessel traffic, equipment malfunctions).
14. Survey activity information (and changes thereof), such as acoustic source power output while in operation, number and volume of airguns operating in an array, tow depth of an acoustic source, and any other notes of significance (*i.e.,* pre-start clearance, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, etc.).
15. Upon visual observation of any marine mammal, the following information must be recorded:

a. Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
b. Vessel/survey activity at time of sighting (*e.g.,* deploying, recovering, testing, shooting, data acquisition, other);
c. PSO who sighted the animal;
d. Time of sighting;
e. Initial detection method;
f. Sightings cue;
g. Vessel location at time of sighting (decimal degrees);
h. Direction of vessel's travel (compass direction);
i. Speed of the vessel(s) from which the observation was made;
j. Identification of the animal (*e.g.,* genus/species, lowest possible taxonomic level or unidentified); also note the composition of the group if there is a mix of species;
k. Species reliability (an indicator of confidence in identification);
l. Estimated distance to the animal and method of estimating distance; m. Estimated number of animals (high/low/best);
m. Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, etc.);
n. Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars, or markings, shape and size of dorsal fin, shape of head, and blow characteristics);
o. Detailed behavior observations (*e.g.,* number of blows/breaths, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior before and after point of closest approach);
p. Mitigation actions; description of any actions implemented in response to the sighting (*e.g.,* delays, shutdowns, ramp-up, speed or course alteration, etc.) and time and location of the action;
q. Equipment operating during sighting;
r. Animal's closest point of approach and/or closest distance from the center point of the acoustic source; and
s. Description of any actions implemented in response to the sighting (*e.g.,* delays, shutdown, ramp-up) and time and location of the action.

If a North Atlantic right whale is observed at any time by PSOs or personnel on the project vessel, during surveys or during vessel transit, SouthCoast Wind must report the sighting information to the NMFS North Atlantic Right Whale Sighting Advisory System (866–755–6622) within 2 hours of occurrence, when practicable, or no later than 24 hours after occurrence. North Atlantic right whale sightings in any location may also be reported to the U.S. Coast Guard via channel 16 and through the WhaleAlert app (*www.whalealert.org*).

In the event that personnel involved in the survey activities discover an injured or dead marine mammal, the incident must be reported to NMFS as soon as feasible by phone (866–755–6622) and by email (*nmfs.gar.stranding@noaa.gov* and *PR.ITP.MonitoringReports@noaa.gov*). The report must include the following information:

1. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
2. Species identification (if known) or description of the animal(s) involved;
3. Condition of the animal(s) (including carcass condition if the animal is dead);
4. Observed behaviors of the animal(s), if alive;
5. If available, photographs or video footage of the animal(s); and,
6. General circumstances under which the animal was discovered

In the event of a ship strike of a marine mammal by any vessel involved in the activities, SouthCoast Wind must report the incident to NMFS by phone (866–755–6622) and by email (*nmfs.gar.stranding@noaa.gov* and *PR.ITP.MonitoringReports@noaa.gov*) as soon as feasible. The report must include the following information:

1. Time, date, and location (latitude/longitude) of the incident;
2. Species identification (if known) or description of the animal(s) involved;
3. Vessel's speed during and leading up to the incident;
4. Vessel's course/heading and what operations were being conducted (if applicable);
5. Status of all sound sources in use;
6. Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
7. Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
8. Estimated size and length of animal that was struck;
9. Description of the behavior of the marine mammal immediately preceding and/or following the strike;
10. If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
11. Estimated fate of the animal (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the

water, status unknown, disappeared); and,

12. To the extent practicable, photographs or video footage of the animal(s).

Preliminary Determinations

SouthCoast Wind's HRG survey activities are unchanged from those analyzed in support of the 2021 IHA, with the exception of reductions in survey effort and vessels. The effects of the activity, taking into consideration the proposed mitigation and related monitoring measures, remain unchanged from those evaluated in support of the 2021 IHA, regardless of the minor increases in estimated take numbers for some marine mammal species and/or stocks. Specifically, only Level B harassment is proposed for authorization, which NMFS expects would be of a lower severity, predominately in the form of avoidance of the sound sources that may cause a temporary abandonment of the location during active source use that may result in a temporary interruption of foraging activities for some species. However, NMFS does not expect that this effect will long-term or permanent as the acoustic source would be mobile and leave the area within a specific amount of time for which the animals could return to the area. Even considering the increased estimated take for some species, the impacts of these lower severity exposures are not expected to accrue to a degree that the fitness of any individuals would be impacted, and therefore, no impacts on the annual rates of recruitment or survival would result.

As discussed in the previous **Federal Register** notices (86 FR 27393, May 20, 2021; 86 FR 38033, July 19, 2021), SouthCoast Wind's project would occur approximately 50 miles (80.5 km) west of the feeding BIAs for North Atlantic right whales (February–April) and sei whales (May–November) and approximately 40 miles west of feeding BIAs for humpback whales (March–December) and fin whales (March–October). The Narragansett Bay cable route corridor is located just to the north of another fin whale BIA (March–October) south of Martha's Vineyard. These BIAs are extensive and sufficiently large (705 km^2 and 3,149 km^2 for North Atlantic right whales; 47,701 km^2 for humpback whales; 2,933 km^2 for fin whales; and 56,609 km^2 for sei whales), and the acoustic footprint of the planned survey is sufficiently small (141 m using the sparker), such that feeding opportunities for these whales would not be reduced appreciably. Furthermore, given SouthCoast Wind's reduced vessel presence, the reduced daily vessel tracks, and the reduced number of days for the project, NMFS expects any impacts from this project to be less than were expected in association with the previous 2021–2022 project.

NMFS has also reviewed current information regarding active UMEs and important habitat, and finds that the discussion provided for the 2021 IHA remains applicable to this proposed IHA. Therefore, in conclusion, there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has preliminarily determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the proposed authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the proposed authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) SouthCoast Wind's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS Office of Protected Resources (OPR) consults internally whenever we propose to authorize take for endangered or threatened species.

NMFS OPR is proposing to authorize the incidental take of five species of marine mammals which are listed under the ESA, including the North Atlantic right, blue, fin, sei, and sperm whale, and has determined that this activity falls within the scope of activities analyzed in NMFS GARFO's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy Regions (completed June 29, 2021; revised September 2021).

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to SouthCoast Wind for conducting HRG surveys off Massachusetts and Rhode Island in and around OCS–A–0521, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Request for Public Comments

We request comment on our analyses (included in both this document and the referenced documents supporting the 2021 IHA (86 FR 11930, March 1, 2021; 86 FR 27393, May 20, 2021; 86 FR 38033, July 19, 2021)), this proposed authorization, and any other aspect of this notice of proposed IHA for the proposed site characterization surveys. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a one-time, one-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical, or nearly identical, activities as described in the Description of the Proposed Activity and Anticipated Impacts section of this notice is planned or (2) the activities as described in the Description of the Proposed Activity and Anticipated Impacts section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses,

mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

• Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: March 2, 2023.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2023–04691 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC820]

New England 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 New England Fishery Management Council is convening its Scientific and Statistical Committee (SSC) via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Wednesday, March 29, 2023, beginning at 9 a.m. Webinar registration information: *https://attendee.gotowebinar.com/register/4961240985261714005.* Call in information: 1 (415) 655–0052, Access Code: 950–160–283.

ADDRESSES:

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scientific and Statistical Committee will meet to receive a presentation on the Northeast Fisheries Science Center's *State of the Ecosystem Report* and make any recommendations for improvements. They will also receive a presentation on and discuss a research collaboration of NOAA Fisheries and University of Massachusetts School for Marine Science and Technology to understand how portfolio theory can facilitate ecosystem-based fisheries management and provide feedback to the project team. They will discuss providing feedback to the Council on the performance metrics and indicators under development by the Groundfish Plan Development Team to review the revised monitoring program, including the increased at-sea monitoring coverage target, implemented through Amendment 23 to the Northeast Multispecies Fishery Management Plan. Other business will be discussed as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: March 3, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–04778 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Alaska Region Amendment 80 Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance 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. Public comments were previously requested via the **Federal Register** on October 27, 2022 (87 FR 65038), during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Alaska Region Amendment 80 Program.

OMB Control Number: 0648–0565.

Form Number(s): None.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 11.

Average Hours per Response: Application for A80 Quota Share: 2 hours; Application for A80 Limited Access Fishery Permit: 2 hours; Application for A80 Cooperative Quota Permit: 2 hours; Application to Transfer A80 Quota Share: 2 hours; Application for Inter-cooperative Transfer of A80 Cooperative Quota: 2 hours; Application for A80 Vessel Replacement: 2 hours; A80 appeals letter: 4 hours; Flatfish Exchange Application: 5 minutes.

Total Annual Burden Hours: 14 hours.

Needs and Uses: The National Marine Fisheries Service (NMFS), Alaska Regional Office, is requesting extension of a currently approved information collection that contains applications for permits and transfers necessary for NMFS to manage the Amendment 80 Program (A80 Program).

Under the Magnuson-Stevens Fishery Conservation and Management Act 16 U.S.C. 1801 *et seq.,* the Secretary of Commerce is responsible for the

conservation and management of marine fishery resources within the Exclusive Economic Zone (EEZ) of the United States through NOAA/NMFS. NMFS Alaska Region manages the EEZ off Alaska under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and the Fishery Management Plan for Groundfish of the Gulf of Alaska. The North Pacific Fishery Management Council recommended A80 to the BSAI FMP in June 2006 (72 FR 52668, September 14, 2007). A80 allocates several Bering Sea and Aleutian Islands (BSAI) nonpollock trawl groundfish species among trawl fishery sectors, established a limited access privilege program (LAPP), and facilitated the formation of harvesting cooperatives in the non-American Fisheries Act (non-AFA) trawl catcher/processor sector. More information on the A80 Program is provided on the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/bering-sea-andaleutian-islands-amendment-80-groundfish-trawl-fishery.*

This collection contains applications used by an individual or business entity to apply for A80 quota share, used by A80 quota shareholders to transfer A80 quota share and to apply for an A80 limited access fishery permit, used by A80 cooperatives to apply for cooperative quota and transfer cooperative quota, used by cooperatives or Community Development Quota groups to exchange community quota for one eligible flatfish species with community quota of a different eligible flatfish species, and used by A80 vessel owners to replace their vessels. This information collection also contains the appeals process for an application that is denied.

The type of information collected includes information on the applicants, transferors, transferees, permits, vessels, quota share, cooperative quota, and flatfish harvest quota.

NMFS uses this information to establish eligibility to receive A80 quota share, cooperative quota, and permits; transfer and assign harvest quota; replace vessels used in the A80 Program; determine A80 species initial total allowable catch assignments; determine which vessels must be tracked for catch accounting; and review ownership and control information to ensure that quota share and cooperative quota use caps are not exceeded.

Affected Public: Individuals or households; Business or other for-profit organizations.

Frequency: On occasion; Annually.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

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 30 days of the publication of this notice on the following website *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 and entering either the title of the collection or the OMB Control Number 0648–0565.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2023–04770 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC810]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Highly Migratory Species Management Team (HMSMT) will hold an online meeting, which is open to the public.

DATES: The online meeting will be held Monday, March 27, 2023, from 12 p.m. to 4 p.m., Pacific Daylight Time.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Kit Dahl, Staff Officer, Pacific Council; telephone: (503) 820–2422.

SUPPLEMENTARY INFORMATION: The purpose of this online HMSMT meeting is to discuss and potentially develop recommendations to the Pacific Council on an item on its April meeting agenda, Council and Process Efficiencies. Any recommendations developed by the HMSMT would be included in a report to the Pacific Council for that agenda item. Other items related to HMSMT workload may be discussed, time permitting.

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: March 3, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–04777 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC825]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Coastal Pelagic Species Advisory Subpanel will hold a public meeting.

DATES: The meeting will be held Thursday, March 30, 2023, from 12 p.m. to 1:30 p.m., Pacific Daylight Time or

until business for the day has been completed.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Jessi Doerpinghaus, Staff Officer, Pacific Council; telephone: (503) 820–2415.

SUPPLEMENTARY INFORMATION: The primary purpose of this online meeting is to discuss and develop work products and recommendations for the Pacific Council's April 2023 meeting. Topics will include Council process and efficiencies and other items on the Pacific Council's April agenda may be discussed as well. The meeting agenda will be available on the Pacific Council's website in advance of the meeting.

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: March 3, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–04776 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC677]

Determination of Overfishing or an Overfished Condition

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

ACTION: Notice.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has found that the following stocks of fish are now subject to overfishing or overfished: Gulf of Maine haddock, Gulf of Mexico cubera snapper, Gulf of Mexico Jacks Complex, and Gulf of Mexico Mid-water Snapper Complex are now subject to overfishing, and Pacific bluefin tuna, Pacific sardine, Bering Sea snow crab, Saint Matthew Island blue king crab, Southern New England/Mid-Atlantic yellowtail flounder, Gulf of Maine/Georges Bank Atlantic wolffish, Northwestern Atlantic ocean pout, Northwestern Atlantic witch flounder, Atlantic herring, Atlantic halibut, and Georges Bank yellowtail flounder all continue to be overfished. NMFS, on behalf of the Secretary, notifies the appropriate regional fishery management council (Council) whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, (301) 427–8568.

SUPPLEMENTARY INFORMATION: Pursuant to section 304(e)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2), NMFS, on behalf of the Secretary, must notify Councils, and publish a notice in the **Federal Register**, whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

NMFS has determined that Gulf of Maine haddock, Gulf of Mexico cubera snapper, Gulf of Mexico Jacks Complex, and Gulf of Mexico Mid-water Snapper Complex are now subject to overfishing. The Gulf of Maine haddock determination is based on the most recent assessment, completed in 2022 and using data through 2021, which indicates that this stock is subject to overfishing because the fishing mortality rate was above the threshold. The Gulf of Mexico stocks—cubera snapper, Jacks Complex, and Mid-water Snapper Complex—were not assessed in 2022, so landings data from 2021 were used to support the status determination of subject to overfishing. For each of the Gulf of Mexico stocks or complexes, 2021 landings were greater than their respective overfishing limit. NMFS has notified the New England Council (for haddock) and the Gulf of Mexico Council (for the Gulf of Mexico stocks) of their requirement to end overfishing on these stocks.

NMFS has determined that Pacific bluefin tuna, Pacific sardine, Bering Sea snow crab, Saint Matthew Island blue king crab, Southern New England/Mid-Atlantic yellowtail flounder, Gulf of Maine/Georges Bank Atlantic wolffish, Northwestern Atlantic ocean pout, Northwestern Atlantic witch flounder, Atlantic herring, Atlantic halibut, and Georges Bank yellowtail flounder all remain overfished.

The Pacific bluefin tuna determination is based on the most recent assessment, conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean completed in 2022 using data through 2020. Applying domestic status determination criteria, this stock remains overfished because the spawning stock biomass is below its threshold. The Pacific sardine determination is based on the most recent assessment, conducted in 2022 using data from 2021 and supports a determination that the stock remains overfished because the biomass level is below its threshold. NMFS continues to work with the Pacific Council to rebuild these stocks.

The Bering Sea snow crab and Saint Matthew Island blue king crab determinations are based on the most recent assessments, completed in 2022 using data through 2022, which indicate that the stocks remain overfished because the biomass estimates are below their thresholds. NMFS continues to work with the North Pacific Council to rebuild these stocks.

The Southern New England/Mid-Atlantic yellowtail flounder, Gulf of Maine/Georges Bank Atlantic wolffish, Northwestern Atlantic ocean pout, and Northwestern Atlantic witch flounder determinations are based on the most recent assessment, completed in 2022 using data through 2021, which supports the determinations that these stocks remain overfished because the biomass estimates are below their thresholds. The Atlantic herring determination is based on the most recent assessment, finalized in 2022, using data through 2021, which

supports a determination that the stock continues to be overfished because the biomass remains below its threshold. The Atlantic halibut and Georges Bank yellowtail flounder determinations are based on qualitative estimates of stock size, suggesting that biomass is low. NMFS continues to work with the New England Council to rebuild these stocks.

Dated: March 3, 2023.

Jennifer M. Wallace,

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

[FR Doc. 2023–04734 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC807]

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 (MAFMC's) Bluefish Monitoring Committee (MC) will hold a public meeting jointly with the Atlantic States Marine Fisheries Commission's Bluefish Technical Committee (TC).

DATES: The meeting will be held on Friday, March 24, 2023, from 10 a.m. to 12:30 p.m. EDT. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the calendar at *www.mafmc.org* prior to the meeting.

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 Bluefish Monitoring Committee and Technical Committee will meet to develop potential methods for applying a buffer between sector specific annual catch limits (ACLs) and annual catch targets (ACTs) to account for management uncertainty. At the meeting, the MC and TC will review buffer examples in other fisheries, review recent bluefish overages by sector, and discuss methods for buffer calculation. The MC and TC will also discuss bluefish specifications updates and next steps as appropriate.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids 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: March 3, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–04774 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC818]

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 will hold a public meeting of its Mackerel, Squid, and Butterfish (MSB) Monitoring Committee. See **SUPPLEMENTARY INFORMATION** for agenda details.

DATES: The meeting will be held on Thursday, March 23, 2023, from 3 p.m. to 4 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 Council's Mackerel, Squid, and Butterfish (MSB) Monitoring Committee will review recent fishery performance and the Scientific and Statistical Committee's (SSC) catch recommendations regarding *Illex* squid. Based on the SSC's recommendations, the Monitoring Committee will develop recommendations about annual specifications and/or associated management measures.

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: March 3, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–04775 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC822]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; issuance of a permit renewal for an Endangered Species Act (ESA) Section 10(a)(1)(A) scientific enhancement permit (Permit 16608–3R).

SUMMARY: Notice is hereby given that NMFS renewed Section 10(a)(1)(A) scientific enhancement Permit 16608–3R to the Bureau of Reclamation. Authorized activities within the permit are expected to affect and enhance the threatened California Central Valley (CCV) Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) and the Southern DPS (sDPS) of North American green sturgeon *(Acipenser medirostris)* through enhancement activities and research and monitoring in the San Joaquin River from the Merced River confluence to the base of Mendota Dam, and select locations on the Mariposa and Eastside bypasses, and entrances to the following off-channel sloughs: Mud Slough, Salt Slough, and Newman Wasteway.

ADDRESSES: The permit application, the permit, and other related documents are available for review through contacting the California Central Valley Office, Section 10(a)(1)(A) permit coordinator (Hilary Glenn: phone: (916) 200–8211 or email at: *Hilary.Glenn@noaa.gov*). The application for Permit 16608–3R is also available for review at the Authorizations and Permits for

Protected Species website: *https://apps.nmfs.noaa.gov/search/search.cfm.*

FOR FURTHER INFORMATION CONTACT: Hilary Glenn at (916) 200–8211, or email: *Hilary.Glenn@noaa.gov.*

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notification

Threatened California Central Valley (CCV) Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) and the Southern DPS (sDPS) of North American green sturgeon *(Acipenser medirostris).*

Authority

Scientific research and enhancement permits are issued in accordance with Section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et. seq*) and regulations governing listed fish and wildlife permits (50 CFR 222–227). NMFS issues a Section 10(a)(1)(A) permit based on findings that the permit is (1) applied for in good faith, (2) would not operate to the disadvantage of the listed species which is the subject of the permit, and (3) consistent with the purposes and policies set forth in Section 2 of the ESA. Authority for the take exemption of listed species is subject to conditions set forth in the permit.

Permit 16608–3R

A receipt of application notice for Permit 16608–3R was published in the **Federal Register** on July 5, 2022 (86 FR 46832), providing 30 days for public comment prior to permit processing. No comment was received. Permit 16608–3R was issued to Reclamation on December 20, 2022.

Permit 16608–3R authorizes take exemption of threatened CCV steelhead and the sDPS of North American green sturgeon in association with enhancement activities involving research and monitoring in the San Joaquin River from the Merced River confluence to the base of Mendota Dam, and select locations on the Mariposa and Eastside bypasses, and entrances to the following off-channel sloughs: Mud Slough, Salt Slough, and Newman Wasteway (collective termed the study area). The primary objectives of this enhancement effort involve: (1) monitor for adult CCV steelhead in the wetted sections of the San Joaquin River downstream of Mendota Dam to the Merced River confluence, (2) relocate CCV steelhead to more suitable habitat downstream of the Merced River confluence, (3) determining the distribution, abundance, size, and age structures of both CCV steelhead and sDPS green sturgeon, and (4) documenting changes in CCV steelhead abundance and distribution in response to fluctuating water conditions. Monitoring activities include: capture (raft-mounted electrofisher), fyke nets with wing walls and fish traps, steelhead-specific trammel nets, hand seins, handling (conducting length measurements, gender identification, tissue and scale collection, assessment of condition, checking for the presence of tags), and Passive Integrated Transponder (PIT) tagging of fish inclusive of steelhead and green sturgeon. Captured CCV steelhead will be transported by tanker truck and released in the San Joaquin River downstream of the Merced River confluence. Recaptured CCV steelhead will be identified by the presence of a PIT tag.

Field activities for monitoring effort will occur December 1 through April 30 over the next 5 years (start: 12/01/2022 End: 12/31/2027). For this 5 year effort Reclamation will take no more than: (1) non-lethal (seven adults) and lethal (two adults) effects due to collecting, sampling, and transport of live threatened CCV steelhead (natural origin) and non-lethal (seven adults) and lethal (two adults) effects to threatened CCV steelhead of hatchery origin, (2) non-lethal (six adults) and no lethal effects due to capture, handling, and release of live threatened sDPS of North American green sturgeon, and (3) non-lethal effects to threatened CCV steelhead of natural origin (ten adults) and threatened CCV steelhead of hatchery origin (ten adults), and threatened sDPS of North American green sturgeon (three adults) due to observations and harassment at weirs, fish ladders, and dams where no trapping occurs. The potential unintentional lethal take resulting from the proposed scientific enhancement activities is up to four adult CCV steelhead (two natural origin; two hatchery origin). Overall, no intentional lethal take of CCV steelhead is proposed or expected as a result of these scientific enhancement activities.

This scientific enhancement effort is expected to provide valuable information on sDPS of North American green sturgeon and the most southern extent of CCV steelhead to the California Department of Fish and Wildlife's comprehensive monitoring plan for steelhead and green sturgeon in the Central Valley. The monitoring by Reclamation is consistent with recommendations and objectives outlined in NMFS' Recovery Plan for CCV steelhead and the sDPS of North American green sturgeon. See the application for Permit 16608–3R for greater details on the scientific enhancement proposal and related methods.

Dated: March 2, 2023.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2023–04722 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Chesapeake Bay Watershed Environmental Literacy Indicator Tool

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance 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. Public comments were previously requested via the **Federal Register** on November 4, 2022 (87 FR 66657) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Chesapeake Bay Watershed Environmental Literacy Indicator Tool.

OMB Control Number: 0648–0753.

Form Number(s): None.

Type of Request: Regular submission; Extension of a current information collection.

Number of Respondents: 685.

Average Hours per Response: 1 hour.

Total Annual Burden Hours: 229.

Needs and Uses: The Chesapeake Bay Watershed Agreement of 2014 required monitoring of progress toward the environmental literacy goal: ''Enable students in the region to graduate with the knowledge and skills needed to act responsibly to protect and restore their local watersheds.'' NOAA, on behalf of the Chesapeake Bay Program, will ask the state education agencies for Maryland, Pennsylvania, Delaware, Virginia, West Virginia, and the District of Columbia to survey their local

education agencies (LEAs) to determine: (1) LEA capacity to implement a comprehensive and systemic approach to environmental literacy education, (2) student participation in Meaningful Watershed Educational Experience during the school year, (3) sustainability practices at schools, and (4) LEA needs for improving environmental literacy education programming. LEAs (generally school districts, in some cases charter school administration) are asked to complete the survey on the status of their LEA on a set of key indicators for the four areas listed above. One individual from each LEA is asked to complete their survey once every two years. The results of the biennial ELIT survey will be analyzed and reported to the internal stakeholders of the Chesapeake Bay Watershed Agreement. Participating states will receive a summarized report of findings for the full watershed, a summary of findings for their state, and comparisons of results between states. These aggregated results will be used by the state agencies to understand progress of their school districts over time, and to inform decision-making about strategies and priorities for future work with school districts. Additionally, NOAA will use this information to inform priorities within their B–WET funding opportunities and technical assistance. The biennial reporting will also be used by the Chesapeake Bay Program to understand progress of school districts in the watershed, understand differences between jurisdictions, and guide strategy for providing targeted support in each state. The instrument has not undergone any changes since its last PRA approval process.

Affected Public: State, Local and Tribal Governments.

Frequency: Biennially.

Respondent's Obligation: Voluntary.

Legal Authority: US Code: 42 U.S.C. 4321 *et seq.* Name of Law: National Environmental Policy 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 30 days of the publication of this notice on the following website *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 and entering either the title of the collection or the OMB Control Number 0648–0753.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2023–04771 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Law School Clinic Certification Program

The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 21, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: United States Patent and Trademark Office, Department of Commerce.

Title: Law School Clinic Certification Program.

OMB Control Number: 0651–0081.

Needs and Uses: Public Law 113–227 (Dec. 16, 2014) requires the United States Patent and Trademark Office to establish regulations and procedures for application to, and participation in, the USPTO Law School Clinic Certification Program. The Program allows students enrolled in a participating law school's clinic to practice patent or trademark law before the USPTO under the direct supervision of an approved faculty clinic supervisor. Each clinic provides legal services on a pro bono basis for clients who qualify for assistance from the law school's clinic. By drafting, filing, and prosecuting patent and trademark applications, students gain valuable experience that would otherwise be unavailable to them while in law school. The program also facilitates the provision of pro bono services to patent and trademark applicants who lack the financial resources necessary for traditional legal representation. Currently, 62 law schools participate in the program; a slight increase from the estimated number of law schools listed in the 60-day notice.

This information collection covers the applications from law schools that wish to enter the program, faculty advisors who seek to become a faculty clinic supervisor, and students who seek to participate in this program. The collection also includes the required semiannual reports from participating law school clinics and biennial renewals required by the program as well as the request to make special under the Law School Clinic Certification Program, which allows a limited number of applications per semester to be advanced out of turn (accorded special status) for examination if the applicant makes the appropriate showing, to provide law students with practical experience as they will be more likely to receive substantive examination of applications within the school year that the application is filed.

Form Number(s): (LS = Law School; SB = Specimen Book).

- PTO–158LS (Application for Limited Recognition in USPTO Law School Program for Law Students to Practice Before the USPTO).
- PTO/SB/419 (Certification and Request to Make Special under the Law School Program).

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector; individuals or households.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion; semi-annually; biennially.

Estimated Number of Annual Respondents: 863 respondents.

Estimated Number of Annual Responses: 925 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take respondents approximately between 30 minutes (0.5 hours) and 40 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 1,241 hours.

Estimated Total Annual Respondent Non-Hourly Cost Burden: $46.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce, USPTO

information collections currently under review by OMB.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *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 and entering either the title of the information collection or the OMB Control Number 0651–0081.

Further information can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0081 information request'' in the subject line of the message.
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2023–04754 Filed 3–7–23; 8:45 a.m.]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Native American Tribal Insignia Database

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0048 Native American Tribal Insignia Database. The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before May 8, 2023.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Federal Rulemaking Portal: https://www.regulations.gov.*
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Catherine Cain, Attorney Advisor, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8946; or by email at *Catherine.Cain@uspto.gov* with ''0651–0048 comment'' in the subject line. Additional information about this information collection is also available at *https://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The Trademark Law Treaty Implementation Act of 1998 [1] (Pub. L. 105–330, section 302, 112 Stat. 3071) required the USPTO to study issues surrounding the protection of the official insignia of federally and state-recognized Native American tribes under trademark law. The USPTO conducted the study and presented a report to the House and Senate Judiciary Committees on November 30, 1999. One of the recommendations made in the report was that the USPTO create and maintain an accurate and comprehensive database containing the official insignia of all federally and state-recognized Native American tribes. In accordance with this recommendation, the Senate Committee on Appropriations directed the USPTO to create this database. The USPTO published the final procedures for establishing and maintaining the tribal insignia database in the **Federal Register** on August 24, 2001 (66 FR 44603).[2]

The USPTO database of official tribal insignias provides evidence of what a federally or state-recognized Native American tribe considers to be its official insignia. Section 2(a) of the Trademark Act, 15 U.S.C. 1052(a), disallows the registration of marks that falsely suggest a connection with a non-sponsoring person or institution, including a Native American tribe. The database thereby assists trademark examining attorneys in their examination of applications for trademark registration by serving as a reference for determining the registrability of a mark that may falsely suggest a connection to the official insignia of a Native American tribe. The database, included within Trademark Electronic Search System (TESS),[3] is available to the public on the USPTO website, and includes an online help program for using the system. More information about the program is available on the website at *https://www.uspto.gov/trademarks/laws/native-american-tribal-insignia.*

Tribes are not required to request that their official insignia be included in the database. The entry of an official insignia into the database does not confer any rights to the tribe that submitted the insignia, and entry is not the legal equivalent of registering the insignia as a trademark under 15 U.S.C. 1051 *et seq.* The inclusion of an official tribal insignia in the database does not create any legal presumption of validity or priority, does not carry any of the benefits of federal trademark registration, and is not a determination as to whether a particular insignia would be allowed or refused registration as a trademark pursuant to 15 U.S.C. 1051 *et seq.*

Requests from federally recognized tribes to enter an official insignia into the database must be submitted in writing and include: (1) a depiction of the insignia, including the name of the tribe and the address for correspondence; (2) a copy of the tribal resolution adopting the insignia in question as the official insignia of the tribe; and (3) a statement, signed by an official with authority to bind the tribe, confirming that the insignia included with the request is identical to the official insignia adopted by the tribal resolution.

Requests from state-recognized tribes must also be in writing and include each of the three items described above that are submitted by federally recognized tribes. Additionally, requests from state-recognized tribes must include either: (a) a document issued by a state official that evidences the state's determination that the entity is a Native American tribe; or (b) a citation to a state statute designating the entity as a Native American tribe.

The USPTO enters insignia that have been properly submitted by federally or state-recognized Native American tribes into the database and does not

[1] *https://www.uspto.gov/trademark/laws-regulations/trademark-law-treaty-implementation-act.*

[2] *https://www.federalregister.gov/documents/2001/08/24/01-21479/establishment-of-a-database-containing-the-official-insignia-of-federally-and-state-recognized.*

[3] *https://www.uspto.gov/trademarks-application-process/search-trademark-database.*

investigate whether the insignia is actually the official insignia of the tribe making the request.

This information collection includes the information needed by the USPTO to enter an official insignia for a federally or state-recognized Native American tribe into a database of such insignia. No forms are associated with this information collection.

II. Method of Collection

Electronically by email, mail, or hand delivery to the USPTO.

III. Data

OMB Control Number: 0651–0048.
Forms: None.
Type of Review: Extension and revision of a currently approved information collection.
Affected Public: State, Local, and Tribal Government.
Respondent's Obligation: Required to obtain or retain benefits.
Estimated Number of Annual Respondents: 5 respondents.
Estimated Number of Annual Responses: 5 responses.
Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the respondents approximately 1 hour to complete, depending on the complexity of the situation and item, to gather the necessary information, prepare the appropriate document(s), and submit the information to the USPTO.
Estimated Total Annual Respondent Burden Hours: 5 hours.
Estimated Total Annual Respondent Hourly Cost Burden: $301.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO TRIBAL GOVERNMENT RESPONDENTS

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time per response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate [4] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
1	Request to Record an Official Insignia of a Federally Recognized Tribe.	4	1	4	1	4	$60.13	$241
2	Request to Record an Official Insignia of a State-Recognized Tribe.	1	1	1	1	1	60.13	60
Totals		5		5		5		301

Estimated Total Annual Respondent Non-hourly Cost Burden: $19. There are no maintenance costs, capital start-up costs, record keeping costs, or filing fees associated with this information collection. However, the USPTO estimates that the total annual (non-hour) cost burden for this information collection, in the form of postage, is $19.

Postage

The USPTO estimates that 40% of the items in this information collection will be submitted in the mail. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail 2-day flat rate legal envelope, will be $9.35 and that approximately 2 submissions will be mailed to the USPTO per year. Therefore, the USPTO estimates that postage costs in this collection will be $19.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) 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.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2023–04759 Filed 3–7–23; 8:45 am]

BILLING CODE 3510–16–P

[4] Bureau of Labor Statistic rate for lawyers in local government (23–1011—Lawyers), plus 30% added for beenfits and overhead (*https://www.bls.gov/oes/current/oes230000.htm*).

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces; Notice of Federal Advisory Committee Meeting

AGENCY: General Counsel of the Department of Defense, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD) will take place.

DATES: Tuesday, March 14, 2023—Open to the public from 1 p.m. to 3 p.m. EST.

ADDRESSES: This public meeting will be held virtually. To receive meeting access, please submit your name, affiliation/organization, telephone number, and email contact information to the Committee at: *whs.pentagon.em.mbx.dacipad@mail.mil.*

FOR FURTHER INFORMATION CONTACT: Dwight Sullivan, 703–695–1055 (Voice), 703–693–3903 (Facsimile), *dwight.h.sullivan.civ@mail.mil* (Email). Mailing address is DAC-IPAD, One

Liberty Center, 875 N Randolph Street, Suite 150, Arlington, Virginia 22203. Website: *http://dacipad.whs.mil/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its March 14, 2023 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of chapter 10 of title 5 (formerly the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C. 10)), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: In section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113–291), as modified by section 537 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114–92), Congress tasked the DAC-IPAD to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces. This will be the twenty-seventh public meeting held by the DAC-IPAD. At this meeting the Committee will conduct deliberations on the 5th Annual Report; Victim Impact Statement Report; and Appellate Review Report. Prior to adjournment, the Committee will receive a briefing from the DAC-IPAD Special Projects Subcommittee.

Agenda: 1 p.m.–2 p.m.—Opening Remarks; Discussion, Deliberations, and Voting on 5th Annual Report; Victim Impact Statement Report; and Appellate Review Report. 2 p.m.–3 p.m.—Special Projects Subcommittee Update. 3 p.m. Public Meeting Adjourns. Any changes to the agenda will be posted on the DAC-IPAD website (*http://dacipad.whs.mil/*).

Meeting Accessibility: Pursuant to 41 CFR 102–3.140 and 5 U.S.C. 1009(a)(1), the public or interested organizations may submit written comments to the DAC-IPAD about its mission and topics pertaining to this public meeting. Written comments must be received by the DAC-IPAD at least five (5) business days prior to the meeting date so that they may be made available to the DAC-IPAD members for their consideration prior to the meeting. Written comments should be submitted via email to the DAC-IPAD at *whs.pentagon.em.mbx.dacipad@mail.mil* in the following formats: Adobe Acrobat or Microsoft Word. Please note that since the DAC-IPAD operates under the provisions of the FACA, all written comments will be treated as public documents and will be made available for public inspection. Oral statements from the public will be permitted, though the number and length of such oral statements may be limited based on the time available and the number of such requests. Oral statement requests must be received by the DAC-IPAD at least five (5) business days prior to the meeting date by submitting them via email at *whs.pentagon.em.mbx.dacipad@mail.mil.*

Written Statements: Pursuant to 41 CFR 102–3.140 and 5 U.S.C. 1009(a)(3), interested persons may submit a written statement to the DAC-IPAD. Individuals submitting a statement must submit their statement no later than 5:00 p.m. EST, Monday, March 13, 2023 to Dwight Sullivan, 703–695–1055 (Voice), 703–693–3903 (Facsimile), *dwight.h.sullivan.civ@mail.mil* (Email). If a statement pertaining to a specific topic being discussed at the planned meeting is not received by Monday, March 13, 2023, prior to the meeting, then it may not be provided to, or considered by, the Committee during the March 14, 2023 meeting. The Designated Federal Officer will review all timely submissions with the DAC-IPAD Chair and ensure such submissions are provided to the members of the DAC-IPAD before the meeting. Any comments received by the DAC-IPAD prior to the stated deadline will be posted on the DAC-IPAD website (*http://dacipad.whs.mil/*).

Dated: March 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023–04693 Filed 3–7–23; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2023–SCC–0044]

Agency Information Collection Activities; Comment Request; Revocation of Consent To Share Federal Tax Information Form

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a new information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before May 8, 2023.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2023–SCC–0044. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W203, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be

processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Revocation of Consent to Share Federal Tax Information Form.

OMB Control Number: 1845–NEW.

Type of Review: New ICR.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 4,700,000.

Total Estimated Number of Annual Burden Hours: 164,500.

Abstract: The FUTURE Act allows Federal Student Aid to receive customers' federal tax information (FTI) from the Internal Revenue Service (IRS) through the Internal Revenue Code section 6103 for the purposes of administering the Free Application for Federal Student Aid (FAFSA®) form, and income-driven repayment (IDR) plans. Since customers will be required to provide consent for this process, we also need to provide an option for them to revoke consent. This is a request for a new information collection for the form which will allow individuals to revoke previous consent for FTI for the purposes of administration of title IV, Higher Education Act of 1965, as amended, student financial aid activities. The paper form is an alternative option to the web flow to revoke consent for FAFSA and IDR.

Dated: March 2, 2023.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2023–04694 Filed 3–7–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Civil Nuclear Credit Program: Guidance for the Second Award Period

AGENCY: Grid Deployment Office, U.S. Department of Energy.

ACTION: Notice of availability of guidance for the second award cycle of the civil nuclear credit program.

SUMMARY: The U.S. Department of Energy (DOE or the Department) announces the availability of the Guidance for the Second Award Cycle of the Civil Nuclear Credit (CNC) Program authorized under of the Infrastructure Investment and Jobs Act (IIJA). The Department is providing notification of the issuance of the U.S. Department of Energy Guidance for the Second Award Cycle of the Civil Nuclear Credit Program on *SAM.gov.* The Guidance describes the timelines, deliverables, and other requirements for owners or operators of eligible nuclear reactors that are projected to cease operations due to economic factors to submit certification applications to become certified nuclear reactors, and instructions on formulating and submitting sealed bids to receive credit allocations.

DATES: DOE invites eligible nuclear reactors to submit certification applications and sealed bids for credits starting on March 2, 2023 at *SAM.gov.* The last date for which certification applications and sealed bids will be received is May 31, 2023. DOE will announce conditional awards thereafter in accordance with the guidance. Application information and Bid submissions must be submitted at *https://proposalscnc.inl.gov* by 23:59 MT on May 31, 2023, or they will not be considered timely filed for the current Award Period and will not be evaluated.

ADDRESSES: Please see the Guidance posting at *https://sam.gov/opp/c89f5456c69c46e99535558222ed53a1/view* for contact information relating to certification applications and sealed bids. For information relating to the CNC Program, please see *https://www.energy.gov/gdo/civil-nuclear-credit-program.*

FOR FURTHER INFORMATION CONTACT: For more information regarding the CNC Program or Guidance please contact Theodore Taylor, (202) 586–4316, *cnc_program_mailbox@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 40323 of the Infrastructure Investment and Jobs Act (IIJA), Public Law 117–58, codified at 42 U.S.C. 18753, directs the Secretary of Energy to establish a CNC Program to evaluate and certify nuclear reactors that are projected to cease operations due to economic factors and to allocate credits to selected certified nuclear reactors via a sealed bid process. DOE published in the **Federal Register**, a Notice of Availability and Request for Comments regarding the Second Award Cycle of the Civil Nuclear Credit Program on October 6, 2022, to solicit public input into the CNC Program design (87 FR 60665). The Department used the responses to help inform its approach in creating the Guidance. The Guidance describes the CNC Program, program eligibility, certification criteria (including a Community Benefits Plan to advance environmental justice objectives) and bid submissions requirements for the second certification and bidding process.

Business Proprietary Information

Pursuant to 10 CFR 1004.11, any person submitting information believed to be business proprietary and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked ''Business Proprietary'' including all the information believed to be proprietary, and one copy of the document marked ''non-Proprietary'' deleting all information believed to be business proprietary. DOE will make its own determination about the business proprietary status of the information and treat it accordingly. Factors of interest to DOE when evaluating requests to treat submitted information as business proprietary include: (1) A description of the items; (2) whether and why such items are customarily treated as business proprietary within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its business proprietary nature; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its business proprietary character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

Signing Authority

This document of the Department of Energy was signed on March 3, 2023, by Maria D. Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 3, 2023.

Treena V. Garrett,

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

[FR Doc. 2023–04760 Filed 3–7–23; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12532–008]

Pine Creek Mine, LLC; Notice of Application for Surrender of License, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for surrender of license.

b. *Project No.:* P–12532–008.

c. *Date Filed:* December 16, 2022.

d. *Applicant:* Pine Creek Mine, LLC.

e. *Name of Project:* Pine Creek Mine Tunnel Hydroelectric Project (P–12532).

f. *Location:* The project is located inside the existing Pine Creek Mine adjacent to Morgan Creek and Pine Creek in Inyo County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Lynn Goodfellow, Manager, Pine Creek Mine, LLC, 9050 Pine Creek Road, Bishop, California 93514, (702) 595–5334, *pinecreekmine.jkf@gmail.com.*

i. *FERC Contact:* Maryam Akhavan, (202) 502–6110, *Maryam.Akhavan@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* April 3, 2023.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. 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. The first page of any filing should include the docket number P–12532–008. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* On December 16, 2022, the Pine Creek Mine, LLC filed a letter stating that the licensee decided to no longer pursue the Pine Creek Mine Tunnel Hydroelectric Project. The Commission issued the original license for the project on September 23, 2021. No construction has occurred at the project since licensing. The project area would remain in its pre-licensed, pre-construction condition. No ground disturbing activities would occur as a result of this surrender.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *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. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 2, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–04749 Filed 3–7–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Staff Attendance at North American Electric Reliability Corporation Standard Drafting Team Meeting

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission and/or Commission staff may attend the following meeting:

North American Electric Reliability Corporation Project 2021–07 Extreme Cold Weather Grid Operations, Preparedness, and Coordination Standard Drafting Team Virtual Meeting on: March 9, 2023 (1:00 p.m.–2:30 p.m. eastern time)

Further information regarding these meetings may be found at: *http://www.nerc.com/Pages/Calendar.aspx.*

The discussions at the meetings, which are open to the public, may address matters at issue in the following Commission proceeding:

Docket No. RD23–1–000 Extreme Cold Weather Reliability Standards EOP–011–3 and EOP–012–1

For further information, please contact Chanel Chasanov, 202–502–8569, or *chanel.chasanov@ferc.gov.*

Dated: March 1, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–04675 Filed 3–7–23; 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 electric corporate filings:

Docket Numbers: EC23–58–000.

Applicants: Montana-Dakota Utilities Co.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Montana-Dakota Utilities Co.

Filed Date: 3/1/23.

Accession Number: 20230301–5334.

Comment Date: 5 p.m. ET 3/22/23.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL21–64–000.

Applicants: James H. Bankston, Jr., et al v. *Alabama Public Service Commission.*

Description: James H. Bankston, Jr., et al. submits Supplemental Petition for Enforcement under the Public Utility Regulatory Policies Act of 1978.

Filed Date: 3/1/23.

Accession Number: 20230301–5323.

Comment Date: 5 p.m. ET 3/31/23.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22–2844–002.

Applicants: Duke Energy Carolinas, LLC.

Description: Compliance filing: Duke Energy Florida, LLC submits tariff filing per 35: DEF-Second Compliance Filing (ProCo) to be effective 12/31/9998.

Filed Date: 3/1/23.

Accession Number: 20230301–5258.

Comment Date: 5 p.m. ET 3/22/23.

Docket Numbers: ER23–512–002.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment to AD2–115 Agreement to Amend in ER23–512 Re: Effective Date to be effective 1/30/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5043.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–886–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment of Amended ISA, SA No. 5258; Queue No. AC1–085 in Docket No. ER23–886 to be effective 3/19/2023.

Filed Date: 3/1/23.

Accession Number: 20230301–5266.

Comment Date: 5 p.m. ET 3/22/23.

Docket Numbers: ER23–887–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment of IISA, SA No. 5885; Queue No. AF1–123/124/125 in Docket No. ER23–887 to be effective 3/19/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5008.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–1209–000.

Applicants: California Independent System Operator Corporation.

Description: Petition for Approval of Disposition of Penalty Assessment Proceeds and non-Refundable Interconnection Financial Security of the California Independent System Operator Corporation.

Filed Date: 3/1/23.

Accession Number: 20230301–5286.

Comment Date: 5 p.m. ET 3/22/23.

Docket Numbers: ER23–1210–000.

Applicants: RS Cogen, LLC.

Description: Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff to be effective 3/31/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5003.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–1211–000.

Applicants: Headwaters Wind Farm II LLC.

Description: Baseline eTariff Filing: Rate Schedule Baseline Filing to be effective 3/3/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5006.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–1212–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6815; Queue No. AE2–344 to be effective 2/1/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5027.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–1214–000.

Applicants: Stones DR, LLC.

Description: § 205(d) Rate Filing: Notice of Succession and Revisions to MBR Tariff, Request for Waiver to be effective 3/3/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5030.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–1215–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6280; Queue No. AD1–101 to be effective 5/1/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5031.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–1216–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Attachment AA Regarding Deficiency Payment to be effective 5/2/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5087.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–1217–000.

Applicants: Midwest Generation, LLC.

Description: § 205(d) Rate Filing: Proposed Revisions to Reactive Service Rate Schedule to be effective 6/1/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5088.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–1218–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Attachment AA to Add the Sufficiency Valuation Curve Method to be effective 5/2/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5107.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–1219–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: ISA, SA No. 6816; Queue No. AF1–271A to be effective 2/1/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5108.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–1220–000.

Applicants: High Point Solar LLC.

Description: Baseline eTariff Filing: High Point Solar LLC, Market Based Rate Tariff to be effective 5/2/2023.

Filed Date: 3/2/23.

Accession Number: 20230302–5110.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23–1221–000.

Applicants: Duquesne Light Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Duquesne Light Company submits tariff filing per 35.13(a)(2)(iii: Duqeusne revisions to OATT Att. H–17A re Beaver Valley Deactivation Trans Proj to be effective 5/1/2023.

Filed Date: 3/2/23.
Accession Number: 20230302–5118.
Comment Date: 5 p.m. ET 3/23/23.
Docket Numbers: ER23–1222–000.
Applicants: Duquesne Light Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Duquesne Light Company submits tariff filing per 35.13(a)(2)(iii: Duqeusne revisions to OATT Att. H–17A re Dravosburg-Elrama Expansion Project to be effective 5/1/2023.
Filed Date: 3/2/23.
Accession Number: 20230302–5124.
Comment Date: 5 p.m. ET 3/23/23.
Docket Numbers: ER23–1223–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2023–03–02_System-wide UCAP/ISAC Ratio Enhancement to be effective 5/31/2023.
Filed Date: 3/2/23.
Accession Number: 20230302–5127.
Comment Date: 5 p.m. ET 3/23/23.
Docket Numbers: ER23–1224–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX-City of Brownsville, Texas Interconnection Agreement to be effective 2/14/2023.
Filed Date: 3/2/23.
Accession Number: 20230302–5131.
Comment Date: 5 p.m. ET 3/23/23.
Docket Numbers: ER23–1225–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1148R33 American Electric Power NITSA NOAs to be effective 2/1/2023.
Filed Date: 3/2/23.
Accession Number: 20230302–5132.
Comment Date: 5 p.m. ET 3/23/23.
Docket Numbers: ER23–1226–000.
Applicants: High Point Solar LLC.
Description: Baseline eTariff Filing: High Point Solar LLC SFA with EcoGrove Wind LLC to be effective 3/3/2023.
Filed Date: 3/2/23.
Accession Number: 20230302–5135.
Comment Date: 5 p.m. ET 3/23/23.
Docket Numbers: ER23–1227–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: ISA, SA No. 6668; Queue #AF1–120 to be effective 2/3/2023.
Filed Date: 3/2/23.
Accession Number: 20230302–5136.
Comment Date: 5 p.m. ET 3/23/23.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH23–6–000.
Applicants: TriSummit Utilities Inc.
Description: TriSummit Utilities Inc. submits FERC 65–A Exemption Notification.
Filed Date: 3/1/23.
Accession Number: 20230301–5340.
Comment Date: 5 p.m. ET 3/22/23.
Docket Numbers: PH23–7–000.
Applicants: HQI US Holding LLC.
Description: HQI US Holding LLC submits FERC–65A Notice of Change in Fact to Waiver Notification.
Filed Date: 3/2/23.
Accession Number: 20230302–5149.
Comment Date: 5 p.m. ET 3/23/23.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF23–751–000.
Applicants: Dallman Solar Fuel, LLC.
Description: Form 556 of Dallman Solar Fuel, LLC.
Filed Date: 3/2/23.
Accession Number: 20230302–5113.
Comment Date: 5 p.m. ET 3/23/23.

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: March 2, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–04747 Filed 3–7–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI23–1–000]

City of False Pass; Notice of Declaration of Intention and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI23–1–000.

c. *Date Filed:* January 6, 2023.

d. *Applicant:* City of False Pass.

e. *Name of Project:* Unga Man Creek Hydroelectric Project.

f. *Location:* The proposed Unga Man Creek Hydroelectric Project would be located near the town of False Pass, in Aleutians East Borough, Alaska.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Nikki Hoblet, Mayor, City of False Pass; P.O. Box 50, 180 Unimak Drive, False Pass, AK 99583; telephone: (907) 548–2319; email: *mayor@falsepass.net*; Agent Contact: Joel Groves, Project Manager, Polarconsult Alaska, Inc.; 1503 W 33rd Ave., #310, Anchorage, AK 99503.

i. *FERC Contact:* Jennifer Polardino, (202) 502–6437, or *Jennifer.Polardino@ferc.gov.*

j. *Deadline for filing comments, protests, and motions to intervene is:* March 31, 2023.

The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. 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. The first page of any filing should include docket number DI23–1–000. Comments emailed to Commission staff are not considered part of the Commission record.

k. *Description of Project:* The proposed Unga Man Creek Hydroelectric Project would consist of: (1) a diversion structure consisting of an approximately 10-foot-high 80-foot-long combination sheet pile, reinforced concrete and rip-rap uncontrolled spillway weird and approximately 16-foot-tall rock-faced earthen dike/wingwall structures extending 50 feet

south and 200 feet north of the spillway to intersect with natural terrain; (2) an intake structure sized to screen and admit water into the project works, integral to the spillway portion of the diversion structure; (3) a penstock approximately 32-inch in diameter by 4,400-foot-long to convey water from the diversion to the powerhouse; (4) a powerhouse measuring approximately 20 by 30 feet housing a cross-flow turbine coupled to a three-phase synchronous generator, switchgear, controls, and appurtenances housing a 180-kilowatt generator unit; (5) an approximately 100-foot-long rubble-lined ditch tailrace returning project water to Unga Man Creek; (6) an approximately 3,100-foot-long buried three-phase 7,200/12,470 volt electric cable to interconnect the False Pass existing electric distribution system; (7) an approximately 9,700-foot-long dedicated telecommunication cable to interconnect the hydro and diesel powerhouse controls, and (8) approximately 4,400 feet of new access roads and trails necessary to build, maintain, and operate the project.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the project would affect the interests of interstate or foreign commerce. The Commission also determines whether or not the project: (1) would be located on a navigable waterway; (2) would occupy public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) would be located on a non-navigable stream over which Congress has Commerce Clause jurisdiction and would be constructed or enlarged after 1935.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must bear in all capital letters the title ''COMMENTS'', ''PROTESTS'', and ''MOTIONS TO INTERVENE'', as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any Motion to Intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 1, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–04674 Filed 3–7–23; 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 & Oil Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP23–536–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 3–1–23 to be effective 3/1/2023.

Filed Date: 3/1/23.

Accession Number: 20230301–5133.

Comment Date: 5 p.m. ET 3/13/23.

Docket Numbers: RP23–537–000.

Applicants: Midship Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Midship Pipeline Fuel Adjustment and Housekeeping Filing to be effective 4/1/2023.

Filed Date: 3/1/23.

Accession Number: 20230301–5141.

Comment Date: 5 p.m. ET 3/13/23.

Docket Numbers: RP23–538–000.

Applicants: Texas Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Jay-Bee 34446 to Spotlight 54214) to be effective 3/1/2023.

Filed Date: 3/1/23.

Accession Number: 20230301–5145.

Comment Date: 5 p.m. ET 3/13/23.

Docket Numbers: RP23–539–000.

Applicants: Black Hills Shoshone Pipeline, LLC.

Description: § 4(d) Rate Filing: Blackhills Shoshone LAUF Filing to be effective 4/1/2023.

Filed Date: 3/1/23.

Accession Number: 20230301–5150.

Comment Date: 5 p.m. ET 3/13/23.

Docket Numbers: RP23–540–000.

Applicants: TransCameron Pipeline, LLC.

Description: § 4(d) Rate Filing: Normal filing 2023 Annual Fuel Reimbursement filing to be effective 4/1/2023.

Filed Date: 3/1/23.

Accession Number: 20230301–5170.

Comment Date: 5 p.m. ET 3/13/23.

Docket Numbers: RP23–541–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (SoCal Mar 2 2023) to be effective 3/2/2023.

Filed Date: 3/1/23.

Accession Number: 20230301–5173.

Comment Date: 5 p.m. ET 3/13/23.

Docket Numbers: RP23–542–000.

Applicants: Vector Pipeline L.P.

Description: Annual Fuel Use Report for 2022 of Vector Pipeline L. P.

Filed Date: 3/1/23.

Accession Number: 20230301–5181.

Comment Date: 5 p.m. ET 3/13/23.

Docket Numbers: RP23–543–000.

Applicants: ANR Pipeline Company.

Description: § 4(d) Rate Filing: ANR 2023 Fuel and EPC Filing to be effective 4/1/2023.

Filed Date: 3/1/23.

Accession Number: 20230301–5182.

Comment Date: 5 p.m. ET 3/13/23.

Docket Numbers: RP23–544–000.

Applicants: BBT Midla, LLC.

Description: Compliance filing: BBT Midla Annual LAUF Filing to be effective N/A.

Filed Date: 3/1/23.

Accession Number: 20230301–5186.

Comment Date: 5 p.m. ET 3/13/23.

Docket Numbers: RP23–545–000.

Applicants: Crossroads Pipeline Company.
Description: § 4(d) Rate Filing: TRA 2023 to be effective 4/1/2023.
Filed Date: 3/1/23.
Accession Number: 20230301–5187.
Comment Date: 5 p.m. ET 3/13/23.
Docket Numbers: RP23–546–000.
Applicants: High Point Gas Transmission, LLC.
Description: Compliance filing: High Point Gas Annual LAUF Filing to be effective N/A.
Filed Date: 3/1/23.
Accession Number: 20230301–5196.
Comment Date: 5 p.m. ET 3/13/23.
Docket Numbers: RP23–547–000.
Applicants: Transwestern Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Fuel Filing 3–1–23 to be effective 4/1/2023.
Filed Date: 3/1/23.
Accession Number: 20230301–5212.
Comment Date: 5 p.m. ET 3/13/23.
Docket Numbers: RP23–548–000.
Applicants: Adelphia Gateway, LLC.
Description: Penalty Revenue Crediting Report of Adelphia Gateway, LLC.
Filed Date: 3/1/23.
Accession Number: 20230301–5219.
Comment Date: 5 p.m. ET 3/13/23.
Docket Numbers: RP23–549–000.
Applicants: Empire Pipeline, Inc.
Description: Compliance filing: Refund Report Jan-Dec 2022 (Per Settlement in RP18–940) to be effective N/A.
Filed Date: 3/1/23.
Accession Number: 20230301–5254.
Comment Date: 5 p.m. ET 3/13/23.
Docket Numbers: RP23–550–000.
Applicants: UGI Mt. Bethel Pipeline Company, LLC.
Description: Annual Retainage Adjustment Mechanism Filing of UGI Mt. Bethel Pipeline Company, LLC.
Filed Date: 3/1/23.
Accession Number: 20230301–5267.
Comment Date: 5 p.m. ET 3/13/23.
Docket Numbers: RP23–551–000.
Applicants: UGI Sunbury, LLC.
Description: Annual Retainage Adjustment Filing of UGI Sunbury, LLC.
Filed Date: 3/1/23.
Accession Number: 20230301–5274.
Comment Date: 5 p.m. ET 3/13/23.
Docket Numbers: RP23–552–000.
Applicants: Adelphia Gateway, LLC.
Description: § 4(d) Rate Filing: Adelphia Annual TUP & SBA filing 2023 to be effective 4/1/2023.
Filed Date: 3/1/23.
Accession Number: 20230301–5298.
Comment Date: 5 p.m. ET 3/13/23.
Docket Numbers: RP23–553–000.
Applicants: North Baja Pipeline, LLC.
Description: § 4(d) Rate Filing: Gazprom to SEFE Name Change—NR/Non-Conf Amendment to be effective 3/1/2023.
Filed Date: 3/2/23.
Accession Number: 20230302–5000.
Comment Date: 5 p.m. ET 3/14/23.
Docket Numbers: RP23–554–000.
Applicants: Talen Energy Marketing, LLC, XTO Energy Inc.
Description: Joint Petition for Temporary Waivers of Capacity Release Regulations, et al. of Talen Energy Marketing, LLC, et al.
Filed Date: 3/1/23.
Accession Number: 20230301–5317.
Comment Date: 5 p.m. ET 3/13/23.
Docket Numbers: RP23–555–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: Summary of Negotiated Rate Capacity Release Agreements 3–2–23 to be effective 3/1/2023.
Filed Date: 3/2/23.
Accession Number: 20230302–5032.
Comment Date: 5 p.m. ET 3/14/23.

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.

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: March 2, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–04748 Filed 3–7–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2232–855]

Duke Energy Carolinas, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Amendment of license to construct stability berm at the Mountain Island development.
b. *Project No.:* 2232–855.
c. *Date Filed:* December 22, 2022.
d. *Applicant:* Duke Energy Carolinas, LLC.
e. *Name of Project:* Catawba-Wateree Hydroelectric Project.
f. *Location:* The Mountain Island development is located on the Catawba River in Gaston, Lincoln, and Mecklenburg counties, North Carolina.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).
h. *Applicant Contact:* Mr. Jeffrey G. Lineberger, Director of Water Strategy and Hydro Licensing, Duke Energy, Mail Code EC–12Q, 526 South Church Street, Charlotte, NC 28202, (704) 382–5942.
i. *FERC Contact:* Mr. Steven Sachs, (202) 502–8666, *Steven.Sachs@ferc.gov.*
j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. 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, MD 20852. The first page of any filing should include docket number P–2232–855.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The applicant requests an amendment of license to construct a compacted earthfill stability berm on the downstream slope of the earthen embankment dam at the south end of the powerhouse at the Mountain Island development. The berm would have approximately the same crest elevation and length as the existing earthen embankment but would widen the dam and extend the footprint of the dam approximately 150 feet farther downstream. The applicant would obtain the material for the proposed berm from a 17-acre onsite borrow area to the southwest of the existing embankment. The applicant also proposes to close the upstream tailrace fishing platform and associated parking lot for the duration of the construction activities and would reroute access to the downstream fishing platform. Construction would last approximately 3 years and is necessary to reduce the risk of dam failure during a seismic event.

l. 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. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions to Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''MOTION TO INTERVENE'', or ''PROTEST'' as applicable; (2) set forth in the heading the name of the applicant and the project number(s) of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person intervening or protesting; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 1, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–04676 Filed 3–7–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Staff Attendance at North American Electric Reliability Corporation Industry Webinar

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission and/or Commission staff may attend the following meeting:

North American Electric Reliability Corporation Project 2021–07 Extreme Cold Weather Grid Operations, Preparedness, and Coordination Virtual Industry Webinar on:

March 14, 2023 (1:00 p.m.–2:30 p.m. eastern time)

Further information regarding these meetings may be found at: *http://www.nerc.com/Pages/Calendar.aspx.*

The discussions at the meetings, which are open to the public, may address matters at issue in the following Commission proceeding:

Docket No. RD23–1–000 Extreme Cold Weather Reliability Standards EOP–011–3 and EOP–012–1

For further information, please contact Chanel Chasanov, 202–502–8569, or *chanel.chasanov@ferc.gov.*

Dated: March 1, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–04677 Filed 3–7–23; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10742–01–OW]

Clean Water Act; Contractor Access to Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intended transfer of confidential business information to contractor and its subcontractors.

SUMMARY: The Environmental Protection Agency (EPA) intends to transfer confidential business information (CBI) collected from numerous industries under a newly awarded contract, effective November 1, 2022, to Eastern Research Group (ERG) and its subcontractors. Transfer of this information is necessary for ERG to assist the Office of Water in the preparation of effluent guidelines and standards and with its effluent guidelines planning and review activities. Much of the information being transferred was or will be collected under the authority of section 308 of the Clean Water Act (CWA). Interested persons may submit comments on this intended transfer of information to the person listed in the **ADDRESSES** section of this document.

DATES: Comments on the transfer of data are due March 13, 2023.

ADDRESSES: Comments may be sent to M. Ahmar Siddiqui, Document Control Officer, Engineering and Analysis Division (4303T), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460, or via email at *siddiqui.ahmar@epa.gov.*

FOR FURTHER INFORMATION CONTACT: M. Ahmar Siddiqui, Document Control Officer, at (202) 566–1044, or via email at *siddiqui.ahmar@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has transferred CBI to various contractors and subcontractors over the history of the effluent guidelines program under 40 CFR 2.302(h). EPA determined that this transfer was necessary to enable the contractors and subcontractors to perform their work in supporting EPA in planning, developing, and reviewing effluent guidelines and standards for certain industries.

Pursuant to 40 CFR 2.302(h)(2), EPA is giving notice that, effective November 1, 2022, it has entered into a new contract with ERG, contract number 68HERC23D0001, located in Chantilly, Virginia. The purpose of this contract is to secure technical and engineering analysis support for EPA in its development, review, implementation, and defense of water-related initiatives

for a variety of industries. To obtain assistance in responding to this contract, ERG has entered into contracts with the following subcontractors and consultant: Avanti Corporation (located in Alexandria, Virginia), Corollo Engineering (located in Walnut Creek, California), Craftwater (located in San Diego, California), GrantTech (located in New London, Connecticut), Great Lakes Environmental Center (GLEC, located in Traverse City, Michigan), Horsley Witten Group, Inc. (located in Sandwich, Massachusetts), Rumley Solutions, Inc., dba/Hummingbird Firm (located in Atlanta, Georgia), LimnoTech, Inc., dba/LimnoTech (located in Washington, District of Columbia), Mabbett & Associates, Inc. (located in Stoneham, Massachusetts), PG Environmental, LLC (located in Chantilly, Virginia and Golden, Colorado), and RESPEC Inc. (located in Rapid City, South Dakota and Decatur, Georgia).

All EPA contractor, subcontractor, and consultant personnel are bound by the requirements and sanctions contained in their contracts with EPA and in EPA's confidentiality regulations found at 40 CFR part 2, subpart B. ERG will adhere to an EPA-approved security plan which describes procedures to protect CBI. ERG will apply the procedures in this plan to CBI previously gathered by EPA and to CBI that may be gathered in the future. The security plan specifies that contractor personnel are required to sign non-disclosure agreements and are briefed on appropriate security procedures before they are permitted access to CBI. No person is automatically granted access to CBI: a need to know must exist.

The information that will be transferred to ERG consists of information previously collected by EPA to support the development and review of effluent limitations guidelines and standards under the CWA and that EPA had transferred to ERG under a previous contract with them. In particular, information, including CBI, collected for the planning, development, and review of effluent limitations guidelines and standards for the following industries may be transferred to ERG under the new contract: airport deicing; aquaculture; centralized waste treatment; coal bed methane; concentrated animal feeding operations; coal mining; construction and development; drinking water treatment; industrial container and drum cleaning; industrial laundries; industrial waste combustors; iron and steel manufacturing; landfills; meat and poultry products; metal finishing; metal products and machinery; nonferrous metals manufacturing; oil and gas extraction (including coalbed methane); ore mining and dressing; organic chemicals, plastics, and synthetic fibers; pesticide chemicals; petroleum refining; pharmaceutical manufacturing; pulp, paper, and paperboard manufacturing; shale gas extraction; steam electric power generation; textile mills; timber products processing; tobacco; transportation equipment cleaning; and other industrial categories that EPA has reviewed or may review as part of its CWA required annual review activities.

EPA also intends to transfer to ERG all information listed in this notice, of the type described above (including CBI) that may be collected in the future under the authority of section 308 of the CWA or voluntarily submitted (*e.g.,* in comments in response to a **Federal Register** notice), as is necessary to enable ERG to carry out the work required by its contract to support EPA's effluent guidelines planning and review process and the development of effluent limitations guidelines and standards.

Deborah Nagle,

Director, Office of Science and Technology, Office of Water.

[FR Doc. 2023–04755 Filed 3–7–23; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of information collection—extension without change: Demographic Information on Applicants for Federal employment.

SUMMARY: In accordance with the Paperwork Reduction Act, the Equal Employment Opportunity Commission (EEOC or Commission) announces that it intends to submit to the Office of Management and Budget (OMB) a request for a three-year extension of a Commission form (Demographic Information on Applicants OMB No. 3046–0046).

DATES: Written comments on this notice must be submitted on or before May 8, 2023.

ADDRESSES: You may submit comments by any of the following methods—please use only one method:

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

Fax: (202) 663–4114. Only comments of six or fewer pages will be accepted via FAX transmittal to assure access to the equipment. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 921–2815 (voice), 1–800–669–6820 (TTY), or 1–844–234–5122 (ASL video phone).

Mail: Comments may be submitted by mail to Raymond Windmiller, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507.

Hand Delivery/Courier: Raymond Windmiller, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507.

Instructions: All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. However, the Commission reserves the right to refrain from posting libelous or otherwise inappropriate comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; that contain hate speech based upon race, color, sex, national origin, age, religion, disability, or genetic information; or that promote or endorse services or products.

Docket: Copies of comments received are also available for review at the Commission's library. Copies of comments received in response to this notice will be made available for viewing by appointment only at 131 M Street NE, Suite 4NW08R, Washington, DC 20507. Members of the public may schedule an appointment by sending an email to *OEDA@eeoc.gov.*

FOR FURTHER INFORMATION CONTACT: Wendy Doernberg, Federal Sector Programs, Office of Federal Operations, at (202) 921–2948 (voice) or *wendy.doernberg@eeoc.gov.* Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 921–3191 (voice), (800) 669–6820 (TTY), or (844) 234–5122 (ASL Video Phone).

SUPPLEMENTARY INFORMATION: The EEOC's Demographic Information on Applicants (OMB No. 3046–0046) is intended for use by Federal agencies in gathering data on the race, ethnicity, sex, and disability status of job applicants. This form is used by the EEOC and other agencies to gauge progress and trends over time with

respect to equal employment opportunity goals.

Pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and OMB regulation 5 CFR 1320.8(d)(1), the Commission solicits public comment to enable it to:

(1) Evaluate whether the proposed data collection tool will have practical utility by enabling a Federal agency to determine whether recruitment activities are effectively reaching all segments of the relevant labor pool in compliance with the laws enforced by the Commission and whether the agency's selection procedures allow all applicants to compete on a level playing field regardless of race, national origin, sex, or disability status;

(2) 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;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on applicants for Federal employment who choose 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.

Overview of This Information Collection

Collection Title: Demographic Information on Applicants.

OMB Control No.: 3046–0046.

Description of Affected Public: Individuals submitting applications for federal employment.[1]

Number of Annual Responses: 9,092.

Estimated Time per Response: 3 minutes.

Total Annual Burden Hours (EEOC only): 455.[2]

Annual Federal Cost: None.

Abstract: Under section 717 of title VII and 501 of the Rehabilitation Act, the Commission is charged with reviewing and approving Federal agencies' plans to affirmatively prevent potential discrimination before it occurs. Pursuant to such oversight responsibilities, the Commission has established systems to monitor compliance with title VII and the Rehabilitation Act by requiring federal agencies to evaluate their employment practices through the collection and analysis of data on the race, national origin, sex, and disability status of applicants for both permanent and temporary employment.

While several federal agencies (or components of such agencies) have obtained OMB approval for the use of forms collecting data on the race, national origin, sex, and disability status of applicants, it is not an efficient use of government resources for each Federal agency to separately seek OMB approval. Accordingly, to avoid unnecessary duplication of effort and a proliferation of forms, the EEOC seeks approval of a form to be used by federal agencies.

Response by applicants is completely optional. The information obtained will be provided in the form of aggregate data and used by federal agencies only for evaluating whether an agency's recruitment activities are effectively reaching all segments of the relevant labor pool and whether the agency's selection procedures allow all applicants to compete on a level-playing field regardless of race, national origin, sex, or disability status. The voluntary responses provided by applicants are treated in a highly confidential manner and play no part in the selection of the individual for employment. The information is not provided to any panel rating the applications, to selecting officials, to anyone who can affect the application or to the public. Rather, the information is used in summary form to determine trends over many selections within a given occupational or organization area. No information from the form is entered into an official personnel file.

The present Notice is for a three-year extension without change to the Commission's existing form for collecting voluntary demographic information from federal applicants. The Commission remains engaged in interagency discussions about equitable data collection, including (a) the Federal Interagency Technical Working Group on Race and Ethnicity Standards convened by OMB; and (b) the Subcommittee on Sexual Orientation, Gender Identity, and Variations in Sex Characteristics convened by the National Science and Technology Council's Subcommittee on Equitable Data. As the work of those groups continues, the Commission may seek authorization from OMB, pursuant to the Paperwork Reduction Act, to amend the race, ethnicity, and/or sex questions on the Demographic Information on Applicants form.

Burden Statement: Because of the predominant use of online application systems, which require only pointing and clicking on the selected responses, and because the form requests only seven questions regarding basic information, the EEOC estimates that an applicant can complete the form in approximately 3 minutes or less. Based on past experience, we expect that 9,092 applicants will choose to complete the form.

Upon approval of this common form by OMB, federal agencies may request OMB approval to use this common form without having to publish notices and request public comments for 60 and 30 days. Each agency must account for the burden associated with their use of the common form.[3]

Dated: March 2, 2023.

For the Commission.

Charlotte A. Burrows,

Chair, Equal Employment Opportunity Commission.

BILLING CODE 6570–01–P

[1] Each agency is responsible for its own burden estimates.

[2] This total is calculated as follows: 9,092 annual responses from EEOC applicants × 3 minutes per response = 27,276 minutes. 27,276/60 = 455 hours each year and approximately 1,364 hours for the three-year period.

[3] ''Frequently Asked Questions about ROCIS's New Common Forms Module'' provides further information about common forms and can be found by searching *www.whitehouse.gov.*

DEMOGRAPHIC INFORMATION ON APPLICANTS

OMB No.:
Expiration Date:

Vacancy Announcement No.:
Position Title:

YOUR PRIVACY IS PROTECTED

This information is used to determine if our equal employment opportunity efforts are reaching all segments of the population, consistent with Federal equal employment opportunity laws. Responses to these questions are voluntary. Your responses will not be shown to the panel rating the applications, to the official selecting an applicant for a position, or to anyone else who can affect your application. This form will not be placed in your Personnel file, nor will it be provided to your supervisors in your employing office should you be hired. The aggregate information collected through this form will be kept private to the extent permitted by law. See the Privacy Act Statement below for more information.

Completion of this form is voluntary. No individual personnel selections are made based on this information. There will be no impact on your application if you choose not to answer any of these questions.

Thank you for helping us to provide better service.

1. How did you learn about this position? (Check One):

- ☐ Agency Internet Site recruitment
- ☐ Private Employment Web Site
- ☐ Other Internet Site
- ☐ Job Fair
- ☐ Newspaper or magazine
- ☐ Agency or other Federal government on campus
- ☐ School or college counselor or other official
- ☐ Friend or relative working for this agency
- ☐ Private Employment Office
- ☐ Agency Human Resources Department (bulletin board or other announcement)
- ☐ Federal, State, or Local Job Information Center
- ☐ Other

2. Sex (Check One):

- ☐ **Male**
- ☐ **Female**

3. Ethnicity (Check One):

- ☐ **Hispanic or Latino** - a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- ☐ **Not Hispanic or Latino**

4. Race (Check all that apply):

- ☐ **American Indian or Alaska Native** - a person having origins in any of the original peoples of North or South America (including Central America), and who maintains tribal affiliation or community attachment.
- ☐ **Asian** - a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, or Vietnam.
- ☐ **Black or African American** - a person having origins in any of the black racial groups of Africa.
- ☐ **Native Hawaiian or Other Pacific Islander** - a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific islands.
- ☐ **White** - a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

5. Disability/Serious Health Condition

The next questions address disability and serious health conditions. Your responses will ensure that our outreach and recruitment policies are reaching a wide range of individuals with physical or mental conditions. Consider your answers without the use of medication and aids (except eyeglasses) or the help of another person.

A. Do you have any of the following? Check all boxes that apply to you:

- ☐ **Deaf or serious difficulty hearing**
- ☐ **Blind or serious difficulty seeing even when wearing glasses**
- ☐ **Missing an arm, leg, hand, or foot**
- ☐ **Paralysis: Partial or complete paralysis (any cause)**
- ☐ **Significant Disfigurement: for example, severe disfigurements caused by burns, wounds, accidents, or congenital disorders**
- ☐ **Significant Mobility Impairment: for example, uses a wheelchair, scooter, walker or uses a leg brace to walk**
- ☐ **Significant Psychiatric Disorder: for example, bipolar disorder, schizophrenia, PTSD, or major depression**
- ☐ **Intellectual Disability (formerly described as mental retardation)**
- ☐ **Developmental Disability: for example, cerebral palsy or autism spectrum disorder**
- ☐ **Traumatic Brain Injury**
- ☐ **Dwarfism**
- ☐ **Epilepsy or other seizure disorder**
- ☐ **Other disability or serious health condition: for example, diabetes, cancer, cardiovascular disease, anxiety disorder, or HIV infection; a learning disability, a speech impairment, or a hearing impairment**

If you did not select one of the options above, please indicate whether.

- ☐ **None of the conditions listed above apply to me.**
- ☐ **I do not wish to answer questions regarding disability/health conditions.**

If you have indicated that you have one of the above conditions, you may be eligible to apply under Schedule A Hiring Authority. For more information, please see http://www.opm.gov/policy-data-oversight/disability-employment/hiring/#url=Schedule-A-Hiring-Authority .

If an applicant checks the box for "other disability or serious health condition," the applicant will be taken to Section A.1.

A.1. Other Disability or Serious Health Condition (Optional)

You indicated that you have a disability or a serious health condition. If you are willing, please select any of the conditions listed below that apply to you. As explained above, your responses will not be shown to the panel rating the applications, to the selecting official, or to anyone else who can affect your application. All responses will remain private to the extent permitted by law. See the Privacy Act Statement below for more information.

Please check all that apply:

- □ **I do not wish to specify any condition.**
- □ **Alcoholism**
- □ **Cancer**
- □ **Cardiovascular or heart disease**
- □ **Crohn's disease, irritable bowel syndrome, or other gastrointestinal impairment**
- □ **Depression, anxiety disorder, or other psychological disorder**
- □ **Diabetes or other metabolic disease**
- □ **Difficulty seeing even when wearing glasses**
- □ **Hearing impairment**
- □ **History of drug addiction (but not currently using illegal drugs)**
- □ **HIV Infection/AIDS or other immune disorder**
- □ **Kidney dysfunction: for example, requires dialysis**
- □ **Learning disabilities or ADHD**
- □ **Liver disease: for example, hepatitis or cirrhosis**
- □ **Lupus, fibromyalgia, rheumatoid arthritis, or other autoimmune disorder**
- □ **Morbid obesity**
- □ **Nervous system disorder: for example, migraine headaches, Parkinson's disease, or multiple sclerosis**
- □ **Non-paralytic orthopedic impairments: for example, chronic pain, stiffness, weakness in bones or joints, or some loss of ability to use parts of the body**
- □ **Orthopedic impairments or osteo-arthritis**
- □ **Pulmonary or respiratory impairment: for example, asthma, chronic bronchitis, or TB**
- □ **Sickle cell anemia, hemophilia, or other blood disease**
- □ **Speech impairment**
- □ **Spinal abnormalities: for example, spina bifida or scoliosis**
- □ **Thyroid dysfunction or other endocrine disorder**
- □ **Other. Please identify the disability/health condition, if willing: _____**

PRIVACY ACT AND PAPERWORK REDUCTION ACT STATEMENTS

Privacy Act Statement: This Privacy Act Statement is provided pursuant to 5 U.S.C. 552a (commonly known as the Privacy Act of 1974). The authority for this form is 5 U.S.C. 7201, which provides that the Office of Personnel Management shall implement a minority recruitment program, by the Uniform Guidelines on Employee Selection Procedures, 29 C.F.R. Part 1607.4, which requires collection of demographic data to determine if a selection procedure has an unlawful disparate impact, and by Section 501 of the Rehabilitation Act of 1973, which requires federal agencies to prepare affirmative action plans for the hiring and advancement of people with disabilities. Data relating to an individual applicant are not provided to selecting officials. This form will be seen by Human Resource personnel in the Office of Personnel Management (who are not involved in considering an applicant for a particular job) and by Equal Employment Opportunity Commission officials who will receive aggregate, non-identifiable data from the Office of Personnel Management derived from this form. **Purpose and Routine Uses:** The aggregate, non-identifiable information summarizing all applicants for a position will be used by the Office of Personnel Management and by the Equal Employment Opportunity Commission to determine if the executive branch of the Federal Government is effectively recruiting and selecting individuals from all segments of the population. **Effects of Nondisclosure:** Providing this information is voluntary. No individual personnel selections are made based on this information. There will be no impact on your application if you choose not to answer any of these questions.

Paperwork Reduction Act Statement: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et. seq,) requires us to inform you that this information is being collected for planning and assessing affirmative employment program initiatives. Response to this request is voluntary. 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 estimated burden of completing this form is five (5) minutes per response, including the time for reviewing instructions. Direct comments regarding the burden estimate or any other aspect of this form to [INSERT: Agency name and address] and to the Office of Management Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

[FR Doc. 2023–04740 Filed 3–7–23; 8:45 am]

BILLING CODE 6570–01–C

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0204, OMB 3060–1231; FR ID 129898]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 8, 2023. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0204.

Title: Special Eligibility Showings for Authorizations in the Public Safety Pool (47 CFR 90.20(a)(2)(v) and 90.20(a)(2)(xi)).

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households and business or other for-profit.

Number of Respondents and Responses: 2 respondents; 2 responses.

Estimated Time per Response: 0.25–0.75 hours.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for the collections of information is contained in Sections 154(i), 161, 303(g), 303(r), 332(c)(7).

Total Annual Burden: 1 hour.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: Yes. The information collection in 47 CFR 90.20(a)(2)(v) affects individuals, and there is a system of records that covers it (FCC/WTB–1, Wireless Services Licensing Records).

Nature and Extent of Confidentiality: Requests to withhold information submitted to the Commission from public inspection will be treated in accordance with section 0.459 of the Commission's rules.

Needs and Uses: The Commission collects this information to ensure that certain non-governmental applicants applying for the use of frequencies in the Public Safety Pool meet the eligibility criteria set forth in the Commission's rules.

OMB Control Number: 3060–1231.

Title: Section 90.20 (xiv), Public Safety Pool.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, and state, local, or tribal government.

Number of Respondents: 2 respondents; 2 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: One-time; on occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in Sections 1, 2, 4(i), 4(j), 301, 303, 316, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 303, 316, and 337.

Total Annual Burden: 2 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On August, 23, 2016, the Federal Communications Commission released a Report and Order, FCC 16–113, PS Docket No. 15–199 that modified Part 90 of the Rules Private Land Mobile Radio Services. The amended rule revises the Part 90 eligibility rules to permit railroad police officers to access the interoperability. Specifically, the Commission modified Section 90.20(xiv) to provide that:

(xiv)(A) Railroad police officers are a class of users eligible to operate on the nationwide interoperability and mutual aid channels listed in 90.20(i) provided their employer holds a Private Land Mobile Radio (PLMR) license of any radio category, including Industrial/Business (I/B). Eligible users include full and part time railroad police officers, Amtrak employees who qualify as railroad police officers under this subsection, Alaska Railroad employees who qualify as railroad police officers under this subsection, freight railroad employees who qualify as railroad police officers under this subsection, and passenger transit lines police officers who qualify as railroad police officers under this subsection. Railroads and railroad police departments may obtain licenses for the nationwide interoperability and mutual aid channels on behalf of railroad police officers in their employ. Employers of

railroad police officers must obtain concurrence from the relevant state interoperability coordinator or regional planning committee before applying for a license to the Federal Communications Commission or operating on the interoperability and mutual aid channels.

(*1*) Railroad police officer means a peace officer who is commissioned in his or her state of legal residence or state of primary employment and employed, full or part time, by a railroad to enforce state laws for the protection of railroad property, personnel, passengers, and/or cargo.

(*2*) Commissioned means that a state official has certified or otherwise designated a railroad employee as qualified under the licensing requirements of that state to act as a railroad police officer in that state.

(*3*) Property means rights-of-way, easements, appurtenant property, equipment, cargo, facilities, and buildings and other structures owned, leased, operated, maintained, or transported by a railroad.

(*4*) Railroad means each class of freight railroad (*i.e.* Class I, II, III); Amtrak, Alaska Railroad, commuter railroads and passenger transit lines.

(*5*) The word state, as used herein, encompasses states, territories and the District of Columbia.

(B) Eligibility for licensing on the 700 MHz narrowband interoperability channels is restricted to entities that have as their sole or principal purpose the provision of public safety services.

To effectively implement the provisions of the new Rule, no other modifications to existing FCC rules are required. The changes are intended to simplify the licensing process for railroad police officers and ensure interoperable communications. The modified rules provide a benefit to public safety licensees by ensuring that only railroad police officers with appropriate governmental authorization can operate on the interoperability and mutual aid channels during emergencies. This will provide the additional benefit of promoting interoperability with railroad police officers by eliminating eligibility as a gating factor when licensing spectrum. The *Report and Order* reduces the burden on railroad police by allowing them to meet eligibility standard by requiring employers of railroad police officers to obtain concurrence from the relevant state interoperability coordinator or regional planning committee before applying for a license to the Federal Communications Commission or operating on the interoperability and mutual aid channels. Compliance with this requirement is already a requisite for public safety eligibility to use the interoperability and mutual aid channels, consequently any new burden imposed by this requirement would be minimal.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2023–04752 Filed 3–7–23; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

[Notice BSC–RPM–2023–04; Docket No. BSC–RPM–2023–0002; Sequence 1]

Business Standards Council Review of Real Property Management Federal Integrated Business Framework Draft Service Measures: Request For Public Comment

AGENCY: Office of Government-wide Policy; General Services Administration, (GSA).

ACTION: Request for public comment.

SUMMARY: This notice informs the public of the opportunity to provide input on the proposed real property management service measures that have been created in support of Federal shared services. This input will be used in the formulation of business standards for Federal real property management.

DATES: *Comments due:* Interested parties should submit comments by the method outlined in the **ADDRESSES** section immediately below on or before April 7, 2023.

ADDRESSES: Submit comments in response to Notice BSC–RPM–2023–04 by *Regulations.gov: http://www.regulations.gov.* Submit comments using the Federal eRulemaking portal by searching for ''Notice BSC–RPM–2023–04.'' Select the link ''Comment Now'' that corresponds with ''Notice BSC–RPM–2023–04.'' Follow the instructions provided at the screen. Please include your name, company name (if any), and ''Notice BSC–RPM–2023–04'' on your attached document.

- *Instructions:* Please submit comments only and cite ''Notice BSC–RPM–2023–04'' in all correspondence related to this notice. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal or business confidential information, or both, provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three business days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Chris Coneeney, Director, Real Property Policy Division, at 202–208–2956, or by email at *chris.coneeney@gsa.gov.*

SUPPLEMENTARY INFORMATION: On April 26, 2019, the Office of Management and Budget (OMB) published OMB memorandum M–19–16, ''Centralized Mission Support Capabilities for the Federal Government'' (available at *https://www.whitehouse.gov/wp-content/uploads/2019/04/M-19-16.pdf*). Mission support business standards, established and agreed to by the Chief Financial Officer Act agencies, using the Federal Integrated Business Framework website at *https://ussm.gsa.gov/fibf/,* enable the Federal Government to better coordinate on the decision-making needed to determine what mission support services can be adopted and commonly shared. These business standards are an essential first step towards agreement on outcomes, data, and cross-functional end-to-end processes that will drive economies of scale and leverage the government's buying power. The business standards will be used as the foundation for common mission support services shared by the CFO Act agencies.

GSA serves as the real property management business standards lead on the Business Standards Council. The goal of the real property management business standards is to drive real estate management consistency, equity, and standardization across the Federal Government.

GSA is seeking public feedback on these draft service measures, including comments on the understandability of the standards, suggested changes, and usefulness of the draft standards to industry and agencies.

Guiding questions in the standards development include:

- Do the draft business standards appropriately document the business processes covered?
- Are the draft business standards easy to understand?
- Will your organization be able to show how your solutions or services, or both, can meet these draft business standards?
- What would you change about the draft business standards? Is there anything missing?

Comments will be used in the formulation of the final real property management business standards.

Krystal J. Brumfield,

Associate Administrator, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2023–04679 Filed 3–7–23; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–PS23–002, Enhancing Telehealth Strategies To Support Retention and Adherence to Antiretroviral Therapy (ART) and RFA–PS23–005, Expanding Rapid Initiation of Antiretroviral Therapy in Non-Traditional Settings: Emergency Department; Amended Notice of Closed Meeting

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—*RFA–PS23–002, Enhancing Telehealth Strategies to Support Retention and Adherence to Antiretroviral Therapy (ART) and RFA–PS23–005, Expanding Rapid Initiation of Antiretroviral Therapy in Non-traditional Settings: Emergency Department,* May 24–25, 2023, 10 a.m.–5 p.m., EDT, Teleconference, Centers for Disease Control and Prevention, Room 1077, 8 Corporate Blvd., Atlanta, GA 30329, in the original FRN. The meeting was published in the **Federal Register** on February 13, 2023, Volume 88, Number 29, page/s/ 9290.

The meeting is being amended to remove RFA–PS23–005, Expanding Rapid Initiation of Antiretroviral Therapy in Non-traditional Settings: Emergency Department and replace with RFA–PS23–003, Exploring Preferences for Long-Acting Antiretroviral Therapies (LA–ART) in a Community-Based Sample of Priority Populations Living with HIV Who are Disproportionately Affected and the date the teleconference is has changed and should read as follows:

Date: May 11–12, 2023.

Time: 10 a.m.–5 p.m. (EDT).

Place: Teleconference, Centers for Disease Control and Prevention, Room 1077, 8 Corporate Blvd., Atlanta, GA 30329.

The meeting is closed to the public.

FOR FURTHER INFORMATION CONTACT: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, National Center for HIV, Viral Hepatitis, STD, and TB Prevention, CDC, 1600 Clifton Road NE, Mailstop US8–1, Atlanta, Georgia 30329, Telephone: (404) 718–8833; Email: *GAnderson@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2023–04698 Filed 3–7–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH), National Institute for Occupational Safety and Health (NIOSH)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The CDC announces the following meeting of the Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board). This meeting is open to the public, limited only by the space available and without a public comment period. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcomed to listen to the meeting by joining the audio conference (information below). The audio conference line has 150 ports for callers.

DATES: The meeting will be held on April 19, 2023, from 1 p.m. to 4 p.m., EDT and on April 20, 2023, from 1 p.m. to 4 p.m., EDT. Written comments must be received on or before April 12, 2023.

ADDRESSES: You may submit comments by mail to: Rashaun Roberts, National Institute for Occupational Safety and Health (NIOSH), CDC, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226.

Meeting Information: The USA toll-free dial-in numbers are: +1 669 254 5252 US (San Jose); +1 646 828 7666 US (New York). The Meeting ID is: 161 420 2917 and the Passcode is: 23289352; Web conference by Zoom meeting connection: *https://cdc.zoomgov.com/j/1614202917?pwd=UjhiSmpMd2RzS2kxTXRmUDUzNU1BQT09.*

FOR FURTHER INFORMATION CONTACT: Rashaun Roberts, Ph.D., Designated Federal Officer, NIOSH, CDC, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226, Telephone (513) 533–6800, Toll Free 1(800) CDC–INFO, Email *ocas@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines which have been promulgated by the Department of Health and Human Services (HHS) as a final rule, advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule, advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program, and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC). In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC.

The Advisory Board's charter was issued on August 3, 2001, renewed at appropriate intervals, and rechartered under Executive Order 13889 on March 22, 2022, and will terminate on March 22, 2024.

Purpose: This Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advising the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their

radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters to be Considered: The agenda will include discussions on the following: NIOSH Program Update; Department of Labor Program Update; Department of Energy Program Update; SEC Petitions Update; Procedures Review Finalization/Document Approvals; Savannah River Site Workgroup Update, and a Board Work Session. Agenda items are subject to change as priorities dictate.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

(Authority: 5 U.S.C. 1001 *et. seq.*)

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2023–04700 Filed 3–7–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2023–0015; NIOSH 278]

Board of Scientific Counselors, National Institute for Occupational Safety and Health

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with regulatory provisions, the Centers for Disease Control and Prevention announces the following meeting of the Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH). This is a virtual meeting. It is open to the public, limited only by the number of web conference lines (500 web conference lines are available). Time will be available for public comment.

DATES: The meeting will be held on April 21, 2023, from 10 a.m. to 3 p.m., EDT.

Written comments must be received on or before April 14, 2023.

ADDRESSES: If you wish to attend the meeting, please register at the NIOSH website at *https://www.cdc.gov/niosh/bsc/* or by telephone at (202) 245–0649 no later than April 14, 2023.

You may submit comments, identified by Docket No. CDC–2023–0015; NIOSH–278 by either of the methods listed below. CDC does not accept comments by email.

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Ms. Sherri Diana, NIOSH Docket Office, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, Mailstop C–34, Cincinnati, Ohio 45226. Attn: Docket No. CDC–2023–0015; NIOSH–278.

Instructions: All submissions received must include the Agency name and docket number. Docket number CDC–2023–0015; NIOSH–278 will close April 14, 2023.

FOR FURTHER INFORMATION CONTACT: Maria Strickland, M.P.H., Designated Federal Officer, BSC, NIOSH, CDC, Patriots Plaza 1, 395 E Street SW, Suite 9200, Washington, DC 20201; Telephone: (202) 245–0649; Email: *MStrickland2@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Health and Human Services, the Assistant Secretary for Health, and by delegation the Director, Centers for Disease Control and Prevention, are authorized under Sections 301 and 308 of the Public Health Service Act to conduct directly, or by grants or contracts, research, experiments, and demonstrations relating to occupational safety and health and to mine health.

Purpose: The Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH) provides advice to the Director, National Institute for Occupational Safety and Health, on NIOSH research and prevention programs. The Board also provides guidance on the Institute's research activities related to developing and evaluating hypotheses, systematically documenting findings, and disseminating results. In addition, the Board evaluates the degree to which the activities of NIOSH: (1) conform to those standards of scientific excellence appropriate for federal scientific institutions in accomplishing objectives in occupational safety and health; (2) address currently relevant needs in the fields of occupational safety and health either alone or in conjunction with other known activities inside and outside of NIOSH; and (3) produce their intended results in addressing important research questions in occupational safety and health, both in terms of applicability of the research findings and dissemination of the findings.

Matters to be Considered: The agenda for the meeting addresses Per- and Polyfluoroalkyl Substances and Occupational Safety and Health Economics. Agenda items are subject to change as priorities dictate.

The agenda is also posted on the NIOSH website at *https://www.cdc.gov/niosh/bsc/.*

Public Participation

Written Public Comment: Written comments will be accepted per the instructions provided in the addresses section above. Comments received in advance of the meeting are part of the public record and are subject to public disclosure. Written comments will be included in the official record of the meeting. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near-duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket.

Written comments received by April 14, 2023, will be provided to the Board prior to the meeting.

Oral Public Comment: The public is welcome to participate during the public comment period, from 1:30 p.m. to 1:45 p.m., EDT, April 21, 2023. Each commenter will be provided up to five minutes for comment. A limited number of time slots are available and will be assigned on a first-come, first-served basis. Members of the public who wish to address the BSC, NIOSH are requested to contact the Designated Federal Officer for scheduling purposes (see **FOR FUTHER INFORMATION CONTACT** above).

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2023–04701 Filed 3–7–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—CE23–008, Research Grants To Develop and Validate a Prognostic Tool of Mental Health Sequelae After Traumatic Brain Injury for Adolescent Patients (U01); Amended Notice of Closed Meeting

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—*CE23–008, Research Grants to Develop and Validate a Prognostic Tool of Mental Health Sequelae After Traumatic Brain Injury for Adolescent Patients (U01),* March 14, 2023, 8:30 a.m., EDT–5:30 p.m., EDT, Web Conference, in the original FRN. The meeting was published in the **Federal Register** on January 20, 2023, Volume 88, Number 13, page/s/ 3743.

The meeting is being amended to begin the meeting later and should read as follows:

Date: March 14, 2023.

Time: 10:00 a.m.–6:00 p.m. (EDT).

Place: Videoconference.

The meeting is closed to the public.

FOR FURTHER INFORMATION CONTACT: Carlisha Gentles, PharmD, BCPS, CDCES, Scientific Review Officer, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone: (770)488–1504; Email: *CGentles@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2023–04696 Filed 3–7–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–TS–23–001: Identify and Evaluate Potential Risk Factors for Amyotrophic Lateral Sclerosis (ALS); Amended Notice of Closed Meeting

Notice is hereby given of a change in the meeting of the

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–TS–23–001: Identify and Evaluate Potential Risk Factors for Amyotrophic Lateral Sclerosis (ALS); April 11, 2023, 8:30 a.m.–5:30 p.m., EDT, Videoconference, in the original FRN. The meeting was published in the **Federal Register** on January 18, 2023, Volume 88, Number 11, page 2921.

The meeting is being amended to begin the meeting later and should read as follows:

Date: April 11, 2023.

Time: 10:00 a.m.–5:00 p.m. (EDT).

Place: Videoconference.

The meeting is closed to the public.

FOR FURTHER INFORMATION CONTACT: Carlisha Gentles, PharmD, BCPS, CDCES, Scientific Review Officer, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone (770)488–1504, Email: *CGentles@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2023–04699 Filed 3–7–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–PS23–001, Increasing PrEP Use Among Disproportionately Affected Populations in the United States and RFA–PS23–003, Exploring Preferences for Long-Acting Antiretroviral Therapies (LA–ART) in a Community-Based Sample of Priority Populations Living With HIV Who Are Disproportionately Affected; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—*RFA–PS23–001, Increasing PrEP Use Among Disproportionately Affected Populations in the United States and RFA–PS23–003, Exploring Preferences for Long-Acting Antiretroviral Therapies (LA–ART) in a Community-Based Sample of Priority Populations Living with HIV Who are Disproportionately Affected,* May 11–12, 2023, 10 a.m.–5 p.m., EDT, Teleconference, Centers for Disease Control and Prevention, Room 1077, 8 Corporate Blvd., Atlanta, GA 30329, in the original FRN. The meeting was published in the **Federal Register** on February 13, 2023, Volume 88, Number 29, page/s/ 9288–9289.

The meeting is being amended to change the title of RFA–PS23–001, Increasing PrEP Use Among Disproportionately Affected Populations in the United States to RFA–PS23–001, Increasing PrEP Use Among Black Cisgender Women in the United States (HerPrEP) and to remove RFA–PS23–003, Exploring Preferences for Long-Acting Antiretroviral Therapies (LA–ART) in a Community-Based Sample of Priority Populations Living with HIV Who are Disproportionately Affected and replace with RFA–PS23–005, Expanding Rapid Initiation of Antiretroviral Therapy in Non-traditional Settings: Emergency Department. The date of the teleconference will also change and should read as follows:

Date: May 24–25, 2023.

Place: Teleconference, Centers for Disease Control and Prevention, Room 1077, 8 Corporate Blvd., Atlanta, GA 30329.

The meeting is closed to the public.

FOR FURTHER INFORMATION CONTACT: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, National

Center for HIV, Viral Hepatitis, STD, and TB Prevention, CDC, 1600 Clifton Road NE, Mailstop US8–1, Atlanta, Georgia 30329, Telephone: (404) 718–8833, Email: *GAnderson@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2023–04697 Filed 3–7–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Substance Use Disorder Treatment and Recovery Loan Repayment Program and the Pediatric Specialty Loan Repayment Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than May 8, 2023.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or by mail to the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the acting HRSA Information Collection Clearance Officer, at (301) 443–9094.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Substance Use Disorder Treatment and Recovery Loan Repayment Program and the Pediatric Specialty Loan Repayment Program, OMB No. 0906–0058—Revision

Abstract: The Consolidated Appropriations Act, 2023 included $40,000,000 for the Substance Use Disorder Treatment and Recovery (STAR) Loan Repayment Program (LRP). This funding will allow HRSA to provide the repayment of education loans for individuals working in a full-time substance use disorder treatment job that involves direct patient care in either a Health Professional Shortage Area (HPSA) designated for Mental Health, or a county where the average drug overdose death rate exceeds the national average. The Further Consolidated Appropriations Act, 2022 and the Consolidated Appropriations Act, 2023 included $5,000,000 and $10,000,000, respectively, for HRSA to award eligible individuals through the Pediatric Specialty LRP. This funding will allow HRSA to provide the repayment of education loans to pediatric medical subspecialist, pediatric surgical specialist, and child and adolescent mental and behavioral health care providers working full-time in or serving a HPSA, medically underserved area (MUA), or medically underserved population (MUP). This information collection request adds the Pediatric Specialty LRP and relevant forms.

The Department of Health and Human Services agrees to make payment of up to $250,000 for the repayment of eligible educational loans in return for 6 years of service obligation through the STAR LRP, and up to $100,000 in return for 3 years of service obligation through the Pediatric Specialty LRP. The forms utilized by the STAR LRP and the Pediatric Specialty LRP include the following: the LRP Application, the Authorization for Disclosure of Loan Information form, the Privacy Act Release Authorization form, and the electronic Employment Verification form., if applicable. The forms collect information needed for selecting participants and repaying eligible educational loans.

Eligible disciplines for the STAR LRP and the Pediatric Specialty LRP include, but are not limited to physicians, psychologists, psychiatric nurses, marriage and facility therapists, social workers, counselors, and substance use disorder counselors. Additional providers that are exclusively eligible for the Pediatric Specialty LRP include pediatric medical subspecialty, pediatric surgical specialty, and child and adolescent mental and behavioral health care providers.

Eligible facilities or sites for the STAR LRP and Pediatric Specialty LRP programs include, but are not limited to: School-Based Clinics, Community Health Centers, Inpatient Programs/Rehabilitation Centers, Federally Qualified Health Centers, Centers for Medicare & Medicaid Services-approved Critical Access Hospitals, American Indian Health Facilities (Indian Health Service Facilities, Tribally-Operated 638 Health Programs, and Urban Indian Health Programs), inpatient rehabilitation centers, and psychiatric facilities. STAR LRP facilities must be located in a mental health HPSA or a county where the average drug overdose death rate exceeds the national average. Pediatric Specialty LRP sites must provide pediatric medical subspecialty care, pediatric surgical specialty care, or child and adolescent mental and behavioral health care in or to a HPSA, MUA, or MUP. HRSA will approve and activate sites for the Pediatric Specialty LRP if:

(1) The facility is already approved for the National Health Service Corps, Nurse Corps, or STAR LRP and located in or serves a HPSA, MUA or MUP; or

(2) During the Pediatric Specialty LRP application cycle, the facility submits to HRSA the site type and the point of contact(s) to *PS_LRP_Sites@hrsa.gov.*

HRSA will review and approve new facilities during the respective application cycle for the STAR LRP and the Pediatric Specialty LRP. New facilities must submit to HRSA the facility type and the recruitment contact(s). HRSA will use the information collected to determine eligibility of the facility for the assignment of health professionals and to verify the need for clinicians. *Note:* Despite the similarity in the titles, the STAR LRP is not the existing National Health Service Corps Substance Use Disorder LRP (OMB #0915–0127), which is authorized under Title III of the Public Health Service Act. The STAR LRP is authorized under Title VII of the Public Health Service Act and has different service requirements, loan repayment protocols, and authorized employment facilities.

Need and Proposed Use of the Information: The need and purpose of this information collection is to obtain information that is used to assess an applicant's eligibility and qualifications for the STAR LRP and the Pediatric Specialty LRP, and to obtain

information for eligible facilities or sites. Clinicians interested in participating in the STAR LRP or the Pediatric Specialty LRP must apply to the applicable program to participate. Additionally, health care facilities located in a high overdose death rate area or mental health HPSAs must submit the facility type and the site point(s) of contact(s) for HRSA to determine the facility's eligibility to participate in the STAR LRP. Similarly, sites located in or serving a HPSA, MUA, or MUP must submit the site type and the site point(s) of contact(s) for HRSA to determine the sites' eligibility to participate in the Pediatric Specialty LRP. The STAR LRP and the Pediatric Specialty LRP application asks for personal, professional, and financial information needed to determine the applicant's eligibility to participate in either of the programs. In addition, applicants must provide information regarding the loans for which repayment is being requested.

Likely Respondents: Licensed medical, mental, and behavioral health providers who are employed or seeking employment, and are interested in serving underserved populations; and health care facilities or sites interested in participating in the STAR LRP and/or the Pediatric Specialty LRP, and becoming an approved facility or site.

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 tables below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS FOR THE STAR LRP

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
STAR LRP Application	3,200	1	3,200	.50	1,600
Authorization for Disclosure of Loan Information Form	3,200	1	3,200	.50	1,600
Privacy Act Release Authorization Form	3,200	1	3,200	.50	1,600
Employment Verification Form	3,200	1	3,200	.50	1,600
Total	12,800		12,800		6,400

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS FOR THE PEDIATRIC SPECIALTY LRP

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Pediatric Specialty LRP Application	500	1	500	.50	250
Authorization for Disclosure of Loan Information Form	500	1	500	.50	250
Privacy Act Release Authorization Form	500	1	500	.50	250
Employment Verification Form	500	1	500	.50	250
Total	2,000		2,000		1,000

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. 2023–04725 Filed 3–7–23; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Solicitation of Nominations for Membership To Serve on the National Advisory Council on Migrant Health

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Request for nominations.

SUMMARY: HRSA is seeking nominations of qualified candidates for consideration for appointment as members of the National Advisory Council on Migrant Health (NACMH). NACMH advises, consults with, and makes recommendations to the Secretary of HHS concerning the organization, operation, selection, and funding of migrant health centers (MHCs) and other entities, under grants and contracts under the Public Health Service (PHS) Act. HRSA is seeking nominations to fill two positions on NACMH.

AUTHORITY: NACMH is authorized by section 217 of the PHS Act, Title 42 U.S.C. 218, and established by the Secretary of HHS. It is governed by the Federal Advisory Committee Act of 1972, as amended (5 U.S.C. Chapter 10), which sets forth standards for the formation and use of advisory committees.

DATES: HRSA will receive written nominations for NACMH membership on a continuous basis.

ADDRESSES: Nomination packages must be submitted in hard copy to the

Designated Federal Official (DFO), NACMH, Strategic Initiatives, Office of Policy and Program Development, Bureau of Primary Health Care, HRSA, 16N38B, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: All requests for information regarding NACMH nominations should be sent via email to the NACMH DFO at *hrsabphcoppdnacmh@hrsa.gov.* A copy of the NACMH charter and list of the current membership is available on the NACMH web page at *https://www.hrsa.gov/advisory-committees/migrant-health.*

SUPPLEMENTARY INFORMATION: NACMH was established and authorized under section 217 of the PHS Act (42 U.S.C. 218) to advise, consult with, and make recommendations to the Secretary of HHS concerning the organization, operation, selection, and funding of MHCs, and other entities under grants and contracts under section 330(g) of the PHS Act (42 U.S.C. 254b(g)). NACMH meets twice each calendar year, or at the discretion of the DFO in consultation with the Chair.

Nominations: HRSA is requesting nominations for two voting members to serve as Special Government Employees (SGEs) on NACMH. Specifically, HRSA is requesting nominations for the following positions: MHC board member (one nominee); and MHC Administrator/Provider (one nominee). The board member nominee must be a member or member-elect of a governing board of an organization receiving funding under section 330(g) of the PHS Act. Additionally, the board member nominee must be familiar with the delivery of primary health care to migratory and seasonal agricultural workers (MSAWs) and their families. The Administrator/Provider nominee must be qualified by training and experience in medical sciences or in the administration of health programs for MSAWs and their families. Interested applicants may self-nominate or be nominated by another individual or organization.

The Secretary of HHS appoints NACMH members with the expertise needed to fulfill the duties of the Advisory Committee. The membership requirements set-forth under section 217 of the PHS Act require that the NACMH consist of 15 members, at least 12 of whom shall be members of the governing boards of MHCs, or other entities assisted under section 330(g) of the PHS Act. Of these 12 board members, at least nine shall be individuals who are MHC patients and familiar with the delivery of health care to MSAWs. The remaining three NACMH members shall be individuals qualified by training and experience in the medical sciences or in the administration of health programs. New members filling a vacancy occurring prior to term expiration may serve only for the remainder of such term. Members may serve after term expiration until their successors take office, but no longer than 120 days. Nominees must reside in the United States, and international travel cannot be funded.

Individuals selected for appointment to the NACMH will be invited to serve for up to 4 years. Members appointed as SGEs receive a stipend and reimbursement for per diem and travel expenses incurred for attending NACMH meetings and/or conducting other business on behalf of the NACMH, as authorized by 5 U.S.C. 5703 for persons employed intermittently in government service.

The following information must be included in the package of materials submitted for each individual nominated for consideration: (1) NACMH nomination form, which can be requested by contacting the DFO at the email provided above; (2) three letters of reference; (3) a statement of any prior service on the NACMH; and (4) a current copy of the nominee's resume. Nomination packages may be submitted directly by the individual being nominated or by the person/organization recommending the candidate.

HHS endeavors to ensure that NACMH membership is balanced in terms of points of view represented and that individuals from a broad representation of geographic areas, gender, linguistically diverse ethnic and minority groups, and individuals with disabilities, are considered for membership. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, or cultural, religious, or socioeconomic status.

Individuals who are selected to be considered for appointment will be required to provide detailed information regarding their financial holdings, consultancies, and research grants or contracts, if the applicant has any to report. Disclosure of this information is required for HRSA ethics officials to determine whether there is a potential conflict of interest between the SGE's public duties as a member of the NACMH and their private interests, including an appearance of a loss of impartiality as defined by federal laws and regulations, and to identify any required remedial action needed to address the potential conflict.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2023–04706 Filed 3–7–23; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Ryan White HIV/AIDS Program Part F Dental Services Report, OMB No. 0915–0151—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than May 8, 2023.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or by mail at: HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the acting HRSA Information Collection Clearance Officer, at 301–594–4394.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: HRSA's Ryan White HIV/AIDS Program (RWHAP) Part F Dental Services Report, OMB No. 0915–0151—Extension

Abstract: The Dental Reimbursement Program (DRP) and the Community Based Dental Partnership Program (CBDPP) under Part F of RWHAP offer funding to accredited dental education programs to support the education and

training of oral health providers in HIV oral health care and reimbursement for the provision of oral health services for people eligible for the RWHAP. Institutions eligible for RWHAP DRP and CBDPP are accredited schools of dentistry and other accredited dental education programs, such as dental hygiene programs or those sponsored by a school of dentistry, a hospital, or a public or private institution that offers postdoctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency. The RWHAP DRP Application for the Notice of Funding Opportunity includes the Dental Services Report (DSR) that applicants use to apply for funding of non-reimbursed costs incurred in providing oral health care to patients with HIV and to report annual program data. Awards are authorized under section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff–111(b)). The DSR collects data on program information, client demographics, oral health services, funding, and training. It also requests applicants to provide narrative descriptions of their services and facilities, as well as their linkages and how they collaborate with community-based providers of oral health services.

Beginning with the 2022 DSR submission, the DSR website provided RWHAP DRP applicants and RWHAP CBDPP recipients an easily accessible and secure location to enter and submit their aggregate DSR data annually. The web-based platform is accessible by all users and allows users to easily navigate and enter their data. Users can oversee their report submission status and will no longer email their completed dataset to HRSA. The implementation of the DSR website has contributed to the overall decrease in burden hours.

Need and Proposed Use of the Information: The primary purpose of collecting this information annually is to verify applicant eligibility and determine reimbursement amounts for DRP applicants, as well as to document the program accomplishments of CBDDP grant recipients. This information also allows HRSA to learn about (1) the extent of the involvement of dental schools and programs in treating patients with HIV, (2) the number and characteristics of clients who receive RWHAP supported oral health services, (3) the types and frequency of the provision of these services, (4) the non-reimbursed costs of oral health care provided to patients with HIV, and (5) the scope of grant recipients' community-based collaborations and training of providers. In addition to meeting the goal of accountability to Congress, clients, community groups, and the general public, information collected in the DSR is critical for HRSA and for recipients to help assess the status of existing HIV-related health service delivery systems. The information will provide the measurement data for the HRSA budget justifications on the following measures: number of persons for whom a portion/percentage of their unreimbursed oral health costs were reimbursed and the number of providers trained through the RWHAP Part F Dental Reimbursement and Community-Based Partnership Programs.

Likely Respondents: Accredited schools of dentistry and other accredited dental education programs, such as dental hygiene programs or those sponsored by a school of dentistry, a hospital, or a public or private institution that offers postdoctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency.

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	Type of respondent	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden
Dental Services Report	DRP	56	1	56	32.0	1,792
	CBDPP	12	1	12	1.5	18
Total		68		68		1,810

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. 2023–04773 Filed 3–7–23; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

[OMB No. 0906–00XX–New]

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Application for Federally Supported Health Centers Assistance Act/Federal Tort Claims Act Particularized Determination of Coverage

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR must be received no later than May 8, 2023.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or by mail at: the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the HRSA Information Collection Clearance Officer, at 301–594–4394.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Application for Federally Supported Health Centers Assistance Act/Federal Tort Claims Act Particularized Determination of Coverage. OMB No. 0906–00XX–New

Abstract: Section 224(g)–(n) of the Public Health Service (PHS) Act (42 U.S.C. 233(g)–(n)), as amended, authorizes the Secretary to ''deem'' entities receiving funds under section 330 of the PHS Act (HRSA's Health Center Program) as PHS employees for the purposes of establishing eligibility for liability protections under Federally Supported Health Centers Assistance Act (FSHCAA), including Federal Tort Claims Act (FTCA) coverage, for covered activities and individuals. Health centers submit deeming applications annually to HRSA's Bureau of Primary Health Care, which administers the Health Center Program and the Health Center FTCA Program, in the prescribed form and manner to obtain deemed PHS employee status for this purpose.

FSHCAA and 42 CFR 6.6(d) authorize FTCA coverage for the provision of medical services to non-health center patients in certain situations. Section 224(g)(1)(C) of the PHS Act and 42 CFR 6.6(d) explain the criteria by which the Secretary will determine whether FSHCAA's liability protections, including FTCA coverage, will extend to the provision of medical care to individuals who are not patients of the health center. 42 CFR 6.6(e) identifies examples that are approvable for FTCA coverage under 42 CFR 6.6(d) and section 224(g)(1)(B)(ii) of the PHS Act if there is compliance with all other coverage requirements under FSHCAA. 42 CFR 6.6(e)(4) provides examples of specific activities that the Department has determined are eligible for FSCHAA's liability protections, including FTCA coverage, without the need for a specific application for a coverage determination. As indicated in 42 CFR 6.6(e)(4), if any element of an activity or arrangement does not fit squarely into the examples listed in 42 CFR 6.6(e), the covered entity should request a particularized determination of coverage. Acts and omissions related to services provided to individuals who are not patients of a covered entity that do not fit squarely within the examples in 42 CFR 6.6(e)(4) will be covered only if the Secretary makes a coverage determination under 42 CFR 6.6(d).

The FTCA Program uses a web-based application system within HRSA's Electronic Handbooks (EHBs) system for deeming applications. These electronic application forms decrease the time and effort required to complete the older, paper-based approved deeming application forms. HRSA is proposing a new paper application that will be transitioned into an electronic application within the EHB system for Particularized Determinations (PD). PDs extend liability protections under FSCHAA, including FTCA coverage, for certain medical services provided to individuals who are not patients of a covered entity. This application will help ensure health centers provide all the necessary information required to make determinations appropriately and efficiently in response to their requests. By including the application within the EHBs, health centers will have access to all information from prior applications and have that information readily available if making future requests. The paper form of the application is an interim solution to support health centers until the electronic application becomes available in the FTCA module of the EHBs. After the electronic application is available in the EHBs, all PD requests will be submitted electronically, and the paper application will no longer be used for submissions.

Need and Proposed Use of the Information: PDs of coverage applications are provided in compliance with 42 CFR 6.6 and must address certain specified criteria for coverage determinations to be issued. The application provides the Bureau of Primary Health Care with the information that is essential for evaluation of compliance with legal requirements and making a deeming determination of coverage under 42 CFR 6.6.

Likely Respondents: Respondents include recipients of Health Center Program funds with deemed PHS employee status under Section 224(g)–(n) of the PHS Act (42 U.S.C. 233(g)–(n)).

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, verifying, processing, maintaining, 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 is 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
Application for Federally Supported Health Center Assistance Act (FSHCAA)/Federal Tort Claims Act (FTCA) Particularized Determination	12	1	12	2	24
Total	12	1	12	2	24

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. 2023–04711 Filed 3–7–23; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Public Comment Request; Nurse Faculty Loan Program—Program Specific Data Form, Annual Performance Report Financial Data Form and NFLP Due Diligence Form OMB No. 0915–0314 Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than May 8, 2023.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the HRSA Information Collection Clearance Officer, at 301–594–4394.

SUPPLEMENTARY INFORMATION: Nurse Faculty Loan Program—Program Specific Data Form, Annual Performance Report Financial Data Form and Nurse Faculty Loan Program Due Diligence Form OMB No. 0915-0314 Revision.

Abstract: This clearance request is for approval of the Nurse Faculty Loan Program (NFLP)—Program Specific Data Form, NFLP—Annual Performance Report (APR) Financial Data Form, and the NFLP Due Diligence Form. The Program Specific Data Form and the NFLP–APR Financial Data Form are currently approved under OMB Approval No. 0915–0314, with the expiration date of August 31, 2023. The NFLP Due Diligence Form is a new form. HRSA seeks to use the NFLP Due Diligence Form for recipients to formally notify HRSA of any write-off amounts due to uncollectible debt and loan cancellation due to death and permanent/total disability. For program efficiency, HRSA is adding the new NFLP Due Diligence Form to the current NFLP ICR under OMB No. 0915–0314.

Need and Proposed Use of the Information: Section 846A of the Public Health Service Act provides the Secretary of HHS with the authority to enter into agreements with accredited schools of nursing for the establishment and operation of student loan funds to increase the number of qualified nurse faculty. Under the agreements, HRSA makes awards to accredited schools of nursing and the schools provide loans to students enrolled in advanced education nursing degree programs who are committed to becoming nurse faculty. Following graduation from the NFLP grant recipient school, NFLP borrowers may receive up to 85 percent NFLP loan cancellation over a 4-year period in exchange for service as full-time faculty at a school of nursing. The NFLP grant recipient school collects any portion of the loan that is not cancelled and any loans that go into repayment and deposits these monies into the NFLP loan fund to make additional NFLP loans.

The NFLP—Program Specific Data Form is a required electronic attachment within the NFLP application materials. The data provided in the form is essential for the formula-based criteria used to determine the award amount to the applicant schools. The form collects application related data from applicants such as the amount requested, number of students to be funded, tuition information, and projected unused loan fund balance. This data collection assists HRSA in streamlining the application submission process, enabling an efficient award determination process, and facilitating reporting on the use of funds and analysis of program outcomes. There have been no changes to this form.

The NFLP–APR Financial Data Form is an online form that exists in the HRSA Electronic Handbooks Performance Report module. The NFLP–APR Financial Data Form collects outcome and financial data to capture the NFLP loan fund account activity related to financial receivables, disbursements, and borrower account data related to employment status, loan cancellation, loan repayment and collections. NFLP grant recipient schools will provide HHS with current and cumulative information on: (1) NFLP loan funds received, (2) number and amount of NFLP loans made, (3) number and amount of loans cancelled, (4) number and amount of loans in repayment, (5) loan default rate percent, (6) number of NFLP graduates employed as nurse faculty, and (7) other related loan fund costs and activities. NFLP grant recipient schools must keep records of all NFLP loan fund transactions. The NFLP–APR Financial Data Form is used to monitor grantee performance by collecting information

related to the NFLP loan fund operations and financial activities for a specified reporting period (July 1 through June 30 of the academic year). NFLP grant recipient schools are required to complete and submit the NFLP–APR Financial Data Form annually. The data provided in the form is essential for HRSA to effectively monitor the school's use of NFLP funds in accordance with the statute and program guidelines. There have been no changes to this form.

The NFLP Due Diligence Form will be a required form to be completed and submitted electronically by NFLP grant recipient schools. This form indicates that due diligence has been exercised in the cancellation of any remaining loan funds for NFLP borrowers due to permanent/total disability, death, and uncollectible/bad debt write offs. The data collected on the due diligence form will include the student borrowers unique ID number, reason for cancelation, the amount of principal loaned, the total amount of principal loan funds and corresponding interest canceled, and the outstanding amount of principal/interest being canceled or written-off. The NFLP Due Diligence Form is essential for monitoring performance measure outcomes and to verify and validate accuracy of information submitted on the NFLP Annual Performance Reports.

Likely Respondents: NFLP grant recipient schools and applicants to the NFLP program.

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
Nurse Faculty Loan Program—Program Specific Data Form	90	1	90	8	720
Nurse Faculty Loan Program—Annual Performance Report Financial Data Form	207	1	207	6	1242
Nurse Faculty Loan Program—Due-Diligence Form	20	1	20	1	20
Total Burden	317	3	317	15	1982

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2023–04709 Filed 3–7–23; 8:45 am]

BILLING CODE 4165–15–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; PAR–23–031: Dual Purpose with Dual Benefit: Research in Biomedicine and Agriculture Using Agriculturally Important Domestic Animal Species (R01).

Date: March 28, 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: Marie-Jose Belanger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 6188, MSC 7804, Bethesda, MD 20892, 301–435–1267, *belangerm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Vaccine and Drug Development for Infectious Diseases.

Date: March 31, 2023.

Time: 11:00 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: Subhamoy Pal, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–0926, *subhamoy.pal@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in HIV and AIDS.

Date: April 4, 2023.

Time: 8:30 a.m. to 4:00 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: Sharon Isern, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 810J, Bethesda, MD 20892, (301) 435–0000, *iserns2@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurodegeneration: Alzheimer's, Parkinson's, and Related Dementia.

Date: April 4, 2023.

Time: 12:30 p.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: Simone Chebabo Weiner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011K, Bethesda, MD 20892, (301) 435–1042, *weinersc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Vascular Biology and Hematology.

Date: April 5, 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: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, Bethesda, MD 20892, (301) 408–9497, *zouai@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Neurobiology and Neuropharmacology.
Date: April 5, 2023.
Time: 11:00 a.m. to 6:30 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: 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.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular Bacterial Pathogenesis and Immunity.
Date: April 6, 2023.
Time: 11:30 a.m. to 6:30 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: Joshua David Powell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–5370, *josh.powell@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: March 3, 2023.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–04764 Filed 3–7–23; 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; Genetic Variation and Evolution.
Date: March 31, 2023.
Time: 11:00 a.m. to 2:00 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: Guoqin Yu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1276, *guoqin.yu@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Neurobehavioral Processes, Cognition, and Substance Use.
Date: April 4, 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: Kristen Prentice, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3112, MSC 7808, Bethesda, MD 20892, (301) 496–0726, *prenticekj@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neurobiology of social information processing.
Date: April 10, 2023.
Time: 1:00 p.m. to 4:30 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: Janita N. Turchi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–4005, *turchij@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Anti-Infective Therapeutics.
Date: April 12–13, 2023.
Time: 8:00 a.m. to 9:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202.
Contact Person: Marcus Ferrone, PHARMD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–2371, *marcus.ferrone@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: March 2, 2023.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–04690 Filed 3–7–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2023–0099]

National Merchant Marine Personnel Advisory Committee; March 2023 Meetings

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The National Merchant Marine Personnel Advisory Committee (Committee) will conduct a series of meetings over three days in New Orleans, LA, to discuss issues relating to personnel in the United States Merchant Marine including the training, qualifications, certification, documentation, and fitness of mariners.

DATES:

Meetings: The National Merchant Marine Personnel Advisory Committee is scheduled to meet on Tuesday, March 28, 2023, from 9 a.m. until 4:30 p.m. Central Daylight Time (CDT), Wednesday, March 29, 2023, from 9 a.m. until 4:30 p.m. (CDT), and Thursday, March 30, 2023, from 9 a.m. until 3:30 p.m. (CDT). Committee meetings on Tuesday, March 28, and Wednesday, March 29, will include periods during which the Committee will break into subcommittees (open to public). These meetings may adjourn early if the Committee has completed its business.

Comments and supporting documentation: To ensure your comments are received by Committee members before the meetings, submit your written comments no later than March 21, 2023.

ADDRESSES: The meeting will be held at the Omni Riverfront Hotel, additional information about the facility can be found at: *www.omnihotels.com/hotels/new-orleans-riverfront.*

The National Merchant Marine Personnel Advisory Committee is

committed to ensuring all participants have equal access regardless of disability status. If you require reasonable accommodation due to a disability to fully participate, please email Mrs. Megan Johns Henry at *megan.c.johns@uscg.mil* or call at (202) 372–1255 as soon as possible.

Instructions: You are free to submit comments at any time, including orally at the meetings as time permits, but if you want Committee members to review your comments before the meetings, please submit your comments no later than March 21, 2023. We are particularly interested in comments on the topics in the ''Agenda'' section below. We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* email the individual in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. You must include the docket number [USCG–2023–0099]. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may wish to review the Privacy and Security notice available on the *https://www.regulations.gov.* For more about the Privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Docket Search: Documents mentioned in this notice as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign-up for email alerts, you will be notified when comments are posted.

FOR FURTHER INFORMATION CONTACT: Mrs. Megan Johns Henry, Alternate Designated Federal Officer of the National Merchant Marine Personnel Advisory Committee, telephone (202) 372–1255, or email *megan.c.johns@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of these meetings is in compliance with the *Federal Advisory Committee Act* (Pub. L. 117–286, 5 U.S.C. ch. 10). The National Merchant Marine Personnel Advisory Committee is authorized by section 601 of the *Frank LoBiondo Act of 2018,* and is codified in 46 U.S.C. 15103. The Committee operates under the provisions of the *Federal Advisory Committee Act* (Pub. L. 117–286, 5 U.S.C. ch. 10), and 46 U.S.C. 15109. The National Merchant Marine Personnel Advisory Committee provides advice and recommendations to the Secretary of Homeland Security through the Commandant of the United States Guard on matters relating to personnel in the United States Merchant Marine including the training, qualifications, certification, documentation, and fitness of mariners.

Agenda: The National Merchant Marine Personnel Advisory Committee will meet on Tuesday, March 28, 2023, Wednesday, March 29, 2023, and Thursday, March 30, 2023, to review, discuss, deliberate, and formulate recommendations, as appropriate on the following topics:

Day 1

The agenda for the March 28, 2023 meeting is as follows:

(1) The full Committee will meet briefly to discuss the subcommittees' business/task statements, which are listed under paragraph (10) under Day 3 below.

(2) During the morning session of the meeting, subcommittees will separately address and work on the following task statements, which are available for viewing at *https://homeport.uscg.mil/missions/federal-advisory-committees/national-merchant-marine-personnel-advisory-committee-(nmerpac)/task-statements:*

(a.) Task Statement 23–X1, Review of Navigation and Vessel Inspection Circular 03–14, Guidelines for Approval of Training Courses and Programs;

(b.) Task Statement 22–3, Mariner Credentialing Program (MCP) Transformation; and

(c.) Task Statement 21–9, Sexual Harassment and Sexual Assault, Prevention and Culture Change in the Merchant Marine.

(3) During the afternoon session of the meeting, subcommittees will separately address and work on the following task statements, which are available for viewing at *https://homeport.uscg.mil/missions/federal-advisory-committees/national-merchant-marine-personnel-advisory-committee-(nmerpac)/task-statements:*

(a.) Task Statement 23–X1, Review of Navigation and Vessel Inspection Circular 03–14, Guidelines for Approval of Training Courses and Programs;

(b.) Task Statement 22–3, Mariner Credentialing Program (MCP) Transformation; and

(c.) Task Statement 21–9, Sexual Harassment and Sexual Assault, Prevention and Culture Change in the Merchant Marine.

(4) Report of subcommittees. At end of the day, the Chair or Co-Chairs of the subcommittees will report to the full Committee on what was accomplished. The full Committee will not take action on this date and the Chair or Co-Chairs of the subcommittees will present a full report to the Committee on Day 3 of the meeting.

(5) Adjournment of meeting.

Day 2

The agenda for the March 29, 2023 meeting is as follows:

(1) The full Committee will meet briefly to discuss the subcommittees' business/task statements, which are listed under paragraph (9) under Day 3 below.

(2) During the morning session of the meeting, subcommittees will separately address and work on the following task statements, which are available for viewing at *https://homeport.uscg.mil/missions/federal-advisory-committees/national-merchant-marine-personnel-advisory-committee-(nmerpac)/task-statements:*

(a.) Task Statement 23–X1, Review of Navigation and Vessel Inspection Circular 03–14, Guidelines for Approval of Training Courses and Programs;

(b.) Task Statement 21–2, Communication Between External Stakeholders and the Mariner Credentialing Program; and

(c.) Task Statement 21–3, Military Education, Training and Assessment for STCW and National Mariner Endorsements.

(3) During the afternoon session of the meeting, subcommittees will separately address and work on the following task statements, which are available for viewing at *https://homeport.uscg.mil/missions/federal-advisory-committees/national-merchant-marine-personnel-advisory-committee-(nmerpac)/task-statements:*

(a.) Task Statement 23–X1, Review of Navigation and Vessel Inspection Circular 03–14, Guidelines for Approval of Training Courses and Programs;

(b.) Task Statement 21–2, Communication Between External Stakeholders and the Mariner Credentialing Program; and

(c.) Task Statement 22–1, Propulsion Power Limitations.

(4) Report of subcommittees. At end of the day, the Chair or Co-Chairs of the subcommittees will report to the full Committee on what was accomplished. The full Committee will not take action on this date and the Chair or Co-Chairs of the subcommittees will present a full

report to the Committee on Day 3 of the meeting.

(5) Adjournment of meeting.

Day 3

The agenda for the March 30, 2023 meeting is as follows:

(1) Introduction.

(2) Designated Federal Officer remarks.

(3) Roll call of Committee members and determination of a quorum.

(4) Adoption of the agenda.

(5) Acceptance of Minutes from Committee Meeting Three (September 9, 2022).

(6) Remarks from U.S. Coast Guard Leadership.

(7) Introduction of new task.

(8) Office of Merchant Mariner Credentialing presentation.

(9) National Maritime Center presentation.

(10) Reports from the subcommittee Chair or Co-Chairs.

The Committee will review the information presented on the following Task Statements and deliberate on any recommendations presented by the subcommittees, recommendations may be approved and completed tasks may be closed. Official action on these topics may be taken:

(a) Task Statement 21–1, Review of IMO Model Courses Being Validated by the IMO HTW Subcommittee;

(b) Task Statement 21–2, Communication Between External Stakeholders and the Mariner Credentialing Program, including amendment Task Statement 21–2A, Reviewing Assessments in NVICS for STCW;

(c) Task Statement 21–3, Military Education, Training, and Assessment for STCW and National Mariner Endorsements;

(d) Task Statement 21–04, STCW Convention and STCW Code Review;

(e) Task Statement 21–5, Review of Merchant Mariner Rating and Officer Endorsement Job Task Analyses, including amendment Task Statement 21–5A, JTA to Mass Mapping;

(f) Task Statement 21–6, Sea Service for Merchant Mariner Credential Endorsements;

(g) Task Statement 21–8, Remote Operators of Maritime Autonomous Surface Ships;

(h) Task Statement 21–9, Sexual Harassment and Sexual Assault-Prevention and Culture Change in the Merchant Marine, including amendment Task Statement 21–9A, Training for Sexual Assault and Sexual Harassment Prevention and Response;

(i) Task Statement 22–1, Propulsion Power Limits; and

(j) Task Statement 22–2, Alternative Methods for Meeting STCW Training Requirements at the Operational Level;

(k) Task Statement 23–X1, Review of Navigation and Vessel Inspection Circular (NVIC) 03–14, Guidelines for Approval of Training Courses and Programs.

(11) Public comment period.

(12) Closing remarks.

(13) Adjournment of meeting.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/missions/federal-advisory-committees/national-merchant-marine-personnel-advisory-committee-(nmerpac)* by March 21, 2023. Alternatively, you may contact the individual noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Public comments or questions will be taken throughout the meetings as the Committee discusses the issues, and prior to deliberations and voting. There will also be a public comment period at the end of the meeting on March 30, 2023, at approximately 2:30 p.m. (CDT). Public comments will be limited to 3 minutes per speaker. Please note that the public comments period will end following the last call for comments. Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to register as a speaker.

Dated: March 3, 2023.

Benjamin J. Hawkins,

Deputy Director, Commercial Regulations and Standards.

[FR Doc. 2023–04767 Filed 3–7–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG–2023–0111]

Waterway Suitability Assessment for Operation of Liquified Hazardous Gas Terminal; Orange, TX

AGENCY: Coast Guard, DHS.

ACTION: Notice and request for comments.

SUMMARY: In accordance with Coast Guard regulations, Enterprise Products has submitted a Letter of Intent and Preliminary Waterway Suitability Assessment to the Coast Guard Captain of the Port, Port Arthur, TX (COTP) regarding the company's plans to handle and transport Liquefied Hazardous Gas (LHG) at the Enterprise Products East docks located in Orange, TX. The Coast Guard is notifying the public of this proposed increase in LHG marine traffic on the Sabine-Neches Waterway and is soliciting comments relevant to the Coast Guard's preparation of a Letter of Recommendation (LOR) for issue to the Federal, State or local agency with jurisdiction over the proposed facility.

DATES: Comments and related material must be received on or before April 7, 2023.

ADDRESSES: You may submit comments identified by docket number USCG–2023–0111 using the Federal Decision Making portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of inquiry, call or email Scott Whalen, U.S. Coast Guard; telephone 409–719–5086, email *scott.k.whalen@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
LHG Liquified Hazardous Gas
U.S.C. United States Code

II. Background and Purpose

Under 33 CFR 127.007(a), an owner or operator planning to build a new facility handling Liquefied Hazardous Gas (LHG), or an owner or operator planning new construction to expand or modify marine terminal operations in an existing facility handling LHG, where the construction, expansion, or modification would result in an increase in the size and/or frequency of LHG marine traffic on the waterway associated with the proposed facility or modification to an existing facility, must submit a Letter of Intent (LOI) to the COTP of the zone in which the facility is or will be located. Under 33 CFR 127.007(e), an owner or operator planning such new construction or expansion of an existing facility must also file or update a Waterway Suitability Assessment (WSA) that addresses the proposed increase in LHG marine traffic in the associated waterway.

Under 33 CFR 127.009, after receiving an LOI, the COTP issues a LOR as to the suitability of the waterway for LNG or LHG marine traffic to the appropriate jurisdictional authorities. The LOR is based on a series of factors listed in 33 CFR 127.009 that relate to the physical nature of the affected waterway and issues of safety and security associated with LHG marine traffic on the affected waterway.

III. Discussion

Enterprise Products LLC, located in Orange, TX, submitted an LOI and WSA on August 15, 2022 regarding the company's proposed plans to handle and transport LHG at the Port of Port Arthur, TX facility.

The purpose of this notice is to solicit public comments on the proposed increase in LHG marine traffic on the Sabine-Neches Waterway. The Coast Guard believes that input from the public may be useful to the COTP with respect to validating the information provided in Enterprise Products' WSA and development of the LOR.

The goal of this input will be to gather information to help the COTP assess the suitability of the associated waterway for increased LHG marine traffic as it relates to navigational safety and maritime security. In addition to the other documents referenced in this notice, a brief summation of Enterprise Products' proposal is available for viewing in the public docket for this notice. Additionally, the Coast Guard will request comments and recommendations from the Area Maritime Security Committee, Port Arthur, TX. In late 2022, the Southeast Texas Waterways Advisory Council (SETWAC) Navigation Subcommittee met to assess the safety and security of Enterprise Products plan. On November 21, 2022, SETWAC submitted a letter of no objection to the COTP.

On January 24, 2011, the Coast Guard published Navigation and Vessel Inspection Circular (NVIC) 01–2011, ''Guidance Related to Waterfront Liquefied Natural Gas (LNG) Facilities''. NVIC 01–2011 provides guidance for owners and operators seeking approval to build and operate LNG facilities. While NVIC 01–2011 is specific to LNG, it provides useful process information and guidance for owners and operators seeking approval to build and operate LHG facilities as well. The Coast Guard will refer to NVIC 01–2011 for process information and guidance in evaluating Enterprise Products' WSA. A copy of NVIC 01–2011 is available for viewing on the Coast Guard's website at *https://www.dco.uscg.mil/Our-Organization/NVIC/Year/2010.*

IV. Public Participation and Request for Comments

We encourage you to submit comments in response to this request for comments through the Federal Decision Making portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2023–0111 in the ''SEARCH'' box and click ''SEARCH.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. In your submission, please include the docket number for this notice of inquiry and provide a reason for each suggestion or recommendation. If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

To view documents mentioned in this request for comments as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

This document is issued under authority of 5 U.S.C. 552(a).

Dated: March 3, 2023.

Molly. A. Wike,

Captain, U.S. Coast Guard, Captain of the Port Marine Safety Zone Port Arthur.

[FR Doc. 2023–04743 Filed 3–7–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP–2023–0005]

Commercial Customs Operations Advisory Committee

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security (DHS).

ACTION: Committee management; notice of Federal advisory committee meeting.

SUMMARY: The Commercial Customs Operations Advisory Committee (COAC) will hold its quarterly meeting on Wednesday, March 29, 2023, in Seattle, Washington. The meeting will be open for the public to attend in person or via webinar. Due to COVID–19 restrictions, the in-person capacity is limited to 75 persons for public attendees.

DATES: The COAC will meet on Wednesday, March 29, 2023, from 1:00 p.m. to 5:00 p.m. PDT. Please note that the meeting may close early if the committee has completed its business. Registration to attend and comments must be submitted no later than March 24, 2023.

ADDRESSES: The meeting will be held at the Seattle Airport Marriott, 3201 South 176th Street, Seattle, Washington 98188, in the Evergreen Ballroom. For virtual participants, the webinar link and conference number will be provided to all registrants by 5:00 p.m. PDT on March 28, 2023. For information or to request special assistance for the meeting, contact Mrs. Latoria Martin, Office of Trade Relations, U.S. Customs and Border Protection, at (202) 344–1440, as soon as possible.

Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Search for Docket Number USCBP–2023–0005. To submit a comment, click the ''Comment'' button located on the top-left hand side of the docket page.
- *Email: tradeevents@cbp.dhs.gov.* Include Docket Number USCBP–2023–0005 in the subject line of the message.

Comments must be submitted in writing no later than March 24, 2023, and must be identified by Docket No. USCBP–2023–0005. All submissions received must also include the words ''Department of Homeland Security.'' All comments received will be posted without change to *https://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings* and *www.regulations.gov.* Therefore, please refrain from including any personal information you do not wish to be posted. You may wish to view the Privacy and Security Notice which is available via a link on the homepage of *www.regulations.gov.*

See **SUPPLEMENTARY INFORMATION** for file formats and other information about electronic filing.

FOR FURTHER INFORMATION CONTACT: Mrs. Latoria Martin, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229, (202) 344–1440; or Ms. Felicia M. Pullam, Designated Federal Officer, at (202) 344–1440 or via email at *tradeevents@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the authority of the Federal Advisory Committee Act, title 5 U.S.C., ch. 10. The Commercial Customs Operations

Advisory Committee (COAC) provides advice to the Secretary of the Department of Homeland Security, the Secretary of the Department of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within the Department of Homeland Security and the Department of the Treasury.

Pre-Registration: Meeting participants may attend either in person or via webinar. All participants must register using one of the methods indicated below:

For members of the public who plan to participate in person, please register online at *https://teregistration.cbp.gov/index.asp?w=302* by 5:00 p.m. EDT on March 24, 2023. For members of the public who are pre-registered to attend the meeting in person and later need to cancel, please do so by 5:00 p.m. EDT on March 24, 2023, utilizing the following link: *https://teregistration.cbp.gov/cancel.asp?w=302.*

For members of the public who plan to participate via webinar, please register online at *https://teregistration.cbp.gov/index.asp?w=303* by 5:00 p.m. EDT on March 24, 2023. For members of the public who are pre-registered to attend the meeting via webinar and later need to cancel, please do so by 5 p.m. EDT on March 24, 2023, utilizing the following link: *https://teregistration.cbp.gov/cancel.asp?w=303.*

The COAC is committed to ensuring that all participants have equal access regardless of disability status. If you require a reasonable accommodation due to a disability to fully participate, please contact Mrs. Latoria Martin at (202) 344–1440 as soon as possible.

Please feel free to share this information with other interested members of your organization or association.

To facilitate public participation, we are inviting public comment on the issues the committee will consider prior to the formulation of recommendations as listed in the Agenda section below.

There will be multiple public comment periods held during the meeting on March 29, 2023. Speakers are requested to limit their comments to two minutes or less to facilitate greater participation. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP web page: *http://www.cbp.gov/trade/stakeholder-engagement/coac.*

Agenda

The COAC will hear from the current subcommittees on the topics listed below:

1. The Next Generation Facilitation Subcommittee will provide updates on its task forces and working groups, including an update on the progress of the Automated Commercial Environment (ACE) 2.0 Working Group and the 21st Century Customs Framework (21CCF) Task Force, and it is expected there will be recommendations for the committee's consideration in these areas. The One U.S. Government Working Group will provide an update on the work addressed this past quarter, which includes discussions with Partner Government Agencies and some of the legislative trade proposals stemming from the 21CCF Task Force and Focus Group. The Passenger Air Operations (PAO) Working Group will also have an update. This group aims to identify ways to modernize passenger processing rules and regulations, streamline the passenger experience at U.S. ports of entry, and identify challenges that affect operations. While this is a new group, the expectation is that recommendations will be developed and submitted for consideration at future COAC public meetings. The E-Commerce Task Force will provide updates regarding its discussions this past quarter pertaining to duplicate messaging related to security and trade filings.

2. The Rapid Response Subcommittee will provide updates from the Broker Modernization Working Group and the United States-Mexico-Canada Agreement (USMCA) Working Group. The Broker Modernization Working Group currently meets monthly and continues to focus on the 19 CFR part 111 final rules relating to Modernization of the Customs Broker Regulations, Continuing Education for Licensed Customs Brokers, and Customs Broker Licensing Exams. The USMCA Working Group meets bi-weekly with the expectation that recommendations will be developed and submitted for consideration at an upcoming COAC public meeting. The current focus of this working group is to review the Chapter 7 articles of the USMCA and identify gaps in implementation between the United States, Mexico, and Canada.

3. The Secure Trade Lanes Subcommittee will provide updates on its five active working groups: the newly re-formed Pipeline Working Group, the Export Modernization Working Group, the In-Bond Working Group, the Trade Partnership and Engagement Working Group, and the Cross-Border Recognition Working Group. The Pipeline Working Group plans to provide recommendations for the committee's consideration at a future public meeting. The Export Modernization Working Group has continued its work on the electronic export manifest pilot program. The In-Bond Working Group will provide recommendations for the committee's consideration and continue to focus on the implementation of previously submitted recommendations. The Trade Partnership and Engagement Working Group has focused its work on previous recommendations and benefits for Customs Trade Partnership Against Terrorism Trade Compliance partners. Lastly, the Cross-Border Recognition Working Group has developed recommendations for consideration at this quarter's public meeting.

4. The Intelligent Enforcement Subcommittee will provide updates on the work completed and topics discussed in its working groups. The Antidumping/Countervailing Duty (AD/CVD) Working Group will provide updates regarding its work and discussions on importer compliance with AD/CVD requirements. The Intellectual Property Rights Working Group (IPRWG) will provide updates relating to the development of a portal on the CBP IPR web page and interconnectivity with the United States Patent and Trademark Office's (USPTO) trademark registration database. The Bond Working Group will report the ongoing discussions and status updates for eBond requirements. The Forced Labor Working Group will provide updates regarding its work and discussions regarding the Uyghur Forced Labor Prevention Act (UFLPA).

Meeting materials will be available on March 20, 2023, at: *http://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings.*

Dated: March 2, 2023.

Felicia M. Pullam,

Executive Director, Office of Trade Relations.

[FR Doc. 2023–04738 Filed 3–7–23; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7070–N–12; OMB Control No. 2502–0556]

30-Day Notice of Proposed Information Collection: FHA TOTAL Mortgage Scorecard

AGENCY: Office of Policy Development and Research, Chief Data Officer, 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 an additional 30 days of public comment.

DATES: *Comments Due Date:* April 7, 2023.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_submission@omb.eop.gov* or *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: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone (202) 402–3400. 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.* Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on December 22, 2022 at 87 FR 78702.

A. Overview of Information Collection

Title of Information Collection: FHA TOTAL Mortgage Scorecard.

OMB Approval Number: 2502–0556.

Type of Request: Extension of currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: FHA-approved mortgagees must certify compliance with HUD regulations, Handbooks, Guidebooks, and Mortgagee Letters. Within this scope, mortgagees must certify compliance with FHA TOTAL Mortgage Scorecard requirements at 24 CFR 203.255(b)(5). This certification is performed electronically for initial access and annual ongoing access to FHA TOTAL Mortgage Scorecard.

Respondents: Business or other for-profit (lenders).

Estimated Number of Respondents: 2,343.

Estimated Number of Responses: 2,343.

Frequency of Response: One per FHA-approved mortgagee.

Average Hours per Response: 0.05 hour.

Total Estimated Burdens: 117.15.

B. 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. (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

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.

Colette Pollard,

Department Reports Management Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2023–04710 Filed 3–7–23; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2023–N016; FXES11130300000–234–FF03E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the ESA. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before April 7, 2023.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* ESXXXXXX; see table in **SUPPLEMENTARY INFORMATION**):

- *Email (preferred method): permitsR3ES@fws.gov.* Please refer to the respective application number (*e.g.,* Application No. ESXXXXXX) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Nathan Rathbun, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

FOR FURTHER INFORMATION CONTACT: Nathan Rathbun, 612–713–5343 (phone); *permitsR3ES@fws.gov* (email). 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: We, the U.S. Fish and Wildlife Service, invite review and comment from the public and local, State, Tribal, and Federal agencies on applications we have

received for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17. Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and the Freedom of Information Act.

Background

The ESA prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies. Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
ES48835A	Applied Science & Technology, Inc., Brighton, MI.	Snuffbox (*Epioblasma triquetra*), rayed bean (*Villosa fabalis*), clubshell (*Pleurobema clava*), white catspaw (*Epioblasma obliquata perobliquata*), purple cat's paw (*Epioblasma obliquata obliquata*), rabbitsfoot (*Quadrula cylindrica cylindrica*), sheepnose mussel (*Plethobasus cyphyus*), fanshell (*Cyprogenia stegaria*).	MI, OH	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, release.	Renew.
ESPER1224019	Eric Snyder, Spring Lake, MI.	Snuffbox (*Epioblasma triquetra*)	MI	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, release.	New.
ESPER1224186	Greg Gaulke, O'Fallon, MO.	Snuffbox (*Epioblasma triquetra*),pink mucket (*Lampsilis abrupta*), spectaclecase (*Cumberlandia monodonta*), Ouachita rock pocketbook (*Arcidens wheeleri*), winged mapleleaf (*Quadrula fragosa*) rabbitsfoot (*Quadrula cylindrica cylindrica*), Higgins' eye pearlymussel (*Lampsilis higginsii*).	IL, IA, MI, MN, MO, OK, OH, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, relocate, release.	New.
ES26953C	Karen Goodell, Newark, OH.	Rusty patched bumblebee (*Bombus affinis*).	Add new locations—NY, IL, WI—to existing authorized locations: OH, PA, MD, VA, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Add new activities—bio sample—to existing authorized activities: capture, handle, release.	Renew and amend.
ES62048D	Carly Kalina, Des Moines, IA.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*).	Add new States—DC, KS, LA, ME, MN, MT, NE, ND, RI, SD, WI, WY—to existing authorized States: AL, AR, CT, DE, GA, IL, IN, IA, KY, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, SC, TN, VT, VA, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, band, attach radio transmitters, release.	Amend.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER1306120	Anthony Marinelli, Lexington, SC.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*).	AL, AR, CT, DE, GA, IA, IL, IN, KS, KY, LA, ME, MD, MA, MS, MO, NC, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, band, attach radio transmitters, release.	New.
ESPER1369190	Hennepin County, Minneapolis, MN.	Rusty patched bumble bee (*Bombus affinis*).	MN	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, release.	New.
PER1462021	Keystone Ecological Services, LLC, Wellsboro, PA.	Northern long-eared bat (*Myotis septentrionalis*), Indiana bat (*M. sodalis*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*).	DE, DC, IA, KY, LA, MA, MD, ME, MI, MN, MT, NC, ND, NE, NH, NY, OH, PA, RI, SC, SD, TN, VA, VT, WI, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, identify, band, attach radio transmitters, collect non-intrusive measurements, release.	New.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Lori Nordstrom,

Assistant Regional Director, Ecological Services, USFWS Region 3.

[FR Doc. 2023–04772 Filed 3–7–23; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[234A2100DD/AAKC001030/A0A501010.999900]

Request for Nominations of Members To Serve on the Bureau of Indian Education Advisory Board for Exceptional Children

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for nominations.

SUMMARY: Pursuant to the Federal Advisory Committee Act and the Individuals with Disabilities Education Act of 2004 (IDEA), the Bureau of Indian Education (BIE) requests nominations of individuals to serve on the Advisory Board for Exceptional Children (Advisory Board). There will be four positions available to specifically serve in the areas of Indian parents/guardians of children with disabilities within the BIE school system, or Indian persons with disabilities, or State Education Officials, or State Inter-agency coordinating Councils (for states having Indian reservations). Board members shall serve a staggered term of two years or three years from the date of their appointment. The BIE will consider nominations received in response to this request for nominations, as well as other sources.

DATES: Please submit a complete application form and a copy of the nominee's resume or curriculum vitae by April 24, 2023.

ADDRESSES: Please submit nominations to Ms. Jennifer Davis, Designated Federal Officer (DFO), Bureau of Indian Education, Division of Performance and Accountability, 2600 N Central Ave., Suite 800, Phoenix, AZ 85004, or email to *jennifer.davis@bie.edu* or Fax to (602) 265–0293.

FOR FURTHER INFORMATION CONTACT: Jennifer Davis, DFO, *jennifer.davis@bie.edu;* (202) 860–7845. The **SUPPLEMENTARY INFORMATION** section of this notice provides committee and membership criteria.

SUPPLEMENTARY INFORMATION: The Advisory Board was established in accordance with the Federal Advisory Committee Act, Public Law 92–463. The following provides information about the Committee, the membership and the nomination process.

1. Objective and Duties

(a) Members of the Advisory Board will provide guidance, advice and recommendations with respect to special education and related services for children with disabilities in BIE

funded schools in accordance with the requirements of IDEA;

(b) The Advisory Board will: (1) Provide advice and recommendations for the coordination of services within the BIE and with other local, State and Federal agencies; (2) Provide advice and recommendations on a broad range of policy issues dealing with the provision of educational services to American Indian children with disabilities; (3) Serve as advocates for American Indian students with special education needs by providing advice and recommendations regarding best practices, effective program coordination strategies, and recommendations for improved educational programming; (4) Provide advice and recommendations for the preparation of information required to be submitted to the Secretary of Education under 20 U.S.C. 1411(h)(2); (5) Provide advice and recommend policies concerning effective inter/intra agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities; and (6) Will report and direct all correspondence to the Assistant Secretary—Indian Affairs through the Director, BIE with a courtesy copy to the Designated Federal Officer (DFO).

2. Membership

(a) Pursuant to 20 U.S.C. 1411(h)(6), the Advisory Board will be composed of up to fifteen individuals involved in or concerned with the education and provision of services to American Indian infants, toddlers, children, and youth with disabilities. The Advisory Board composition will reflect a broad range of viewpoints and will include at least one member representing each of the following interests: American Indians with disabilities; teachers of children with disabilities; American Indian parents or guardians of children with disabilities; service providers; state education officials; local education officials; state interagency coordinating councils (for states having Indian reservations); tribal representatives or tribal organization representatives; and other members representing the various divisions and entities of the BIE.

(b) The Assistant Secretary—Indian Affairs may provide the Secretary of the Interior recommendations for the chairperson; however, the chairperson and other Advisory Board members will be appointed by the Secretary of the Interior. Advisory Board members shall serve staggered terms of two years or three years from the date of their appointment.

3. Miscellaneous

(a) Members of the Advisory Board will not receive compensation, but will be reimbursed for travel, including subsistence, and other necessary expenses incurred in the performance of their duties in the same manner as persons employed intermittently in Government Service under 5 U.S.C. 5703.

(b) A member may not participate in matters that will directly affect, or appear to affect, the financial interests of the member or the member's spouse or minor children, unless authorized by the appropriate ethics official. Compensation from employment does not constitute a financial interest of the member so long as the matter before the committee will not have a special or distinct effect on the member or the member's employer, other than as part of a class. The provisions of this paragraph do not affect any other statutory or regulatory ethical obligations to which a member may be subject.

(c) The Advisory Board meets at least twice a year, budget permitting, but additional meetings may be held as deemed necessary by the Assistant Secretary—Indian Affairs or the DFO.

(d) All Advisory Board meetings are open to the public in accordance with the Federal Advisory Committee Act regulations.

4. Nomination Information

(a) Nominations are requested from individuals, organizations, and federally recognized tribes, as well as from State Directors of Special Education (within the 23 states in which BIE-funded schools are located) concerned with the education of Indian children with disabilities as described above.

(b) Nominees should have expertise and knowledge of the issues and/or needs of American Indian children with disabilities. Such knowledge and expertise are needed to provide advice and recommendations to the BIE regarding the needs of American Indian children with disabilities.

(c) A summary of the candidates' qualifications (resume or curriculum vitae) must be included with a completed nomination application form, which is located on the Bureau of Indian Education website. Nominees must have the ability to attend Advisory Board meetings, carry out Advisory Board assignments, participate in teleconference calls, and work in groups.

(d) The Department of the Interior is committed to equal opportunities in the workplace and seeks diverse Committee membership, which is bound by Indian Preference Act of 1990 (25 U.S.C. 472).

5. Basis for Nominations

If you wish to nominate someone for appointment to the Advisory Board, please do not make the nomination until the person has agreed to have his or her name submitted to the BIE for this purpose. A person can also self-nominate.

6. Nomination Application

Please submit a complete application form and a copy of the nominee's resume or curriculum vitae to the DFO by the date listed in the **DATES** section of this notice. The nomination application form can be found at *https://www.bie.edu/sites/default/files/inline-files/Advisory-Board-Membership-Nomination-Form%20%28Expires%206-30-24%29.pdf* on the *https://www.bie.edu/landing-page/special-education* website.

Information Collection

This collection of information is authorized by OMB Control Number 1076–0179 with a June 30, 2024, expiration date.

Authority: 5 U.S.C. 10; 20 U.S.C. 1400 *et seq.*

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2023–04732 Filed 3–7–23; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[234A2100DD/AAKC001030/A0A501010.999900]

HEARTH Act Approval of Mechoopda Indian Tribe of Chico Rancheria, California Leasing Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) approved the Mechoopda Indian Tribe of Chico Rancheria, California Leasing Ordinance under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into agriculture, business, residential, wind and solar, public, religious, educational, and recreational leases without further BIA approval.

DATES: BIA issued the approval on February 27, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Jana Waters, Bureau of Indian Affairs,

Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, *jana.waters@bia.gov,* (406) 247–7935.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal Leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Mechoopda Indian Tribe of Chico Rancheria, California.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. See 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Mechoopda Indian Tribe of Chico Rancheria, California.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2023–04726 Filed 3–7–23; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#-35433; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before February 25, 2023, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by March 23, 2023.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before February 25, 2023. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations Submitted by State or Tribal Historic Preservation Officers

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

COLORADO

Moffat County

Craig School #2, 775 Yampa Ave., Craig, SG100008788

DELAWARE

New Castle County

Rockwood Estate Historic District (Boundary Decrease), 4651 Washington St. Extention, Wilmington vicinity, BC100008808

GEORGIA

Chatham County

Ardmore-Chatham Terrace Historic District, Roughly bounded by 51st Ln., Waters Ave., halfway between Habersham and Battey Sts., and 55th Ln., Savannah, SG100008800

KANSAS

Dickinson County

Liggett, William and Minnie, House, 519 North D St., Herington, SG100008787

Leavenworth County

Holman, Alice and Edwin, Farmstead, (Agriculture-Related Resources of Kansas MPS), 26352 New Lawrence Dr., Leavenworth, MP100008785

Russell County

House at 202 West 3rd Street, (Post Rock Limestone Properties in Kansas, 1870—1948 MPS), 202 West 3rd St., Luray, MP100008786

MICHIGAN

Ingham County

Barnes Avenue School, 1028 West Barnes Ave., Lansing, SG100008811

Wayne County

Pittsburgh Plate Glass Company Detroit Warehouse, 6045 John C. Lodge Service Dr., Detroit, SG100008812

MINNESOTA

Fillmore County

McMichael Grain Elevator, (Grain Elevator Design in Minnesota MPS), 205 Main Ave. North, Harmony, MP100008805

Ramsey County

Fire Station No. 19, 1570 Highland Pkwy., St. Paul, SG100008806

NEW HAMPSHIRE

Belknap County

Gilman, Dudley, Homestead, 60 Mile Hill Rd., Belmont, SG100008793

NEW YORK

Erie County

Charles Berrick's Sons Florida Street Houses, 84, 88, 90, 94, 96, 100, and 102 Florida St., Buffalo, SG100008801

TENNESSEE

Davidson County

Exit/In, 2208 Elliston Pl., Nashville, SG100008789

WISCONSIN

Dane County

Schroeder-Bohrod House, 4811 Tonyawatha Trail, Monona, SG100008790

Walworth County

Heart Prairie Norwegian Methodist Episcopal Church, N7372 Cty. Rd. P, Richmond, SG100008810

Washington County

Lizard Mound (Boundary Increase), 2121 Cty. Rd. A, Farmington, BC100008804

Additional documentation has been received for the following resources:

DELAWARE

New Castle County

Rockwood Estate Historic District (Additional Documentation), 4651 Washington St. Extention, Wilmington, AD76000579

TENNESSEE

Bedford County

Shofners' Lutheran Church and Cemetery (Additional Documentation), Alt US 41, 2 mi. west of jct. of Alt. US 41 and TN 130, Shelbyville vicinity, AD97001232

Blount County

McConnell, John, House (Additional Documentation), (Blount County MPS), 1435 McConnell Rd., Greenback vicinity, AD89000898

Houston County

Erin Limekilns (Additional Documentation), (Lime Industry of Houston County, Tennessee), 78 McMillan St., Erin, AD04001230

Shelby County

Magevney House (Additional Documentation), 198 Adams Ave., Memphis, AD73001831

WISCONSIN

Washington County

Lizard Mound (Additional Documentation), 2121 Cty. Rd. A, Farmington, AD70000038

Authority: Section 60.13 of 36 CFR part 60.

Dated: March 1, 2023.

Sherry A Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2023–04714 Filed 3–7–23; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–669 (Fifth Review)]

Cased Pencils From China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty order on cased pencils from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on August 1, 2022 (87 FR 46998) and determined on November 4, 2022 that it would conduct an expedited review (88 FR 2372, January 13, 2023).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on March 3, 2023. The views of the Commission are contained in USITC Publication 5411 (March 2023), entitled *Cased Pencils from China: Investigation No. 731–TA–669 (Fifth Review).*

By order of the Commission.

Issued: March 3, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–04761 Filed 3–7–23; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–663 (Fifth Review)]

Paper Clips From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on paper clips from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: December 5, 2022.

FOR FURTHER INFORMATION CONTACT: (Julie Duffy (202) 708–2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On December 5, 2022, the Commission determined that the domestic interested party group response to its notice of institution (87 FR 53783, September 1, 2022) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for this review on March 8, 2023. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before March 16, 2023 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by March 16, 2023. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: March 3, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–04739 Filed 3–7–23; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] The Commission has found the responses submitted on behalf of ACCO Brands USA LLC and Victor Technology LLC to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

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 Dermatological Treatment Devices and Components Thereof, DN 3670;* 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: Lisa R. Barton, 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 Serendia, LLC on March 1, 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 dermatological treatment devices and components thereof. The complaint names as respondents: Sung Hwan E&B Co., LTD. d/b/a SHEnB Co. LTD. of Korea; Aesthetics Biomedical, Inc. of Phoenix, AZ; Cartessa Aesthetics, LLC of Melville, NY; Lutronic Corporation of Korea; Lutronic Aesthetics, Inc. AKA Lutronic, Inc. of Billerica, MA; Lutronic, LLC of Billerica, MA; Ilooda Co., Ltd. of Korea; Cutera, Inc. of Brisbane, CA; Jeisys Medical Inc. of Korea; Cynosure, LLC of Westford, MA; Rohrer Aesthetics, LLC of Homewood, AL; Rohrer Aesthetics, Inc. of Homewood, AL; EndyMed Medical Ltd. of Israel; EndyMed Medical, Ltd. of New York, NY; and EndyMed Medical Inc. of Freehold, NJ. The complainant requests that the Commission issue a limited exclusion order, 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. 3670) 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 *atEDIS3Help@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

[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.

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: March 2, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–04692 Filed 3–7–23; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1354]

Certain Universal Golf Club Shaft and Golf Club Head Connection Adaptors, Certain Components Thereof, and Products Containing the Same (II); Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 2, 2023, under section 337 of the Tariff Act of 1930, as amended, on behalf of Club-Conex LLC of Scottdale, Arizona. A supplement to the complaint was filed on February 7, 2023. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain universal golf club shaft and golf club head connection adaptors, certain components thereof, and products containing the same by reason of the infringement of certain claims of U.S. Patent No. 11,426,638 (''the '638 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2022).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 2, 2023, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–5, 10, 12–13, and 15–19 of the '638 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''golf club connection adaptors, which are used to quickly and easily, but reversibly, assemble a golf club shaft with a golf club head in a secure fashion, components thereof, such as sleeves, collars, and hosels, and products containing the same, including kits'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Club-Conex LLC, 15035 N. 75th Street, Scottsdale, Arizona 05260

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Top Golf Equipment Co. Limited, d/b/a All-Fit Golf, #2021 Renmin Road, Longhua District, Shenzhen GuangDong, China 518131

Volf Sports Co. LTD, 4#303 Zhongyang Yuanzhu, Mintang Road, Shenzhen, 518131, China

WoFu(Shenzhen)Sports Goods Co., Ltd., 28E, Bldg3, 6A, Shuixiechuntian Mintang, Rd., Minzhi St., Longhua, Shenzhen, China 518109

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge. The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 3, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–04724 Filed 3–7–23; 8:45 am]

BILLING CODE 7020–02–P

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Vietnam Era Veterans' Readjustment Assistance Act, as Amended

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Federal Contract Compliance Programs (OFCCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before April 7, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nora Hernandez by telephone at 202–693–8633, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended collection. VEVRAA requires contractors to take affirmative action to employ, and advance in employment, qualified protected veterans. VEVRAA applies to Federal contractors and subcontractors with contracts of $150,000 or more. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 16, 2022 (87 FR 68743).

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 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 OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL-OFCCP.

Title of Collection: Vietnam Era Veterans' Readjustment Assistance Act, as Amended.

OMB Control Number: 1250–0004.

Affected Public: Businesses or other for-profits.

Total Estimated Number of Respondents: 35,114,831.

Total Estimated Number of Responses: 35,114,831.

Total Estimated Annual Time Burden: 4,439,563 hours.

Total Estimated Annual Other Costs Burden: $1,120,562.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nora Hernandez,

Departmental Clearance Officer.

[FR Doc. 2023–04702 Filed 3–7–23; 8:45 am]

BILLING CODE 4510–CM–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 23–014]

NASA Advisory Council; Aeronautics Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Aeronautics Committee of the NASA Advisory Council (NAC). This meeting will be held for the purpose of soliciting, from the aeronautics community and other persons, research and technical information relevant to program planning.

DATES: Wednesday, March 22, 2023, 8:30 a.m.–2:30 p.m., PDT

ADDRESSES: NASA Armstrong Flight Research Center, Edwards, CA 93523.

FOR FURTHER INFORMATION CONTACT: Ms. Irma Rodriguez, Designated Federal Officer, Aeronautics Research Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0984, or *irma.c.rodriguez@nasa.gov.*

SUPPLEMENTARY INFORMATION: This meeting will be available to the public online via MS-Teams. Dial-in audio teleconference and webcast details to watch the meeting remotely will be available on the NASA Advisory Council Aeronautics Committee website at: *https://www.nasa.gov/aeroresearch/aero-nac-committee.* Enter the meeting as a guest and type your name and affiliation. *Note:* If dialing in, please ''mute'' your telephone. The agenda for the meeting includes the following topics:

—FY 2024 Budget for the Aeronautics Research Mission Directorate
—Sustainable Flight Demonstrator
—University Leadership Initiative Round 6 Awards

It is imperative that the meeting be held on these dates to the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2023–04704 Filed 3–7–23; 8:45 am]

BILLING CODE P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of National Council on the Humanities

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the National Council on the Humanities will meet to advise the Chair of the National Endowment for the Humanities (NEH) with respect to policies, programs and procedures for carrying out her functions; to review

applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965 and make recommendations thereon to the Chair; and to consider gifts offered to NEH and make recommendations thereon to the Chair.

DATES: The meeting will be held on Thursday, March 16, 2023, from 10:00 a.m. until 2:30 p.m., and Friday, March 17, 2023, from 11:00 a.m. until adjourned.

ADDRESSES: The meeting will be held by videoconference originating at Constitution Center, 400 7th Street SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, 4th Floor, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: The National Council on the Humanities is meeting pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951–960, as amended).

The National Council will convene in executive session by videoconference on March 16, 2023, from 10:00 a.m. until 11:00 a.m.

The following Committees of the National Council on the Humanities will convene by videoconference on March 16, 2023, from 11:00 a.m. until 2:30 p.m., to discuss specific grant applications and programs before the Council:

Challenge Programs;
Education Programs;
Federal/State Partnership;
Preservation and Access;
Public Programs; and
Research Programs.

The plenary session of the National Council on the Humanities will convene by videoconference on March 17, 2023, at 11:00 a.m. The agenda for the plenary session will be as follows:

A. Minutes of Previous Meeting
B. Reports
1. Chair's Remarks
2. Update from NEH's Equity Task Force
3. Actions on Requests for Chair's Grants and Supplemental Funding
4. Actions on Previously Considered Applications
C. Challenge Programs
D. Education Programs
E. Federal/State Partnership
F. Preservation and Access
G. Public Programs
H. Research Programs

This meeting of the National Council on the Humanities will be closed to the public pursuant to sections 552b(c)(4), 552b(c)(6), and 552b(c)(9)(B) of title 5 U.S.C., as amended, because it will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, and discussion of certain information, the premature disclosure of which could significantly frustrate implementation of proposed agency action. I have made this determination pursuant to the authority granted me by the Chair's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: March 2, 2023.

Jessica Graves,

Legal Administrative Specialist, National Endowment for the Humanities.

[FR Doc. 2023–04718 Filed 3–7–23; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275 and 50–323; NRC–2023–0043]

Pacific Gas and Electric Company; Diablo Canyon Power Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to an October 31, 2022, request from Pacific Gas and Electric Company regarding the submittal of a license renewal application for Diablo Canyon Power Plant, Units 1 and 2. Pursuant to this exemption, if the licensee submits a license renewal application less than 5 years prior to expiration of the existing operating licenses but no later than December 31, 2023, and if the NRC staff finds it acceptable for docketing, the existing operating licenses will be in timely renewal under NRC regulations until the NRC has made a final determination on whether to approve the license renewal application.

DATES: The exemption was issued on March 2, 2023.

ADDRESSES: Please refer to Docket ID NRC–2023–0043 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0043. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brian K. Harris, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–2277, email: *Brian.Harris2@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: March 3, 2023.

For the Nuclear Regulatory Commission.

Lauren K. Gibson,

Chief, License Renewal Projects Branch, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

Nuclear Regulatory Commission

Docket Nos. 50–275 and 50–323; Pacific Gas and Electric Company; Diablo Canyon Power Plant, Units 1 and 2; Exemption

I. Background

Pacific Gas and Electric Company (the licensee, PG&E) is the holder of Facility Operating License Nos. DPR–80 and DPR–82, which authorize operation of Diablo Canyon Power Plant (DCPP), Units 1 and 2, respectively. These units are pressurized water reactors located in San Luis Obispo, California. The operating licenses provide, among other things, that the facility is subject to all rules, regulations, and orders of the U.S.

Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect. The current operating licenses for DCPP Units 1 and 2, expire on November 2, 2024, and August 26, 2025, respectively.

In November 2009, PG&E submitted a license renewal application for DCPP, Units 1 and 2 (ADAMS Accession No. ML093340086). The NRC conducted a docketing acceptance review of the application, accepted it for docketing, and began the necessary safety and environmental reviews (75 FR 3493; January 21, 2010). This license renewal application had timely renewal protection under 10 CFR 2.109(b) because it was submitted more than 5 years before the expiration dates of the operating licenses for the units. In April 2011, PG&E requested that the NRC delay its decision on the DCPP Units 1 and 2 license renewal application (ML111010592). On June 2, 2011, the NRC staff published a safety evaluation documenting its safety review of the application to that point (ML11153A103). In 2016, PG&E requested that the NRC suspend its review of the DCPP Units 1 and 2 license renewal application (ML16173A454). By letter dated March 7, 2018 (ML18066A937), PG&E requested to withdraw the license renewal application based on projected energy demands and other economic factors in the State of California. The California Public Utilities Commission approved PG&E's resource planning decision to terminate the license renewal application review in Decision 18–01–022, dated January 11, 2018.[1] On April 16, 2018 (ML18093A115), the NRC granted the withdrawal (83 FR 17688; April 23, 2018), terminated its review, and closed the docket. PG&E states that subsequent to the withdrawal of its license renewal application in 2018, it ''has been working on decommissioning planning efforts to support the transition to active decommissioning upon shutdown of DCPP Units 1 and 2 at the expiration of the operating licenses.'' (ML22304A691).

On September 2, 2022, the State of California enacted Senate Bill No. 846, which invalidated and reversed the 2018 California Public Utilities Commission decision to approve termination of PG&E's license renewal application and retirement of DCPP Units 1 and 2.[2] As a result, by letter dated October 31, 2022, PG&E requested that the NRC resume its review of the previously submitted and subsequently withdrawn DCPP Units 1 and 2 license renewal application; PG&E also requested that the NRC confirm that PG&E was (and is again) in timely renewal under 10 CFR 2.109(b) (ML22304A691). In support of its request, PG&E stated that its previous decision to withdraw the license renewal application was based on ''the determination that continued baseload operation of the two DCPP units beyond their licensed operating periods was not necessary to meet California's projected energy demand requirements and the potential costs to bundled customers in light of changes in electricity supply in the State.'' In the alternative, PG&E requested an exemption from 10 CFR 2.109(b) and timely renewal protection that would allow PG&E to submit a license renewal application for DCPP Units 1 and 2 by December 31, 2023.

The NRC staff responded to this request on January 24, 2023 (ML22343A179). In its response, the NRC staff explained it would not resume the review of PG&E's withdrawn application and stated that its response to PG&E's exemption request would be provided separately. As described more fully below, the staff has completed its evaluation of PG&E's exemption request and has determined that pursuant to 10 CFR 54.15 and 10 CFR 50.12, the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The staff has also determined that special circumstances, as defined in 10 CFR 50.12(a)(2), are present.

II. Request/Action

As an alternative to its request that the NRC staff resume its review of the withdrawn DCPP Units 1 and 2 license renewal application, PG&E requested an exemption from 10 CFR 2.109(b), which provides that if a nuclear power plant licensee files a sufficient license renewal application ''at least 5 years before the expiration of the existing license, the existing license will not be deemed to have expired until the application has been finally determined.'' Specifically, PG&E requested timely renewal protection under 10 CFR 2.109(b) if it submits a license renewal application for DCPP Units 1 and 2 by December 31, 2023.

In its October 31, 2022, letter, the licensee stated that two special circumstances apply to its exemption request. The special circumstances that the licensee identified are:

(1) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

(2) There is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.

III. Discussion

Under 10 CFR 54.17(a), an application for a renewed license must be filed in accordance with subpart A of 10 CFR part 2, which includes 10 CFR 2.109(b), ''Effect of timely renewal application.'' Section 2.109(b) states that ''[i]f the licensee of a nuclear power plant licensed under 10 CFR 50.21(b) or 50.22 files a sufficient application for renewal of either an operating license or a combined license at least 5 years before the expiration of the existing license, the existing license will not be deemed to have expired until the application has been finally determined.''

As provided in 10 CFR 54.15, exemptions from the requirements of Part 54 are governed by 10 CFR 50.12. Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) special circumstances are present, as defined in 10 CFR 50.12(a)(2).

A. The Exemption Is Authorized by Law

This exemption would allow the licensee to update its previous license renewal application and submit a sufficient license renewal application for DCPP Units 1 and 2, by December 31, 2023, and, if it does so, receive timely renewal protection under 10 CFR 2.109(b). This means that if the licensee submits an updated license renewal application by December 31, 2023, and the staff finds it acceptable for docketing, the existing licenses for DCPP Units 1 and 2 will not be deemed to have expired until the NRC has made a final determination on whether to approve the license renewal application.

The staff has determined that even though less than 5 years remain in the terms of each of the licenses for DCPP

[1] Decision Approving Retirement of Diablo Canyon Nuclear Power Plant, Application 16–8–006, *https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M205/K423/205423920.PDF*.

[2] California Senate Bill No. 846, Diablo Canyon powerplant: extension of operations (Sept. 2, 2022) *https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB846* (SB846).

Units 1 and 2, granting this limited, one-time exemption is authorized by law. The 5-year time period specified in 10 CFR 2.109(b) is not required by the Atomic Energy Act of 1954, as amended, or the Administrative Procedure Act. It is the result of a discretionary agency rulemaking under Sections 161 and 181 of the Atomic Energy Act of 1954, as amended (56 FR 64943; December 13, 1991) that was designed to provide the NRC with a reasonable amount of time to review a license renewal application and decide whether to approve it. Section 103c. of the Atomic Energy Act of 1954, as amended, permits the Commission to issue operating licenses, including renewed licenses. Section 2.109 implements Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), which states, in part:

> When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

The time period in 10 CFR 2.109(b) is designed to provide a reasonable amount of time for the NRC to review a license renewal application and reach a decision on whether to approve it. Prior to 1992, the rules provided that licensees would have received timely renewal protection when they submitted their license renewal applications 30 days before the expiration of the current license. (56 FR 64943; December 13, 1991). In 1990, the NRC proposed modifying 10 CFR 2.109 to provide that applications must be submitted 3 years before expiration of the current license to be afforded timely renewal protection. (55 FR 29043; July 17, 1990). There is nothing in the preamble supporting the proposed rule or final rule revising 10 CFR 2.109(b) that suggests that applying the timely renewal doctrine to license renewal applications submitted 30 days before the expiration of the license was not authorized by law. Instead, it appears the Commission proposed to revise 10 CFR 2.109(b) from 30 days to 3 years before the expiration of the license so that the final determination on a license renewal application would typically be made before the current operating license expired. In the proposed rule, the Commission explained that it did not believe 30 days would provide ''a reasonable time to review an application for a renewed operating license'' and estimated that the technical review of a license renewal application would take approximately 2 years. (55 FR 29043; July 17, 1990). In the final rule, the Commission stated that the technical review of the application would take approximately 2 years due to the review of many complex technical issues and that ''any necessary hearing could likely add an additional year or more'' (56 FR 64943; December 13, 1991). Ultimately, the Commission concluded in the final rule that timely renewal protection would be provided for license renewal applications filed 5 years before the operating license expired to promote consistency with the requirement that licensees submit decommissioning plans and related financial assurance information on or about 5 years prior to the expiration of their current operating licenses. Thus, in promulgating 10 CFR 2.109(b), the Commission considered that the time period needed to reach a final determination may be less than 5 years in some cases, but the rule also provides timely renewal protection for timely-filed applications to account for situations where the resolution of complex technical issues may take more time.

The exemption constitutes a change to the schedule by which the licensee must submit its application for license renewal and is administrative in nature; it does not involve any change to the current operating license. Under 10 CFR 54.17(a), an application for a renewed license must be filed in accordance with subpart A of 10 CFR part 2, which includes 10 CFR 2.109(b). However, the NRC may grant exemptions from the requirements of 10 CFR part 54 pursuant to 10 CFR 54.15. For the reasons stated above, the NRC has determined that granting this one-time exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, the Administrative Procedure Act, or the NRC's regulations. Therefore, the exemption is authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

The requested exemption does not change the manner in which the plants operate and maintains public health and safety because the exemption from 10 CFR 2.109 does not result in a change to the facility or the current operating license, but allows DCPP Units 1 and 2 to continue operating under its existing licenses in the event the NRC has not reached a final determination of the license renewal application prior the expiration of the current operating licenses. Pending final action on the license renewal application, the NRC will continue to conduct all regulatory activities associated with licensing, inspection, and oversight, and will continue to take whatever action may be necessary to ensure adequate protection of the public health and safety. The existence of this exemption does not affect NRC's authority, applicable to all licenses, to modify, suspend, or revoke a license for cause, such as a serious safety concern.

If the licensee submits a license renewal application by December 31, 2023, there would be approximately 11 months prior to the expiration of the current license for Unit 1, and approximately 20 months prior to the expiration of the current license for Unit 2, for the staff to conduct a docketing acceptance review and, if the application is accepted for docketing, provide a hearing opportunity and conduct the required safety and environmental reviews. Although 11 months is less than the 18-month generic milestone schedule for the staff's review of a license renewal application,[3] it is sufficient time for the NRC staff to determine if any immediate actions need to be taken prior to the licensee entering the period of timely renewal. Additionally, unlike a situation where an application for license renewal is being filed for the first time, here, the licensee previously submitted an application that the NRC staff docketed and reviewed, issuing a safety evaluation in June 2011 documenting its findings to that point. If PG&E submits an updated, sufficient license renewal application by December 31, 2023, the NRC staff will be able to leverage insights from its partial review of the previously submitted and subsequently withdrawn DCPP Units 1 and 2 application to conduct a focused, efficient review of the application. Based on the discussion in this section, the NRC finds that the action does not cause undue risk to public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The requested exemption does not alter the design, function, or operation of any structures or plant equipment that is necessary to maintain safe and secure status of any site security matters. Therefore, the NRC finds that the action is consistent with the common defense and security.

D. Special Circumstances

The Commission will not consider granting a specific exemption from the requirements in 10 CFR part 50 unless special circumstances are present. 10 CFR 50.12(a)(2). ''Special circumstances are present whenever . . . there is

[3] Generic Milestone Schedules of Requested Activities of the Commission, *https://www.nrc.gov/about-nrc/generic-schedules.html* (last updated Sept. 10, 2021).

present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.'' [4] 10 CFR 50.12(a)(2)(vi). The NRC finds that PG&E has provided several factors in support of its exemption request that demonstrate that special circumstances not considered when the Commission promulgated 10 CFR 50.12(a)(2)(vi) are present and that it would be in the public interest to grant this limited, one-time exemption.

PG&E submitted an application for license renewal for DCPP Units 1 and 2 in 2009. PG&E subsequently requested to withdraw this application in 2018 based on the determination by the State of California and the California Public Utilities Commission that continued baseload operation of the two DCPP units beyond their currently approved operating periods would not be necessary to meet California's projected energy demand requirements (ML18066A937). Since that time, however, California's projected energy demands have changed. To respond to those changes, the State of California enacted Senate Bill No. 846 (SB 846), which invalidated and reversed the 2018 California Public Utilities Commission decision to approve termination of PG&E's license renewal application and retirement of Diablo Canyon Power Plant, Units 1 and 2. SB 846 was signed by the Governor of California on September 2, 2022. In its October 31, 2022, letter, PG&E stated that it submitted its request to reinstate its previously withdrawn license renewal application or obtain an exemption from the 5-year time period specified in 10 CFR 2.109(b) so that it could file an updated application, ''pursuant to the direction in [California] Senate Bill No. (SB) 846.'' The recent efforts by the State of California to keep DCPP Units 1 and 2 operating based, in part, on climate change impacts and serious electricity reliability challenges, constitute material circumstances that were not specifically considered when the NRC revised 10 CFR 2.109(b) in 1991.[5] The NRC finds that the factors PG&E have provided in support of its request are compelling and demonstrate that the special circumstances required by 10 CFR 50.12(a)(2)(vi) are present and that it would be in the public interest to grant this exemption.

E. Environmental Considerations

The NRC has determined that the issuance of the requested exemption meets the provisions of the categorical exclusion in 10 CFR 51.22(c)(25). Under 10 CFR 51.22(c)(25), the granting of an exemption from the requirements of any regulation of chapter 10 qualifies as a categorical exclusion if (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involves one of several matters, including scheduling requirements (§ 51.22(c)(25)(iv)(G)). The basis for NRC's determination is provided in the following evaluation of the requirements in 10 CFR 51.22(c)(25)(i)–(vi).

Requirements in 10 CFR 51.22(c)(25)(i)

To qualify for a categorical exclusion under 10 CFR 51.22(c)(25)(i), the exemption must involve a no significant hazards consideration. The criteria for making a no significant hazards consideration determination are found in 10 CFR 50.92(c). The NRC has determined that the granting of the exemption request involves no significant hazards consideration because allowing the submittal of the license renewal application less than 5 years before the expiration of the existing license and deeming the license in timely renewal under 10 CFR 2.109(b) does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the requirements of 10 CFR 51.22(c)(25)(i) are met.

Requirements in 10 CFR 51.22(c)(25)(ii) and (iii)

The exemption constitutes a change to the schedule by which the licensee must submit its application for license renewal and still place the licenses in timely renewal, which is administrative in nature, and does not involve any change in the types or significant increase in the amounts of effluents that may be released offsite and does not contribute to any significant increase in occupational or public radiation exposure.

Accordingly, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, and no significant increase in individual or cumulative public or occupational radiation exposure. Therefore, the requirements of 10 CFR 51.22(c)(25)(ii) and (iii) are met.

Requirements in 10 CFR 51.22(c)(25)(iv)

The exempted regulation is not associated with construction, and the exemption does not propose any changes to the site, alter the site, or change the operation of the site. Therefore, the requirements of 10 CFR 51.22(c)(25)(iv) are met because there is no significant construction impact.

Requirements in 10 CFR 51.22(c)(25)(v)

The exemption constitutes a change to the schedule by which the licensee must submit its license renewal application and still place the licenses in timely renewal, which is administrative in nature, and does not impact the probability or consequences of accidents. Thus, there is no significant increase in the potential for, or consequences of, a radiological accident. Therefore, the requirements of 10 CFR 51.22(c)(25)(v) are met.

Requirements in 10 CFR 51.22(c)(25)(vi)

To qualify for a categorical exclusion under 10 CFR 51.22(c)(25)(vi)(G), the exemption must involve scheduling requirements. The exemption involves scheduling requirements because it would allow the licensee to submit an application for license renewal for DCPP Units 1 and 2, less than 5 years prior to the expiration of the existing licenses, rather than the 5 years specified in 10 CFR 2.109(b), and still place the licenses in timely renewal under 10 CFR 2.109(b). Therefore, the requirements of 10 CFR 51.22(c)(25)(vi) are met.

Based on the above, the NRC concludes that the proposed exemption meets the eligibility criteria for a categorical exclusion set forth in 10 CFR 51.22(c)(25). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact

[4] Consistent with 50.12(a)(2)(vi), the Executive Director for Operations consulted with the Commission.

[5] *See* SB 846 § 9 (stating ''the purpose of the extension of the Diablo Canyon powerplant operations is to protect the state against significant uncertainty in future demand resulting from the state's greenhouse-gas-reduction efforts involving electrification of transportation and building energy end uses and regional climate-related weather phenomenon, and to address the risk that currently ordered procurement will be insufficient to meet this supply or that there may be delays in bringing the ordered resources online on schedule.''); Senate Bill 846 Signing Message (Sept. 2, 2022) *https://www.gov.ca.gov/wp-content/uploads/2022/09/SB-846-Signing-Message.pdf?emrc=9e526b* (stating ''[c]limate change is causing unprecedented stress on California's energy system'').

statement or environmental assessment need be prepared in connection with the granting of this exemption request.

IV. Conclusion

Accordingly, the NRC has determined that, pursuant to 10 CFR 54.15 and 10 CFR 50.12, the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances, as defined in 10 CFR 50.12(a)(2), are present. Therefore, the NRC hereby grants the licensee a one-time exemption for Diablo Canyon Power Plant, Units 1 and 2, from 10 CFR 2.109(b) to allow PG&E to submit a license renewal application for the Diablo Canyon Power Plant, Units 1 and 2, less than 5 years prior to expiration of the operating licenses, but no later than December 31, 2023.

The decision to issue PG&E an exemption from 10 CFR 2.109(b) does not constitute approval of the license renewal application PG&E intends to submit by December 31, 2023. Rather, this exemption provides that if PG&E submits an application by December 31, 2023, and the application is sufficient for docketing, the licensee will receive timely renewal protection under 10 CFR 2.109(b) while the NRC evaluates that application. Should the application be docketed, the NRC will provide an opportunity for the public to seek a hearing and review the application using its normal license renewal review processes and standards to determine whether the application meets all applicable regulatory requirements.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 2nd day of March 2023.

For the Nuclear Regulatory Commission.

Brian W. Smith,

Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2023–04750 Filed 3–7–23; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0170]

Information Collection: Requests to Federally Recognized Indian Tribes for Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Requests to Federally Recognized Indian Tribes for Information.''

DATES: Submit comments by May 8, 2023. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0170. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David C. Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0170 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0170. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2022–0170 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The supporting statement is available in ADAMS under Accession No. ML22320A075.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2022–0170, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Requests to Federally Recognized Indian Tribes for Information.
2. *OMB approval number:* 3150–0245.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* On occasion.
6. *Who will be required or asked to respond:* Federally recognized Indian Tribes.
7. *The estimated number of annual responses:* 32.
8. *The estimated number of annual respondents:* 637.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 5,120 (15,360 hours over the course of the three-year clearance period (32 responses per request × 20 requests per year × 8 hours per response × 3 years = 15,360 hours).
10. *Abstract:* NRC actions and NRC regulated activities may affect Indian Tribes and their current or ancestral Tribal lands. On January 9, 2017, the NRC published a Tribal Policy Statement (82 FR 2402). In its Tribal Policy Statement, the NRC indicated that it recognizes the Federal Trust Relationship with Indian Tribes and will uphold its Trust Responsibility to Indian Tribes. In its policy statement, the NRC stated that it recognizes and is committed to a government-to-government relationship with Indian Tribes. The NRC also indicated that it would engage in timely consultations with Indian Tribes. The NRC is requesting OMB approval of a plan for a generic collection of information. The need and practicality of the collection can be evaluated, but the details of the specific individual collections will not be known until a later time. The information collected will include voluntary requests for information that would allow the NRC to more effectively involve Indian Tribes in the NRC's regulatory activities and to enable the NRC to plan the NRC's Tribal outreach and consultation activities.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: March 2, 2023.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2023–04669 Filed 3–7–23; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service®.

ACTION: Notice of modified systems of records.

SUMMARY: The United States Postal Service® (USPS) is proposing to revise one Customer Privacy Act System of Records (SOR). These modifications are being made to support an initiative that is intended to enhance the USPS shippers' customer experience and individual privacy protection when filing an online International inquiry. The USPS International Assistant (IA) initiative will improve the efficiency of the identity verification process by streamlining name and address verification as described below.

DATES: These revisions will become effective without further notice on April 7, 2023, unless in response to comments received on or before that date result in a contrary determination.

ADDRESSES: Comments may be submitted via email to the Privacy and Records Management Office, United States Postal Service Headquarters (*uspsprivacyfedregnotice@usps.gov*). To facilitate public inspection, arrangements to view copies of written comments received may be made upon request.

FOR FURTHER INFORMATION CONTACT: Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, via (*uspsprivacyfedregnotice@usps.gov* or 202–268–2000).

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records. The Postal Service has determined that Customer Privacy Act System of Records, USPS SOR 810.100, *www.usps.com* Registration, should be revised to support the USPS International Assistant (IA) initiative. The Postal Service continuously seeks to improve service and the customer experience and is therefore proposing to simplify the process for filing an international inquiry online by using the IA tool. The IA initiative is intended to improve the efficiency of the identity verification process by streamlining name and address verification when submitting International Inquiries on usps.com. The USPS International Assistant (IA) promotes individual privacy protection by leveraging usps.com Customer Registration account profile information to improve the identity verification of the individual submitting the international inquiry.

I. Background

International customer care involves a two-step process to submit an International inquiry for lost or damaged packages. Investigation of a package that a customer shipped from the United States (U.S.) to an International destination begins with an individual customer inquiry. Once the inquiry is filed and the USPS agent investigates the lost or damaged package request, the inquiry is determined to be either closed or to proceed as a Claim.

The IA online International inquiry tool initially facilitates the filing of an inquiry by using the package tracking number to pull product, service, scanning, and shipment data from internal USPS databases. The USPS requires this data for each export shipment to meet compliance regulations and to investigate the status of a customer's International inquiry. The individual that is filing the inquiry will be required to login to their *usps.com* Customer Registration account to proceed. IA then begins the process to verify that the customer filing the inquiry is the sender of the package, or if the individual filing the inquiry is the Sender's Representative.

Enhanced International Assistant (IA) Online Inquiry Process Description

For the Sender: If the sender's name and address on the package matches the name and address in the Customer Registration profile of the individual customer filing the international inquiry, the IA system will allow the

customer to proceed with filing an inquiry. However, if the sender's name and/or address associated with the package is different than the name and/or address in the Customer Registration profile, the IA system will ask the customer to confirm the sender's name and/or address that appears on the shipment. If the sender's name on the package matches the name in the Customer Registration profile, and the sender can identify the sender's address on the package, the customer will be advised to update their address profile, if applicable, in Customer Registration on usps.com. If this customer does not accurately identify the sender's name and/or address on the package, then the customer will be asked to call the USPS Customer Care Center for further assistance.

For the Sender's Representative: If the sender's representative is filing the inquiry and has registered in Customer Registration on usps.com with a name and address that is different from the sender's, they will be asked to identify the sender's address on the package identified with the tracking number. If this customer does not accurately identify the sender's address on the package, then the customer will be asked to call the USPS Customer Care Center for further assistance.

The IA tool is a dynamic customer facing interactive solution that facilitates a complete and accurate inquiry for lost or damaged packages that were sent to International destinations. IA optimizes steps needed to submit an inquiry, while providing guidance to customers based on their responses for key information. The Postal Service is proposing to enhance the International Assistant (IA) international inquiry registration process on usps.com, by making it easier for the customer to secure authorization to file an inquiry by verifying their identity using their Customer Registration account profile name and address information.

II. Rationale for Changes to USPS Privacy Act Systems of Records

The enhanced IA online inquiry submission process requires the customer to sign-in to, or to create an account on *www.usps.com,* Customer Registration. The proposed process change will protect the privacy of the sender's personal information by verifying that the customer filing the inquiry is either the Sender or the Sender's Representative. This process fulfills the objective to protect the privacy of the sender's personal information by verifying the sender's identity and address, or by verifying the sender representative's authority to file the Inquiry. For example, the sender's representative cannot access the sender's personal address information based on the package tracking number alone. By leveraging the customer registration profile information of a logged-in customer, the IA can also prefill most of the information individual customers are required to enter when filing an inquiry. Therefore, the IA enhancement facilitates sender name and address verification, while streamlining the online international inquiry process.

The Postal Service has determined that Privacy Act System of Records, USPS SOR 810.100 *www.usps.com* Registration, should be revised to support a key component of the International Assistant (IA) Initiative, to verify the sender's name and address or the authority of the sender's representative to file the inquiry, by leveraging their respective Customer Registration account profile.

III. Description of the Modified System of Records

- Added new PURPOSE #16 for International Package inquiries using the International Assistant tool
- Added new CATEGORY OF RECORDS #8 for International Package inquiries using the International Assistant tool
- Added Retrieval by Tracking Number for International Package inquiries to Policies and Practices for Retrieval of Records
- Added Sender and Sender's representative for international package shipment inquiries to Record Source Categories

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed revisions has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect this amended system of records to have any adverse effect on individual privacy rights. USPS SOR 810.100 *www.usps.com* Registration is provided below in its entirety.

SYSTEM NAME AND NUMBER:

USPS 810.100, *www.usps.com* Registration.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Computer Operations Service Centers.

SYSTEM MANAGER(S):

Chief Customer and Marketing Officer and Executive Vice President, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–5005, (202) 268–7536.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, and 404.

PURPOSE(S) OF THE SYSTEM:

1. To provide online registration with single sign-on services for customers.

2. To facilitate online registration, provide enrollment capability, and administer internet-based services or features.

3. To maintain current and up-to-date address information to assure accurate and reliable delivery and fulfillment of postal products, services, and other material.

4. To obtain accurate contact information in order to deliver requested products, services, and other material.

5. To authenticate customer logon information for usps.com.

6. To permit customer feedback in order to improve usps.com or USPS products and services.

7. To enhance understanding and fulfillment of customer needs.

8. To verify a customer's identity when the customer establishes or attempts to access his or her account.

9. To identify, prevent, and mitigate the effects of fraudulent transactions.

10. To enhance the customer experience by improving the security of Change of Address (COA) and Hold Mail processes.

11. To protect USPS customers from becoming potential victims of mail fraud and identity theft.

12. To identify and mitigate potential fraud in the COA and Hold Mail processes.

13. To verify a customer's identity when applying for COA and Hold Mail services.

14. To provide online registration for Informed Address platform service for customers.

15. To authenticate customer logon information for Informed Address platform services.

16. To verify the name and address of the sender or the authority of the sender's representative when submitting an online International inquiry for a lost or damaged package on usps.com, such as the use of the International Assistant tool.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers who register via the USPS website at *usps.com*.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. *Customer information:* Name; customer ID(s); company name; job title

and role; home, business, and billing address; phone number(s) and fax number; email(s); URL; text message number(s) and carrier; and Automated Clearing House (ACH) information.

2. *Identity verification information:* Question, answer, username, user ID, password, email address, text message address and carrier, and results of identity proofing validation.

3. *Business specific information:* Business type and location, business IDs, annual revenue, number of employees, industry, nonprofit rate status, mail owner, mail service provider, PC postage user, PC postage vendor, product usage information, annual and/or monthly shipping budget, payment method and information, planned use of product, age of website, and information submitted by, or collected from, business customers in connection with promotional marketing campaigns.

4. *Customer preferences:* Preferences to receive USPS marketing information, preferences to receive marketing information from USPS partners, preferred means of contact, preferred email language and format, preferred on-screen viewing language, product and/or service marketing preference.

5. *Customer feedback:* Method of referral to website.

6. *Registration information:* Date of registration.

7. *Online user information:* Internet Protocol (IP) address, domain name, operating system versions, browser version, date and time of connection, Media Access Control (MAC) address, device identifier, information about the software acting on behalf of the user (*i.e.,* user agent), and geographic location.

8. *International Inquiries:* Name and address in Customer Registration account profile used to match with Sender name and address or Sender's representative authority to file an international inquiry for a lost or damaged package.

RECORD SOURCE CATEGORIES:

Customers, Individual Sender and Sender's representative filing an international inquiry for lost or damaged packages.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Standard routine uses 1. through 7., 10., and 11. apply.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database, computer storage media, and paper.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

By customer name, customer ID(s), phone number, mail, email address, IP address, text message address, and any customer information or online user information.

By tracking number for International package shipments for which an individual sender or sender's representative is filing an online International inquiry for loss or damage.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. ACH records are retained up to 2 years.

2. Records stored in the registration database are retained until the customer cancels the profile record, 3 years after the customer last accesses records, or until the relationship ends.

3. For small business registration, records are retained 5 years after the relationship ends.

4. Online user information may be retained for 6 months. Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge.

Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections.

Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software. Online data transmissions are protected by encryption.

For small business registration, computer storage tapes and disks are maintained in controlled-access areas or under general scrutiny of program personnel. Access is controlled by logon ID and password as authorized by the Marketing organization via secure website. Online data transmissions are protected by encryption.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES:

See Notification Procedures and Record Access Procedures.

NOTIFICATION PROCEDURES:

Customers wanting to know if information about them is maintained in this system of records must address inquiries in writing to the system manager. Inquiries must contain name, address, and other identifying information.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

December 27, 2018, 83 FR 66768; August 25, 2016, 81 FR 58542; June 30, 2016, 81 FR 42760; June 20, 2014, 79 FR 35389; January 23, 2014, 79 FR 3881; July 11, 2012, 77 FR 40921; October 24, 2011, 76 FR 65756; May 08, 2008, 73 FR 26155; April 29, 2005, 70 FR 22516.

Sarah Sullivan,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2023–04339 Filed 3–7–23; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97025; File No. SR–PEARL–2023–07]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Fee Schedule

March 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 February 24, 2023, MIAX PEARL, LLC (''MIAX Pearl'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Pearl Options Fee Schedule (the ''Fee Schedule'') to adopt fees for a new data product known as the Liquidity Taker Event Report—Resting Simple Orders.[3]

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX Pearl's principal office, and at the Commission's Public Reference Room.

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 recently adopted a new data product known as the Liquidity Taker Event Report—Resting Simple Orders (the ''Report''), which will be available for purchase to Exchange Members[4] on a voluntary basis. The Exchange now proposes to adopt fees for the Report. The proposal to adopt the Report was recently published by the Securities and Exchange Commission (''Commission'') and is described under Exchange Rule 531(c).[5] The Report is an optional product available to Members.

By way of background, the Report is a daily report that provides a Member (''Recipient Member'') with its liquidity response time details for executions of an order resting on the Book[6] for the Exchange's options market. The Report focuses on executions and contra-side responses that occurred after 200 microseconds of the time the resting order was received by the Exchange and within 200 microseconds of receipt of the first attempt to execute against the resting order after the initial 200 microsecond time period has expired.

The following information is included in the Report regarding the resting order: (A) the time the resting order was received by the Exchange; (B) symbol; (C) order reference number, which is a unique reference number assigned to a new order at the time of receipt; (D) whether the Recipient Member is an Affiliate[7] of the Member that entered the resting order;[8] (E) origin type (*e.g.,* Priority Customer,[9] Market Maker[10]); (F) side (buy or sell); and (G) displayed price and size of the resting order.

The following information is included in the Report regarding the execution of the resting order: (A) the PBBO[11] at the time of execution;[12] (B) the ABBO[13] at the time of execution;[14] (C) the time first response that executes against the resting order was received by the Exchange and the size of the execution and type of the response;[15] and (D) whether the response was entered by the Recipient Member.

The following information is included in the Report regarding response(s) sent by the Recipient Member: (A) Recipient Member identifier; (B) the time difference between the time the first response that executes against the resting order was received by the Exchange and the time of each response sent by the Recipient Member, regardless of whether it executed or not;[16] (C) size and type of each response submitted by Recipient Member; and (D) response reference number, which is a unique reference number attached to the response by the Recipient Member.

The Exchange proposes to amend Section 7), Reports, of the Fee Schedule, to add a new row for the Report, which will provide that Members may purchase the Report on a monthly or annual (12-month) basis. The Exchange proposes to assess a monthly fee of $2,000 per month and a fee of $12,000 per year for a 12-month subscription for the Report. Members may cancel their subscription at any time. The Exchange also proposes to specify that for mid-month subscriptions, new subscribers will be charged for the full calendar month for which they subscribe and will be provided Report data for each trading day of the calendar month prior to the day on which they subscribed.

The Exchange intends to begin to offer the Report and charge the proposed fees on March 1, 2023.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Section 6(b)(5) of the Act,[18] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and

[3] *See, generally,* Exchange Rule 531(c).

[4] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of Exchange Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[5] *See* Securities Exchange Act Release No. 96837 (February 8, 2023) (SR–PEARL–2023–01) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Exchange Rule 531, Reports and Market Data Products, to Provide for the New ''Liquidity Taker Event Report—Resting Simple Orders'').

[6] The term ''Book'' means ''the electronic book of buy and sell orders and quotes maintained by the System.'' *See* Exchange Rule 100. The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See id.*

[7] The term ''affiliate'' of or person ''affiliated with'' another person means a person who, directly, or indirectly, controls, is controlled by, or is under common control with, such other person. *See* Exchange Rule 100.

[8] The Report will simply indicate whether the Recipient Member is Affiliate of the Member that entered the resting order and not include any other information that may indicate the identity of the Member that entered the resting order.

[9] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). The number of orders shall be counted in accordance with Interpretation and Policy .01 of Exchange Rule 100. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[10] The term ''Market Maker'' or ''MM'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of these Rules. *See* Exchange Rule 100.

[11] The term ''PBBO'' means the best bid or offer on MIAX Pearl. *See* Exchange Rule 100.

[12] Exchange Rule 531(c)(1)(ii)(A) provides that if the resting order executes against multiple contra-side responses, only the PBBO at the time of the execution against the first response will be included.

[13] The term ''ABBO'' or ''Away Best Bid or Offer'' means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. *See* Exchange Rule 100.

[14] Exchange Rule 531(c)(1)(ii)(B) further provides that if the resting order executes against multiple contra-side responses, only the ABBO at the time of the execution against the first response will be included.

[15] The time the Exchange received the response order would be in nanoseconds and would be the time the response was received by the Exchange's network, which is before the time the response would be received by the System.

[16] For purposes of calculating this duration of time, the Exchange will use the time the resting order and the Recipient Member's response(s) is received by the Exchange's network, both of which would be before the order and response(s) would be received by the System. This time difference would be provided in nanoseconds.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal to adopt fees for the Report is consistent with Section 6(b) of the Act [19] in general, and furthers the objectives of Section 6(b)(4) of the Act [20] in particular, in that it is an equitable allocation of dues, fees and other charges among its Members and other recipients of Exchange data.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the Report further broadens the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The Report also promotes increased transparency through the dissemination of the Report. Particularly, the Report will benefit investors by facilitating their prompt access to the value added information that is included in the Report. The Report will allow Members to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions.

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 13% of the equity options market share and currently the Exchange represents only approximately 6.97% of the equity options market share.[21] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, 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.'' [22] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supra-competitive fees. In the event that a market participant views one exchange's data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. options industry as the Exchange seeks to adopt fees to attract purchasers of the recently introduced Report.

The Exchange believes the proposed fees are reasonable as the proposed fees are both modest and lower than fees charged by the Exchange for a similar data product.[23] The proposed fees for this Report are less expensive than the Exchange's existing report because the Exchange believes that the information provided in the Report may not be as valuable to market participants as the other information contained in the Exchange's similar report, which measures the data in the first 200 microseconds of the time the resting order was received by the Exchange. While the Exchange believes that this Report is useful, it may not be as helpful as the other report offered by the Exchange. Indeed, if the Exchange proposed fees that market participants viewed as excessively high, then the proposed fees would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Other options exchanges are also free to introduce their own comparable data products with lower prices to better compete with the Exchange's offering.[24] As such, the Exchange believes that the proposed fees are reasonable and set at a level to compete with other options exchanges that may choose to offer similar reports. Moreover, if a market participant views another exchange's potential report as more attractive, then such market participant can merely choose not to purchase the Exchange's Report and instead purchase another exchange's similar data product, which may offer similar data points, albeit based on that other market's trading activity.

The Exchange also believes providing an annual subscription for an overall lower fee than a monthly subscription is equitable and reasonable because it would enable the Exchange to gauge long-term interest in the Report. A lower annual subscription fee would also incentivize Members to subscribe to the Report on a long-term basis, thereby improving the efficiency by which the Exchange may deliver the Report by doing so on a regular basis over a prolonged and set period of time. The Exchange notes it provides an annual subscription for a similar report.[25]

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a new market data product to Members that are interested in gaining insight into latency in connection with orders that failed to execute against an order resting on the Exchange's Book. The Report accomplishes this by providing those Members data to analyze by how much time their order may have missed an execution against a contra-side order resting on the Book. Members may use this data to optimize their models and trading patterns in an effort to yield better execution results by calculating by how much time their order may have missed an execution.

Selling market data, such as the Report, is also a means by which exchanges compete to attract business. To the extent that the Exchange is successful in attracting subscribers for the Report, it may earn trading revenues and further enhance the value of its data products. If the market deems the proposed fees to be unfair or inequitable, firms can diminish or discontinue their use of the data and/or avail themselves of similar products that may be offered by other exchanges.[26] The Exchange, therefore, believes that the proposed fees for the Report reflect the competitive environment and would be properly assessed on Member users. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. It is a business decision of each Member that

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(4).

[21] *See* Market at a Glance, *available at https://www.miaxoptions.com/* (last visited February 9, 2023).

[22] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[23] The Exchange offers another Liquidity Taker Event Reports for Simple Orders that focuses on executions and contra-side responses received within 200 microseconds of the time the resting order was received by the Exchange. *See* Exchange Rule 531(a). The Exchange charges a monthly fee of $4,000 and a discounted annual (12 month) fee of $24,000 for this report. *See* Fee Schedule, Section 7, providing fees for the Liquidity Taker Event Report, *available at https://www.miaxoptions.com/fees/pearl.*

[24] This is supported by the BOX Exchange LLC (''BOX'') recently copying one similar report recently adopted by the Exchange, the Liquidity Taker Event Report, described under Exchange Rule 531(a). *See* Securities Exchange Act Release Nos. 94563 (March 31, 2022), 87 FR 19985 (April 6, 2022) (SR–BOX–2022–10).

[25] *See* Fee Schedule, Section 7, providing an annual subscription for the Liquidity Taker Event Report, *available at https://www.miaxoptions.com/fees/pearl.*

[26] *See supra* note 24.

chooses to purchase the Report. The Exchange's proposed fees would not differentiate between subscribers that purchase the Report and are set at a modest level that would allow any interested Member to purchase such data based on their business needs.

The Exchange reiterates that the decision as to whether or not to purchase the Report is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the Report, and the Exchange is not required to make the Report available to all investors. It is entirely a business decision of each Member to subscribe to the Report. The Exchange offers the Report as a convenience to Members to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A Member that chooses to subscribe to the Report may discontinue receiving the Report at any time if that Member determines that the information contained in the Report is no longer useful.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange made the Report available in order to keep pace with changes in the industry and evolving customer needs and demands, and believes the data product will contribute to robust competition among national securities exchanges. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable data product with lower prices to better compete with the Exchange's offering. The Exchange operates in a highly competitive environment, and its ability to price the Report is constrained by competition among exchanges who choose to adopt a similar product. The Exchange must consider this in its pricing discipline in order to compete for the market data. For example, proposing fees that are excessively higher than fees for potentially similar data products would simply serve to reduce demand for the Exchange's data product, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed product and fees apply uniformly to any purchaser in that the Exchange does not differentiate between subscribers that purchase the Report. The proposed fees are set at a modest level that would allow any interested Member to purchase such data based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[27] and Rule 19b–4(f)(2)[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 shall institute proceedings to determine whether the proposed rule 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–PEARL–2023–07 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–PEARL–2023–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2023–07, and should be submitted on or before March 29,2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–04686 Filed 3–7–23; 8:45 am]

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[27] 15 U.S.C. 78s(b)(3)(A)(ii).

[28] 17 CFR 240.19b–4(f)(2).

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97021; File No. SR–MIAX–2023–09]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

March 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 February 24, 2023, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'') to adopt fees for a new data product known as the Liquidity Taker Event Report—Resting Simple Orders.[3]

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See, generally,* Exchange Rule 531(c).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently adopted a new data product known as the Liquidity Taker Event Report—Resting Simple Orders (the ''Report''), which will be available for purchase to Exchange Members[4] on a voluntary basis. The Exchange now proposes to adopt fees for the Report. The proposal to adopt the Report was recently published by the Securities and Exchange Commission (''Commission'') and is described under Exchange Rule 531(c).[5] The Report is an optional product available to Members.

By way of background, the Report is a daily report that provides a Member (''Recipient Member'') with its liquidity response time details for executions of an order resting on the Simple Order Book.[6] The Report focuses on executions and contra-side responses that occurred after 200 microseconds of the time the resting order was received by the Exchange and within 200 microseconds of receipt of the first attempt to execute against the resting order after the initial 200 microsecond time period has expired.

The following information is included in the Report regarding the resting order: (A) the time the resting order was received by the Exchange; (B) symbol; (C) order reference number, which is a unique reference number assigned to a new order at the time of receipt; (D) whether the Recipient Member is an Affiliate[7] of the Member that entered the resting order;[8] (E) origin type (*e.g.,* Priority Customer,[9] Market Maker[10]); (F) side (buy or sell); and (G) displayed price and size of the resting order.

The following information is included in the Report regarding the execution of the resting order: (A) the MBBO[11] at the time of execution;[12] (B) the ABBO[13] at the time of execution;[14] (C) the time first response that executes against the resting order was received by the Exchange and the size of the execution and type of the response;[15] and (D) whether the response was entered by the Recipient Member.

The following information is included in the Report regarding response(s) sent by the Recipient Member: (A) Recipient Member identifier; (B) the time difference between the time the first response that executes against the resting order was received by the Exchange and the time of each response sent by the Recipient Member, regardless of whether it executed or not;[16] (C) size and type of each response submitted by Recipient Member; and (D) response reference number, which is a unique reference number attached to the response by the Recipient Member.

The Exchange proposes to amend Section 7), Reports, of the Fee Schedule, to add a new row for the Report, which will provide that Members may

[4] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[5] *See* Securities Exchange Act Release No. 96839 (February 8, 2023) (SR–MIAX–2023–02) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Exchange Rule 531, Reports and Market Data Products, to Provide for the New ''Liquidity Taker Event Report—Resting Simple Orders'').

[6] The term ''Simple Order Book'' means ''the Exchange's regular electronic book of orders and quotes.'' *See* Exchange Rule 518(a)(17).

[7] The term ''affiliate'' of or person ''affiliated with'' another person means a person who, directly, or indirectly, controls, is controlled by, or is under common control with, such other person. *See* Exchange Rule 100.

[8] The Report will simply indicate whether the Recipient Member is Affiliate of the Member that entered the resting order and not include any other information that may indicate the identity of the Member that entered the resting order.

[9] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). The number of orders shall be counted in accordance with Interpretation and Policy .01. *See* Exchange Rule 100.

[10] The term ''Market Maker'' refers to ''Lead Market Makers'', ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100.

[11] The term ''MBBO'' means the best bid or offer on the Exchange. *See* Exchange Rule 100.

[12] Exchange Rule 531(c)(1)(ii)(A) provides that if the resting order executes against multiple contra-side responses, only the MBBO at the time of the execution against the first response will be included.

[13] The term ''ABBO'' or ''Away Best Bid or Offer'' means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. *See* Exchange Rule 100.

[14] Exchange Rule 531(c)(1)(ii)(B) further provides that if the resting order executes against multiple contra-side responses, only the ABBO at the time of the execution against the first response will be included.

[15] The time the Exchange received the response order would be in nanoseconds and would be the time the response was received by the Exchange's network, which is before the time the response would be received by the System.

[16] For purposes of calculating this duration of time, the Exchange will use the time the resting order and the Recipient Member's response(s) is received by the Exchange's network, both of which would be before the order and response(s) would be received by the System. This time difference would be provided in nanoseconds.

purchase the Report on a monthly or annual (12-month) basis. The Exchange proposes to assess a monthly fee of $2,000 per month and a fee of $12,000 per year for a 12-month subscription for the Report. Members may cancel their subscription at any time. The Exchange also proposes to specify that for mid-month subscriptions, new subscribers will be charged for the full calendar month for which they subscribe and will be provided Report data for each trading day of the calendar month prior to the day on which they subscribed.

The Exchange intends to begin to offer the Report and charge the proposed fees on March 1, 2023.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Section 6(b)(5) of the Act,[18] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal to adopt fees for the Report is consistent with Section 6(b) of the Act [19] in general, and furthers the objectives of Section 6(b)(4) of the Act [20] in particular, in that it is an equitable allocation of dues, fees and other charges among its Members and other recipients of Exchange data.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the Report further broadens the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The Report also promotes increased transparency through the dissemination of the Report. Particularly, the Report will benefit investors by facilitating their prompt access to the value added information that is included in the Report. The Report will allow Members to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions.

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 13% of the equity options market share and currently the Exchange represents only approximately 7.02% of the equity options market share.[21] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, 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.'' [22] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supra-competitive fees. In the event that a market participant views one exchange's data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. options industry as the Exchange seeks to adopt fees to attract purchasers of the recently introduced Report.

The Exchange believes the proposed fees are reasonable as the proposed fees are both modest and lower than fees charged by the Exchange for similar data products.[23] The proposed fees for this Report are less expensive than the Exchange's existing reports because the Exchange believes that the information provided in the Report may not be as valuable to market participants as the other information contained in the Exchange's similar reports, which measures the data in the first 200 microseconds of the time the resting order was received by the Exchange. While the Exchange believes that this Report is useful, it may not be as helpful as the other reports offered by the Exchange. Indeed, if the Exchange proposed fees that market participants viewed as excessively high, then the proposed fees would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Other options exchanges are also free to introduce their own comparable data products with lower prices to better compete with the Exchange's offering.[24] As such, the Exchange believes that the proposed fees are reasonable and set at a level to compete with other options exchanges that may choose to offer similar reports. Moreover, if a market participant views another exchange's potential report as more attractive, then such market participant can merely choose not to purchase the Exchange's Report and instead purchase another exchange's similar data product, which may offer similar data points, albeit based on that other market's trading activity.

The Exchange also believes providing an annual subscription for an overall lower fee than a monthly subscription is equitable and reasonable because it would enable the Exchange to gauge long-term interest in the Report. A lower annual subscription fee would also incentivize Members to subscribe to the Report on a long-term basis, thereby improving the efficiency by which the Exchange may deliver the Report by doing so on a regular basis over a prolonged and set period of time. The Exchange notes it provides annual subscriptions for similar reports.[25]

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a new market data product to Members that are interested in gaining insight into latency in connection with orders

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(4).

[21] *See* Market at a Glance, *available at https://www.miaxoptions.com/* (last visited February 9, 2023).

[22] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[23] The Exchange offers two Liquidity Taker Event Reports, one for Simple Orders and a second for Complex orders that both focus on executions and contra-side responses received within 200 microseconds of the time the resting order was received by the Exchange. *See* Exchange Rules 531(a) and (b). The Exchange charges a monthly fee of $4,000 and a discounted annual (12 month) fee of $24,000 for each of these reports. *See* Fee Schedule, Section 7, providing fees for the Liquidity Taker Event Report—Simple Orders and the Liquidity Taker Event Report—Complex Orders, *available at https://www.miaxoptions.com/fees/*.

[24] This is supported by the BOX Exchange LLC (''BOX'') recently copying two similar reports recently adopted by the Exchange, namely, the Liquidity Taker Event Report—Simple Orders, described under Exchange Rule 531(a), and the Liquidity Taker Event Report—Complex Orders, described under Exchange Rule 531(b). *See* Securities Exchange Act Release Nos. 94563 (March 31, 2022), 87 FR 19985 (April 6, 2022) (SR–BOX–2022–10); *and* 94920 (May 16, 2022), 87 FR 31013 (May 20, 2022) (SR–BOX–2022–18).

[25] *See* Fee Schedule, Section 7, providing annual subscriptions for the Liquidity Taker Event Report—Simple Orders and the Liquidity Taker Event Report—Complex Orders, *available at https://www.miaxoptions.com/fees/*.

that failed to execute against an order resting on the Exchange's Simple Order Book. The Report accomplishes this by providing those Members data to analyze by how much time their order may have missed an execution against a contra-side order resting on the Simple Order Book. Members may use this data to optimize their models and trading patterns in an effort to yield better execution results by calculating by how much time their order may have missed an execution.

Selling market data, such as the Report, is also a means by which exchanges compete to attract business. To the extent that the Exchange is successful in attracting subscribers for the Report, it may earn trading revenues and further enhance the value of its data products. If the market deems the proposed fees to be unfair or inequitable, firms can diminish or discontinue their use of the data and/or avail themselves of similar products that may be offered by other exchanges.[26] The Exchange, therefore, believes that the proposed fees for the Report reflect the competitive environment and would be properly assessed on Member users. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. It is a business decision of each Member that chooses to purchase the Report. The Exchange's proposed fees would not differentiate between subscribers that purchase the Report and are set at a modest level that would allow any interested Member to purchase such data based on their business needs.

The Exchange reiterates that the decision as to whether or not to purchase the Report is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the Report, and the Exchange is not required to make the Report available to all investors. It is entirely a business decision of each Member to subscribe to the Report. The Exchange offers the Report as a convenience to Members to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A Member that chooses to subscribe to the Report may discontinue receiving the Report at any time if that Member determines that the information contained in the Report is no longer useful.

[26] *See supra* note 24.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange made the Report available in order to keep pace with changes in the industry and evolving customer needs and demands, and believes the data product will contribute to robust competition among national securities exchanges. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable data product with lower prices to better compete with the Exchange's offering. The Exchange operates in a highly competitive environment, and its ability to price the Report is constrained by competition among exchanges who choose to adopt a similar product. The Exchange must consider this in its pricing discipline in order to compete for the market data. For example, proposing fees that are excessively higher than fees for potentially similar data products would simply serve to reduce demand for the Exchange's data product, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed product and fees apply uniformly to any purchaser in that the Exchange does not differentiate between subscribers that purchase the Report. The proposed fees are set at a modest level that would allow any interested Member to purchase such data based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[27] and Rule 19b–4(f)(2) [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 shall institute proceedings to determine whether the proposed rule 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–MIAX–2023–09 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–MIAX–2023–09. 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

[27] 15 U.S.C. 78s(b)(3)(A)(ii).

[28] 17 CFR 240.19b–4(f)(2).

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–MIAX–2023–09, and should be submitted on or before March 29,2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–04684 Filed 3–7–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97023; File No. SR–EMERALD–2023–06]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

March 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 February 24, 2023, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Emerald Fee Schedule (the ''Fee Schedule'') to adopt fees for a new data product known as the Liquidity Taker Event Report—Resting Simple Orders.[3]

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald,* at MIAX's principal office, and at the Commission's Public Reference Room.

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 recently adopted a new data product known as the Liquidity Taker Event Report—Resting Simple Orders (the ''Report''), which will be available for purchase to Exchange Members[4] on a voluntary basis. The Exchange now proposes to adopt fees for the Report. The proposal to adopt the Report was recently published by the Securities and Exchange Commission (''Commission'') and is described under Exchange Rule 531(c).[5] The Report is an optional product available to Members.

By way of background, the Report is a daily report that provides a Member (''Recipient Member'') with its liquidity response time details for executions of an order resting on the Simple Order Book.[6] The Report focuses on executions and contra-side responses that occurred after 200 microseconds of the time the resting order was received by the Exchange and within 200 microseconds of receipt of the first attempt to execute against the resting order after the initial 200 microsecond time period has expired.

The following information is included in the Report regarding the resting order: (A) the time the resting order was received by the Exchange; (B) symbol; (C) order reference number, which is a unique reference number assigned to a new order at the time of receipt; (D) whether the Recipient Member is an Affiliate[7] of the Member that entered the resting order;[8] (E) origin type (*e.g.,* Priority Customer,[9] Market Maker[10]); (F) side (buy or sell); and (G) displayed price and size of the resting order.

The following information is included in the Report regarding the execution of the resting order: (A) the EBBO[11] at the time of execution;[12] (B) the ABBO[13] at the time of execution;[14] (C) the time first response that executes against the resting order was received by the Exchange and the size of the execution and type of the response;[15] and (D) whether the response was entered by the Recipient Member.

The following information is included in the Report regarding response(s) sent by the Recipient Member: (A) Recipient

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See, generally,* Exchange Rule 531(c).

[4] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[5] *See* Securities Exchange Act Release No. 96762 (January 27, 2023), 88 FR 7114 (February 2, 2023) (SR–EMERALD–2023–02) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change by MIAX Emerald, LLC to Amend Exchange Rule 531, Reports, Market Data Products and Services, to provide for the New for the New ''Liquidity Taker Event Report—Resting Simple Orders'').

[6] The term ''Simple Order Book'' means ''the Exchange's regular electronic book of orders and quotes.'' *See* Exchange Rule 518(a)(15).

[7] The term ''affiliate'' of or person ''affiliated with'' another person means a person who, directly, or indirectly, controls, is controlled by, or is under common control with, such other person. *See* Exchange Rule 100.

[8] The Report will simply indicate whether the Recipient Member is Affiliate of the Member that entered the resting order and not include any other information that may indicate the identity of the Member that entered the resting order.

[9] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). The number of orders shall be counted in accordance with Interpretation and Policy .01. *See* Exchange Rule 100.

[10] The term ''Market Maker'' refers to ''Lead Market Makers'', ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100.

[11] The term ''EBBO'' means the best bid or offer on the Exchange. *See* Exchange Rule 100.

[12] Exchange Rule 531(c)(1)(ii)(A) provides that if the resting order executes against multiple contra-side responses, only the EBBO at the time of the execution against the first response will be included.

[13] The term ''ABBO'' or ''Away Best Bid or Offer'' means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. *See* Exchange Rule 100.

[14] Exchange Rule 531(c)(1)(ii)(B) further provides that if the resting order executes against multiple contra-side responses, only the ABBO at the time of the execution against the first response will be included.

[15] The time the Exchange received the response order would be in nanoseconds and would be the time the response was received by the Exchange's network, which is before the time the response would be received by the System.

Member identifier; (B) the time difference between the time the first response that executes against the resting order was received by the Exchange and the time of each response sent by the Recipient Member, regardless of whether it executed or not; [16] (C) size and type of each response submitted by Recipient Member; and (D) response reference number, which is a unique reference number attached to the response by the Recipient Member.

The Exchange proposes to amend Section 7), Reports, of the Fee Schedule, to add a new row for the Report, which will provide that Members may purchase the Report on a monthly or annual (12-month) basis. The Exchange proposes to assess a monthly fee of $2,000 per month and a fee of $12,000 per year for a 12-month subscription for the Report. Members may cancel their subscription at any time. The Exchange also proposes to specify that for mid-month subscriptions, new subscribers will be charged for the full calendar month for which they subscribe and will be provided Report data for each trading day of the calendar month prior to the day on which they subscribed.

The Exchange intends to begin to offer the Report and charge the proposed fees on March 1, 2023.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Section 6(b)(5) of the Act,[18] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal to adopt fees for the Report is consistent with Section 6(b) of the Act [19] in general, and furthers the objectives of Section 6(b)(4) of the Act [20] in particular, in that it is an equitable allocation of dues, fees and other charges among its Members and other recipients of Exchange data.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the Report further broadens the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The Report also promotes increased transparency through the dissemination of the Report. Particularly, the Report will benefit investors by facilitating their prompt access to the value added information that is included in the Report. The Report will allow Members to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions.

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 13% of the equity options market share and currently the Exchange represents only approximately 3.36% of the equity options market share.[21] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, 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.'' [22] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supra-competitive fees. In the event that a market participant views one exchange's data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. options industry as the Exchange seeks to adopt fees to attract purchasers of the recently introduced Report.

The Exchange believes the proposed fees are reasonable as the proposed fees are both modest and lower than fees charged by the Exchange for similar data products.[23] The proposed fees for this Report are less expensive than the Exchange's existing reports because the Exchange believes that the information provided in the Report may not be as valuable to market participants as the other information contained in the Exchange's similar reports, which measures the data in the first 200 microseconds of the time the resting order was received by the Exchange. While the Exchange believes that this Report is useful, it may not be as helpful as the other reports offered by the Exchange. Indeed, if the Exchange proposed fees that market participants viewed as excessively high, then the proposed fees would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Other options exchanges are also free to introduce their own comparable data products with lower prices to better compete with the Exchange's offering.[24] As such, the Exchange believes that the proposed fees are reasonable and set at a level to compete with other options exchanges that may choose to offer similar reports. Moreover, if a market participant views another exchange's potential report as more attractive, then such market participant can merely choose not to purchase the Exchange's Report and instead purchase another exchange's similar data product, which may offer similar data points, albeit based on that other market's trading activity.

The Exchange also believes providing an annual subscription for an overall

[16] For purposes of calculating this duration of time, the Exchange will use the time the resting order and the Recipient Member's response(s) is received by the Exchange's network, both of which would be before the order and response(s) would be received by the System. This time difference would be provided in nanoseconds.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(4).

[21] *See* Market at a Glance, *available at https://www.miaxoptions.com/* (last visited February 8, 2023).

[22] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[23] The Exchange offers two Liquidity Taker Event Reports, one for Simple Orders and a second for Complex orders that both focus on executions and contra-side responses received within 200 microseconds of the time the resting order was received by the Exchange. *See* Exchange Rules 531(a) and (b). The Exchange charges a monthly fee of $4,000 and a discounted annual (12 month) fee of $24,000 for each of these reports. *See* Fee Schedule, Section 7, providing fees for the Liquidity Taker Event Report—Simple Orders and the Liquidity Taker Event Report—Complex Orders *available at https://www.miaxoptions.com/fees/emerald.*

[24] This is supported by the BOX Exchange LLC (''BOX'') recently copying two similar reports recently adopted by the Exchange, namely, the Liquidity Taker Event Report—Simple Orders, described under Exchange Rule 531(a), and the Liquidity Taker Event Report—Complex Orders, described under Exchange Rule 531(b). *See* Securities Exchange Act Release Nos. 94563 (March 31, 2022), 87 FR 19985 (April 6, 2022) (SR–BOX–2022–10); *and* 94920 (May 16, 2022), 87 FR 31013 (May 20, 2022) (SR–BOX–2022–18).

lower fee than a monthly subscription is equitable and reasonable because it would enable the Exchange to gauge long-term interest in the Report. A lower annual subscription fee would also incentivize Members to subscribe to the Report on a long-term basis, thereby improving the efficiency by which the Exchange may deliver the Report by doing so on a regular basis over a prolonged and set period of time. The Exchange notes it provides annual subscriptions for similar reports.[25]

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a new market data product to Members that are interested in gaining insight into latency in connection with orders that failed to execute against an order resting on the Exchange's Simple Order Book. The Report accomplishes this by providing those Members data to analyze by how much time their order may have missed an execution against a contra-side order resting on the Simple Order Book. Members may use this data to optimize their models and trading patterns in an effort to yield better execution results by calculating by how much time their order may have missed an execution.

Selling market data, such as the Report, is also a means by which exchanges compete to attract business. To the extent that the Exchange is successful in attracting subscribers for the Report, it may earn trading revenues and further enhance the value of its data products. If the market deems the proposed fees to be unfair or inequitable, firms can diminish or discontinue their use of the data and/or avail themselves of similar products that may be offered by other exchanges.[26] The Exchange, therefore, believes that the proposed fees for the Report reflect the competitive environment and would be properly assessed on Member users. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. It is a business decision of each Member that chooses to purchase the Report. The Exchange's proposed fees would not differentiate between subscribers that purchase the Report and are set at a modest level that would allow any interested Member to purchase such data based on their business needs.

[25] *See* Fee Schedule, Section 7, providing annual subscriptions to the Liquidity Taker Event Report—Simple Orders and the Liquidity Taker Event Report—Complex Orders *available at https://www.miaxoptions.com/fees/emerald.*

[26] *See supra* note 24.

The Exchange reiterates that the decision as to whether or not to purchase the Report is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the Report, and the Exchange is not required to make the Report available to all investors. It is entirely a business decision of each Member to subscribe to the Report. The Exchange offers the Report as a convenience to Members to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A Member that chooses to subscribe to the Report may discontinue receiving the Report at any time if that Member determines that the information contained in the Report is no longer useful.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange made the Report available in order to keep pace with changes in the industry and evolving customer needs and demands, and believes the data product will contribute to robust competition among national securities exchanges. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable data product with lower prices to better compete with the Exchange's offering. The Exchange operates in a highly competitive environment, and its ability to price the Report is constrained by competition among exchanges who choose to adopt a similar product. The Exchange must consider this in its pricing discipline in order to compete for the market data. For example, proposing fees that are excessively higher than fees for potentially similar data products would simply serve to reduce demand for the Exchange's data product, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed product and fees apply uniformly to any purchaser in that the Exchange does not differentiate between subscribers that purchase the Report. The proposed fees are set at a modest level that would allow any interested Member to purchase such data based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[27] and Rule 19b–4(f)(2)[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 shall institute proceedings to determine whether the proposed rule 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–EMERALD–2023–06 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–EMERALD–2023–06. This file number should be included on the

[27] 15 U.S.C. 78s(b)(3)(A)(ii).

[28] 17 CFR 240.19b–4(f)(2).

subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EMERALD–2023–06, and should be submitted on or before March 29, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–04685 Filed 3–7–23; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97018; File No. SR–ICEEU–2022–027]

Self-Regulatory Organizations; ICE Clear Europe Limited; Order Approving Proposed Rule Change Relating to the Capital Replenishment Plan

March 2, 2023.

I. Introduction

On December 29, 2022, ICE Clear Europe Limited (''ICEEU'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt a capital replenishment plan. The proposed rule change was published for comment in the **Federal Register** on January 17, 2023.[3] The Commission did not receive comments regarding the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

A. Background

ICE Clear Europe is registered with the Commission as a clearing agency for the purpose of clearing security-based swaps. In its role as a clearing agency for security-based swaps, ICE Clear Europe maintains certain financial resources as capital. A number of different laws and regulations require ICEEU to maintain capital, as doing so promotes ICE Clear Europe's resiliency and helps it withstand periods of market stress. In the proposed rule change, ICEEU would adopt a new Capital Replenishment Plan (''CRP'')[4] to explain how ICEEU would replenish its capital following a loss. The proposed adoption of the CRP is designed to address ICEEU's need to replenish capital because of a Clearing Member default, the occurrence of sudden extraordinary one-off losses, net losses resulting from custody or investment risks, or from recurring losses which may arise from general business risks.[5] The CRP would consist of five sections, and would include two appendices and two annexes. Each of these sections is described below. ICEEU would review the CRP annually and would include capital replenishment within its annual default management test schedule.

B. Section 1—Introduction and Background

Section 1 of the CRP introduces the plan, describes the purpose of the plan, and explains ICEEU's approach in developing the plan. As mentioned above, the overall purpose of the plan is to replenish capital following a loss. The proposed CRP: (i) describes actions that ICEEU could take to replenish its capital, for both its own resources contribution to the guaranty fund and for its capital requirement under EMIR; (ii) explains ICEEU's approach to capital management and maintaining capital; and (iii) identifies associated stakeholders and responsibilities.

Section 1 outlines the steps ICEEU would expect to take to replenish capital, including (i) first assessing and using available accumulated financial resources, (ii) then looking to use reasonably calculated forecasts as to future profits, (iii) if those resources are insufficient to restore capital to the legal requirement, by seeking resources from its parent company in the ICE group, and (iv) thereafter, with the approval of its parent and subject to the rights of existing shareholders, by seeking additional capital from third parties. ICEEU may also bypass the first two steps outlined above and immediately request capital from its parent company.

Finally, Section 1 of the CRP assigns the overall accountability for the CRP to the ICEEU President, the ICEEU Finance Director, and the ICEEU Board.

C. Section 2—Responsibilities

While Section 1 of the CRP assigns overall accountability to the President, Finance Director, and Board, Section 2 provides further details on that accountability. Specifically, under Section 2, ICEEU's Finance Director is responsible for monitoring ICEEU's compliance with the applicable regulatory capital requirements, reporting capital adequacy internally and to regulators, escalating matters relating to capital adequacy to ICEEU's President where appropriate, and contributing to the development of plans to increase and/or replenish Eligible Capital as required for ICEEU to continue to meet its regulatory capital requirements. ICEEU's Finance Director also prepares forward-looking calculations of capital adequacy and dividend recommendations.

ICEEU's President is responsible for ensuring ICEEU meets its capital adequacy obligations under relevant laws and regulations. ICEEU's President is also responsible for developing and executing any plans to increase and/or replenish capital as required in order for ICEEU to continue to meet its regulatory capital requirements, where necessary.

The Board Risk Committee is responsible for reviewing and recommending to the Board the principles underlying the capital planning process as well as the Plan itself, and the Board itself would be responsible for approving the principles and the Plan. The Board is also responsible for holding the President accountable for demonstrating adherence to ICEEU capital policies and

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of Proposed Rule Change Relating to the Capital Replenishment Plan; Exchange Act Release No. 96634 (Jan. 11, 2023), 88 FR 2668 (Jan. 17, 2023) (File No. SR–ICEEU–2022–027) (''Notice'').

[4] Capitalized terms not otherwise defined herein have the meanings assigned to them in the CRF or ICEEU's rulebook, as applicable.

[5] *See* Notice, 88 FR 2668.

for reviewing and approving any capital transactions. The Board is also responsible for reviewing and recommending the principles that underpin the capital planning process and reviewing and approving any capital transactions.

D. Section 3—Target Capital Amount

Section 3 of the CRP explains how ICEEU determines its target capital amount in excess of the legal minimum capital requirement. ICEEU is required to maintain capital under a number of different laws and regulations, including regulations issued by the Bank of England and the Commission. ICEEU considers its capital, as calculated in accordance with Article 1(1) of EMIR Capital RTS, to be its Base Capital Requirement.[6]

Section 3 of CRP explains that ICEEU seeks to maintain capital above the threshold at which ICEEU would be required to notify the Bank of England (which is generally 10% above the required capital level). In addition, ICEEU also endeavors to maintain additional capital, on a voluntary basis, approximately equal to an additional 10% of the required capital level plus the 10% buffer referenced above.

E. Section 4—Capital Replenishment Tools

Section 4 of the CRP provides further detail regarding the use of the capital replenishment tools referenced above in different default loss and non-default loss scenarios and related actions to be taken for each tool, including as to the key individuals and departments involved and approvals required, the estimated timing for various actions, relevant documentation requirements, the procedure for determination of the relevant amount of additional resources to be sought or applied from the relevant sources, and the process for consultation with Clearing Members and regulators, among other matters.

F. Section 5, Appendices, and Annexes

Section 5 of the CRP provides a version history. Appendix A provides additional detail on replenishment actions, including the timings for the actions and the personnel that are involved. Appendix B is a glossary of defined terms found in the CRP. Annex 1 consists of template corporate resolutions for ICEEU to use in carrying out certain replenishment actions, while Annex 2 consists of template corporate resolutions for ICEEU's parent company to use in authorizing ICE Clear Europe's replenishment actions.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[7] For the reasons discussed below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[8] and Rules 17Ad–22(e)(2)(v), (3)(ii), and (e)(15) thereunder.[9]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of ICEEU be designed to promote the prompt and accurate clearance and settlement of securities transactions.[10] Based on its review of the record, and for the reasons discussed below, the Commission believes the proposed rule change is consistent with the promotion of the prompt and accurate clearance and settlement of securities transactions at ICEEU because it would adopt the CRP, which establishes ICEEU's procedures for replenishing capital.

The proposed rule is intended to document procedures for replenishing capital. The proposed CRP would facilitate the continued operation of ICEEU following a significant loss from one or more Clearing Member defaults or a non-default loss (including investment or custodial losses and losses from general business risk) by replenishing needed financial resources. The proposed rule would address replenishment to both the minimum legal capital requirement and the higher target level intended to provide additional resources as an operating buffer. The proposed CRP would therefore help enable ICEEU to continue operations, including clearing and settling transactions, following a significant loss that affects ICEEU's capital. The proposed rule change is therefore consistent with the continued prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of Section 17A(b)(3)(F) of the Act.[11]

B. Consistency With Rule 17Ad–22(e)(2)(v) Under the Exchange Act

Rule 17Ad–22(e)(2)(v)[12] provides that the ''covered clearing agency shall establish, implement, maintain and enforce written policies and procedures reasonable designed to, as applicable [. . .] provide for governance arrangements'' that ''specify clear and direct lines of responsibility.''[13]

The Commission believes the proposed rule change is consistent with 17Ad–22(e)(2)(v). The CRP identifies responsibilities of key ICEEU personnel, including the Board, the President, and other stakeholders with respect to ongoing compliance with capital requirements and for capital replenishment when necessary. The proposed CRP also provides for annual review by ICEEU's President, Finance Director, and Board to ensure that it remains up-to-date and is reviewed in accordance with the Clearing House's internal governance processes.

C. Consistency With Rule 17Ad–22(e)(3)(ii) Under the Exchange Act

Rule 17Ad–22(e)(3)(ii)[14] provides that the ''covered clearing agency shall establish, implement, maintain and enforce written policies and procedures reasonable designed to, as applicable [. . .] maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody and other risks that arise in or are borne by the covered clearing agency, which . . . includes plans for the recovery or orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses.''[15]

The Commission believes that the proposed rule is consistent with Rule 17Ad–22(e)(3)(ii). The proposed CRP serves as a recovery tool and part of ICEEU's broader Recovery Plan because it documents tools, arrangements and procedures for replenishing capital resulting from default losses or non-default losses, including losses from general business risk. The proposed CRP further sets out the roles and functions of the Board, ICEEU management and other internal personnel and committees

[6] Commission Delegated Regulation (EU) No. 152/2013 of 19 December 2012 supplementing Regulation (EU) No. 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on capital requirements for central counterparties, as on-shored into UK law following the end of the Brexit transition period.

[7] 15 U.S.C. 78s(b)(2)(C).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 17 CFR 240.17Ad–22(e)(2)(v), (e)(3)(ii), and (e)(15).

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 17 CFR 240.17 Ad–22(e)(2).

[13] 17 CFR 240.17 Ad–22(e)(2)(v).

[14] 17 CFR 240.17Ad–22(e)(3)(ii).

[15] 17 CFR 240.17Ad–22(e)(3)(ii).

in taking such steps to replenish financial resources.

D. Consistency With Rule 17Ad–22(e)(15) Under the Exchange Act

Rule 17Ad–22(e)(15) [16] states that a clearing agency shall ''identify, monitor, and manage, the covered clearing agency's general business risk and hold sufficient liquid net assets funded by equity to cover potential general business losses . . .'' by ''[m]aintaining a viable plan, approved by the board of directors and updated at least annually, for raising additional equity should its equity fall close to or below the amount required under paragraph (e)(15)(ii) of this section.'' [17]

The Commission believes the proposed rule is consistent with Rule 17Ad–22(e)(15). The proposed rule has been approved by the ICEEU Board of Directors, would be reviewed and updated annually, and would outline the tools available to restore additional capital if needed. Specifically, the proposed rule serves as a part of a broader recovery plan and is intended to document tools, arrangements and procedures for replenishing capital when needed, including as a result of losses from general business risk. The capital restoration levels detailed in the proposed rule are based on ICEEU's legal capital requirements and its own target capital level. These are designed to exceed the amount required under Rule 17Ad–22(e)(15)(ii).[18]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act [19] and Rules 17Ad–22(e)(2)(v), (e)(3)(ii), and (e)(15) thereunder.[20]

It is therefore ordered pursuant to Section 19(b)(2) of the Act [21] that the proposed rule change (SR–ICEEU–2022–027), be, and hereby is, approved.[22]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–04682 Filed 3–7–23; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97026; File No. SR–NYSEARCA–2023–19]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Rule 6.76AP–O

March 2, 2023.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 23, 2023, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.76AP–O (Order Execution and Routing) regarding the treatment of routable orders. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 6.76AP–O (Order Execution and Routing) regarding the treatment of routable orders.

Background

Rule 6.76AP–O describes the Exchange's process for order execution and routing. First, subject to certain pricing parameters and allocation guarantees, the Exchange will match eligible interest (*i.e.,* an Aggressing Order or Aggressing Quote) [4] against contra-side interest according to the price-time priority ranking of the resting interest, per Rule 6.76P–O (Order Ranking and Display).[5] Per Rule 6.76AP–O(b), after being matched to the extent possible with local interest (on the Consolidated Book) per paragraph (a) of this Rule, routable orders (or portions thereof) may be routed to Away Market(s) if marketable.[6] The Exchange proposes to amend Rule 6.76AP–O(b) to add new text regarding the handling of such orders as set forth below.

Proposed Rule Change

The Exchange's current order handling and routing system was recently implemented in connection with the Exchange's migration to the Pillar trading platform in July 2022.[7] The Exchange has been operating on Pillar for approximately six months and has identified a performance optimization that will reduce unnecessary processing by Pillar.

Specifically, the Exchange proposes that once an order needs to be routed to an Away Market, Pillar will then determine the venue(s) to which the order should be routed. Currently, this evaluation of price(s) and volume(s) on Away Markets is constantly available in

[16] 17 CFR 240.17Ad–22(e)(15).

[17] 17 CFR 240.17 Ad–22(e)(15)(iii).

[18] 17 CFR 240.17 Ad–22(e)(15)(ii).

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] 17 CFR 240.17Ad–22(e)(2)(v), (e)(3)(ii), and (e)(15).

[21] 15 U.S.C. 78s(b)(2).

[22] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Rule 6.76P–O(a)(5) defining ''Aggressing Order'' or ''Aggressing Quote'' as referring to ''a buy (sell) order or quote that is or becomes marketable against sell (buy) interest on the Consolidated Book.''

[5] *See* Rule 6.76AP–O(a)(1)(A)–(D) (setting forth the criteria for executing incoming interest against the quote of an LMM, up to 40% of the incoming interest, up to the size of the LMM's quote (the ''LMM Guarantee'')).

[6] *See* Rule 6.76AP–O(b)(2) (providing that orders with an instruction not to route are processed per Rule 6.62P–O (Orders and Modifiers)).

[7] The Exchange announced the migration of the fifth and final tranche of symbols to the Pillar trading platform, via Trader Update, *available here: https://www.nyse.com/trader-update/history#110000440092.*

Pillar regardless of whether an order needs to be routed. The Exchange believes that limiting this evaluation solely to when Pillar determines that an order is eligible for routing would optimize Pillar performance because it would eliminate inefficient processing within Pillar. The Exchange believes that the proposed optimization change to process routing information more efficiently would result in faster order processing to the benefit of all market participants.

To effect this change, the Exchange proposes to specify how it will handle marketable routable orders during the discrete period that such orders are being evaluated for routing.[8] If such an order is deemed marketable against Away Market interest,[9] Pillar will make a determination as to the destination, price and size for each routed portion of the order pursuant to Rule 6.94–O(a) (Order Protection).[10] To clarify this proposed order handling, the Exchange proposes to add rule text to Rule 6.76AP–O(b), which would provide that ''[w]hile determining the venue(s) to which the order(s) will be routed, such order(s) may [11] be held non-displayed at the contra-side ABBO [12] and ranked in its respective priority category, per Rule 6.76P–O(e), behind any displayed interest at that price.[13] The Exchange notes that such marketable orders remain executable against incoming interest and interest in the Consolidated Book.

Market participants have the option of designating their orders as non-routable (and executable solely against interest on the Exchange) or routable (and executable against interest available on the Exchange or an Away Market). For participants that choose the latter, proposed Rule 6.76AP–O(b) will clarify the status of such orders in the Consolidated Book during evaluation.

The Exchange anticipates implementing the applicable technology changes in the second quarter of 2023 and will announce by Trader Update the implementation date of this proposed rule change.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[14] in general, and furthers the objectives of Section 6(b)(5),[15] in particular, because it is 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 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.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it is designed to optimize performance on the Pillar trading platform, and would specify the Exchange's handling of marketable routable orders during the discrete period that such orders are being evaluated for routing. The Exchange believes that the proposed optimization change to process routing information more efficiently would result in faster order processing to the benefit of all market participants. In addition, the Exchange believes the proposed change would remove impediments to and perfect the mechanism of a free and open market and a national market system by adding clarity and transparency to Exchange rules that a routable order may [16] be held non-displayed at the ABBO during the period that it is being evaluated for routing.

Further, the Exchange notes that market participants have the option of designating their orders as non-routable (and executable solely against interest on the Exchange) or routable (and executable against interest available on the Exchange or an Away Market). The proposed change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because it will clarify the status of such orders in the Consolidated Book during evaluation.

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 proposed change is not intended to address competition, but rather is being made in connection with technology changes designed to optimize performance on the Pillar trading platform. The proposed change would apply to all similarly-situated market participants that trade on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [17] and Rule 19b–4(f)(6) thereunder.[18] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[19]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

[8] The Exchange's routing determination typically takes a few microseconds.

[9] *See* Rule 1.1. (defining ''Away Market'' as referring to any Trading Center (1) with which the Exchange maintains an electronic linkage, and (2) that provides instantaneous responses to orders routed from the Exchange).

[10] *See* Rule 6.94–O(a) (providing that, subject to exceptions, ''[m]embers shall not effect Trade-Throughs''.)

[11] To avoid creating a locked or crossed market, the Exchange will hold a routable order in a non-displayed state while making the routing determination. However, when a previously displayed order is to be routed, such order will remain displayed while Pillar makes its routing determination.

[12] *See* Rule 1.1. (defining ''ABBO'' (or ''Away Market BBO'') as referring to the best bid(s) or offer(s) disseminated by Away Markets and calculated by the Exchange based on market information the Exchange receives from OPRA).

[13] *See* Rule 6.76P–O(e) (providing that at each price, trading interest is assigned to one of three priority categories: Priority 1—Market Orders; Priority 2—Display Orders; and Priority 3—Non-Display Orders'').

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See supra* note 11.

[17] 15 U.S.C. 78s(b)(3)(A)(iii).

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

under Section 19(b)(2)(B) [20] of the Act 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–NYSEARCA–2023–19 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–NYSEARCA–2023–19. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2023–19 and should be submitted on or before March 29,2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–04687 Filed 3–7–23; 8:45 am]

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[20] 15 U.S.C. 78s(b)(2)(B).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97019; File No. SR–CBOE–2022–058]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Order Approving a Proposed Rule Change To Amend Rule 10.3 Regarding Margin Requirements

March 2, 2023.

I. Introduction

On November 14, 2022, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Cboe Rule 10.3 regarding margin requirements related to cash-settled index options written against exchange-traded funds (''ETF(s)'') that track the same index underlying the option. The proposed rule change was published for comment in the **Federal Register** on December 2, 2022.[3] On January 10, 2023, the Exchange consented to an extension of the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to March 2, 2023. The Commission received no comment letters on the proposal. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange proposed to amend Cboe Rule 10.3, which sets forth margin requirements, and certain exceptions to those requirements, applicable to security positions of Trading Permit Holders' (''TPHs'') customers. Specifically, the Exchange stated that Cboe Rule 10.3(c)(5) generally requires TPHs to obtain from a customer, and maintain, a margin deposit for short cash-settled index options in an amount equal to 100% of the current market value of the option plus 15% (if overlying a broad-based index) or 20% (if overlying a narrow-based index) of the amount equal to the index value multiplied by the index multiplier minus the amount, if any, by which the option is out-of-the-money.[4] The minimum margin required for such an option is 100% of the option current market value plus 10% of the index value multiplied by the index multiplier for a call or 10% of the exercise price multiplied by the index multiplier for a put.[5]

By contrast, Rule 10.3(c)(5)(C)(iii) provides that no margin is required for a call (put) option contract or warrant carried in a short position where there is carried in the same account a long (short) position in equivalent units of the underlying security,[6] and no margin is required for a call (put) index option contract or warrant carried in a short position where there is carried in the same account a long (short) position in an (1) underlying stock basket,[7] (2) index mutual fund, (3) index portfolio receipt (''IPR''),[8] or (4) index portfolio

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 96395 (Nov. 28, 2022), 87 FR 74199 (Dec. 2, 2022) (''Notice'').

[4] *See* Notice at 74201. According to the Exchange, the out-of-the-money amount for a call is any excess of the aggregate exercise price of the option or warrant over the product of the current (spot or cash) index value and the applicable multiplier. The out-of-the-money amount for a put is any excess of the product of the current (spot or cash) index value and the applicable multiplier over the aggregate exercise price of the option or warrant. *See id.* at 74201, n.8.

[5] *See id.* at 74201.

[6] The Exchange states that in computing margin on a position in the underlying security, (a) in the case of a call, the current market value to be used must not be greater than the exercise price and (b) in the case of a put, margin will be the amount required by Cboe Rule 10.3(b)(2), plus the amount, if any, by which the exercise price of the put exceeds the current market value of the underlying. *See id.* at 74201, n.3.

[7] The Exchange defines ''underlying stock basket'' to mean a group of securities that includes each of the component securities of the applicable index and which meets the following conditions: (a) the quantity of each stock in the basket is proportional to its representation in the index, (b) the total market value of the basket is equal to the underlying index value of the index options or warrants to be covered, (c) the securities in the basket cannot be used to cover more than the number of index options or warrants represented by that value and (d) the securities in the basket shall be unavailable to support any other option or warrant transaction in the account. *See* Cboe Rule 10.3(a)(7). *See also* Notice at 74201, n.4.

[8] The Exchange defines IPRs as securities that (a) represent an interest in a unit investment trust (''UIT'') which holds the securities that comprise an index on which a series of IPRs is based; (b) are issued by the UIT in a specified aggregate minimum number in return for a ''Portfolio Deposit'' consisting of specified numbers of shares of stock plus a cash amount; (c) when aggregated in the same specified minimum number, may be

share (''IPS''),[9] that is based on the same index underlying the index option or warrant and having a market value at least equal to the aggregate current index value.

The Exchange stated that, in order for these exceptions to apply, in computing margin on positions in the underlying security, underlying stock basket, index mutual fund, IPR or IPS, as applicable, (1) in the case of a call, the current market value to be used must not be greater than the exercise price, and (2) in the case of a put, margin is the amount required by subparagraph (b)(2) of Rule 10.3, plus the amount, if any, by which the exercise price exceeds the current market value.[10]

The Exchange proposed to amend this exception to margin requirements applicable to short option positions or warrants on indexes that are offset by positions in an underlying stock basket, non-leveraged index mutual fund, or non-leveraged ETF (each, the ''protection'') that is based on the same index as the option, as well as move it within Cboe Rule 10.3 to Rule 10.3(c)(5)(C)(iv)(e).

Specifically, the proposed rule change provides that the margin requirement for an uncovered, short index option or warrant does not apply to a ''protected option or warrant position.'' The proposed rule change identifies a ''protected option'' as a strategy of writing an index option against a holding in an ETF based on the same index as the index option, and differentiates it from a ''covered call,'' which is a strategy of writing an option against a position in an underlying security.[11] The proposed rule change also limits the margin exception to index options written against an underlying stock basket, non-leveraged index mutual fund or non-leveraged ETF (compared to underlying stock basket, index mutual fund, IPR, or IPS under the current rule). The Exchange stated that it proposed to add the non-leveraged limitation to clarify that the exception is not intended to, and does not apply to leveraged instruments.[12] Additionally, the Exchange proposed to not include specific references to IPRs and IPSs in the proposed margin exception for protected options and warrants.[13]

The Exchange also proposed certain conditions that must be met in order for the proposed margin exception to apply. The first proposed condition to qualify for the exception is that the TPH must carry or establish in the same account as the protected option or warrant position protection with an absolute value of not less than 100% of the aggregate underlying index value at either the time the order that created the protected option or warrant position was entered or executed, or the close of business on the trading day the protected option or warrant position was created.[14] The Exchange stated that the aggregate underlying index value used would be that which existed at the same point in time that the clearing broker selects to value the protection.[15] According to the Exchange, this first condition corresponds to the concept of covered writing (such as writing a covered call).[16]

The second proposed condition to qualify for the exception is that the absolute value of the protection must at no time be less than 95% of the aggregate underlying index value associated with the protected option or warrant position.[17] According to the Exchange, this second proposed condition is intended to correspond to covered writing by requiring a market participant to maintain the protection in an amount close to the aggregate underlying index value associated with the protected option or warrant position.[18] The Exchange stated that because the value of the protection typically will not track exactly the aggregate underlying index value (*i.e.,* tracking error), the 95% threshold will require the absolute value of the protection to remain close to the aggregate underlying index value while effectively imposing a cap of 5% on how much the two values may diverge (*i.e.,* the value of the protection may not be more than 5% less than the value of the aggregate underlying index value).[19] According to the Exchange, if the absolute value of the protection falls below 95% of the aggregate underlying index value associated with the protected option or warrant position, the protected option or warrant position would be deemed uncovered and thus no longer eligible for the exception from the uncovered, short index option margin requirement.[20] When that occurs, the Exchange stated that a clearing broker must either collect the required margin amount for the short index option or warrant position, require that the value of the protection be increased to 100% of the aggregate underlying index value, or liquidate the short index option or warrant position.[21]

The third proposed condition to qualify for the exception is to maintain margin in an amount equal to the greater of: (a) the amount, if any, by which the aggregate underlying index value associated with the protected option or warrant position is above (below) the aggregate exercise price of the protected call (put) option or warrant position; or (b) the amount, if any, by which the absolute value of the protection is below the aggregate current underlying index value associated with the protected option or warrant (which would be subject to the 95% threshold imposed by the second proposed condition, as described above).[22]

The Exchange stated that the proposed margin requirement to cover any difference by which the underlying index value is above (below) the exercise price of a call (put), in aggregate, would capture any amount by which a protected option or warrant position is in-the-money (*i.e.,* the amount the aggregate underlying index value exceeds the aggregate exercise price for a short call).[23] Pursuant to this

redeemed from the UIT, which will pay to the redeeming holder the stock and cash then comprising the Portfolio Deposit; and (d) pay holders a periodic cash payment corresponding to the regular cash dividends or distributions declared and paid with respect to the component securities of the stock index on which the IPRs are based, less certain expenses and other charges as set forth in the UIT prospectus. IPRs are ''UIT interests'' within the meaning of the Cboe's rules. *See* Cboe Rule 1.1. *See also* Notice at 74201, n.5. The Exchange defines a UIT Interest as any share, unit, or other interest in or relating to a unit investment trust, including any component resulting from the subdivision or separation of such an interest. *See* Cboe Rule 1.1. *See also* Notice at 74201, n.5.

[9] The Exchange defines IPSs as securities that (a) are issued by an open-end management investment company based on a portfolio of stocks or fixed income securities designed to provide investment results that correspond generally to the price and yield performance of a specified foreign or domestic stock index or fixed income securities index; (b) are issued by such an open-end management investment company in a specified aggregate minimum number in return for a deposit of specified number of shares of stock and/or a cash amount, or a specified portfolio of fixed income securities and/or a cash amount, with a value equal to the next determined net asset value; and (c) when aggregated in the same specified minimum number, may be redeemed at a holder's request by such open-end management investment company, which will pay to the redeeming holder stock and/or cash, or a specified portfolio of fixed income securities and/or cash with a value equal to the next determined net asset value. *See* Cboe Rule 1.1. *See also* Notice at 74201, n.6.

[10] *See* Notice at 74201.

[11] *See id.* at 74201, n.12.

[12] *See id.* at 74201, n.11.

[13] *See id.* According to the Exchange, IPRs and IPSs are commonly referred to as ETFs. *See id.* at n.7.

[14] *See* proposed Cboe Rule 10.3(c)(5)(C)(iv)(e)(1).

[15] *See* Notice at 74202.

[16] *See id.*

[17] *See* proposed Cboe Rule 10.3(c)(5)(C)(iv)(e)(2).

[18] *See* Notice at 74202.

[19] *See id.*

[20] *See id.*

[21] *See id.*

[22] *See* proposed Cboe Rule 10.3(c)(5)(C)(iv)(e)(3); Notice at 74202.

[23] *See* Notice at 74202.

proposed requirement, margin equivalent to the in-the-money amount of the protected option or warrant position would need to be held in the account with that position, which would then be available to offset any debit to that account in the event of an exercise of the protected option or warrant.[24] The Exchange stated that this corresponds to current Cboe Rule 10.3(c)(5)(C)(iii)(c), which requires the value of the protection or underlying stock to be capped at the exercise price of a covered call for no additional margin to be required for that call position and that both approaches prevent any in-the-money amount from contributing equity to the account and being used to support other positions.[25]

According to the Exchange, the proposed alternative margin requirement to cover any difference by which the absolute value of the protection is below the aggregate underlying index value associated with the protected option or warrant would compensate for any tracking error.[26] Pursuant to this proposed requirement, margin equivalent to the value of the divergence between the absolute value of the protection and the aggregate underlying index value would need to be maintained once a protected option or warrant position is created.[27] However, the Exchange stated that this requirement would be rendered moot if the absolute value of the protection fell below 95% of the aggregate underlying index value associated with the protected option or warrant position, because the position at that point would be considered uncovered.[28] To the extent equity is not available in the margin account to meet this requirement, the Exchange stated that a TPH can require its customer to deposit margin into the account.[29] The Exchange stated that it believes this is more practical than requiring the value of the protection to be maintained at 100% of the aggregate underlying index value in actual shares (or applicable units) of the protection, as this would require continuous small transactions in the protection instrument to offset tracking differences (which are generally no larger than 2% according to the Exchange).[30]

Because there may be instances where margin requirements for the in-the-money amount and the tracking error may be duplicative,[31] the Exchange proposed to require only the greater amount of the two to avoid requiring an unnecessarily high amount of margin.[32]

The proposed rule change also deletes Cboe Rule 10.3(c)(5)(C)(iii)(b), as well as the cross-reference to such paragraph and the references to underlying stock basket, index mutual fund, IPR or IPS, as applicable, in current subparagraph (c), as those terms relate specifically to current subparagraph (b). Because this would leave only one section in Cboe Rule 10.3(c)(5)(C)(iii), the proposed rule change deletes subparagraph lettering and combines current subparagraph (iii)(a) and current subparagraph (iii)(c) into a single provision as subparagraph (iii) and makes corresponding conforming changes.[33]

The proposed rule change also makes additional clarifying, non-substantive changes in each subparagraph of Cboe Rule 10.3(c)(5)(C)(iv) to conform language in those subparagraphs to language used throughout Cboe Rule 10.3. Specifically, the proposed rule change amends the provision of each subparagraph to state that the minimum amount of required margin in the circumstances described in each subparagraph applies when the applicable long position is carried ''in the same account as'' the applicable short position, rather than ''also carried.'' This language is consistent with the language in, for example, current Cboe Rule 10.3(c)(5)(C)(iii), as margin requirements are determined generally based on positions held in the same account.[34]

III. Commission Discussion and Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[35] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,[36] which requires, among other things, that the rules of a national securities 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. The Commission also finds that the proposed rule change is consistent with Section 6(c)(3) of the Exchange Act,[37] which authorizes, among other things, a national securities exchange to prescribe standards of financial responsibility or operational capability.

The Commission believes that the proposed rule change would establish a more tailored margin approach for protected options or warrant positions that reflects the differences between protected options and covered options, and that addresses the risks specific to protected options or warrant positions. For example, while both the protected option positions and covered option positions are subject to the risk of exercise where the price or value of the underlying is above (below) the exercise price for a call (put), covered options do not face the risk of ''tracking error.'' Consequently, by providing for margin requirements that are more tailored to the risks associated with protected options or warrant positions, the Commission believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system.

More specifically, by revising the margin requirements for protected option or warrant positions, including requiring that certain conditions are met (as described above), and revising the types of products permitted to be used as protection (*i.e.,* permitting only stock baskets, non-leveraged index mutual funds, and non-leveraged ETFs to function as protection), the Commission believes the proposed rule change will facilitate the use of protected options and warrants as the cost and operational burdens associated with these products under the current approach will be reduced. TPHs will no longer be required to purchase and deposit additional shares related to the underlying index, such as additional shares of an ETF, where the protection value is not at least equal to the aggregate underlying index value. Instead, TPHs will be permitted (subject

[24] *See id.*

[25] *See id.*

[26] *See id.*

[27] *See id.*

[28] *See id.*

[29] *See id.*

[30] *See id.*

[31] The Exchange stated that two out of a total of six possible combinations of underlying index value, exercise price and protection value would result in overlapping margin requirements as proposed. For all other combinations, the Exchange stated that one of the proposed margin requirement alternatives would be zero. *See id.* at 74202, n.13.

[32] *See id.* at 74202.

[33] *See id.* at 74203.

[34] *See id.*

[35] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[36] 15 U.S.C. 78f(b)(5).

[37] 15 U.S.C. 78f(c)(3).

to the requirement that the deficiency not be greater than 5 percent) to post margin in the form of available equity in the margin account or cash or other marginable securities in order to remedy such a deficiency. As a result, TPHs will benefit from a reduction in transaction costs, and to the extent that equity in the margin account is utilized, TPHs will also benefit from a more straightforward process from an operational standpoint with respect to posting required margin.

Lastly, the Commission believes that by imposing the requirement to post margin on protected options or warrant positions that equals the greater of the in-the-money amount of the option or warrant, or the amount by which the aggregate current underlying index value exceeds the absolute value of the protection, while also implementing a requirement that the protection be at all times at least 95% of the aggregate current underlying index value, the proposed rule change addresses the risks associated with protected options or warrant positions (*e.g.,* the risk of exercise of a short position when the option or warrant is in-the-money and tracking error), and appropriately protects investors and the public interest.

Accordingly, for the foregoing reasons, the Commission finds that this proposed rule change is consistent with the Exchange Act.

IV. Conclusion

It is therfore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[38] that the proposed rule change (SR–CBOE–2022–058) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Sherry R. Haywood,

Assistant Secretary.

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[38] 15 U.S.C. 78s(b)(2).

[39] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97029; File No. SR–NYSEARCA–2023–16]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To List and Trade Shares of Alger Weatherbie Enduring Growth ETF

March 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 February 16, 2023, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the following under Rule 8.900–E (Managed Portfolio Shares): Alger Weatherbie Enduring Growth ETF. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Arca Rule 8.900–E permits the listing and trading, or trading pursuant to unlisted trading privileges, of Managed Portfolio Shares, which are securities issued by an actively managed open-end investment management company.[3] Rule 8.900–E(b)(1) requires the Exchange to file separate proposals under Section 19(b) of the Act before listing and trading any series of Managed Portfolio Shares on the Exchange. Therefore, the Exchange is submitting this proposal in order to list and trade Managed Portfolio Shares of the Alger Weatherbie Enduring Growth ETF (the ''Fund'') under Rule 8.900–E.

The Commission has previously approved[4] and noticed for immediate effectiveness[5] rules permitting the listing and trading on the Exchange of Managed Portfolio Shares under NYSE Arca Rule 8.900–E.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Rule 8.900–E(c)(1) provides that the term ''Managed Portfolio Share'' means a security that (a) represents an interest in an investment company registered under the Investment Company Act of 1940 (''Investment Company'') organized as an open-end management investment company that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies; (b) is issued in a Creation Unit, or multiples thereof, in return for a designated portfolio of instruments (and/or an amount of cash) with a value equal to the next determined net asset value and delivered to the Authorized Participant (as defined in the Investment Company's Form N–1A filed with the Commission) through a Confidential Account; (c) when aggregated into a Redemption Unit, or multiples thereof, may be redeemed for a designated portfolio of instruments (and/or an amount of cash) with a value equal to the next determined net asset value delivered to the Confidential Account for the benefit of the Authorized Participant; and (d) the portfolio holdings for which are disclosed within at least 60 days following the end of every fiscal quarter.

[4] *See* Securities Exchange Act Release Nos. 89663 (August 25, 2020), 85 FR 53868 (August 31, 2020) (SR–NYSEArca–2020–48) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of Gabelli ETFs Under Rule 8.900–E, Managed Portfolio Shares); 90528 (November 30, 2020), 85 FR 78389 (December 4, 2020) (SR–NYSEArca–2020–80) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 2, To List and Trade Shares of Alger Mid Cap 40 ETF and Alger 25 ETF Under Rule 8.900–E); and 90683 (December 16, 2020), 85 FR 83665 (December 22, 2020) (SR–NYSEArca–2020–94) (Order Approving a Proposed Rule Change, as Modified by Amendments No. 1 and No. 2, To List and Trade Shares of the AdvisorShares Q Portfolio Blended Allocation ETF and AdvisorShares Q Dynamic Growth ETF Under NYSE Arca Rule 8.900–E).

[5] *See* Securities Exchange Act Release Nos. 92349 (July 19, 2021), 86 FR 39084 (July 23, 2021) (SR–NYSEArca–2021–54) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to List and Trade Shares of the Cambiar Large Cap ETF, Cambiar Small Cap ETF and Cambiar SMID ETF); and 94569 (March 31, 2022), 87 FR 19990 (April 6, 2022) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to List and Trade Shares of the DoubleLine Shiller CAPE U.S. Equities ETF under Rule 8.900–E (Managed Portfolio Shares)).

Description of the Fund and the Trust

The shares of the Fund (the ''Shares'') will be issued by The Alger ETF Trust (the ''Trust''), a business trust organized under the laws of the state of Massachusetts and registered with the Commission as an open-end management investment company.[6] The investment adviser to the Fund will be Fred Alger Management, LLC (the ''Adviser''). Fred Alger & Company, LLC (the ''Distributor'') will serve as the distributor for the Fund's Shares. All statements and representations made in this filing regarding (a) the description of the portfolio or reference assets, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules shall constitute continued listing requirements for listing the Shares on the Exchange, as provided under Rule 8.900–E(b)(1).

Rule 8.900–E(b)(4) provides that, if the investment adviser to the Investment Company issuing Managed Portfolio Shares is registered as a broker-dealer or is affiliated with a broker-dealer, such investment adviser will erect and maintain a ''fire wall'' between the investment adviser and personnel of the broker-dealer or broker-dealer affiliate, as applicable, with respect to access to information concerning the composition of and/or changes to such Investment Company portfolio and/or the Creation Basket.[7] Any person related to the investment adviser or Investment Company who makes decisions pertaining to the Investment Company's portfolio composition or has access to information regarding the Investment Company's portfolio composition or changes thereto or the Creation Basket must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the applicable Investment Company portfolio or changes thereto or the Creation Basket.

Rule 8.900–E(b)(4) is similar to Commentary .03(a)(i) and (iii) to Rule 5.2–E(j)(3); however, Commentary .03(a) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds.[8] Rule 8.900–E(b)(4) is also similar to Commentary .06 to Rule 8.600–E related to Managed Fund Shares, except that Rule 8.900–E(b)(4) relates to establishment and maintenance of a ''fire wall'' between the investment adviser and personnel of the broker-dealer or broker-dealer affiliate, as applicable, with respect to an Investment Company's portfolio and Creation Basket, and not just to the underlying portfolio, as is the case with Managed Fund Shares. The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer. The Adviser has implemented and will maintain a ''fire wall'' with respect to such broker-dealer affiliate regarding access to information concerning the composition of and/or changes to the Fund's portfolio and/or Creation Basket.

In the event (a) the Adviser or any sub-adviser becomes registered as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer, or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to personnel of the broker-dealer or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio and/or Creation Basket. Any person related to the Adviser or the Trust who makes decisions pertaining to the Fund's portfolio composition or that has access to information regarding the Fund's portfolio composition or that has access to information regarding the Fund's portfolio or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio or changes thereto and the Creation Basket.

Further, Rule 8.900–E(b)(5) requires that any person or entity, including an AP Representative (as defined below), custodian, Reporting Authority, distributor, or administrator, who has access to non-public information regarding the Investment Company's portfolio composition or changes thereto or the Creation Basket, must be subject to procedures reasonably designed to prevent the use and dissemination of material non-public information regarding the applicable Investment Company portfolio or changes thereto or the Creation Basket. Moreover, if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity will erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition and/or changes to such Investment Company portfolio or Creation Basket.

Description of the Fund [9]

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order, and the holdings will be consistent with all requirements in the Exemptive Application and Exemptive Order.[10]

[6] The Trust is registered under the Investment Company Act of 1940 (the ''1940 Act''). On November 18, 2022, the Trust filed a registration statement on Form N–1A under the Securities Act of 1933 (the ''1933 Act'') and the 1940 Act for the Fund (File No. 811–23603) (the ''Registration Statement''). The Commission issued an order granting exemptive relief to the Trust (''Exemptive Order'') under the 1940 Act on May 19, 2020 (Investment Company Act Release No. 33869). The Exemptive Order was granted in response to the Trust's application for exemptive relief (the ''Exemptive Application'') (File No. 812–15117). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. The Registration Statement was declared effective by the SEC on February 15, 2023.

[7] Rule 8.900–E(c)(5) provides that the term ''Creation Basket'' means, on any given business day, the names and quantities of the specified instruments (and/or an amount of cash) that are required for an AP Representative to deposit in-kind on behalf of an Authorized Participant in exchange for a Creation Unit and the names and quantities of the specified instruments (and/or an amount of cash) that will be transferred in-kind to an AP Representative on behalf of an Authorized Participant in exchange for a Redemption Unit, which will be identical and will be transmitted to each AP Representative before the commencement of trading.

[8] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel will be subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violations, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above. The Fund will also be required to comply with Exchange rules relating to disclosure, including Rule 5.3–E(i).

[9] The Exchange represents that, for initial and continued listing, the Fund will be in compliance with Rule 10A–3 under the Act. *See* 17 CFR 240.10A–3.

[10] Pursuant to the Exemptive Order, the only permissible investments for the Fund are the following that trade on a U.S. exchange contemporaneously with Shares of the Fund: exchange-traded funds (''ETFs''), exchange-traded notes, exchange-listed common stocks, exchange-traded preferred stocks, exchange-traded American Depositary Receipts, exchange-traded real estate investment trusts, exchange-traded commodity pools, exchange-traded metal trusts, exchange-

According to the Registration Statement, the Fund's primary objective is to seek long-term capital appreciation. The Fund will invest primarily in equity securities of mid-cap growth companies.[11] Under normal circumstances, 80% of companies in the Fund's portfolio, based on net assets, will have an environmental, social and governance (''ESG'') rating, as rated by Sustainalytics, a third-party ESG rating agency.

According to the Registration Statement, in effecting its investment strategy, the Adviser will initially employ a fundamental analysis to identify innovative and dynamic companies that demonstrate promising growth potential such as strong earnings growth and sound stock market values. The Adviser will then use Sustainalytics' ESG ratings to determine whether an identified company is an appropriate investment for the Fund, including determining the impact that the investment would have on the Sustainalytics ESG rating of the Fund's portfolio on a weighted average basis. In selecting and monitoring investments for the Fund, the Adviser will conduct due diligence on Sustainalytics, review the Sustainalytics ESG ratings of existing and potential portfolio investments, and separately engage with identified companies to determine whether a company's Sustainalytics ESG rating seems consistent with the company's practices. As part of the Adviser's fundamental analysis when considering investing in a company without a Sustainalytics ESG rating, the Adviser will consider the company's ESG record in addition to the company's overall growth potential.

The Fund is a non-transparent, actively managed ETF that will not seek to replicate the performance of a specified index.

According to the Registration Statement, the Fund will invest in cash (and cash equivalents) when the Fund is unable to find enough attractive long-term investments to meet its investment objective and/or when it is advisable to do so during times of short-term market volatility. During these times, cash (and cash equivalents) will not exceed 15% of the Fund's assets.

Investment Restrictions

The Fund's holdings will be consistent with all requirements described in the Exemptive Application and Exemptive Order.[12]

The Fund's investments, including derivatives, will be consistent with its investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). That is, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2X or −3X) of any securities benchmark index. As noted above, the Fund will not seek to replicate the performance of a specified index.

Creations and Redemptions of Shares

Creations and redemptions of Shares will take place as described in Rule 8.900–E. Specifically, in connection with the creation and redemption of Creation Units [13] the delivery or receipt of any portfolio securities in-kind will be required to be effected through a separate confidential brokerage account (a ''Confidential Account'').[14] An Authorized Participant (''AP''), as defined in the applicable Form N–1A filed with the Commission, will sign an agreement with an AP Representative [15] establishing the Confidential Account for the benefit of the AP. AP Representatives will be broker-dealers. An AP must be a participant in the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC'') or a participant in the Depository Trust Company (''DTC'') and must have executed an authorized participant agreement (''Participant Agreement'') with the Distributor with respect to the creation and redemption of Creation Units and formed a Confidential Account for its benefit in accordance with the terms of the Participant Agreement. For purposes of creations or redemptions, all transactions will be effected through the respective AP's Confidential Account, for the benefit of the AP, without disclosing the identity of such securities to the AP.

Each business day, the Fund's custodian will transmit the composition of the Fund's Creation Basket (as described below) to each AP Representative. This information will permit an AP that has established a Confidential Account with an AP Representative to transact in the underlying securities of the Creation Basket through their AP Representatives, enabling them to engage in in-kind creation or redemption activity without knowing the identity or weighting of those securities. Fund Shares will be issued and redeemed in Creation Units of 12,500 Shares. The size of a Creation Unit is subject to change. The Fund will offer and redeem Creation Units on a continuous basis at the net asset value (''NAV'') per Share next determined after receipt of an order in proper form. The Fund's NAV per Share will be determined as of the closing time of the regular trading session on the Exchange (ordinarily, 4:00 p.m. E.T.) on each day that the Exchange is open.

In order to keep costs low and permit the Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. The Fund will issue Creation Units principally in

traded currency trusts, and exchange-traded futures for which the reference asset is one in which the Fund may invest directly, in the case of an index future traded on a U.S. exchange, is based on an index, the components of which are a type of asset in which the Fund could invest directly, as well as cash and cash equivalents (which are short-term U.S. Treasury securities, government money market funds, and repurchase agreements). All of the equity instruments or futures held by the Fund will be traded on an exchange that is a member of the Intermarket Surveillance Group (''ISG'') or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[11] For purposes of the Fund's objective, ''mid-cap growth companies'' are those companies that, at the time of purchase of the securities, primarily have total market capitalization within the range of (i) companies included in the Russell Midcap Growth Index, as reported by the index at the most recent quarter end, or (ii) $1 billion to $25 billion. As of December 31, 2022, the companies in this index ranged from $735.7 million to $ 52.8 billion. Because of the Fund's long-term approach to investing, it could have a significant portion of its assets invested in securities of issuers that have appreciated beyond the market capitalization thresholds noted.

[12] *See* note 10, *supra.*

[13] Rule 8.900–E(c)(6) provides that the term ''Creation Unit'' means a specified minimum number of Managed Portfolio Shares issued by an Investment Company at the request of an Authorized Participant in return for a designated portfolio of instruments and/or cash. Rule 8.900–E(c)(7) provides that the term ''Redemption Unit'' means a specified minimum number of Managed Portfolio Shares that may be redeemed to an Investment Company at the request of an Authorized Participant in return for a portfolio of instruments and/or cash. For purposes of this filing, the terms ''Creation Unit'' means either a Creation Unit as defined in Rules 8.900–E(c)(6), or a Redemption Unit as defined in Rule 8.900–E(c)(7).

[14] Rule 8.900–E(c)(4) provides that the term ''Confidential Account'' means an account owned by an Authorized Participant and held with an AP Representative on behalf of the Authorized Participant. The account will be established and governed by contractual agreement between the AP Representative and the Authorized Participant solely for the purposes of creation and redemption, while keeping confidential the Creation Basket constituents of each series of Managed Portfolio Shares, including from the Authorized Participant. The books and records of the Confidential Account will be maintained by the AP Representative on behalf of the Authorized Participant.

[15] Rule 8.900–E(c)(3) provides that the term ''AP Representative'' means an unaffiliated broker-dealer, with which an Authorized Participant has signed an agreement to establish a Confidential Account for the benefit of such Authorized Participant, that will deliver or receive, on behalf of the Authorized Participant, all consideration to or from the Investment Company in a creation or redemption. An AP Representative will not be permitted to disclose the Creation Basket to any person, including the Authorized Participants.

exchange for (i) the in-kind deposit of a designated portfolio of securities (the ''Deposit Securities''), which for each Creation Unit will constitute a substantial replication, or a representation, of the securities included in the Fund's portfolio, and (ii) if applicable, an amount of cash (the ''Cash Component''). Together, the Deposit Securities and the Cash Component, if applicable, constitute the ''Fund Deposit.'' The Deposit Securities and the securities that will be delivered in an in-kind transfer in a redemption (the ''Fund Securities'') will generally be identical, but may not be so under certain circumstances. The Cash Component is an amount equal to the difference between the NAV of the Shares of the Fund (per Creation Unit) and the market value of the Deposit Securities. The Cash Component serves the function of compensating for any differences between the NAV per Creation Unit and the market value of the Deposit Securities.

On each business day, prior to the opening of business on the Exchange (ordinarily, 9:30 a.m. E.T.), the custodian will make available through NSCC the list of the company names and the required number of shares of each Deposit Security, as applicable, and Cash Component, as applicable, to be included in the current Fund Deposit (based on information at the end of the previous business day) for the Fund. The Deposit Securities, as applicable, and Cash Component, as applicable, announced are applicable to purchases of Creation Units until the next-announced composition of the Fund Deposit. When full or partial cash purchases of Creation Units are available or specified for the Fund, they will be effected in essentially the same manner as in-kind purchases thereof.

On any given business day, the names and quantities of the instruments that constitute the Deposit Securities and the names and quantities of the instruments that constitute the Fund Securities will be identical to and will correspond pro rata to the positions in the Fund's portfolio (including cash positions), and these instruments may be referred to, in the case of either a purchase or a redemption, as the ''Creation Basket.''

Placement of Purchase Orders

The Fund will issue Shares through the Distributor on a continuous basis at NAV. The Exchange represents that the issuance of Shares will operate in a manner substantially similar to that of other ETFs. The Fund will issue Shares only at the NAV per Share next determined after an order in proper form is received.

A creation transaction generally begins when an AP enters into an irrevocable creation order with the Fund and delivers to the AP Representative the cash necessary to purchase the designated portfolio of securities that constitute the Creation Basket in the Confidential Account. The AP Representative then purchases and delivers the designated portfolio of securities to the Fund's custodian, and the Fund then instructs the custodian to exchange such portfolio of securities for a specified number of Shares in volumes of Creation Units. The AP Representative will seek to assemble the shares of the Creation Basket in a manner that will not reveal its composition. The Distributor will furnish acknowledgements to those placing such orders that the orders have been accepted, but the Distributor may reject any order which is not submitted in proper form, as described in the Fund's prospectus or Statement of Additional Information (''SAI'').

The NAV of the Fund is expected to be determined once each business day as of the close of the regular trading session on the Exchange (ordinarily, 4:00 p.m. E.T.). An AP must submit an irrevocable purchase order by the time set forth in the Participant Agreement and/or applicable order form, on any business day in order to receive that business day's NAV. On days when the Exchange closes or is anticipated to close earlier than normal, the Fund may require purchase orders to be placed earlier in the day. The date on which an order to purchase (or redeem, as further described below) Creation Units is received and accepted is referred to as the ''Order Placement Date.''

Purchases of Shares will be settled in-kind and/or in cash for an amount equal to the applicable NAV per Share purchased plus applicable transaction fees.[16] The Fund may permit full or partial cash purchases of Creation Units of the Fund under the circumstances described above. When full or partial cash purchases of Creation Units are available or specified for the Fund, they will be effected in essentially the same manner as in-kind purchases thereof. In the case of a full or partial cash purchase, the AP, through the AP Representative, must pay the cash equivalent of the Deposit Securities it would otherwise provide through an in-kind purchase, plus the same Cash Component required to be paid in connection with an in-kind purchase.

Authorized Participant Redemption

The Shares may be redeemed to the Fund in Creation Unit size or multiples thereof as described below. Redemption orders of Creation Units must be placed by or through an AP. Creation Units of the Fund will be redeemable at their NAV per Share next determined after receipt of a redemption request in proper form. Orders to redeem Creation Units must be submitted in proper form prior to the time as set forth in the Participant Agreement.

Each business day, prior to the opening of trading on the Exchange (currently 9:30 a.m., Eastern time), the custodian will transmit to each AP Representative the identity and the required number of each Fund Security and, as applicable and under the circumstances described below, the cash value of the Fund Securities that will be applicable to redemption requests for that day, and the amount of the Cash Redemption Amount (as defined below, if any). A redemption transaction generally begins when an AP enters into an irrevocable redemption order with the Fund. The Fund then instructs the custodian to deliver a designated portfolio of securities that constitute the Creation Basket to the appropriate AP Representative's Confidential Account in exchange for the Fund Shares in volumes of Creation Units being redeemed. Orders to redeem Creation Units must submitted in proper form prior to the time as set forth in the Participant Agreement.

Redemption proceeds for a Creation Unit are paid in-kind, in cash, or combination thereof, as determined by the Trust. With respect to in-kind redemptions of the Fund, redemption proceeds for a Creation Unit will consist of Fund Securities, as announced by the custodian on the business day of the request for redemption received in proper form plus cash in an amount equal to the difference between the NAV of the Shares of the Fund being redeemed, as next determined after a receipt of a request in proper form, and the value of Fund Securities (the ''Cash Redemption Amount''), less any fixed redemption transaction fee as set forth below and any applicable additional variable charge as set forth below. In the event that the Fund's securities have a value greater than the NAV of the Shares of the Fund, the Cash Redemption Amount equal to the differential is required to be made by the AP to the Fund. The Participant Agreement signed by each AP will require establishment of a Confidential

[16] To the extent that the Fund allows creations or redemptions to be conducted in cash, such transactions will be effected in the same manner for all APs transacting in cash.

Account to receive distributions of securities in-kind upon redemption. Each AP will be required to open a Confidential Account with an AP Representative in order to facilitate orderly processing of redemptions.

Net Asset Value

The NAV will be calculated for the Shares of the Fund on each business day. The Fund's NAV is determined as of the close of regular trading on the New York Stock Exchange, normally 4:00 p.m., E.T. The NAV of the Fund's Shares is determined by adding the total value of its assets, subtracting its liabilities and then dividing the result by the number of Shares outstanding.

The assets of the Fund are generally are valued each day at the last quoted sales price on each security's primary exchange or official closing price as reported by an independent pricing service on the primary market or exchange on which they are traded, or, in the absence of reported sales, at the most recent bid price. If market prices are not readily available or the Fund thinks that they are unreliable, or when the value of a security has been materially affected by events occurring after the relevant market closes, the Fund will price those securities at fair value as determined in good faith using methods approved by the Fund's Board.

More information about the valuation of the Fund's holdings can be found in the SAI.

Information regarding the Fund's NAV and how often Shares of the Fund traded at a price above (*i.e.,* at a premium) or below (*i.e.,* at a discount) the Fund's NAV will be available on the Fund's website (*www.alger.com*).

Availability of Information

The Fund's website, *www.alger.com,* will include the prospectus for the Fund that may be downloaded. The Fund's website will include additional quantitative information updated on a daily basis, including the prior business day's NAV, market closing price or mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[17] and a calculation of the premium and discount of the market closing price or Bid/Ask Price against the NAV. The website and information will be publicly available at no charge.

Form N–PORT requires reporting of the Fund's complete portfolio holdings on a position-by-position basis on a quarterly basis within 60 days after fiscal quarter end. Investors can obtain the Fund's SAI, its shareholder reports, its Form N–CSR, filed twice a year, and its Form N–CEN, filed annually. The Fund's SAI and shareholder reports are available free upon request from the Fund, and those documents and the Form N–PORT, Form N–CSR, and Form N–CEN may be viewed onscreen or downloaded from the Commission's website at *www.sec.gov.*

Information regarding market price and trading volume of the Shares will be continually available to market participants on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. In addition, the Verified Intraday Indicative Value (''VIIV''), as defined in Rule 8.900–E(c)(2),[18] will be widely disseminated by the Reporting Authority [19] and/or one or more major market data vendors in one second intervals during the Exchange's Core Trading Session.

Dissemination of the VIIV

With respect to trading of the Shares, the ability of market participants to buy and sell Shares at prices near the VIIV is dependent upon their assessment that the VIIV is a reliable, indicative real-time value for the Fund's underlying holdings. Market participants are expected to accept the VIIV as a reliable, indicative real-time value because (1) the VIIV will be calculated and disseminated based on the Fund's actual portfolio holdings, (2) the securities in which the Fund plans to invest are generally highly liquid and actively traded and trade at the same time as the Fund and therefore generally have accurate real time pricing available, and (3) market participants will have a daily opportunity to evaluate whether the VIIV at or near the close of trading is indeed predictive of the actual NAV.

The VIIV will be widely disseminated by the Reporting Authority and/or by one or more major market data vendors in one second intervals during the Core Trading Session and will be disseminated to all market participants at the same time. The VIIV is based on the current market value of the securities in the Fund's portfolio that day. The methodology for calculating the Fund's VIIV will be available on the Fund's website. The VIIV is intended to provide investors and other market participants with a highly correlated per Share value of the underlying portfolio that can be compared to the current market price. Therefore, under normal circumstances the VIIV would be effectively a near real time approximation of the Fund's NAV, which will be computed only once a day, and is available free of charge from one or more market data vendors.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[20] Trading in Shares of the Fund will be halted if the circuit breaker parameters in Rule 7.12–E have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Shares will be subject to Rule 8.900–E(d)(2)(C), which sets forth circumstances under which Shares of the Fund will be halted.

Specifically, Rule 8.900–E(d)(2)(C)(i) provides that the Exchange may consider all relevant factors in exercising its discretion to halt trading in a series of Managed Portfolio Shares. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the series of Managed Portfolio Shares inadvisable. These may include: (a) the extent to which trading is not occurring in the securities and/or the financial instruments composing the portfolio; or (b) whether other unusual conditions or circumstances detrimental

[17] The Bid/Ask Price of the Fund's Shares is determined using the mid-point between the current national best bid and offer at the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund or their service providers.

[18] Rule 8.900–E(c)(2) provides that the term ''Verified Intraday Indicative Value'' is the indicative value of a Managed Portfolio Share based on all of the holdings of a series of Managed Portfolio Shares as of the close of business on the prior business day and, for corporate actions, based on the applicable holdings as of the opening of business on the current business day, priced and disseminated in one second intervals during the Core Trading Session by the Reporting Authority.

[19] Rule 8.900–E(c)(8) provides that the term ''Reporting Authority'' in respect of a particular series of Managed Portfolio Shares means the Exchange, an institution, or a reporting service designated by the Exchange or by the exchange that lists a particular series of Managed Portfolio Shares (if the Exchange is trading such series pursuant to unlisted trading privileges), as the official source for calculating and reporting information relating to such series, including, but not limited to, the NAV, the VIIV, or other information relating to the issuance, redemption, or trading of Managed Portfolio Shares. A series of Managed Portfolio Shares may have more than one Reporting Authority, each having different functions.

[20] *See* Rule 7.12–E.

to the maintenance of a fair and orderly market are present.[21]

Rule 8.900–E(d)(2)(C)(ii) provides that, if the Exchange becomes aware that: (i) the VIIV of a series of Managed Portfolio Shares is not being calculated or disseminated in one second intervals, as required; (ii) the NAV with respect to a series of Managed Portfolio Shares is not disseminated to all market participants at the same time; (iii) the holdings of a series of Managed Portfolio Shares are not made available on at least a quarterly basis as required under the 1940 Act; or (iv) such holdings are not made available to all market participants at the same time (except as otherwise permitted under the currently applicable exemptive order or no-action relief granted by the Commission or Commission staff to the Investment Company with respect to the series of Managed Portfolio Shares), it will halt trading in such series until such time as the VIIV, the NAV, or the holdings are available, as required.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the Exchange in all trading sessions in accordance with Rule 7.34–E(a). As provided in Rule 7.6–E, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00, for which the MPV for order entry is $0.0001. A minimum of 50,000 Shares of the Fund will be outstanding at the commencement of trading on the Exchange.

The Shares will conform to the initial and continued listing criteria under Rule 8.900–E, as well as all terms in the Exemptive Order. The Exchange will obtain a representation from the issuer of the Shares of the Fund that the NAV per Share of the Fund will be calculated daily and will be made available to all market participants at the same time.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products. As part of these surveillance procedures and consistent with Rule 8.900–E(b)(3) and 8.900–E(d)(2)(B), the Adviser will upon request make available to the Exchange and/or the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, the daily portfolio holdings of the Fund. The issuer of the Shares of the Fund will be required to represent to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 5.5–E(m).

FINRA, on behalf of the Exchange, or the regulatory staff of the Exchange, or both, will communicate as needed regarding trading in the Shares and certain exchange-traded instruments with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and FINRA, on behalf of the Exchange, or the regulatory staff of the Exchange, or both, may obtain trading information regarding trading such securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and certain exchange-traded instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[22] in general, and furthers the objectives of Section 6(b)(5) of the Act,[23] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, 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.

The Exchange believes that this proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Fund would meet each of the rules relating to listing and trading of Managed Portfolio Shares. To the extent that the Fund is not in compliance with such rules, the Exchange would either prevent the Fund from listing and trading on the Exchange or commence delisting procedures under Rule 8.900–E(d)(2)(B). Specifically, the Exchange would consider the suspension of trading, and commence delisting proceedings under Rule 8.900–E(d)(2)(B), of the Fund under any of the following circumstances: (a) if, following the initial twelve-month period after commencement of trading on the Exchange, there are fewer than 50 beneficial holders of the Fund; (b) if the Exchange has halted trading in the Fund because the VIIV is interrupted pursuant to Rule 8.900–E(d)(2)(C)(ii) and such interruption persists past the trading day in which it occurred or is no longer available; (c) if the Exchange has halted trading in the Fund because the net asset value with respect to such Fund is not disseminated to all market participants at the same time, the holdings of such Fund are not made available on at least a quarterly basis as required under the 1940 Act, or such holdings are not made available to all market participants at the same time pursuant to Rule 8.900–E(d)(2)(C)(ii) and such issue persists past the trading day in which it occurred; (d) if the Exchange has halted trading in Shares of the Fund pursuant to Rule 8.900–E(d)(2)(C)(i) and such issue persists past the trading day in which it occurred; (e) if the Fund has failed to file any filings required by the Commission or if the Exchange is aware that the Fund is not in compliance with the conditions of any currently applicable exemptive order or no-action relief granted by the Commission or Commission staff with respect to the Fund; (f) if any of the continued listing requirements set forth in Rule 8.900–E are not continuously maintained; (g) if any of the statements

[21] The Exemptive Application provides that the Investment Company or their agent will request that the Exchange halt trading in the applicable series of Managed Portfolio Shares where: (i) the intraday indicative values calculated by the calculation engines differ by more than 25 basis points for 60 seconds in connection with pricing of the VIIV; or (ii) holdings representing 10% or more of a series of Managed Portfolio Shares' portfolio have become subject to a trading halt or otherwise do not have readily available market quotations. Any such requests will be one of many factors considered in order to determine whether to halt trading in a series of Managed Portfolio Shares and the Exchange retains sole discretion in determining whether trading should be halted. As provided in the Exemptive Application, each series of Managed Portfolio Shares would employ a pricing verification agent to continuously compare two intraday indicative values during regular trading hours in order to ensure the accuracy of the VIIV.

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(5).

of representations regarding (a) the description of the portfolio, (b) limitations on portfolio holdings, or (c) the applicability of Exchange listing rules as specified herein to permit the listing and trading of the Fund, are not continuously maintained; or (h) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable.

As discussed above, the Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented and will maintain a ''fire wall'' with respect to such affiliate broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio and Creation Basket. In the event that (a) the Adviser becomes registered as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, the Adviser will implement and maintain a fire wall with respect to personnel of the broker-dealer or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio and/or Creation Basket. Any person related to the Adviser or the Trust who makes decisions pertaining to the Fund's portfolio composition or that has access to information regarding the Fund's portfolio or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio or changes thereto and the Creation Basket.

In addition, Rule 8.900–E(b)(5) requires that any person or entity, including an AP Representative, custodian, Reporting Authority, distributor, or administrator, who has access to non-public information regarding the Investment Company's portfolio composition or changes thereto or the Creation Basket, must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the applicable Investment Company portfolio or changes thereto or the Creation Basket. Moreover, if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity will erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition and/or changes to such Investment Company portfolio or Creation Basket. Any person or entity who has access to information regarding the Fund's portfolio composition or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the portfolio or changes thereto or the Creation Basket.

The Exchange further believes that Rule 8.900–E is designed to prevent fraudulent and manipulative acts and practices related to the listing and trading of Shares of the Fund because it provides meaningful requirements about both the data that will be made publicly available about the Shares, as well as the information that will only be available to certain parties and the controls on such information. Specifically, the Exchange believes that the requirements related to information protection set forth in Rule 8.900–E(b)(5) will act as a safeguard against misuse and improper dissemination of information related to the Fund's portfolio composition, the Creation Basket, or changes thereto. The requirement that any person or entity implement procedures to prevent the use and dissemination of material non-public information regarding the portfolio or Creation Basket will act to prevent any individual or entity from sharing such information externally and the internal ''fire wall'' requirements applicable where an entity is a registered broker-dealer or affiliated with a broker-dealer will act to make sure that no entity will be able to misuse the data for their own purposes. Accordingly, the Exchange believes that this proposal is designed to prevent fraudulent and manipulative acts and practices.

The Exchange further believes that the proposal is designed to prevent fraudulent and manipulative acts and practices related to the listing and trading of Shares of the Fund and to promote just and equitable principles of trade and to protect investors and the public interest because the Exchange would halt trading under certain circumstances under which trading in the Shares of the Fund may be inadvisable. Specifically, trading in the Shares will be subject to Rule 8.900–E(d)(2)(C)(i), which provides that the Exchange may consider all relevant factors in exercising its discretion to halt trading in the Fund. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the series of Managed Portfolio Shares inadvisable. These may include: (a) the extent to which trading is not occurring in the securities and/or the financial instruments composing the portfolio; or (b) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[24] Additionally, trading in the Shares will be subject to Rule 8.900–E(d)(2)(C)(ii), which provides that the Exchange would halt trading where the Exchange becomes aware that: (a) the VIIV of a series of Managed Portfolio Shares is not being calculated or disseminated in one second intervals, as required; (b) the NAV with respect to a series of Managed Portfolio Shares is not disseminated to all market participants at the same time; (c) the holdings of a series of Managed Portfolio Shares are not made available on at least a quarterly basis as required under the 1940 Act; or (d) such holdings are not made available to all market participants at the same time (except as otherwise permitted under the currently applicable exemptive order or no-action relief granted by the Commission or Commission staff to the Investment Company with respect to the series of Managed Portfolio Shares). The Exchange would halt trading in such Shares until such time as the VIIV, the NAV, or the holdings are available, as required.

With respect to the proposed listing and trading of Shares of the Fund, the Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Rule 8.900–E.[25] The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order.[26] As noted above, FINRA, on behalf of the Exchange, or the regulatory staff of the Exchange, or both, will communicate as needed regarding trading in the Shares and the underlying exchange-traded instruments with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, or the regulatory staff of the Exchange, or both, may obtain trading information regarding trading such instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and the underlying exchange-traded instruments from markets and other entities that are members of ISG or with which the Exchange has in place

[24] *See* note 21, *supra.*

[25] The Exchange represents that, for initial and continued listing, the Fund will be in compliance with Rule 10A–3 under the Act. *See* 17 CFR 240.10A–3.

[26] *See* note 10, *supra.*

a comprehensive surveillance sharing agreement.

With respect to trading of Shares of the Fund, the ability of market participants to buy and sell Shares at prices near the VIIV is dependent upon their assessment that the VIIV is a reliable, indicative real-time value for the Fund's underlying holdings. Market participants are expected to accept the VIIV as a reliable, indicative real-time value because (1) the VIIV will be calculated and disseminated based on the Fund's actual portfolio holdings, (2) the securities in which the Fund plans to invest are generally highly liquid and actively traded and trade at the same time as the Fund and therefore generally have accurate real time pricing available, and (3) market participants will have a daily opportunity to evaluate whether the VIIV at or near the close of trading is indeed predictive of the actual NAV.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation that the NAV per Share of the Fund will be calculated daily and that the NAV will be made available to all market participants at the same time. Investors can also obtain the Fund's SAI, its shareholder reports, its Form N–CSR (filed twice a year), and its Form N–CEN (filed annually). The Fund's SAI and shareholder reports will be available free upon request from the Fund, and those documents and the Form N–PORT, Form N–CSR, and Form N–CEN may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.* In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. Quotation and last sale information for the Shares will be available via the CTA high-speed line. Information regarding the VIIV will be widely disseminated in one second intervals throughout the Core Trading Session by the Reporting Authority and/or one or more major market data vendors. The website for the Fund will include a prospectus for the Fund that may be downloaded, and additional data relating to NAV and other applicable quantitative information, updated on a daily basis. Moreover, prior to the commencement of trading, the Exchange will inform its members in an Information Bulletin of the special characteristics and risks associated with trading the Shares.

In addition, as noted above, investors will have ready access to the VIIV, and quotation and last sale information for the Shares. The Shares will conform to the initial and continued listing criteria under Rule 8.900–E. The Fund's investments, including derivatives, will be consistent with its investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). That is, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2X or −3X) of any securities benchmark index.

The Exchange also believes that the proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of actively-managed exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the VIIV and quotation and last sale information for the Shares.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

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 believes the proposed rule change would permit the listing and trading of an additional actively-managed exchange-traded product, thereby promoting competition among exchange-traded products to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[27] and subparagraph (f)(6) of Rule 19b–4 thereunder.[28]

A proposed rule change filed under Rule 19b–4(f)(6)[29] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[30] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay to allow the Exchange to implement the proposal as soon as possible. The Exchange notes that the Commission has previously issued a notice of filing for immediate effectiveness of a proposed rule change relating to proposed listing on the Exchange of other funds similar to other issues of Managed Portfolio Shares.[31] The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal does not raise any new or novel issues. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[32]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing,

[27] 15 U.S.C. 78s(b)(3)(A)(iii).

[28] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[29] 17 CFR 240.19b–4(f)(6).

[30] 17 CFR 240.19b–4(f)(6)(iii).

[31] *See,* note 5, *supra.*

[32] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–NYSEARCA–2023–16 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–NYSEARCA–2023–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–NYSEARCA–2023–16 and should be submitted on or before March 29, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97028; File No. SR–MEMX–2023–05]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule

March 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 February 28, 2023, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members[3] (the ''Fee Schedule'') pursuant to Exchange Rules 15.1(a) and (c). The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on March 1, 2023. The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Fee Schedule to: (i) reduce the base rebate for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity to the Exchange (such orders, ''Added Displayed Volume''); (ii) reduce the base rebate for executions of Retail Orders[4] in securities priced at or above $1.00 per share that add displayed liquidity to the Exchange (such orders, ''Added Displayed Retail Volume''); (iii) reduce the base rebates for executions of orders in securities priced at or above $1.00 per share that add non-displayed liquidity to the Exchange (such orders, ''Added Non-Displayed Volume''); (iv) modify the Liquidity Provision Tiers; (v) modify the required criteria under NBBO Setter/Joiner Tier 1; (vi) modify the Non-Display Add Tiers; (vii) modify Liquidity Removal Tier 1 and adopt a new Liquidity Removal Tier 2; (viii) modify the required criteria under the Sub-Dollar Rebate Tier; and (ix) eliminate the special pricing for executions of Pegged Orders[5] with a Midpoint Peg[6] instruction (such orders, ''Midpoint Peg Orders'') and a time-in-force (''TIF'') instruction of IOC[7] or FOK[8] that execute at the midpoint of the national best bid and offer (''NBBO'') and remove liquidity from the Exchange upon entry (such orders, ''Midpoint Peg IOC/FOK Orders'').

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues, to which market participants may direct their order flow. Based on publicly

[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1.5(p).

[4] A ''Retail Order'' means an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization (''RMO''), provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. *See* Exchange Rule 11.21(a).

[5] *See* Exchange Rule 11.6(h).

[6] *See* Exchange Rule 11.6(h)(2).

[7] *See* Exchange Rule 11.6(o)(1).

[8] *See* Exchange Rule 11.6(o)(3).

available information, no single registered equities exchange currently has more than approximately 15% of the total market share of executed volume of equities trading.[9] Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow, and the Exchange currently represents approximately 3% of the overall market share.[10] The Exchange in particular operates a ''Maker-Taker'' model whereby it provides rebates to Members that add liquidity to the Exchange and charges fees to Members that remove liquidity from the Exchange. The Fee Schedule sets forth the standard rebates and fees applied per share for orders that add and remove liquidity, respectively. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing, which provides Members with opportunities to qualify for higher rebates or lower fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Reduce Base Rebate for Added Displayed Volume

Currently, the Exchange provides a base rebate of $0.0020 per share for executions of Added Displayed Volume. The Exchange now proposes to reduce the base rebate for executions of Added Displayed Volume to $0.0018 per share.[11] The purpose of reducing the base rebate for executions of Added Displayed Volume is for business and competitive reasons, as the Exchange believes that reducing such rebate as proposed would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The Exchange notes that despite the reduction proposed herein, the proposed base rebate for executions of Added Displayed Volume remains in line with, or higher than, the base rebates provided by other exchanges for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity.[12]

Reduce Base Rebate for Added Displayed Retail Volume

Currently, the Exchange provides a base rebate of $0.0035 per share for executions of Added Displayed Retail Volume. The Exchange now proposes to reduce the base rebate for executions of Added Displayed Retail Volume to $0.0034 per share.[13] The purpose of reducing the base rebate for executions of Added Displayed Retail Volume is for business and competitive reasons, as the Exchange believes that reducing such rebate as proposed would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The Exchange notes that despite the reduction proposed herein, the proposed base rebate for executions of Added Displayed Retail Volume remains higher than, and competitive with, the base rebates provided by other exchanges for executions of attested retail orders in securities priced at or above $1.00 per share that add displayed liquidity.[14]

Reduce Base Rebates for Added Non-Displayed Volume

The Exchange is proposing to uniformly reduce the base rebates provided for executions of Added Non-Displayed Volume, which is comprised of the three following types of orders: (i) Midpoint Peg Orders in securities priced at or above $1.00 per share that add liquidity to the Exchange (such orders, ''Added Midpoint Volume''); (ii) orders, which are not orders subject to Display-Price Sliding that receive price improvement when executed or Midpoint Peg Orders, in securities priced at or above $1.00 per share that add non-displayed liquidity to the Exchange (such orders, ''Added Non-Midpoint Hidden Volume''); and (iii) orders in securities priced at or above $1.00 per share subject to Display-Price Sliding that add liquidity to the Exchange and receive price improvement when executed (such orders, ''Added Price-Improved Volume'').

Currently, the Exchange provides base rebates of $0.0015 per share for executions of Added Midpoint Volume, Added Non-Midpoint Hidden Volume, and Added Price-Improved Volume. The Exchange now proposes to reduce each of these base rebates to $0.0010 per share.[15] The purpose of uniformly reducing the standard rebates for executions of Added Midpoint Volume, Add Non-Midpoint Hidden Volume, and Added Price-Improved Volume is for business and competitive reasons, as the Exchange believes reducing such rebates as proposed would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The Exchange notes that the proposed base rebate for executions of Added Midpoint Volume remains in line and competitive with the base rebates provided by at least one other exchange for executions of similar orders.[16] The

[9] Market share percentage calculated as of February 28, 2023. The Exchange receives and processes data made available through consolidated data feeds (*i.e.,* CTS and UTDF).

[10] *Id.*

[11] The proposed base rebate for executions of Added Displayed Volume is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume'' with a Fee Code of ''B'', ''D'' or ''J'', as applicable, on execution reports.

[12] *See, e.g.,* the Nasdaq Stock Market LLC (''Nasdaq'') Price List—Trading Connectivity (available at *http://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2*), which reflects a base rebate of $0.0018 per share for executions of orders in Tape A and Tape B securities priced at or above $1.00 per share that add displayed liquidity and a base rebate of $0.0013 per share for executions of orders in Tape C securities priced at or above $1.00 per share that add displayed liquidity; the Cboe BZX Exchange, Inc. (''Cboe BZX'') equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*), which reflects a base rebate of $0.0016 per share for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity.

[13] The proposed base rebate for executions of Added Displayed Retail Volume is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume, Retail Order'' with a Fee Code of ''Br'', ''Dr'' or ''Jr'', as applicable, on execution reports.

[14] *See, e.g.,* the Cboe BZX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*), which reflects a base rebate of $0.0032 per share for executions of attested retail orders in securities priced at or above $1.00 per share that add displayed liquidity; the Cboe EDGX Exchange, Inc. (''Cboe EDGX'') equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/*), which reflects a base rebate of $0.0032 per share for executions of attested retail orders in securities priced at or above $1.00 per share that add displayed liquidity.

[15] The proposed base rebate for executions of Added Midpoint Volume is referred to by the Exchange on the Fee Schedule under the existing description ''Added non-displayed volume, Midpoint Peg'' and such orders will continue to receive a Fee Code of ''M'' on execution reports. The proposed base rebate for executions of Added Non-Midpoint Hidden Volume is referred to by the Exchange on the Fee Schedule under the existing description ''Added non-displayed volume'' and such orders will continue to receive a Fee Code of ''H'' on execution reports. The proposed base rebate for executions of Added Price-Improved Volume is referred to by the Exchange on the Fee Schedule under the existing description ''Added volume, order subject to Display-Price Sliding that receives price improvement when executed'' and such orders will continue to receive a Fee Code of ''P'' on execution reports.

[16] *See, e.g.,* the Nasdaq Price List—Trading Connectivity (available at *http://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2*), which reflects a base rebate of $0.0014 per share for executions of orders in Tape A and Tape B securities priced at

Exchange also notes that the proposed base rebate for executions of Added Non-Midpoint Hidden Volume remains in line and competitive with the base rebate provided by at least one other exchange for executions of similar orders.[17] Additionally, the Exchange believes it is appropriate to also provide the same base rebate for executions of Added Price-Improved Volume as for executions of Added Midpoint Volume and Added Non-Midpoint Hidden Volume, as all of these orders similarly add liquidity to the Exchange and are executed at prices that are not displayed on the Exchange's order book, and the Exchange notes that all of these orders are also currently subject to the same base rebate and pricing structure today.

Liquidity Provision Tiers

The Exchange currently provides a base rebate of $0.0020 per share for executions of Added Displayed Volume, which the Exchange is proposing to reduce to $0.0018 per share, as described above. The Exchange also currently offers Liquidity Provision Tiers 1–6 under which a Member may receive an enhanced rebate for executions of Added Displayed Volume by achieving the corresponding required volume criteria for each such tier. The Exchange now proposes to modify the Liquidity Provision Tiers by reducing the rebates for executions of Added Displayed Volume and modifying the required criteria under such tiers and eliminating Liquidity Provision Tier 6, as further described below.

With respect to Liquidity Provision Tier 1, the Exchange currently provides an enhanced rebate of $0.0034 per share for executions of Added Displayed Volume for Members that qualify for such tier by achieving: (1) a Displayed ADAV [18] that is equal to or greater than 0.40% of the TCV; [19] or (2) an ADAV that is equal to or greater than 0.30% of the TCV and a Step-Up ADAV [20] from November 2022 that is equal to or greater than 0.10% of the TCV. The Exchange now proposes to reduce the rebate for executions of Added Displayed Volume under Liquidity Provision Tier 1 to $0.00335 per share and to modify the required criteria such that a Member would now qualify for such tier by achieving an ADAV (excluding Retail Orders) that is equal to or greater than 0.45% of the TCV.[21] The Exchange is not proposing to change the rebate for executions of orders in securities priced below $1.00 per share under such tier.

With respect to Liquidity Provision Tier 2, the Exchange currently provides an enhanced rebate of $0.0033 per share for executions of Added Displayed Volume for Members that qualify for such tier by achieving: (1) an ADAV that is equal to or greater than 0.25% of the TCV; and (2) a Non-Displayed ADAV [22] that is equal to or greater than 5,000,000 shares. The Exchange now proposes to reduce the rebate for executions of Added Displayed Volume under Liquidity Provision Tier 2 to $0.00325 per share and to modify the required criteria such that a Member would qualify for such tier by achieving: (1) an ADAV that is equal to or greater than 0.25% of the TCV; and (2) a Non-Displayed ADAV that is equal to or greater than 4,000,000 shares.[23] Thus, such proposed change would lower the Non-Displayed ADAV threshold in the second of the two existing alternative criteria. The Exchange is not proposing to change the rebate for executions of orders in securities priced below $1.00 per share under such tier.

With respect to Liquidity Provision Tier 3, the Exchange currently provides an enhanced rebate of $0.0032 per share for executions of Added Displayed Volume for Members that qualify for such tier by achieving: (1) an ADAV that is equal to or greater than 0.20% of the TCV; or (2) an ADAV that is equal to or greater than 15,000,000 shares and a Step-Up ADAV from October 2022 that is equal to or greater than 0.10% of the TCV. The Exchange now proposes to reduce the rebate for executions of Added Displayed Volume under Liquidity Provision Tier 3 to $0.0031 per share and to modify the required criteria such that a Member would now qualify for such tier by achieving an ADAV that is equal to or greater than 0.20% of the TCV.[24] Thus, such proposed change would keep the first of the two existing alternative criteria intact with no changes and eliminate the second of the two existing alternative criteria. The Exchange is not proposing to change the rebate for executions of orders in securities priced below $1.00 per share under such tier.

With respect to Liquidity Provision Tier 4, the Exchange currently provides an enhanced rebate of $0.0030 per share for executions of Added Displayed Volume for Members that qualify for such tier by achieving: (1) an ADAV that is equal to or greater than 0.15% of the TCV; or (2) an ADAV that is equal to or greater than 15,000,000 shares. The Exchange now proposes to reduce the rebate for executions of Added Displayed Volume under Liquidity Provision Tier 4 to $0.0029 per share and to modify the required criteria such that a Member would now qualify for such tier by achieving an ADAV that is equal to or greater than 0.15% of the TCV.[25] Thus, such proposed change would keep the first of the two existing alternative criteria intact with no changes and eliminate the second of the two existing alternative criteria. The Exchange is not proposing to change the rebate for executions of orders in

or above $1.00 per share that add non-displayed midpoint liquidity and a base rebate of $0.0010 per share for executions of orders in Tape C securities priced at or above $1.00 per share that add non-displayed midpoint liquidity.

[17] *See, e.g.,* the Cboe BZX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*), which reflects a standard rebate of $0.0010 per share for executions of orders in securities priced at or above $1.00 per share that add non-displayed liquidity.

[18] As set forth on the Fee Schedule, ''ADAV'' means the average daily added volume calculated as the number of shares added per day, which is calculated on a monthly basis, and ''Displayed ADAV'' means ADAV with respect to displayed orders.

[19] As set forth on the Fee Schedule, ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[20] As set forth on the Fee Schedule, ''Step-Up ADAV'' means ADAV in the relevant baseline month subtracted from current ADAV.

[21] The proposed pricing for Liquidity Provision Tier 1 is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume, Liquidity Provision Tier 1'' with a Fee Code of ''B1'', ''D1'' or ''J1'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members. The Exchange notes that because the determination of whether a Member qualifies for a certain pricing tier for a particular month will not be made until after the month-end, the Exchange will provide the Fee Codes otherwise applicable to such transactions on the execution reports provided to Members during the month and will only designate the Fee Codes applicable to the achieved pricing tier on the monthly invoices, which are provided after such determination has been made, as the Exchange does for its tier-based pricing today.

[22] As set forth on the Fee Schedule, ''Non-Displayed ADAV'' means ADAV with respect to non-displayed orders (including orders subject to Display-Price Sliding that receive price improvement when executed and Midpoint Peg orders).

[23] The proposed pricing for Liquidity Provision Tier 2 is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume, Liquidity Provision Tier 2'' with a Fee Code of ''B2'', ''D2'' or ''J2'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members.

[24] The proposed pricing for Liquidity Provision Tier 3 is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume, Liquidity Provision Tier 3'' with a Fee Code of ''B3'', ''D3'' or ''J3'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members.

[25] The proposed pricing for Liquidity Provision Tier 4 is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume, Liquidity Provision Tier 4'' with a Fee Code of ''B4'', ''D4'' or ''J4'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members.

securities priced below $1.00 per share under such tier.

With respect to Liquidity Provision Tier 5, the Exchange currently provides an enhanced rebate of $0.0028 per share for executions of Added Displayed Volume for Members that qualify for such tier by achieving: (1) an ADAV that is equal to or greater than 0.10% of the TCV; or (2) a Displayed ADAV (excluding Retail Orders) that is equal to or greater than 750,000 shares and a Step-Up Displayed ADAV [26] (excluding Retail Orders) from October 2022 that is equal to or greater than 30% of the Member's October 2022 Displayed ADAV (excluding Retail Orders). The Exchange now proposes to reduce the rebate for executions of Added Displayed Volume under Liquidity Provision Tier 5 to $0.0027 per share and to modify the required criteria such that a Member would now qualify for such tier by achieving: (1) an ADAV that is equal to or greater than 0.075% of the TCV; or (2) a Displayed ADAV (excluding Retail Orders) that is equal to or greater than 750,000 shares and a Step-Up Displayed ADAV (excluding Retail Orders) from October 2022 that is equal to or greater than 30% of the Member's October 2022 Displayed ADAV (excluding Retail Orders).[27] Thus, such proposed change would lower the overall ADAV threshold in the first of the two existing alternative criteria and keep the second of the two existing alternative criteria intact with no changes. The Exchange is not proposing to change the rebate for executions of orders in securities priced below $1.00 per share under such tier.

With respect to Liquidity Provision Tier 6, the Exchange currently provides an enhanced rebate of $0.0025 per share for executions of Added Displayed Volume for Members that qualify for such tier by achieving: (1) an ADAV that is equal to or greater than 0.075% of the TCV; or (2) a Midpoint ADAV [28] that is equal to or greater than 1,000,000 shares. The Exchange now proposes to eliminate Liquidity Provision Tier 6, as the Exchange no longer wishes to, nor is it required to, maintain such tier, and the Exchange would rather redirect the associated resources and funding into other programs and tiers intended to incentivize increased order flow or enhance market quality.

The purpose of reducing the rebates for executions of Added Displayed Volume under Liquidity Provision Tiers 1–5 as proposed, which the Exchange believes in each case represents a modest reduction and remains commensurate with the required criteria as modified, and eliminating Liquidity Provision Tier 6 is for business and competitive reasons, as the Exchange believes that such rebate reductions and tier elimination would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity. The tiered pricing structure for executions of Added Displayed Volume under the Liquidity Provision Tiers provides an incremental incentive for Members to strive for higher volume thresholds to receive higher enhanced rebates for such executions and, as such, is intended to encourage Members to maintain or increase their order flow, primarily in the form of liquidity-adding volume, to the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all Members and market participants. The Exchange believes that the Liquidity Provision Tiers, as modified by the proposed changes described above, reflect a reasonable and competitive pricing structure that is right-sized and consistent with the Exchange's overall pricing philosophy of encouraging added and/or displayed liquidity. Specifically, the Exchange believes that, after giving effect to the proposed changes described above, the rebate for executions of Added Displayed Volume provided under each of the Liquidity Provision Tiers 1–5 remains commensurate with the corresponding required criteria under each such tier and is reasonably related to the market quality benefits that each such tier is designed to achieve.

NBBO Setter/Joiner Tier 1

The Exchange currently offers NBBO Setter/Joiner Tiers 1–2 under which a Member may receive an additive rebate for a qualifying Member's executions of Added Displayed Volume (other than Retail Orders) that establish the NBBO (such orders, ''Setter Volume'') and executions of Added Displayed Volume (other than Retail Orders) that establish a new best bid or offer on the Exchange that matches the NBBO first established on an away market (such orders, ''Joiner Volume''). With respect to NBBO Setter/Joiner Tier 1, the Exchange currently provides an additive rebate of $0.0004 per share for executions of Setter Volume and Joiner Volume for Members that qualify for such tier by achieving an ADAV with respect to orders with Fee Code B [29] that is equal to or greater than 0.10% of the TCV. The Exchange now proposes to modify the required criteria such that a Member would now qualify for such tier by achieving: (1) an ADAV with respect to orders with Fee Code B that is equal to or greater than 0.10% of the TCV; or (2) an ADAV with respect to orders with Fee Code B that is equal to or greater than 10,000,000 shares.[30] Thus, such proposed change would keep the existing criteria based on an ADAV threshold that is expressed as a percentage of TCV intact with no changes and add a new alternative criteria based on an ADAV threshold that is expressed as a number of shares. The Exchange notes that, as the proposed change to the required criteria under NBBO Setter/Joiner Tier 1 merely provides an alternative criteria and does not change the existing criteria, the Exchange believes that such change would make the tier easier for Members to achieve, and, in turn, while the Exchange has no way of predicting with certainty how the proposed new criteria will impact Member activity, the Exchange expects that more Members will qualify, or strive to qualify, for such tier than currently do, resulting in the submission of additional order flow to the Exchange. The Exchange believes that the additive rebate for executions of Setter Volume and Joiner Volume provided under NBBO Setter/Joiner Tier 1, which the Exchange is not proposing to change with this proposal, remains commensurate with the required criteria under such tier, as modified, and is reasonably related to the market quality benefits that such tier is designed to achieve.

Non-Display Add Tiers

The Exchange currently offers Non-Display Add Tiers 1–3 under which a Member may receive an enhanced rebate for executions of Added Non-Displayed Volume by achieving the corresponding required volume criteria for each such tier. The Exchange now proposes to modify the Non-Display

[26] As set forth on the Fee Schedule, ''Step-Up Displayed ADAV'' means Displayed ADAV in the relevant baseline month subtracted from current Displayed ADAV.

[27] The proposed pricing for Liquidity Provision Tier 5 is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume, Liquidity Provision Tier 5'' with a Fee Code of ''B5'', ''D5'' or ''J5'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members.

[28] As set forth on the Fee Schedule, ''Midpoint ADAV'' means ADAV with respect to Midpoint Peg orders.

[29] The Exchange notes that orders with Fee Code B include orders, other than Retail Orders, that establish the NBBO.

[30] The pricing for NBBO Setter/Joiner Tier 1 is referred to by the Exchange on the Fee Schedule under the existing description ''NBBO Setter/Joiner Tier 1'' with a Fee Code of S1 to be appended to the otherwise applicable Fee Code assigned by the Exchange on the monthly invoices for qualifying executions.

Add Tiers by modifying the required criteria under Non-Display Add Tier 2 and reducing the rebate for executions of Added Non-Displayed Volume and modifying the required criteria under Non-Display Add Tier 3.

With respect to Non-Display Add Tier 2, the Exchange currently provides an enhanced rebate of $0.0024 per share for executions of Added Non-Displayed Volume for Members that qualify for such tier by achieving a Non-Displayed ADAV that is equal to or greater than 2,000,000 shares.[31] The Exchange now proposes to modify Non-Display Add Tier 2 such that a Member would now qualify for such tier by achieving a Non-Displayed ADAV that is equal to or greater than 1,500,000 shares. Thus, such proposed change would lower the Non-Displayed ADAV threshold in the required criteria, which the Exchange believes would make the tier easier for Members to achieve, and, in turn, while the Exchange has no way of predicting with certainty how the proposed new criteria will impact Member activity, the Exchange expects that more Members will qualify, or strive to qualify, for such tier than currently do, resulting in the submission of additional order flow to the Exchange. The Exchange is not proposing to change the rebates provided under this tier.

With respect to Non-Display Add Tier 3, the Exchange currently provides an enhanced rebate of $0.0020 per share for executions of Added Non-Displayed Volume for Members that qualify for such tier by achieving a Non-Displayed ADAV that is equal to or greater than 1,000,000 shares. The Exchange now proposes to reduce the rebate for executions of Added Non-Displayed Volume under Non-Display Add Tier 3 to $0.0018 per share and to modify the required criteria such that a Member would now qualify for such tier by achieving a Non-Displayed ADAV that is equal to or greater than 500,000 shares.[32] Thus, such proposed change would lower the Non-Displayed ADAV threshold in the required criteria, which the Exchange believes would make the tier easier for Members to achieve, and, in turn, while the Exchange has no way of predicting with certainty how the proposed new criteria will impact Member activity, the Exchange expects that more Members will qualify, or strive to qualify, for such tier than currently do, resulting in the submission of additional order flow to the Exchange.

The purpose of reducing the rebate for executions of Added Non-Displayed Volume under Non-Display Add Tier 3 as proposed, which the Exchange believes represents a modest reduction and remains commensurate with the required criteria as modified to include a lower Non-Displayed ADAV threshold, is for business and competitive reasons, as the Exchange believes that such rebate reduction would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity. The tiered pricing structure for executions of Added Non-Displayed Volume under the Non-Display Add Tiers provides an incremental incentive for Members to strive for higher volume thresholds to receive higher enhanced rebates for such executions and, as such, is intended to encourage Members to maintain or increase their order flow, particularly in the form of liquidity-adding non-displayed volume, to the Exchange, thereby contributing to a deeper and more robust and well-balanced market ecosystem to the benefit of all Members and market participants.

Liquidity Removal Tiers

The Exchange currently charges a base fee of $0.0030 per share for executions of orders in securities priced at or above $1.00 per share that remove liquidity from the Exchange (such orders, ''Removed Volume''). The Exchange also currently offers Liquidity Removal Tier 1 under which qualifying Members are charged a discounted fee of $0.00295 per share for executions of Removed Volume by achieving (1) an ADV[33] that is equal to or greater than 0.50% of the TCV and a Remove ADV[34] that is equal to or greater than 0.25% of the TCV; or (2) an ADV that is equal to or greater than 1.00% of the TCV. Now, the Exchange proposes to reduce the fee charged for executions of Removed Volume under Liquidity Removal Tier 1 to $0.0029 per share and to modify the required criteria such that a Member would now qualify for such tier by achieving: (1) an ADV that is equal to or greater than 0.50% of the TCV and a Remove ADAV that is equal to or greater than 0.30% of the TCV; or (2) an ADV that is equal to or greater than 1.00% of the TCV.[35] Thus, the proposed change to the required criteria would increase the Remove ADV threshold by 0.05% (*i.e.,* from 0.25% to 0.30%) of the TCV in the first of the existing alternative criteria and keep the second of the existing alternative criteria intact with no changes. The proposed change to increase the Remove ADV threshold in the first of such alternative criteria is designed to encourage Members to maintain or increase their order flow, including in the form of orders that remove liquidity, to the Exchange in order to qualify for the discounted fee for executions of Removed Volume under such tier. While the Exchange's overall pricing philosophy generally encourages adding liquidity over removing liquidity, the Exchange believes that providing criteria under certain tiers that are based on different types of volume that Members may choose to achieve, such as the existing criteria that includes a Remove ADV threshold, contributes to a more robust and well-balanced market ecosystem on the Exchange to the benefit of all Members. The reason the Exchange is proposing to reduce the fee charged for executions of Removed Volume under such tier by $0.00005 per share, which the Exchange believes represents a modest reduction and remains commensurate with the proposed new required criteria, is because the Exchange is increasing the Remove ADV threshold in the alternative criteria, as described above, and the Exchange is also proposing to adopt a second Liquidity Removal Tier under which a qualifying Member may still qualify for a discounted fee of $0.00295 per share for executions of Removed Volume by achieving a lower volume threshold, as further described below.

The Exchange proposes to adopt a new Liquidity Removal Tier 2 under which the Exchange would charge a discounted fee of $0.00295 per share for executions of Remove Volume for Members that qualify for such tier by achieving an ADV that is equal to or

[31] The pricing for Non-Display Add Tier 2 is referred to by the Exchange on the Fee Schedule under the existing description ''Added non-displayed volume, Non-Display Add Tier 2'' with a Fee Code of ''H2'', ''M2'' or ''P2'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members.

[32] The proposed pricing for Non-Display Add Tier 3 is referred to by the Exchange on the Fee Schedule under the existing description ''Added non-displayed volume, Non-Display Add Tier 3'' with a Fee Code of ''H3'', ''M3'' or ''P3'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members.

[33] As set forth on the Fee Schedule, ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day, which is calculated on a monthly basis.

[34] As set forth on the Fee Schedule, ''Remove ADV'' means ADV with respect to orders that remove liquidity.

[35] The proposed pricing for Liquidity Removal Tier 1 is referred to by the Exchange on the Fee Schedule under the existing description ''Removed volume from MEMX Book, Liquidity Removal Tier 1'' with a Fee Code of ''R1'' to be provided by the Exchange on the monthly invoices provided to Members.

greater than 0.25% of the TCV.[36] The Exchange proposes to charge Members that qualify for the proposed new Liquidity Removal Tier 2 a fee of 0.28% of the total dollar volume of the transaction for executions of orders in securities priced below $1.00 per share that remove liquidity from the Exchange, which is the current base fee for such executions as well as the same fee that is currently applicable to such executions under the existing Liquidity Removal Tier 1. The proposed new Liquidity Removal Tier 2 is designed to encourage Members to maintain or increase their order flow to the Exchange in order to qualify for the proposed discounted fee for executions of Removed Volume, which, in turn, would encourage the submission of additional Removed Volume, thereby contributing to a deeper and more robust and well-balanced market ecosystem on the Exchange to the benefit of all Members and market participants.

Sub-Dollar Rebate Tier

The Exchange currently provides a base rebate of 0.075% of the total dollar value of the transaction for executions of orders in securities priced below $1.00 per share that add displayed liquidity to the Exchange (such orders, ''Added Displayed Sub-Dollar Volume''). The Exchange also currently offers the Sub-Dollar Rebate Tier under which the Exchange provides an enhanced rebate of 0.15% of the total dollar value of the transaction for executions of Added Displayed Sub-Dollar Volume for Members that qualify for such tier by achieving: (1) an ADAV that is equal to or greater than 0.15% of the TCV; or (2) a Sub-Dollar ADAV[37] that is equal to or greater than 5,000,000 shares. Now, the Exchange proposes to modify the required criteria under the Sub-Dollar Rebate Tier such that a Member would now qualify for such tier by achieving a Sub-Dollar ADAV that is equal to or greater than 5,000,000 shares. Thus, such proposed change would eliminate the first of the two existing alternative criteria and keep the second of the two existing alternative criteria intact with no changes. The Exchange is not proposing to modify the pricing associated with the Sub-Dollar Rebate Tier, but the Exchange believes the enhanced rebate for executions of Added Displayed Sub-Dollar Volume provided under the Sub-Dollar Rebate Tier remains commensurate with the required criteria as modified.

Midpoint Peg IOC/FOK Orders

As noted above, the Exchange currently charges a standard fee of $0.0030 per share for executions of Removed Volume. The Exchange also currently charges a discounted fee of $0.0027 per share for executions of Midpoint Peg Orders in securities priced at or above $1.00 per share with a TIF instruction of IOC or FOK that execute at the midpoint of the NBBO and remove liquidity from the Exchange upon entry (*i.e.,* Midpoint Peg IOC/FOK Orders).[38] The Exchange adopted this special pricing for executions of Midpoint Peg IOC/FOK Orders in September 2022 for the purpose of incentivizing the submission of such orders and, in turn, attracting additional contra-side orders designed to execute at the midpoint to be posted on the Exchange, thereby increasing execution opportunities at the midpoint on the Exchange.[39]

The Exchange now proposes to eliminate this special pricing for executions of Midpoint Peg IOC/FOK Orders. Therefore, as proposed, such executions would be treated the same as other executions of Removed Volume, as they were before the adoption of special pricing in September 2022, and thus would either be subject to the base fee of $0.0030 per share or a discounted fee under the Liquidity Removal Tiers. The Exchange notes that the Fee Code ''Rm'' associated with executions of Midpoint Peg IOC/FOK Orders would also be deleted (and such executions would receive the otherwise applicable Fee Code for Removed Volume), as such executions no longer receive special pricing, and therefore, the Exchange does not believe it is appropriate to designate such executions with a different Fee Code. The purpose of eliminating the special pricing for executions of Midpoint Peg IOC/FOK Orders is for business and competitive reasons, as the Exchange believes that subjecting such orders to the base fee or otherwise applicable fee for such executions would generate additional revenue to offset some of the costs associated with the Exchange's current transaction pricing structure, which provides various rebates for liquidity-adding orders, and the Exchange's operations generally, in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added and/or displayed liquidity. The Exchange notes that it is not required to maintain such discounted fee (or any special pricing) for executions of Midpoint Peg IOC/FOK Orders, and the Exchange would rather redirect the associated resources and funding into other programs and tiers intended to incentivize increased order flow or enhance market quality.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[40] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[41] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient, and the Exchange represents only a small percentage of the overall market. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. 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.'' [42]

The Exchange believes that the ever-shifting market share among the

[36] The proposed pricing for new Liquidity Removal Tier 2 is referred to by the Exchange on the Fee Schedule under the new description ''Removed volume from MEMX Book, Liquidity Removal Tier 1'' with a Fee Code of ''R2'' to be provided by the Exchange on the monthly invoices provided to Members.

[37] As set forth on the Fee Schedule, the term ''Sub-Dollar ADAV'' means ADAV with respect to orders in securities priced below $1.00 per share.

[38] The pricing for executions of Midpoint Peg IOC/FOK Orders is currently referred to by the Exchange on the Fee Schedule under the description ''Removed volume from MEMX Book, Midpoint Peg (IOC/FOK)'' and such orders receive a Fee Code of ''Rm'' assigned by the Exchange. The Exchange notes that it proposes to delete this description from the Fee Schedule in connection with the elimination of special pricing for such orders, as further described below.

[39] *See* Securities Exchange Act Release No. 95688 (September 7, 2022), 87 FR 56132 (September 13, 2022) (SR–MEMX–2022–23) (notice of filing and immediate effectiveness of fee changes adopted by the Exchange, including the discounted fee for executions of Midpoint Peg IOC/FOK Orders).

[40] 15 U.S.C. 78f.

[41] 15 U.S.C. 78f(b)(4) and (5).

[42] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange believes the proposal reflects a reasonable and competitive pricing structure designed to decrease the Exchange's expenditures and generate additional revenue with respect to its transaction pricing and incentivize market participants to direct additional order flow to the Exchange, which the Exchange believes would promote price discovery and enhance liquidity and market quality on the Exchange to the benefit of all Members and market participants.

The Exchange believes that the proposed changes to reduce the base rebates provided for executions of Added Displayed Volume and Added Displayed Retail Volume are reasonable because, as described above, such changes are designed to decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added and/or displayed liquidity, and the proposed new base rebates for executions of Added Displayed Volume and Added Displayed Retail Volume remain in line or higher than, and competitive with, the base rebates provided by other exchanges in each case for executions of similar orders.[43] The Exchange also believes the proposed base rebates for executions of Added Displayed Volume and Added Displayed Retail Volume are equitable and not unfairly discriminatory, as such base rebates will apply equally to all Members.

Similarly, the Exchange believes that the proposed changes to reduce the base rebates provided for executions of Added Midpoint Volume, Added Non-Midpoint Hidden Volume, and Added Price-Improved Volume are reasonable because, as described above, such changes are designed to decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added and/or displayed liquidity and the proposed new base rebates for executions of Added Midpoint Volume and Added Non-Midpoint Hidden Volume remain in line and competitive with the base rebates provided by other exchanges in each case for executions of similar orders.[44] Additionally, as noted above, and the Exchange believes that providing the same base rebate for executions of Added Price-Improved Volume as for executions of Added Midpoint Volume and Added Non-Midpoint Hidden Volume is reasonable and appropriate because all of these orders similarly add liquidity to the Exchange, are executed at prices that are not displayed on the Exchange's order book, and are currently subject to the same base rebate and pricing structure today. The Exchange also believes the proposed base rebates for executions of Added Midpoint Volume, Added Non-Midpoint Hidden Volume, and Added Price-Improved Volume are equitable and not unfairly discriminatory, as such base rebates will apply equally to all Members.

The Exchange notes that volume-based incentives and discounts (such as tiers) have been widely adopted by exchanges (including the Exchange), and are reasonable, equitable and not unfairly discriminatory because they are open to all members on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and the introduction of higher volumes of orders into the price and volume discovery process. The Exchange believes that each of the Liquidity Provision Tiers 1–5, NBBO Setter/Joiner Tier 1, Non-Display Add Tiers 2–3, Liquidity Removal Tier 1, and the Sub-Dollar Rebate Tier, each as modified by the changes proposed herein, as well as the proposed new Liquidity Removal Tier 2, are reasonable, equitable and not unfairly discriminatory for these same reasons, as such tiers would provide Members with an incremental incentive to achieve certain volume thresholds on the Exchange, are available to all Members on an equal basis, and, as described above, are reasonably designed to encourage Members to maintain or increase their order flow, including in the various forms of liquidity-adding and liquidity-removing volume under the required criteria, as applicable, to the Exchange, which the Exchange believes would promote price discovery, enhance liquidity and market quality, and contribute to a more robust and well-balanced market ecosystem on the Exchange to the benefit of all Members and market participants.

The Exchange also believes that such tiers reflect a reasonable and equitable allocation of fees and rebates, as the Exchange believes that, after giving effect to the changes proposed herein, the enhanced rebates for executions of Added Displayed Volume, Added Non-Displayed Volume, and Added Displayed Sub-Dollar Volume, as well as the discounted fee for executions of Removed Volume, as applicable, under each such tier is commensurate with the corresponding required criteria under each such tier and is reasonably related to the market quality benefits that each such tier is designed to achieve, as described above.

With respect to the proposed change to eliminate Liquidity Provision Tier 6, the Exchange believes such change is reasonable because, as noted above, it would enable the Exchange to redirect the associated resources and funding into other programs and tiers intended to incentivize increased order flow or enhance market quality, and the Exchange is not required to maintain such tier or provide Members any opportunities to receive additive rebates. The Exchange believes the proposal to eliminate such tier is also equitable and not unfairly discriminatory because it would apply equally to all Members, in that the incentive would no longer be available for any Member.

Similarly, the Exchange also believes the proposed change to eliminate the special pricing for executions of Midpoint Peg IOC/FOK Orders is reasonable because, as noted above, the Exchange believes that subjecting such orders to the base fee or otherwise applicable fee for such executions may generate additional revenue to offset some of the costs associated with the Exchange's current transaction pricing structure, and the Exchange's operations generally, in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added and/or displayed liquidity, the Exchange is not required to maintain such discounted fee (or any special pricing) for executions of Midpoint Peg IOC/FOK Orders, and the Exchange would rather redirect the associated resources and funding into other programs and tiers intended to incentivize increased order flow or enhance market quality. The Exchange believes the proposal to eliminate such special pricing is also equitable and not unfairly discriminatory because it would apply equally to all Members, in

[43] *See supra* notes 12 and 14.

[44] *See supra* notes 16 and 17.

that the special pricing would no longer be available for any Member.

For the reasons discussed above, the Exchange submits that the proposal satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act [45] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers. As described more fully below in the Exchange's statement regarding the burden on competition, the Exchange believes that its transaction pricing is subject to significant competitive forces, and that the proposed fees and rebates described herein are appropriate to address such forces.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the proposal is intended to decrease the Exchange's expenditures and generate additional revenue with respect to its transaction pricing and incentivize market participants to direct additional order flow to the Exchange, which the Exchange believes would promote price discovery and enhance liquidity and market quality on the Exchange to the benefit of all Members and market participants. As a result, the Exchange believes the proposal would enhance its competitiveness as a market that attracts actionable orders, thereby making it a more desirable destination venue for its customers. For these reasons, the Exchange believes that the proposal furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [46]

Intramarket Competition

As discussed above, the Exchange believes that the proposal would decrease the Exchange's expenditures and generate additional revenue with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added and/or displayed liquidity and would incentivize market participants to direct additional order flow to the Exchange through volume-based tiers, thereby enhancing liquidity and market quality on the Exchange to the benefit of all Members, as well as enhancing the attractiveness of the Exchange as a trading venue, which the Exchange believes, in turn, would continue to encourage market participants to direct additional order flow to the Exchange. Greater liquidity benefits all Members by providing more trading opportunities and encourages Members to send additional orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants.

The Exchange does not believe that the proposed changes to reduce the base rebates for executions of Added Displayed Volume, Add Displayed Retail Volume, Added Midpoint Volume, Added Non-Midpoint Hidden Volume, and Added Price-Improved Volume would impose any burden on intramarket competition because such changes will apply to all Members uniformly, in that the proposed base rebates for such executions would be the base rebates applicable to all Members, and the opportunity to qualify for enhanced rebates or discounted fees, as applicable, is available to all Members. The opportunity to qualify for each of the Liquidity Provision Tiers 1–5, NBBO Setter/Joiner Tier 1, Non-Display Add Tiers 2–3, Liquidity Removal Tier 1, and the Sub-Dollar Rebate Tier, each as modified by the changes proposed herein, as well as the proposed new Liquidity Removal Tier 2, and thus receive the corresponding enhanced rebates or discounted fees, as applicable, would be available to all Members that meet the associated volume requirements in any month. As described above, the Exchange believes that the required criteria under each such tier are commensurate with the corresponding rebate under such tier and are reasonably related to the enhanced liquidity and market quality that such tier is designed to promote. Additionally, Exchange does not believe that the proposed change to eliminate special pricing for executions of Midpoint Peg IOC/FOK Orders would impose any burden on intramarket competition because such change will apply to all Members uniformly, in that the special pricing would no longer be available for any Member. For the foregoing reasons, the Exchange believes the proposed changes would not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

As noted above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. Members have numerous alternative venues that they may participate on and direct their order flow to, including 15 other equities exchanges and numerous alternative trading systems and other off-exchange venues. As noted above, no single registered equities exchange currently has more than approximately 15% of the total market share of executed volume of equities trading. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. Moreover, the Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates and market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As described above, the proposed changes represent a competitive proposal through which the Exchange is seeking to decrease the Exchange's expenditures and generate additional revenue with respect to its transaction pricing and incentivize market participants to direct additional order flow to the Exchange through volume-based tiers, which have been widely adopted by exchanges, including the Exchange. Accordingly, the Exchange believes the proposal would not burden, but rather promote, intermarket competition by enabling it to better compete with other exchanges that offer similar pricing structures and incentives to market participants.

Additionally, 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.'' [47] The

[45] 15 U.S.C. 78f(b)(4) and (5).

[46] *See supra* note 42.

[47] *See supra* note 42.

fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *SEC,* 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'. . . .''.[48] Accordingly, the Exchange does not believe its proposed pricing changes 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)(ii) of the Act[49] and Rule 19b–4(f)(2)[50] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MEMX–2023–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MEMX–2023–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MEMX–2023–05 and should be submitted on or before March 29,2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[51]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–04688 Filed 3–7–23; 8:45 am]

BILLING CODE 8011–01–P

[48] *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–NYSE–2006–21)).

[49] 15 U.S.C. 78s(b)(3)(A)(ii).

[50] 17 CFR 240.19b–4(f)(2).

[51] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2022–0023]

Privacy Act of 1974; System of Records

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, we are issuing public notice of our intent to modify an existing system of records entitled, Repository of Electronic Authentication Data Master File (60–0373). This notice publishes details of the system as set forth below under the caption, **SUPPLEMENTARY INFORMATION**.

DATES: The system of records notice (SORN) is applicable upon its publication in today's **Federal Register**, with the exception of the new routine uses, which are effective April 7, 2023.

We invite public comment on the routine uses or other aspects of this SORN. In accordance with the Privacy Act of 1974, we are providing the public a 30-day period in which to submit comments. Therefore, please submit any comments by April 7, 2023.

ADDRESSES: The public, Office of Management and Budget (OMB), and Congress may comment on this publication by writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, or through the Federal e-Rulemaking Portal at *http://www.regulations.gov.* Please reference docket number SSA–2022–0023. All comments we receive will be available for public inspection at the above address and we will post them to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Melissa Bellitto, Government Information Specialist, Privacy Implementation Division, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, telephone: (410) 966–5855, email: *Melissa.M.Bellitto@ssa.gov.*

SUPPLEMENTARY INFORMATION: We are modifying this SORN to accurately reflect the information we collect and to further support advancing our objectives in continuing and expanding our digital identity processes. We are modifying the system of records name from ''Repository of Electronic Authentication Data Master File'' to ''Digital Identity File Record System.''

We are adding two new routine uses (1) to permit disclosures to the Internal Revenue Service (IRS), for auditing purposes of the safeguard provisions of Internal Revenue Code (IRC) of 1986; and (2) to permit disclosures to IRS concerning the digital identity associated with electronic wage submissions processed by SSA under section 232 of the Social Security Act. We are revising routine use No. 3 to incorporate gender-inclusive language, in support of E.O. 13988, ''Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.'' Finally, we are clarifying the language in existing routine use No. 4 for easier reading.

In addition, this modification reflects enhancements to our digital identity processes that utilize single sign-on, account management, and second factor authentication information required by digital identity guidance and requirements from the National Institute of Standards and Technology (NIST), OMB, and the Presidential Executive Order 13800 on ''Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure.'' These enhancements include the evolving use of third-party credential service providers to ensure secure access to our online services and enable us to move towards a shared federated identity management platform. To reflect these enhancements, we are modifying the category of records maintained in this system to provide more clarity to the data we collect as we have updated and expanded our digital identity processes. We are also modifying the category of individuals and purpose of the system to more accurately cover the individuals and uses covered by this system.

Lastly, we are modifying the notice throughout to correct miscellaneous stylistic formatting and typographical errors of the previously published notice, and to ensure the language reads consistently across multiple systems. We are republishing the entire notice for ease of reference.

In accordance with 5 U.S.C. 552a(r), we provided a report to OMB and Congress on this modified system of records.

Matthew Ramsey,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

SYSTEM NAME AND NUMBER:

Digital Identity File Record System, 60–0373.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Social Security Administration, Office of Digital Transformation, Robert M. Ball Building, 6401 Security Boulevard, Baltimore, MD 21235.

SYSTEM MANAGER(S):

Social Security Administration, Chief Information Officer, Robert M. Ball Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 966–5855.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a) and 702(a)(5) of the Social Security Act (Act), as amended, and the Federal Information Security Modernization Act of 2014 (Pub. L. 113–283).

PURPOSE(S) OF THE SYSTEM:

We will use the information in this system to assist with SSA's digital identity processes and for auditing purposes. Digital identity includes functions necessary to establish the identity of individuals or an individual interacting with us on behalf of another individual, agency, or entity who are seeking access to our digital programs, services, and applications through online, electronic, automated, and telephone services. Digital identity functions include identity proofing, credential issuance and revocation, authentication, identity federation, access controls, preference management, and credential management. When real-world identity is necessary for a given digital service, SSA must be able to determine, with confidence, that individuals are who they claim to be through identity proofing.

We may use information in this system to assist SSA (or other Federal agencies when applicable) to prevent or stop suspected or confirmed fraud or inappropriate usage of SSA's online services. We may also use contact information (*e.g.,* email addresses) from individuals who have gone through the digital identity process for program outreach (*e.g.,* notification about our programs, online services, and SSA events) and other purposes related to our administration of the Social Security Act.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information from individuals who interact with our digital programs, services, and applications regardless of whether the individuals are interacting with us on their own behalf or are interacting with us on behalf of another individual, agency, or entity. This system covers anyone who we require to obtain a digital identity to conduct a transaction with us, including when we use a credential service provider (CSP), an identity provider (IdP), or other authorized third party to perform some or all credential management services (*e.g.,* prove identity, manage authentication credentials, and authenticate users).

CATEGORIES OF RECORDS IN THE SYSTEM:

We will maintain information needed for digital identity processes dependent on the digital program, service, or application, as well as maintain archived transaction and historical data. Examples of information that we maintain for digital identity include, but are not limited to, the following:

- Name (last, first, middle, and suffix);
- Date of birth;
- Place of birth;
- Banking information including financial account number and/or routing number;
- Postal address(es);
- Address(es) from W–2 and Schedule-Self Employed (SE) forms;
- Phone number;
- Email address;
- Mother's surname at birth (sometimes referred to as mother's maiden name);
- Social Security number (SSN);
- Driver's license or state-issued identification number and issuing State or equivalent;
- Images of the identity evidence (*e.g.,* driver's license);
- Employer name and Employer Identification Number (EIN) for business and government services;
- Blocked account status;
- Failed access data;
- Effective date of passwords; and
- Other data that allows us to evaluate the system's effectiveness.

We may maintain information that we or the authorized CSP, IdP, or third party collects to register, issue, and maintain the credential (*e.g.,* to administer multi-factor authentication), including verified attributes the authorized CSP, IdP, or third party maintains or passes to us after a user successfully passes identity proofing, such as:

- Identity attributes such as name, full or partial SSN, and date of birth;
- Email address;
- User ID;
- Phone numbers (primary, alternate, mobile, home, work, and/or landline);
- Level of access;
- Transaction ID;
- Pass/fail indicator;
- Date/time of the transaction;
- Codes associated with the transaction;

- Level of confidence in the provided identity and attributes, including indicators of potential risk factors;
- Type of authenticators (*e.g.,* password);
- Self-generated security questions and answers; and
- The identity of the organization and/or individual representative or employee performing the identity proofing.

Other program-specific attribute information that we, a CSP, an IdP, or other third party collects directly, or on behalf of us, may include:

- Citizenship;
- Accepted terms of service (Y/N);
- Employment information such as job title, job role, and organization;
- Business and affiliations;
- Address (*e.g.,* postal address, home address, business address(es);
- Justification/nomination for access to our computers, networks, or systems;
- Supervisor/nominator's name, job title, organization, phone numbers, and email address;
- Verification of training requirements or other prerequisite requirements for access to our computers, networks, or systems; and
- Government-issued identity document type, number, and expiration date; and
- Authorization for access to information when necessary.

We also maintain records on access to our computers, networks, online programs, and applications, including:

- User ID and passwords;
- Registration numbers or IDs associated with our Information Technology (IT) resources;
- Date and time of access;
- Logs of activity interacting with our IT resources;
- internet Protocol (IP) address of access;
- Web browser and device information collected from the device used to access IT services, including a device fingerprint;
- Logs of internet activity;
- Track opt-in and opt-out of electronic messaging selections;
- Records on the authentication of the access request, names, phone numbers of other contacts, and positions or business/organizational affiliations and titles of individuals who can verify that the individual seeking access has a need to access the system; and
- Other contact information provided to the agency or that is derived from other sources to facilitate authorized access to SSA IT resources.

RECORD SOURCE CATEGORIES:

We obtain information in this system of records from individuals seeking access to a service provided by SSA that requires digital identity. We also obtain information from existing SSA systems of records, CSPs, IdPs, authorized third parties, Federal, State, or local agencies, and SSA contractors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

We will disclose records pursuant to the following routine uses; however, we will not disclose any information defined as ''return or return information'' under 26 U.S.C. 6103 of the IRC, unless authorized by statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To the Office of the President, in response to an inquiry received from that office made on behalf of, and at the request of, the subject of record or a third party acting on the subject's behalf.

2. To a congressional office in response to an inquiry from that office made on behalf of, and at the request of, the subject of the record or a third party acting on the subject's behalf.

3. To the Department of Justice (DOJ), a court or other tribunal, or another party before such court or tribunal, when:

(a) SSA, or any component thereof; or

(b) any SSA employee in their official capacity; or

(c) any SSA employee in their individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) the United States or any agency thereof where we determine the litigation is likely to affect SSA or any of its components, SSA is a party to the litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before the tribunal is relevant and necessary to the litigation, provided, however, that in each case, we determine that such disclosure is compatible with the purpose for which the records were collected.

4. To contractors and other Federal agencies, as necessary, for assisting SSA in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for SSA, as authorized by law, and they need access to personally identifiable information (PII) in our records in order to perform their assigned agency functions.

6. To the DOJ for investigating and prosecuting violations of the Social Security Act.

7. To the National Archives and Records Administration (NARA) under 44 U.SC. 2904 and 2906.

8. To appropriate agencies, entities, and persons when:

(a) SSA suspects or has confirmed that there has been a breach of the system of records;

(b) SSA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, SSA (including its information systems, programs, and operations), the Federal Government, or national security; and

(c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with SSA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

9. To another Federal agency or Federal entity, when SSA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:

(a) responding to suspected or confirmed breach; or

(b) 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.

10. To IRS, Department of the Treasury, for the purpose of auditing SSA's compliance with the safeguard provisions of the IRC of 1986, as amended.

11. To IRS, Department of the Treasury, digital identity information associated with electronic wage submissions processed by SSA under section 232 of the Social Security Act for the purpose of investigating fraud, abuse, or security risks in such wage submissions.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

We will maintain records in this system in electronic form.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

We will retrieve records in this system by the individual's name and associated identifying information, SSN,

as well as internal transaction and credential identifiers (*e.g.,* transaction identification for the internet benefit application, transaction identification for an electronic online Direct Deposit change, etc.).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with NARA rules codified at 36 CFR 1225.16, we maintain records in accordance with approved NARA General Records Schedules (GRS) 3.2, item 031; GRS 5.2, item 020; and GRS 4.2, item 130.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

We retain electronic files containing personal identifiers in secure storage areas accessible only by our authorized employees who have a need for the information when performing their official duties. Security measures include, but are not limited to, the use of codes and profiles, personal identification numbers and passwords, and personal identification verification cards. We restrict access to specific correspondence within the system based on assigned roles and authorized users. We will use audit mechanisms to record sensitive transactions as an additional measure to protect information from unauthorized disclosure or modification.

We annually provide our employees and contractors with appropriate security awareness training that includes reminders about the need to protect PII and the criminal penalties that apply to unauthorized access to, or disclosure of PII. *See* 5 U.S.C. 552a(i)(1). Furthermore, employees and contractors with access to databases maintaining PII must annually sign a sanction document that acknowledges their accountability for inappropriately accessing or disclosing such information.

RECORD ACCESS PROCEDURES:

Individuals may submit requests for information about whether this system contains a record about them by submitting a written request to the system manager at the above address, which includes their name, SSN, or other information that may be in this system of records that will identify them. Individuals requesting notification of, or access to, a record by mail must include: (1) a notarized statement to us to verify their identity; or (2) must certify in the request that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

Individuals requesting notification of, or access to, records in person must provide their name, SSN, or other information that may be in this system of records that will identify them, as well as provide an identity document, preferably with a photograph, such as a driver's license. Individuals lacking identification documents sufficient to establish their identity must certify in writing that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

These procedures are in accordance with our regulations at 20 CFR 401.40 and 401.45.

CONTESTING RECORD PROCEDURES:

Same as record access procedures. Individuals should also reasonably identify the record, specify the information they are contesting, and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant. These procedures are in accordance with our regulations at 20 CFR 401.65(a).

NOTIFICATION PROCEDURES:

Same as record access procedures. These procedures are in accordance with our regulations at 20 CFR 401.40 and 401.45.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

75 FR 79065, Repository of Electronic Authentication Data Master File.

83 FR 54969, Repository of Electronic Authentication Data Master File.

[FR Doc. 2023–04705 Filed 3–7–23; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 11920]

Certification Pursuant to Section 7041(a)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021

ACTION: Determination.

SUMMARY: The State Department is publishing a Determination signed by the Secretary of State.

SUPPLEMENTARY INFORMATION: Antony J. Blinken, Secretary of State, signed the following ''Certification Pursuant to Section 7041(a)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021'' on October 19, 2021. The State Department maintains the original document.

CERTIFICATION PURSUANT TO SECTION 7041(a)(1) OF THE DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2021 (Div. K, Pub. L. 116–260).

By virtue of the authority vested in me as Secretary of State pursuant to section 7041(a) (1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. K, Pub. L. 116–260), I hereby certify that the Government of Egypt is sustaining the strategic relationship with the United States and meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

This determination shall be published in the **Federal Register** and along with the accompanying Memorandum of Justification, shall be reported to Congress.

Danika Walters,

Office Director, Office of Assistance Coordination, Bureau of Near Eastern Affairs, Department of State.

[FR Doc. 2023–04723 Filed 3–7–23; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Non-Rule Making Action at the GV Montgomery Airport (2M4) Located in Forest, Mississippi

AGENCY: Federal Aviation Administration, DOT.

ACTION: Request for public comments.

SUMMARY: Notice is being given that the FAA is considering a request from the City of Forest, MS to waive the requirement that a 1.90± acre parcel of airport property, located at the GV Montgomery Airport in Forest, Mississippi, be used for aeronautical purposes.

DATES: Comments must be received on or before April 3, 2023.

ADDRESSES:

The public may send comments using the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov,* and follow the instructions on providing comments.
- *Fax:* 601–664–9901.
- *Mail:* Willie Davidson, Community Planner, Jackson Airports District Office, 100 West Cross St., Suite B, Jackson, MS 39208–2307.

• *Hand Delivery:* Deliver to mail address above between 8 a.m. and 5 p.m. Monday through Friday, excluding Federal holidays.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to City of Forest, MS Attn: Mr. Adam Taylor at the City of Forest, MS P.O. Box 298 Forest, Mississippi 39074.

FOR FURTHER INFORMATION CONTACT: Willie Davidson, Community Planner, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, (601) 664–9891. The land release request may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the City of Forest to release 1.90± acres of airport property at the GV Montgomery Airport (2M4) under the provisions of title 49, U.S.C. 47153(c). The FAA determined that the request to release property at GV Montgomery Airport (2M4) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice. The property will be purchased by Tyson Foods, that also owns the adjacent property to the east. The property is located on the eastern most parcel of airport property south of Jack Lee Drive. The airport will receive fair market value for the property, and the net proceeds from sale of this property will be used for maintenance and improvements at GV Montgomery Airport (2M4).

The proposed use of this property is compatible with airport operations. Copies of the Property Appraisal, Boundary Survey, Legal Description are available for examination by appointment. Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the GV Montgomery Airport (2M4).

Issued in Jackson, Mississippi on March 3, 2023.

Rans D. Black,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 2023–04763 Filed 3–7–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–2016–0102 and FMCSA–2022–0134]

Property Broker Listening Session; Public Meeting

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of public listening session.

SUMMARY: FMCSA announces that it will host a listening session pertaining to property brokers. Specifically, the Agency would like to hear from members of the public on two matters relating to the regulation of property brokers: (1) a January 5, 2023 notice of proposed rulemaking (NPRM) proposing to regulate five separate areas of broker (and freight forwarder) financial responsibility: assets readily available; immediate suspension of broker/freight forwarder operating authority; surety or trust responsibilities in cases of broker/freight forwarder financial failure or insolvency; enforcement authority; and entities eligible to provide trust funds for form BMC–85 trust fund filings; and (2) the November 16, 2022, interim guidance regarding FMCSA's interpretation of the definitions of *broker* and *bona fide agents* as it relates to all brokers of transportation by motor vehicle. This FMCSA-hosted listening session will be open to all interested persons and will take place concurrently with the Mid America Trucking Show (MATS) in Louisville, KY. All comments will be transcribed and placed in the public dockets for both regulatory actions. Individuals with diverse experiences and perspectives are encouraged to attend.

DATES: The public listening session will be held on Friday, March 31, 2023, from 10 a.m. to 11 a.m. ET. The session will be held in person. The listening session may end early if all participants wishing to express their views have done so.

Public Comment: The in-person session will allow members of the public to make brief statements to the panel.

ADDRESSES: The meeting will be held at the Kentucky Expo Center, 937 Phillips Lane, Louisville, KY 40209, in Room B104. Please arrive early to allow time to check in and arrive at the room. Attendees should preregister using this link: *https://www.eventbrite.com/e/fmcsa-session-2-broker-regulatory-session-tickets-549535173497*.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey L. Secrist, Chief, Registration, Licensing, and Insurance Division, Office of Registration, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 385–2367; *Jeff.Secrist@dot.gov*.

Services for Individuals with Disabilities: FMCSA is committed to providing equal access to the listening session. For accommodations for persons with disabilities, please email *FMCSA-PIO@dot.gov* at least 2 weeks in advance of the meeting to allow time to make appropriate arrangements.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages participation in the session and providing of comments. Members of the public may submit written comments to the public dockets for these actions using any of the following methods:

A. Submitting Comments

If you submit a comment, please include the appropriate docket number for the topic you are commenting on. The docket number for the NPRM regarding broker and freight forwarder financial responsibility requirements is FMCSA–2016–0102. The docket number for the interim guidance on definitions of *broker* and *bona fide agents* is FMCSA–2022–0134. You may submit your comments and material online or by mail or hand delivery, but please use only one of these methods. FMCSA recommends that you include your name, email address, or a phone number in the body of your document.

To submit your comment online, go to *www.regulations.gov*. Insert the docket number (''FMCSA–2016–0102'' for the NPRM or ''FMCSA–2022–0134'' for the interim guidance) in the keyword box and click ''Search.'' Choose the document you want to comment on and click the ''Comment'' button. Follow the online instructions for submitting comments.

FMCSA will consider all comments and material received during the comment periods for these dockets.

B. Viewing Comments and Documents

To view comments, go to *www.regulations.gov* and insert the docket number (''FMCSA–2016–0102'' for the NPRM or ''FMCSA–2022–0134'' for the interim guidance) in the keyword box and click ''Search.'' Choose the NPRM or the interim guidance and click ''Browse Comments.'' If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366–9826. Business

hours are from 8:00 a.m. to 4:30 p.m. ET, Monday through Friday, except Federal holidays. You may also submit or view docket entries in person or by mail: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 49 U.S.C. 13301(a) and 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

FMCSA believes it is in the public interest to host a public listening session to receive additional comments on matters within FMCSA's jurisdiction, including those relating to regulation of property brokers, freight forwarders, and dispatch services. Accordingly, FMCSA is announcing this listening session, being held at 10:00 a.m. on March 31, 2023, in Louisville, KY, concurrently with the 2023 MATS conference. FMCSA's listening session is open to the public and a link to register to attend is available in the **ADDRESSES** section above. Registration with the MATS conference is not required to attend FMCSA's listening session.

FMCSA is currently accepting comments on a NPRM concerning the implementation of certain requirements under the Moving Ahead for Progress in the 21st Century Act (MAP–21) (88 FR 830, Docket FMCSA–2016–0102). Previously, FMCSA implemented the MAP–21 requirement to increase the financial security amounts for brokers of household goods and other property brokers and established new financial security requirements for freight forwarders. The Agency is now proposing regulations in five separate areas pertaining to broker/freight forwarder financial responsibility: assets readily available; immediate suspension of broker/freight forwarder operating authority; surety or trust responsibilities in cases of broker/freight forwarder financial failure or insolvency; enforcement authority; and entities eligible to provide trust funds for form BMC–85 trust fund filings. By a separate **Federal Register** notice, FMCSA is extending the comment period for this NPRM from March 6, 2023, to April 6, 2023.

In addition, FMCSA is also accepting further comments on the interim guidance issued on November 17, 2022, regarding FMCSA's interpretation of the definitions of *broker* and *bona fide agents* as it relates to all brokers of transportation by motor vehicle (87 FR 68635, FMCSA–2022–0134). Although the interim guidance took effect immediately upon publication in the **Federal Register**, FMCSA is seeking additional comments and will issue final guidance by the statutory deadline of June 16, 2023. By a separate **Federal Register** notice, FMCSA is reopening the comment period for the interim guidance, which closed on January 17, 2023. Comments will now be accepted from March 31, 2023, until April 6, 2023.

III. Meeting Participation

The listening sessions are open to the public. Speakers' remarks will be limited to 3 minutes each.

Robin Hutchinson,

Administrator.

[FR Doc. 2023–04720 Filed 3–7–23; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal; Comment Request: Renewal Without Change of Information Collection Requirements in Connection With the Imposition of the Fifth Special Measure Against the Islamic Republic of Iran as a Jurisdiction of Primary Money Laundering Concern

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of a continuing effort to reduce paperwork and respondent burden, FinCEN invites comment on a renewal, without change, to information collection requirements finalized on November 4, 2019, imposing a special measure with respect to the Islamic Republic of Iran as a jurisdiction of primary money laundering concern. This request for comments is being made pursuant to the Paperwork Reduction Act of 1995 (PRA).

DATES: Written comments are welcome and must be received on or before May 8, 2023.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2023–0003 and the specific Office of Management and Budget (OMB) control number 1506–0074.
- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2023–0003 and OMB control number 1506–0074.

Please submit comments by one method only. Comments will be reviewed consistent with the PRA and applicable OMB regulations and guidance. Comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 1–800–767–2825 or electronically at *https://www.fincen.gov/contact.*

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Provisions

a. Statutory Provisions

The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Foreign Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Public Law 107–56 (October 26, 2001), and other legislation, including the Anti-Money Laundering Act of 2020 (AML Act).[1] The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1960, and 31 U.S.C. 5311–5314 and 5316–5336, and notes thereto, with implementing regulations at 31 CFR Chapter X.

The BSA authorizes the Secretary of the Treasury (the ''Secretary''), *inter alia,* to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement AML

[1] The AML Act was enacted as Division F, §§ 6001–6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283, 134 Stat 3388 (2021).

programs and compliance procedures.[2] Regulations implementing the BSA appear at 31 CFR Chapter X. The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN.[3]

Section 311 of the USA PATRIOT Act (Section 311), codified at 31 U.S.C. 5318A, grants FinCEN the authority, upon finding that reasonable grounds exist for concluding that a foreign jurisdiction, financial institution, class of transactions, or type of account is of ''primary money laundering concern,'' to require domestic financial institutions and financial agencies to take one or more ''special measures.''

Special measures one through four, codified at 31 U.S.C. 5318A(b)(1)–(b)(4), impose additional recordkeeping, information collection, and reporting requirements on covered U.S. financial institutions. The fifth special measure, codified at 31 U.S.C. 5318A(b)(5), allows FinCEN to impose prohibitions or conditions on the opening or maintenance of certain correspondent accounts. Special measures are safeguards that protect the U.S. financial system from money laundering and terrorist financing.

FinCEN issued a final rule on November 4, 2019, imposing the fifth special measure to prohibit U.S. financial institutions from opening or maintaining a correspondent account for, or on behalf of, Iranian financial institutions.[4] The rule requires that U.S. financial institutions take reasonable steps not to process transactions for the correspondent account of a foreign bank in the United States if such a transaction involves an Iranian financial institution, and requires U.S. financial institutions to apply special due diligence that is reasonably designed to guard against correspondent accounts being used to process prohibited transactions involving Iranian financial institutions. See 31 CFR 1010.661.

U.S. financial institutions are required under 31 CFR 1010.661(b)(3)(i)(A) to notify holders of their foreign correspondent accounts that they may not provide Iranian financial institutions with access to such accounts. The requirement is intended to ensure cooperation from correspondent account holders in denying Iran access to the U.S. financial system. U.S. financial institutions are required under 31 CFR 1010.661(b)(4)(i) to document compliance with the notification requirement. The information is used by federal agencies and certain self-regulatory organizations to verify compliance with 31 CFR 1010.661.

II. Paperwork Reduction Act of 1995[5]

Title: Information Collection Requirements in Connection with the Imposition of the Fifth Special Measure Against the Islamic Republic of Iran as a Jurisdiction of Primary Money Laundering Concern.

OMB Control Number: 1506–0074.

Report Number: Not applicable.

Abstract: FinCEN is issuing this notice to renew the OMB control number for the imposition of a special measure against the Islamic Republic of Iran as a jurisdiction of primary money laundering concern pursuant to the authority contained in 31 U.S.C. 5318A. See 31 CFR 1010.661.

Type of Review: Renewal without change of a currently approved collection.

Affected Public: Businesses or other for-profit institutions, and not-for-profit institutions.

Frequency: One time notification and recordkeeping associate with the notification. See 31 CFR 1010.661(b)(3)(i)(A) and 1010.661(b)(4)(i).

Estimated Number of Respondents: 15,960.

RESPONDENT FINANCIAL INSTITUTIONS BY CATEGORY

Type of institution	Count
Banks, savings associations, thrifts, trust companies[6] ...	5,102
Credit unions[7]	4,917
Brokers or dealers in securities[8]	3,527
Mutual funds[9]	1,378
Futures commission merchants and introducing brokers in commodities[10]	1,036
Total	15,960

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden: 15,960 hours (15,960 respondents × 1 hour).

FinCEN's estimate of the number of affected financial institutions accounts for all domestic financial institutions that could *potentially* maintain correspondent accounts for foreign banks or process transactions that may involve Iranian financial institutions. FinCEN does this in order to establish the burden associated with all *potentially* affected U.S. financial institutions conducting appropriate due diligence and not processing transactions that may involve Iranian financial institutions. There are approximately 15,960 such financial institutions doing business in the United States that could potentially maintain correspondent accounts or process transactions that may involve Iranian financial institutions.

Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Request for Comments

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. Comments submitted in response to this notice will be summarized and/or included in a request for OMB approval. All

[2] Section 358 of the USA PATRIOT Act expanded the scope of the BSA by including a reference to reports and records ''that have a high degree of usefulness in intelligence or counterintelligence activities to protect against international terrorism.'' Section 6101 of the AML Act further expanded the scope of the BSA to cover such matters as preventing money laundering, tracking illicit funds, assessing risk, and establishing appropriate frameworks for information sharing.

[3] Treasury Order 180–01 (Jan. 14, 2020). Therefore, references to the authority of the Secretary under Section 311 of the USA PATRIOT Act apply equally to the Director of FinCEN.

[4] FinCEN, *Final Rule—Imposition of Fifth Special Measure Against the Islamic Republic of Iran as a Jurisdiction of Primary Money Laundering Concern,* 84 FR 59302, (Nov. 4, 2019).

[5] Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

[6] All counts are from the Q3 2022 Federal Financial Institutions Examination Council (FFIEC) Call Report data, available at *https://cdr.ffiec.gov/public/pws/downloadbulkdata.aspx.* Data for institutions that are not insured, are insured under non-FDIC deposit insurance regimes, or do not have a Federal functional regulator are from the FDIC's Research Information System, available at *https://www.fdic.gov/foia/ris/index.html.*

[7] Credit union data are from the National Credit Union Administration (NCUA) for Q3 2022, available at *https://ncua.gov/analysis/credit-union-corporate-call-report-data.*

[8] According to the SEC, there are 3,527 brokers or dealers in securities as of the end of fiscal year 2021. *See* SEC, *Fiscal Year 2023 Congressional Budget Justification,* p. 33, *https://www.sec.gov/files/FY%202023%20Congressional%20Budget%20Justification%20Annual%20Performance%20Plan_FINAL.pdf.*

[9] According to information provided by the SEC as of December 2022 (including filings made through January 20, 2023), there are 1,378 open-end registered investment companies that report on Form N–CEN. FinCEN assesses that such companies would be responsible for implementing the requirements imposed through the final rule issued on November 4, 2019.

[10] As of November 30, 2022, there are 62 futures commission merchants. *See* Commodity Futures Trading Commission, ''Financial Data for FCMs'', dated November 2022, available at *https://www.cftc.gov/MarketReports/financialfcmdata/index.htm.* Additionally, as of December 31, 2022, there are 974 introducing brokers in commodities according to the Commodity Futures Trading Commission. These two counts total 1,036.

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, cost of operation and maintenance, and cost involved in purchasing services.

Himamauli Das,

Acting Director, Financial Crimes Enforcement Network.

[FR Doc. 2023–04713 Filed 3–7–23; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal; Comment Request: Renewal Without Change of Information Collection Requirements in Connection With the Imposition of a Special Measure Against Commercial Bank of Syria, Including Its Subsidiary, Syrian Lebanese Commercial Bank, as a Financial Institution of Primary Money Laundering Concern

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of a continuing effort to reduce paperwork and respondent burden, FinCEN invites comment on a renewal, without change, to information collection requirements finalized on March 15, 2006, imposing a special measure against the Commercial Bank of Syria, including its subsidiary, Syrian Lebanese Commercial Bank (collectively, the ''Commercial Bank of Syria''), as a financial institution of primary money laundering concern. This request for comments is being made pursuant to the Paperwork Reduction Act of 1995 (PRA).

DATES: Written comments are welcome and must be received on or before May 8, 2023.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2023–0004 and the specific Office of Management and Budget (OMB) control number 1506–0036.
- *Mail:* Global Investigations Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2023–0004 and OMB control number 1506–0036.

Please submit comments by one method only. Comments will be reviewed consistent with the PRA and applicable OMB regulations and guidance. Comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 1–800–767–2825 or electronically at *https://www.fincen.gov/contact.*

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Provisions

The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Foreign Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Public Law 107–56 (October 26, 2001), and other legislation, including the Anti-Money Laundering Act of 2020 (AML Act).[1] The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1960, and 31 U.S.C. 5311–5314 and 5316–5336, and notes thereto, with implementing regulations at 31 CFR Chapter X.

The BSA authorizes the Secretary of the Treasury (the ''Secretary''), *inter alia,* to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement AML programs and compliance procedures.[2] Regulations implementing the BSA appear at 31 CFR Chapter X. The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN.[3]

Section 311 of the USA PATRIOT Act (Section 311), codified at 31 U.S.C. 5318A, grants FinCEN the authority, upon finding that reasonable grounds exist for concluding that a foreign jurisdiction, financial institution, class of transactions, or type of account is of ''primary money laundering concern,'' to require domestic financial institutions and financial agencies to take one or more ''special measures.''

Special measures one through four, codified at 31 U.S.C. 5318A(b)(1)–(b)(4), impose additional recordkeeping, information collection, and reporting requirements on covered U.S. financial institutions. The fifth special measure, codified at 31 U.S.C. 5318A(b)(5), allows FinCEN to impose prohibitions or conditions on the opening or maintenance of certain correspondent accounts. Special measures are safeguards that protect the U.S. financial system from money laundering and terrorist financing.

FinCEN issued a final rule on March 15, 2006, imposing the fifth special measure to prohibit U.S. financial institutions from opening or maintaining a correspondent account for, or on behalf of, the Commercial Bank of Syria, including its subsidiary Syrian Lebanese Commercial Bank.[4] The rule requires that U.S. financial institutions apply due diligence to correspondent accounts they maintain on behalf of foreign financial institutions that is reasonably designed to guard against the indirect use of those accounts by the Commercial Bank of Syria. See 31 CFR 1010.653. U.S. financial institutions are required under 31 CFR 1010.653(b)(2)(i)(A) to notify holders of foreign correspondent accounts that they may not provide the Commercial Bank of Syria with access to such accounts. The requirement is intended to ensure cooperation from correspondent account holders in denying Commercial Bank of Syria access to the U.S. financial system. U.S. financial institutions are required under 31 CFR1010.653(b)(3)(i) to document

[1] The AML Act was enacted as Division F, §§ 6001–6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283, 134 Stat 3388 (2021).

[2] Section 358 of the USA PATRIOT Act expanded the scope of the BSA by including a reference to reports and records ''that have a high degree of usefulness in intelligence or counterintelligence activities to protect against international terrorism.'' Section 6101 of the AML Act further expanded the scope of the BSA to cover such matters as preventing money laundering, tracking illicit funds, assessing risk, and establishing appropriate frameworks for information sharing.

[3] Treasury Order 180–01 (Jan. 14, 2020). Therefore, references to the authority of the Secretary under Section 311 of the USA PATRIOT Act apply equally to the Director of FinCEN.

[4] FinCEN, *Final Rule—Imposition of a Special Measure Against Commercial Bank of Syria, Including its Subsidiary, Syrian Lebanese Commercial Bank, as a Financial Institution of Primary Money Laundering Concern,* 71 FR 13260 (Mar. 15, 2006).

compliance with the notification requirement. The information is used by federal agencies and certain self-regulatory organizations to verify compliance with 31 CFR 1010.653.

II. Paperwork Reduction Act of 1995 [5]

Title: Information Collection Requirements in Connection with the Imposition of a Special Measure Against Commercial Bank of Syria, Including its Subsidiary, Syrian Lebanese Commercial Bank, as a Financial Institution of Primary Money Laundering Concern.

OMB Control Number: 1506–0036.

Report Number: Not applicable.

Abstract: FinCEN is issuing this notice to renew the OMB control number for the imposition of a special measure against the Commercial Bank of Syria, including its subsidiary Syrian Lebanese Commercial Bank, as a financial institution of primary money laundering concern pursuant to the authority contained in 31 U.S.C. 5318A. See 31 CFR 1010.653

Type of Review: Renewal without change of a currently approved collection.

Affected Public: Businesses or other for-profit institutions, and not-for-profit institutions.

Frequency: One time notification and recordkeeping associated with the notification. See 31 CFR part 1010.653(b)(2)(i)(A) and 31 CFR part 1010.653(b)(3)(i).

Estimated Number of Respondents: 15,960.

RESPONDENT FINANCIAL INSTITUTIONS BY CATEGORY

Type of institution	Count
Banks, savings associations, thrifts, trust companies [6] ...	5,102
Credit unions [7]	4,917
Brokers or dealers in securities [8]	3,527
Mutual funds [9]	1,378
Futures commission merchants and introducing brokers in commodities [10]	1,036
Total	15,960

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden: 15,960 hours (15,960 respondents × 1 hour).

When the final rule was published on March 15, 2006, FinCEN estimated that 5,000 U.S. financial institutions were affected by the rule. FinCEN has since revised its estimate upward to account for all domestic financial institutions that could potentially maintain correspondent accounts for foreign banks. There are approximately 15,960 such financial institutions doing business in the United States.

Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Request for Comments

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. Comments submitted in response to this notice will be summarized and/or included in a 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, cost of operation and maintenance, and cost involved in purchasing services.

Himamauli Das,

Acting Director, Financial Crimes Enforcement Network.

[FR Doc. 2023–04712 Filed 3–7–23; 8:45 am]

BILLING CODE 4810–02–P

[5] Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

[6] All counts are from the Q3 2022 Federal Financial Institutions Examination Council (FFIEC) Call Report data, available at *https://cdr.ffiec.gov/public/pws/downloadbulkdata.aspx.* Data for institutions that are not insured, are insured under non-FDIC deposit insurance regimes, or do not have a Federal functional regulator are from the FDIC's Research Information System, available at *https://www.fdic.gov/foia/ris/index.html.*

[7] Credit union data are from the National Credit Union Administration (NCUA) for Q3 2022, available at *https://ncua.gov/analysis/credit-union-corporate-call-report-data.*

[8] According to the SEC, there are 3,527 brokers or dealers in securities as of the end of fiscal year 2021. *See* SEC, *Fiscal Year 2023 Congressional Budget Justification,* p. 33, *https://www.sec.gov/files/FY%202023%20Congressional%20Budget%20Justification%20Annual%20Performance%20Plan_FINAL.pdf.*

[9] According to information provided by the SEC as of December 2022 (including filings made through January 20, 2023), there are 1,378 open-end registered investment companies that report on Form N–CEN. FinCEN assesses that such companies would be responsible for implementing the requirements imposed through the final rule issued on March 15, 2006.

[10] As of November 30, 2022, there are 62 futures commission merchants. *See* Commodity Futures Trading Commission, ''Financial Data for FCMs'', dated November 2022, available at *https://www.cftc.gov/MarketReports/financialfcmdata/index.htm.* Additionally, as of December 31, 2022, there are 974 introducing brokers in commodities according to the Commodity Futures Trading Commission. These two counts total 1,036.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. Additionally, OFAC is publishing updates to the identifying information of one person currently included on the SDN List.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Actions

A. On February 28, 2023, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below.

1. CISNEROS HERNANDEZ, Jesus, Mexico; DOB 08 Jun 1989; POB Jalisco, Mexico; nationality Mexico; Gender Male; C.U.R.P.

CIHJ890608HJCSRS09 (Mexico) (individual) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(b)(i) of Executive Order 14059 of December 15, 2021, ''Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,'' 86 FR 71549 (December 17, 2021) (E.O. 14059) for having provided or attempted to provide, financial, material, or technological support for, or goods or services in support of Cartel De Jalisco Nueva Generacion (CJNG), a person sanctioned pursuant to E.O. 14059.

B. On February 28, 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.

1. HEBEI ATUN TRADING CO., LTD. (a.k.a. "HBATUN"), Haiyuetiandi B906, Qiaoxi Street, Shijazhuang, Hebei, China; Room 1102, Bldg. D Haiyuetiandi, No. 66 Yuhua West Road, Qiaoxi District, Shijiazhuang, Hebei, China; Unified Social Credit Code (USCC) 91130104MA09YL9T2W (China) [ILLICIT-DRUGS-EO].

-to-

HEBEI ATUN TRADING CO., LTD. (Chinese Simplified: 河北艾豚商贸有限公司) (a.k.a. "HBATUN"), Haiyuetiandi B906, Qiaoxi Street, Shijazhuang, Hebei, China; Room 1102, Bldg. D Haiyuetiandi No. 66 Yuhua West Road Qiaoxi District, Shijiazhuang, Hebei, China (Chinese Simplified: 裕华西路66号海悦天地D座1102室, 石家庄市, 河北省, China); Website www.atunchemical.com; Digital Currency Address - XBT 1JPfVv5cWRLx1js9NWxg46dG2CGbeRz4th; Unified Social Credit Code (USCC) 91130104MA09YL9T2W (China) [ILLICIT-DRUGS-EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attemped 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.

C. On March 2, 2023, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

1. CORPORATIVO TITLE I, S.A. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 85318 (Mexico) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, CJNG, a person sanctioned pursuant to E.O. 14059.

2. CORPORATIVO TS BUSINESS INC, S.A. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 86007 (Mexico) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, CJNG, a person sanctioned pursuant to E.O. 14059.

3. INTEGRACION BADEVA, S.A. DE C.V., Puerto Vallarta, Jalisco, Mexico; Folio Mercantil No. 16553 (Mexico) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, CJNG, a person sanctioned pursuant to E.O. 14059.

4. JM PROVIDERS OFFICE, S.A. DE C.V., Blvd. Francisco Medina Ascencio S/N Int. 36, Col. Zona Hotelera Norte, Puerto Vallarta, Jalisco C.P. 48333, Mexico; Bahia de Banderas, Nayarit, Mexico; R.F.C. JPO151113I59 (Mexico); Folio Mercantil No. 2107 (Mexico) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, CJNG, a person sanctioned pursuant to E.O. 14059.

5. PROMOTORA VALLARTA ONE, S.A. DE C.V. (a.k.a. INTELECTO BUSINESS GROOP), Bucerias, Nayarit, Mexico; Avenida Paseo de los Heroes 10289, Piso 3 3006, Colonia Zona Urbana Rio Tijuana, Tijuana, Baja California C.P.22505, Mexico; Folio Mercantil No. 1769 (Mexico) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, CJNG, a person sanctioned pursuant to E.O. 14059.

6. RECSERVI, S.A. DE C.V., Bucerias, Nayarit, Mexico; Folio Mercantil No. 1771 (Mexico) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, CJNG, a person sanctioned pursuant to E.O. 14059.

7. SERVICIOS ADMINISTRATIVOS FORDTWOO, S.A. DE C.V., Calle Francia 394, Colonia Versalles, Puerto Vallarta, Jalisco, Mexico; Plaza Genovesa S/N L 39, Puerto Vallarta, Jalisco 48305, Mexico; Bucerias, Nayarit, Mexico; Calle Isla Antigua 3017, Colonia Residencial de la Cruz, Guadalajara, Jalisco C.P. 44970, Mexico; R.F.C. SAF130812CL4 (Mexico); Folio Mercantil No. 1754 (Mexico) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, CJNG, a person sanctioned pursuant to E.O. 14059.

8. TS BUSINESS CORPORATIVO, S.A. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 86141 (Mexico) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, CJNG, a person sanctioned pursuant to E.O. 14059.

Dated: March 3, 2023.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2023–04729 Filed 3–7–23; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. OFAC is also publishing updates to the identifying information of five persons currently included on the SDN List.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

A. On February 24, 2023, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

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Individuals:

1. MASALOVICH, Andrey Igorevich (Cyrillic: МАСАЛОВИЧ, Андрей Игоревич), Russia; DOB 15 Mar 1961; POB Novosibirsk, Russia; nationality Russia; citizen Russia; Gender Male; Tax ID No. 774302812948 (Russia) (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249, 3 CFR, 2021 Comp., p. 542 (Apr. 15, 2021) (E.O. 14024) for operating or having operated in the technology sector of the Russian Federation economy.

2. UGLOV, Andrey Aleksandrovich (a.k.a. UGLOV, Andrei Aleksandrovich), Moscow, Russia; DOB 27 Jul 1984; POB St. Petersburg, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY ILYENKO ELARA RESEARCH AND PRODUCTION COMPLEX).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Open Joint Stock Company Ilyenko Elara Research and Production Complex, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

3. MORETTI, Walter, Orange Grove, Blk F, Flat 3, Triq il-Birbal, Balzan, Malta; DOB 17 Nov 1965; POB Altdorf, Switzerland; nationality Switzerland; alt. nationality Italy; Gender Male; Passport X8346052 (Switzerland) (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation or any person whose property and interests in property are blocked pursuant to this order.

4. MORETTI, Svetlana Alekseyevna, Russia; DOB 27 Apr 1967; nationality Russia; Gender Female; Passport 4511635979 (Russia) (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

5. VILLA, Frederic Pierre, Malta; DOB 21 Oct 1967; nationality Italy; alt. nationality Switzerland; Gender Male; Passport X6107409 (Switzerland); alt. Passport YA6181234 (Italy) (individual) [RUSSIA-EO14024] (Linked To: STRATTON INVESTMENT GROUP LTD).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Stratton Investment Group LTD, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

6. COSMAN, Ronald Eric, Switzerland; DOB 18 Mar 1950; nationality Switzerland; Gender Male; Passport X8647919 (Switzerland) (individual) [RUSSIA-EO14024] (Linked To: MORETTI, Walter).

   Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Walter Moretti, a person whose property and interests in property are blocked pursuant to E.O. 14024.

7. KOLLER, Bruno, Switzerland; DOB 14 Aug 1956; nationality Switzerland; Gender Male; Passport X7607094 (Switzerland) (individual) [RUSSIA-EO14024] (Linked To: MORETTI, Walter).

   Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Walter Moretti, a person whose property and interests in property are blocked pursuant to E.O. 14024.

8. MUELLER, Markus Gerhard, Germany; DOB 01 May 1964; nationality Germany; Gender Male; Passport C4WC5NCJT (Germany) (individual) [RUSSIA-EO14024] (Linked To: MORETTI, Walter).

   Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Walter Moretti, a person whose property and interests in property are blocked pursuant to E.O. 14024.

9. ESHSTRUT, Anastasiya Olegovna (a.k.a. ZHUKOVA, Anastasia Olegovna; a.k.a. ZHUKOVA, Anastasija Olegovna; a.k.a. ZHUKOVA, Anastasiya Olegovna), Russia; DOB 02 Aug 1987; POB Moscow, Russia; nationality Russia; Gender Female; National ID No. 421387317 (Russia); Tax ID No. 772608372923 (Russia) (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

10. PETROV, Sergei Valentinovich, Russia; DOB 26 Apr 1961; POB Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

11. SAFONOV, Maksim Valeryevich (a.k.a. SAFONOV, Maksim Valerevich; a.k.a. SAFONOV, Maxim), Russia; DOB 18 Feb 1980; nationality Russia; Gender Male; National ID No. 4511601701 (Russia) (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

12. BOMATTER, Hans Peter, La Zubia, Spain; DOB 19 May 1965; POB Schattdorf, Switzerland; nationality Switzerland; Gender Male; Passport F3848406 (Switzerland) (individual) [RUSSIA-EO14024] (Linked To: TAMYNA AG).

    Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Tamyna AG, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

13. SCHOMMER, Lutwin, Schoenenstrasse, Rueschlikon 8803, Switzerland; DOB 11 Jul 1957; nationality Switzerland; alt. nationality Germany; Gender Male; Passport X0995321 (Switzerland) (individual) [RUSSIA-EO14024] (Linked To: TAMYNA AG).

    Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Tamyna AG, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

14. UDODOV, Aleksandr Yevgenyevich (a.k.a. UDODOV, Aleksandr Evgenevich; a.k.a. UDODOV, Alexander), 108 6 Zaporozhskaya Street, Moscow 121596, Russia; DOB 10 Jun 1969; POB Kizilyurt, Republic of Dagestan, Russia; nationality Russia; alt. nationality Czech Republic; Gender Male; Passport 753657458 (Russia); alt. Passport 752981959 (Russia) issued 29 Mar 2016 expires 29 Mar 2026; National ID No. 4514642127 (Russia); Tax ID No. 771804785139 (Russia) (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the management consulting sector of the Russian Federation economy.

15. ILISHKIN, Ulan Vladimirovich, Russia; DOB 02 Nov 1960; POB Moscow, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

16. NAZAROVA, Alina Olegovna, Russia; DOB 12 Jul 1984; POB Ukraine; nationality Russia; Gender Female; Passport 721434425 (Russia) expires 05 Oct 2022 (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

17. TYURIKOVA, Evgeniya Sergeyevna (a.k.a. DYATKOVA, Evgeniya Sergeyevna; a.k.a. SMIRNOVA, Evgeniya Sergeyevna; a.k.a. TYURIKOVA, Eugenia; a.k.a. TYURIKOVA, Evgenia; a.k.a. TYURIKOVA, Yevgenia (Cyrillic: ТЮРИКОВА, Евгения)), Bolshaya Serpuhovskaya Street, Moscow 115093, Russia; Hungary; DOB 25 Sep 1975; POB Sevastopol, Ukraine; nationality Russia; Gender Female; Passport 762948132 (Russia) expires 01 Apr 2030; alt. Passport 752900261 (Russia) issued 04 Mar 2016 expires 04 Mar 2026 (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

18. RAYKES, Olga Borisovna (a.k.a. RAIKES, Olga Borisovna), 13/38 Tarmav Street, Rishon Lezion 7529025, Israel; Austria; Singapore; Pokrovka 35-17-1-17, Moscow 105062, Russia; DOB 25 Apr 1984; POB Ekaterinburg, Russia; nationality Russia; alt. nationality Israel; Gender Female; Passport 759916267 (Russia) expires 28 Jan 2029; alt. Passport 32392042 (Israel) issued 16 May 2018 expires 15 May 2023 (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

19. SAVELOV, Marat Maratovich (a.k.a. ISMAGILOV, Marat Maratovich; a.k.a. KHIMICH, Marat; a.k.a. SAVELOV-HIMICH, Marat), Austria; Singapore; 16 Malakhitovaya St, Apt 5, Novinki, Moscow 123103, Russia; DOB 15 Dec 1979; POB Grozny, Russia; nationality Russia; alt. nationality Israel; Gender Male; Passport 725260121 (Russia) issued 04 Jul 2013 expires 04 Jul 2023; alt. Passport 753383048 (Russia) issued 30 Jun 2016 expires 30 Jun 2026; alt. Passport 32395882 (Israel) issued 16 May 2018 expires 15 May 2023; National ID No. 4508457970 (Russia); alt. National ID No. 345133367 (Israel) (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

20. BUGAYENKO, Dmitry Vitalyevich (a.k.a. BUGAENKO, Dmitrii Vitalyevich; a.k.a. BUGAENKO, Dmitry), 6/1 Michurinsky Prospekt, 187-188, Moscow 119295, Russia; DOB 15 Dec 1966; POB Moscow, Russia; nationality Russia; alt. nationality Cyprus; Gender Male; Passport K00148307 (Cyprus) issued 26 Sep 2013 expires 26 Sep 2023; National ID No. 1274836 (Cyprus) (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

21. GNEDOVSKII, Aleksei Dmitrievich (a.k.a. GNEDOVSKI, Aleksei Dmitrievich; a.k.a. GNEDOVSKIY, Alexey), 32 Olimpiyskiy Prospekt, Apt 10, Moscow

129272, Russia; DOB 31 Dec 1964; POB Moscow, Russia; nationality Russia; alt. nationality Cyprus; Gender Male; Passport K00221183 (Cyprus) issued 07 May 2015 expires 07 May 2025; alt. Passport 721036977 (Russia) expires 06 Sep 2022; alt. Passport 722881075 (Russia) expires 06 Sep 2022; National ID No. 1295013 (Cyprus); Tax ID No. 770200079259 (Russia) (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

22. KURBANOV, Nurmurad (a.k.a. KOURMPANOV, Nourmourad; a.k.a. KURBANOV, Nuri; a.k.a. KURBANOV, Nurmurat), Cyprus; DOB 17 Oct 1962; POB Turkmenistan; nationality Turkmenistan; citizen Russia; Gender Male (individual) [BELARUS-EO14038] (Linked To: OKB TSP SCIENTIFIC PRODUCTION LIMITED LIABILITY COMPANY).

Designated pursuant to section 1(a)(vii) of Executive Order 14038 of August 9, 2021, "Blocking Property of Additional Persons Contributing to the Situation in Belarus," 86 FR 43905, 3 CFR, 2021 Comp., p. 626 (E.O. 14038), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, OKB TSP Scientific Production Limited Liability Company, a person whose property and interests in property are blocked pursuant to E.O. 14038.

Entities:

1. BANK SAINT-PETERSBURG PUBLIC JOINT STOCK COMPANY (a.k.a. BANK SAINT PETERSBURG; a.k.a. BANK SAINT-PETERSBURG PJSC; f.k.a. OJSC BANK SAINT PETERSBURG), 64A, Malookhtinsky PR, Saint Petersburg 195112, Russia; SWIFT/BIC JSBSRU2P; Website www.bspb.ru; Organization Established Date 01 Jan 1990; Target Type Financial Institution; Tax ID No. 7831000027 (Russia); Legal Entity Number 253400BEVESMWQRXBQ11; Registration Number 1027800000140 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

2. PUBLIC JOINT STOCK COMPANY URAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (a.k.a. PJSC KB UBRIR; a.k.a. PJSC UBRD; a.k.a. UBRIR PAO; a.k.a. URAL BANK FOR RECONSTRUCTION AND DEVELOPMENT), d. 67, ul. Sakko i Vantsetti, Yekaterinburg, Sverdlovsk Oblast 620014, Russia; SWIFT/BIC UBRDRU4E; Website www.ubrr.ru; Organization Established Date 01 Sep 1990 to 30 Sep 1990; Tax ID No. 6608008004 (Russia); Registration Number 1026600000350 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

3. NOVOSIBIRSK SOCIAL COMMERCIAL BANK LEVOBEREZHNY PUBLIC JOINT STOCK COMPANY (f.k.a. NOVOSIBIRSK SOCIAL COMMERCIAL BANK LEVOBEREZHNY OPEN JOINT STOCK COMPANY), St. Kirov, 48, Novosibirsk 630102, Russia; Ul. Kirova 48, Novosibirsk, Novosibirskaya Oblast 630102, Russia; SWIFT/BIC LEVBRU55; Website www.nskbl.ru; Organization Established Date 1991; Target Type Financial Institution; Tax ID No. 5404154492 (Russia); Legal Entity Number 2534000M10JE1UCFJ111; Registration Number 1025400000010 (Russia) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

4. FEDERAL STATE UNITARY ENTERPRISE CENTRAL SCIENTIFIC RESEARCH INSTITUTE OF ECONOMICS INFORMATICS AND MANAGEMENT SYSTEMS (a.k.a. "AO TSNII EISU" (Cyrillic: "ЦНИИ ЭИСУ"); a.k.a. "CNIIEISU"), Ul. Bronnaya M D., STR. 1, Saint Petersburg 123104, Russia; Website cniieisu.ru; Organization Established Date 11 Nov 1991; Organization Type: Other information technology and computer service activities; Target Type Government Entity; Tax ID No. 7703824477 (Russia); Registration Number 1147748143344 (Russia) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

5. FORWARD SYSTEMS, R&DC (a.k.a. CJSC NTTS PEREDOVYE SISTEMY; a.k.a. FORWARD SYSTEMS, R AND DC; a.k.a. ZAO NTTS PEREDOVYE SISTEMY (Cyrillic: ЗАО НТЦ ПЕРЕДОВЫЕ СИСТЕМЫ)), 20B Glebovskaya st., Moscow 107258, Russia; ul. Glebovskaya, d. 20B, Moscow 107258, Russia; Website www.forsys.ru; Organization Established Date 29 May 1997; Organization Type: Other information technology and computer service activities; Target Type Private Company; Tax ID No. 7718124608 (Russia); Business Registration Number 1027700530329 (Russia) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

6. ZAO AKUTA (Cyrillic: ЗАО АКУТА) (a.k.a. CJSC AKUTA; a.k.a. CLOSED JOINT STOCK COMPANY AKUTA (Cyrillic: ЗАКРЫТОЕ АКЦОНЕРНОЕ ОБЩЕСТВО АКУТА); a.k.a. ZAKRYTOE AKTSIONERNOE OBSHCHESTVO AKUTA; a.k.a. "ACUTA" (Cyrillic: "АКУТА")), Ul. Pionerskaya D. 44, Saint Petersburg 197110, Russia; Website www.acuta.ru; Organization Established Date 25 Sep 2008; Organization Type: Other information technology and computer service activities; Target Type Private Company; Tax ID No. 7813426574 (Russia); Registration Number 1089847377586 (Russia) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

7. AO INFORUS (Cyrillic: АО ИНФОРУС), d. 9 etazh 2 pom. I kom. 1, ul. Marshala Sokolovskogo, Moscow 123060, Russia; Organization Established Date 05 Jul 2012; Organization Type: Other information technology and computer service activities; Tax ID No. 7705990670 (Russia); Government Gazette Number 09933992 (Russia); Registration Number 1127746519988 (Russia) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

8. AO RUSSIAN HIGH TECHNOLOGIES (Cyrillic: АО РОССИЙСКИЕ НАУКОЕМКИЕ ТЕХНОЛОГИИ) (a.k.a. AKTSIONEROE OBSHCHESTVO RNT (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО РНТ); a.k.a. CLOSED JOINT STOCK COMPANY RNT; a.k.a. "AO RNT" (Cyrillic: "АО РНТ"); a.k.a. "CJSC RNT"; a.k.a. "RNT COMPANY"; a.k.a. "ZAO RNT"), 6, ul. 2-Ya Ostankinskaya, Moscow 129515, Russia; Website www.rnt.ru; Organization Established Date 16 Jun 1993; Organization Type: Other information technology and computer service activities; Target Type Private Company; Tax ID No. 7720010693 (Russia); Government Gazette Number 17917145 (Russia); Registration Number 1027700248256 (Russia) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

9. OOO ITERANET (Cyrillic: ООО ИТЕРАНЕТ) (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVESTVENNOSTYU ITERANET (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕГННОЙ ОТВЕТСТВЕННОСТЬЮ ИТЕРАНЕТ)), d. 16 str. 17, per. Truzhenikov 1-I, Moscow 119121, Russia; Sevastopolskii Pr 28, Korp. 1, Moscow 117209, Russia; Website www.iteranet.ru; Organization Established Date 27 Apr 1999; Organization Type: Wired telecommunications activities; Target Type Private Company; Tax ID No. 7704199755 (Russia); Government Gazette Number 51037789 (Russia); Registration Number 1027739111168 (Russia) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

10. OOO LAVINA PULS (Cyrillic: ООО ЛАВИНА ПУЛЬС) (a.k.a. LAVINA PULS; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVESTVENNOSTYU LAVINA PULS (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕГННОЙ ОТВЕТСТВЕННОСТЬЮ ЛАВИНА ПУЛЬС)), d. 6 kab. 103, ul. 2-Ya Ostankinskaya, Moscow 129515, Russia; Website www.lavinapuls.ru; Organization Established Date 04 Oct 2016; Organization Type: Other information technology and computer service activities; Target Type Private Company; Tax ID No. 7704374171 (Russia); Government Gazette Number 04897659 (Russia); Registration Number 5167746073150 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

11. NOVILAB MOBILE, LLC (Cyrillic: ООО НОВИЛАБ МОБАЙЛ) (a.k.a. LLC NOVILAB MOBAYL; a.k.a. NOVILAB MOBILE LIMITED LIABILITY COMPANY; a.k.a. NOVILAB MOBILE OOO), Sh Kashirskoe D. 31, Moscow 115409, Russia; st. Kaspuyskaya, house 22, korpus 1, structure 5, E5, room IX, 17a, office 13, Moscow 115304, Russia; Website novilabmobile.com; alt. Website novilabmobile.ru; Organization Established Date 06 Sep 2010; Organization Type: Other information technology and computer service activities; Target Type Private Company; Registration ID 1107746723776 (Russia); Tax ID No. 7724759532 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

12. 0DAY TECHNOLOGIES (a.k.a. LIMITED 0DAY TECHNOLOGIES; a.k.a. LLC ZIROUDEY TEKHNOLODZHIS (Cyrillic: ООО ЗИРОУДЭЙ ТЕХНОЛОДЖИС); a.k.a. "LTD 0DT"), UL. Profsoyuznaya D. 125, Floor Tsokolnyi, Pomeshch. I. Kom. 14, Moscow 117647, Russia; St. Vvedenskogo, House 23A, Structure 3, etazh 4, Room XIV, Room 62, Rm1b, Moscow 117342, Russia; Website https://0day.llc/; Organization Established Date 29 Dec 2001; Organization Type: Other information technology and computer service activities; Target Type Private Company; Registration ID 5117746070558 (Russia); Tax ID No. 7728795098 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

13. CREDIT BANK OF MOSCOW PUBLIC JOINT STOCK COMPANY (a.k.a. CREDIT BANK OF MOSCOW (Cyrillic: МОСКОВСКИЙ КРЕДИТНЫЙ БАНК); a.k.a. CREDIT BANK OF MOSCOW PJSC (Cyrillic: ПАО МОСКОВСКИЙ КРЕДИТНЫЙ БАНК)), Lukov pereulok 2, bldg. 1, Moscow 107045, Russia; SWIFT/BIC MCRBRUMM; Website www.mkb.ru; BIK (RU) 044525659; Organization Established Date 1992; Target Type Financial Institution; Executive Order 14024 Directive Information - For more information on directives, please visit the following link: https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/russian-harmful-foreign-activities-sanctions#directives; Executive Order 14024 Directive Information Subject to Directive 3 - All transactions in, provision of financing for, and other dealings in new debt of longer than 14 days maturity or new equity where such new debt or new equity is issued on or after the 'Effective Date (EO 14024 Directive)' associated with this name are prohibited.; Listing Date (EO 14024 Directive 3): 24 Feb 2022; Effective Date (EO 14024 Directive 3): 26 Mar 2022; Registration ID 1027739555282 (Russia); Tax ID No. 7734202860 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

14. PUBLIC JOINT STOCK COMPANY BANK URALSIB (f.k.a. BANK URALSIB OAO; f.k.a. BANK URALSIB OJSC; a.k.a. BANK URALSIB PAO; f.k.a. BASHCREDITBANK; f.k.a. URALO-SIBIRSKIY BANK OAO; f.k.a. URAL-SIBERIAN BANK), 8 Efremova Street, Moscow 119048, Russia;

SWIFT/BIC AVTBRUMM; Website https://www.uralsib.ru; Organization Established Date 27 Jan 1993; Target Type Financial Institution; Tax ID No. 0274062111 (Russia); Legal Entity Number 253400HYBTF10T9XBR98; Registration Number 1020280000190 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

15. SDM-BANK PUBLIC JOINT STOCK COMPANY (a.k.a. SDM-BANK PAO; a.k.a. SDM-BANK PJSC), Sh. Volokolamskoe d. 73, Moscow 125424, Russia; SWIFT/BIC SJSCRUMM; Website www.sdm.ru; Organization Established Date 17 Sep 1991; Target Type Financial Institution; Tax ID No. 7733043350 (Russia); Legal Entity Number 25340008GF2H0T8HKN44; Registration Number 1027739296584 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

16. BY TRADE OU, Tornimae tn 7-25, Tallinn 10141, Estonia; Organization Established Date 08 May 2013; Organization Type: Wholesale of other machinery and equipment; Target Type Private Company; V.A.T. Number EE101961831 (Estonia); Registration Number 12470521 (Estonia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Malberg Limited, a person whose property and interests in property are blocked pursuant to E.O. 14024.

17. JOINT STOCK COMPANY VAKUUM.RU (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ВАКУУМ.РУ) (a.k.a. AKTSIONERNOE OBSHCHESTVO VAKUUM.RU; a.k.a. JSC VACUUM.RU (Cyrillic: АО ВАКУУМ.РУ)), Proezd Savelkinskii D. 4, E 13, Pom. XXI K 4 Of 4G, Zelenograd 124482, Russia; Passage No. 4922, Building 4, Floor 1, Room 55, Zelenograd, Moscow 124460, Russia; Organization Established Date 27 May 2019; Organization Type: Wholesale of other machinery and equipment; Target Type Private Company; Tax ID No. 7735183762 (Russia); Government Gazette Number 39727818 (Russia); Registration Number 1197746343772 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

18. TPZ-RONDOL OOO (Cyrillic: ООО ТПЗ-РОНДОЛЬ), D. 47-B kom. 406, ul. Marata, Tula, Tulskaya Oblast 300004, Russia; Ul Marata D 139, Tula 300004, Russia; Organization Established Date 06 Apr 2004; Tax ID No. 7105032482 (Russia); Government Gazette Number 72570950 (Russia); Registration Number 1047100571979 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the metals and mining sector of the Russian Federation economy.

19. OKB SPEKTR OOO (a.k.a. OBSCHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU OKB SPEKTR; a.k.a. OKB SPECTR LLC; a.k.a. ZAO OKB SPEKTR), Ul. Chugunnaya D. 20, Korp. 111, Saint Petersburg 194044, Russia; Organization Established Date 25 Mar 1993; Tax ID No. 7804585151 (Russia); Government Gazette Number 23109231 (Russia); Registration Number 1167847477291 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

20. OPEN JOINT STOCK COMPANY ILYENKO ELARA RESEARCH AND PRODUCTION COMPLEX (a.k.a. AKTSIONERNOE OBSHCHESTVO NAUCHNO PROIZVODSTVENNYI KOMPLEKS ELARA IMENI G.A. ILYENKO; a.k.a. AO ELARA; a.k.a. ILYENKO ELARA RESEARCH AND PRODUCTION COMPLEX OJSC), Moskovsky Prospekt 40, Cheboksary, Chuvash Republic 428015, Russia; Organization Established Date 1970; Tax ID No. 2129017646 (Russia); Registration Number 1022101269123 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the electronics sector of the Russian Federation economy.

21. JOINT STOCK COMPANY COMMERCIAL BANK LANTA BANK (f.k.a. CLOSED JOINT STOCK COMPANY COMMERCIAL BANK LANTA BANK), 9 Novokuznetskaya Street, building 2, Moscow 115184, Russia; SWIFT/BIC COLKRUMM; Website http://www.lanta.ru; Organization Established Date 24 Jun 1992; Target Type Financial Institution; Tax ID No. 7705260427 (Russia); Legal Entity Number 2534001F52UDT7V2KR58; Registration Number 1037739042912 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

22. JOINT STOCK COMMERCIAL BANK PRIMORYE (a.k.a. AKB PRIMORYE PAO; f.k.a. JSCB PRIMORYE BANK; a.k.a. PJSCB PRIMORYE), UL. Svetlanskaya D. 47, Vladivostok 690990, Russia; SWIFT/BIC UNEPRU8V; Website https://www.primbank.ru/; Organization Established Date 27 Jul 1994; Target Type Financial Institution; Tax ID No. 2536020789 (Russia); Legal Entity Number 25340019U0SFT4YC9G79 (Russia); Registration Number 1022500000566 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

23. INDEPENDENT INSURANCE GROUP LTD (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU STRAKHOVAYA KOMPANIYA NEZAVISIMAYA STRAKHOVAYA GRUPPA (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ СТРАХОВАЯ КОМПАНИЯ НЕЗАВИСИМАЯ СТРАХОВАЯ ГРУППА); a.k.a. "NSG OOO"), Vspolniy Pereulok 18, bldg. 2, Moscow 123001, Russia; Website www.nsg-ins.ru; Organization Established Date 03 Mar 2003; Tax ID No.

7716227728 (Russia); Government Gazette Number 14139641 (Russia); Registration Number 1037716006360 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

24. METALLURG-TULAMASH OOO (Cyrillic: ООО МЕТАЛЛУРГ ТУЛАМАШ), D.2 Korp. Ofis, ul. Mosina, Tula, Tulskaya Obl. 300002, Russia; Organization Established Date 21 Nov 2003; Target Type Private Company; Tax ID No. 7106056687 (Russia); Government Gazette Number 70776937 (Russia); Registration Number 1037100782080 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the metals and mining sector of the Russian Federation economy.

25. JOINT STOCK COMPANY CENTRAL SCIENTIFIC RESEARCH INSTITUTE BUREVESTNIK (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ЦЕНТРАЛЬНЫЙ НАУЧНО-ИССЛЕДОВАТЕЛЬСКИЙ ИНСТИТУТ БУРЕВЕСТНИК) (a.k.a. JSC CRI BUREVESTNIK; a.k.a. TSNII BUREVESTNIK AO), 1A Shosse Sormovskoe, Nizhny Novgorod, Nizhny Novgorod Oblast 603950, Russia; Organization Established Date 30 Apr 2008; alt. Organization Established Date 1970; Target Type State-Owned Enterprise; Tax ID No. 5259075468 (Russia); Government Gazette Number 07501544 (Russia); Registration Number 1085259003664 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the metals and mining sector of the Russian Federation economy.

26. STRATTON INVESTMENT GROUP LTD, The Brewhouse, Mdina Road, CBD Zone 2, CBD, Birkirkara 20210, Malta; Organization Established Date 26 May 2014; Target Type Private Company; Registration Number C 65319 (Malta) [RUSSIA-EO14024] (Linked To: TAERIO LIMITED).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Taerio Limited, a person whose property and interests in property are blocked pursuant to E.O. 14024.

27. TAERIO LIMITED, Office No. 3, Hamarain Centre, Deira, Al Muraqqabat, PO Box 95426, Dubai, United Arab Emirates; Malta; Registration Number IBC041510470 (Malta) [RUSSIA-EO14024] (Linked To: MORETTI, Walter).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Walter Moretti, a person whose property and interests in property are blocked pursuant to E.O. 14024.

28. TAMIMED, ul. Novozavodskaya d. 8, k. 4, Floor 1 Pom. VIII K 5 Of 1, Moscow 121087, Russia; Organization Established Date 24 Sep 2020; Target Type Private Company; Tax ID No. 7730259249 (Russia); Registration Number

1207700352420 (Russia) [RUSSIA-EO14024] (Linked To: MORETTI, Svetlana Alekseyevna).

Designated pursuant to sections 1(a)(i) and 1(a)(vii) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy and for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Svetlana Alekseyevna Moretti, a person whose property and interests in property are blocked pursuant to E.O. 14024.

29. TAMYNA FZE, Ras Al-Khaimah, United Arab Emirates; Organization Established Date 11 Nov 2018; Organization Type: Wholesale of electronic and telecommunications equipment and parts [RUSSIA-EO14024] (Linked To: MORETTI, Walter).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Walter Moretti, a person whose property and interests in property are blocked pursuant to E.O. 14024.

30. INTERPOLYTRADE LIMITED COMPANY (a.k.a. INTERPOLITREID OOO), ul. Sedova d. 37, lit. A, pom. 184-N Office 601, chast 2, Saint Petersburg, Russia; Organization Established Date 15 Dec 2012; Tax ID No. 7811539798 (Russia); Registration Number 1129847026297 (Russia) [RUSSIA-EO14024] (Linked To: MUELLER, Markus Gerhard).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Markus Gerhard Mueller, a person whose property and interests in property are blocked pursuant to E.O. 14024.

31. SWISSTEC 3D AKUS AG, Ackerstrasse 45, Uster 8610, Switzerland; Organization Established Date 27 Jan 2017; Company Number CH-197.109.049 (Switzerland); Registration Number CH-020.3.044.174-6 (Switzerland) [RUSSIA-EO14024] (Linked To: MORETTI, Walter).

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Walter Moretti, a person whose property and interests in property are blocked pursuant to E.O. 14024.

32. TAERIO INTERNATIONAL LTD EOOD, 3 Han Krum St., Sredets Distr., Fl. 2, Sofia 1000, Bulgaria; Organization Established Date 05 Sep 2018; Target Type Private Company; Tax ID No. 205265467 (Bulgaria) [RUSSIA-EO14024] (Linked To: MUELLER, Markus Gerhard).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Markus Gerhard Mueller, a person whose property and interests in property are blocked pursuant to E.O. 14024.

33. PUBLIC JOINT STOCK COMPANY MTS BANK (f.k.a. MOSCOW BANK FOR RECONSTRUCTION AND DEVELOPMENT; f.k.a. OPEN JOINT STOCK COMPANY MTS BANK; a.k.a. PJSC MTS BANK), PR-KT Andropova D. 18, K. 1, Moscow 115432, Russia; Abu Dhabi, United Arab Emirates; SWIFT/BIC MBRDRUMM; Website www.mtsbank.ru; Organization Established Date 29 Jan 1993; Target Type Financial Institution; Tax ID No. 7702045051 (Russia); Legal Entity Number 2534005803A5MMD61T78; Registration Number 1027739053704 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

34. BANK ZENIT PUBLIC JOINT STOCK COMPANY (f.k.a. BANK ZENIT OAO; a.k.a. BANK ZENIT PAO; f.k.a. OJSC BANK ZENIT; a.k.a. PJSC BANK ZENIT), Ul. Odesskaya D. 2, Moscow 117638, Russia; SWIFT/BIC ZENIRUMM; Website www.zenit.ru; Organization Established Date 01 Jan 1995; Target Type Financial Institution; Tax ID No. 7729405872 (Russia); Legal Entity Number 253400NT4MB307747N58; Registration Number 1927739056927 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

35. OOO ZENIT FACTORING MSP (a.k.a. LIMITED LIABILITY COMPANY ZENIT FAKTORING MSP), Ul. Odesskaya D. 2, Floor 14, Pom. V, Kom. 23, Moscow 117638, Russia; Organization Established Date 15 Feb 2016; Target Type Financial Institution; Tax ID No. 7728330720 (Russia); Registration Number 1167746163991 (Russia) [RUSSIA-EO14024] (Linked To: BANK ZENIT PUBLIC JOINT STOCK COMPANY).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Bank Zenit Public Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

36. OOO ZENIT FINANCE (a.k.a. LIMITED LIABILITY COMPANY ZENIT FINANS), Ul. Odesskaya D. 2, Floor 18, Pomeshch. II, Moscow 117638, Russia; Organization Established Date 19 Jan 2018; Target Type Financial Institution; Tax ID No. 7702428209 (Russia); Registration Number 1187746040910 (Russia) [RUSSIA-EO14024] (Linked To: BANK ZENIT PUBLIC JOINT STOCK COMPANY).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Bank Zenit Public Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

37. OOO ZENIT LEASING (a.k.a. LIMITED LIABILITY COMPANY ZENIT LIZING), Ul. Odesskaya D. 2, Floor 13, Pom. II, Moscow 117638, Russia; Organization Established Date 07 May 2018; Target Type Financial Institution; Tax ID No. 7702431360 (Russia); Registration Number 1187746462826 (Russia)

[RUSSIA-EO14024] (Linked To: BANK ZENIT PUBLIC JOINT STOCK COMPANY).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Bank Zenit Public Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

38. LIMITED LIABILITY COMPANY MAXTECH (a.k.a. LIMITED LIABILITY COMPANY MAXTEH; a.k.a. MAKSTECH; a.k.a. MAKSTEKH; a.k.a. MAXTECH IT SOLUTIONS; a.k.a. MAXTECH SOLUTIONS; a.k.a. MAXTECHSOLUTIONS; a.k.a. "MAX AI"; a.k.a. "MAXAI"), ul. Ilimskaya d. 5, k.2, office Z 303, Moscow 127576, Russia; ul. Novgorodskaya d. 1, ofis A 212, Moscow 127576, Russia; Organization Established Date 06 Feb 2017; Tax ID No. 9715291467 (Russia); Registration Number 1177746103303 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

39. LIMITED LIABILITY COMPANY PROMTEKHEKSPERT (a.k.a. "PTE OOO"), ul. Novgorodskaya d. 1, floor 2 pom. A 212, Moscow 127576, Russia; Organization Established Date 17 Dec 2003; Tax ID No. 7743515789 (Russia); Registration Number 1037789060165 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

40. PSV TECHNOLOGIES LLC (a.k.a. PSV TEKHNOLOGII OOO; a.k.a. "PSV-TECH"), ul. Malaya Semenovskaya d. 3A, str. 2, Moscow 107023, Russia; Organization Established Date 27 Mar 2013; Tax ID No. 7718927027 (Russia); Registration Number 1137746264940 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

41. TAMYNA AG (a.k.a. TAMYNA LTD; a.k.a. TAMYNA SA; f.k.a. "IMSC AG"; f.k.a. "IMSC GMBH"; f.k.a. "INTERNATIONAL MARITIME CORPORATION"), Baarerstrasse 55, Zug 6302, Switzerland; 11 Bahnhofstrasse, Schlieren, Zurich 8952, Switzerland; Organization Established Date 06 Apr 2011; alt. Organization Established Date 04 Apr 2012; Company Number CH-316.162.555 (Switzerland); Registration Number CH-170-4.010.398-7 (Switzerland) [RUSSIA-EO14024] (Linked To: MORETTI, Walter).

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Walter Moretti, a person whose property and interests in property are blocked pursuant to E.O. 14024.

42. AVRORA CAPITAL SRO, Eliasova 964/24, Prague 16000, Czech Republic; Organization Established Date 29 Jan 2007; Tax ID No. CZ27649598 (Czech

Republic); Registration Number C 121509 (Czech Republic) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

43. CALIBER WEALTH MANAGEMENT LTD, Bank Lane & Bay Street, Suite 102, Floor 1, Saffrey Square, Nassau, Bahamas, The; 1 Naousis Street, Karapatakis Bldg, Larnaca 6018, Cyprus; Legal Entity Number 529900JWVN1VFAI10U61; Registration Number 151838 (Bahamas, The) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

44. LEADING CAPITAL INVESTMENT LTD, Virgin Islands, British; 70 Charlotte Street, London W1T 4QG, United Kingdom; Apartment 6.2, 10 Lancelot Place, London SW7 1DR, United Kingdom; Car Park Space 34, 10 Lancelot Place, London SW7 1DS, United Kingdom [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

45. LIMITED LIABILITY COMPANY AFORRA DEVELOPMENT, ul. Bolshaya Yakimanka, d. 26, E/pom./kom 1/IV/9V, Moscow, Russia; Tax ID No. 7706418970 (Russia); Registration Number 1157746261078 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

46. LIMITED LIABILITY COMPANY AFORRA ENGINEERING (a.k.a. AFORRA INZHINIRING OOO), vn.ter.g. munitsipalny okrug Yakimanka, per 2-i Babegorodski, d.29, etazh 3, pomeshch. 1, Moscow, Russia; Tax ID No. 7706432622 (Russia); Registration Number 1167746072977 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

47. LIMITED LIABILITY COMPANY AFORRA MANAGEMENT (a.k.a. AFORRA MENEDZHMENT OOO), ul. Bolshaya Yakimanka, d. 26, Moscow, Russia; Organization Type: Management consultancy activities; Tax ID No. 7706428094 (Russia); Registration Number 1157746943606 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the management consulting sector of the Russian Federation economy.

48. LIMITED LIABILITY COMPANY AFORRA PROPERTY (a.k.a. AFORRA PROPERTI OOO), ul. Bolshaya Yakimanka, d. 26, Moscow, Russia; Tax ID No. 7706430209 (Russia); Registration Number 5157746095722 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

49. LIMITED LIABILITY COMPANY AKTIV R (a.k.a. AKTIV R OOO), vn.ter.g. munitsipalny okrug Krylatskoe, ul. Osennyaya, d. 23, Moscow, Russia; Tax ID No. 9731086458 (Russia); Registration Number 1217700603713 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

50. LIMITED LIABILITY COMPANY ARENDOFF (a.k.a. ARENDOFF OOO), per. Sezzhinski, d. 3 str. 1, Moscow, Russia; Tax ID No. 7710724547 (Russia); Registration Number 1087746891594 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

51. LIMITED LIABILITY COMPANY ATLAS REAL ESTATE (a.k.a. ATLAS NEDVIZHIMOST OOO), prospekt Kutuzovski, d. 24, etazh 1 pom. XVII kom. 26, Moscow, Russia; Tax ID No. 7730710599 (Russia); Registration Number 1147746869896 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

52. LIMITED LIABILITY COMPANY AYAKS (a.k.a. AYAKS OOO), ul. Bolshaya Yakimanka, d. 22, pom. XIII chast kom. 3, Moscow, Russia; Tax ID No. 7706809452 (Russia); Registration Number 1147746522582 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

53. LIMITED LIABILITY COMPANY GARANTIYA (a.k.a. GARANTIYA OOO), bulvar Tverskoi, d. 15 str. 2, Moscow, Russia; Tax ID No. 7703610362 (Russia); Registration Number 5067746901426 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

54. LIMITED LIABILITY COMPANY MUSHROOM RAINBOW (a.k.a. GRIBNAYA RADUGA OOO), ul. Volodsarkogo, d. 70 ofis 4/1, Kursk, Kursk oblast, Russia; Tax ID No. 4611013515 (Russia); Registration Number 1154611000114 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

55. LIMITED LIABILITY COMPANY NEW CITY (a.k.a. NOVY GOROD OOO), ul. Solnechnaya, d. 3, pom. 97 ofis 17, Zhukovski, Moscow oblast, Russia; Tax ID No. 5040130894 (Russia); Registration Number 1145040006506 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

56. LIMITED LIABILITY COMPANY NIKOLIYA (a.k.a. NIKOLIYA OOO), bulvar Tverskoi, d. 15 str. 2, Moscow, Russia; Tax ID No. 7710972620 (Russia); Registration Number 5147746404306 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

57. LIMITED LIABILITY COMPANY OPTIMA INVEST (a.k.a. OPTIMA INVEST OOO), ul. Lyusinovskaya, d. 28/19 str. 6, Moscow, Russia; Tax ID No. 7705993897 (Russia); Registration Number 1127746621804 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

58. LIMITED LIABILITY COMPANY RUSSUL (a.k.a. RUSSUL OOO), vn.ter.g. munitsipalny okrug Yakimanka, per 2-i Babegorodski, d.29, pomeshch. 11, Moscow, Russia; Tax ID No. 9706016513 (Russia); Registration Number 1217700270831 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

59. LIMITED LIABILITY COMPANY STORK (a.k.a. STORK OOO), ul. Festivalnaya, d. 17, k. 1 etazh 1 pom. I kom. 3, Moscow, Russia; Tax ID No. 7706795979 (Russia); Registration Number 1137746501771 (Russia) [RUSSIA-EO14024] (Linked To: UDODOV, Aleksandr Yevgenyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Aleksandr Yevgenyevich Udodov, a person whose property and interests in property are blocked pursuant to E.O. 14024.

60. PRIVATE MILITARY COMPANY REDUT (a.k.a. LIMITED LIABILITY COMPANY REDUT SECURITY; a.k.a. LIMITED LIABILITY COMPANY REDUT-BEZOPASNOST; a.k.a. PMC REDUT; a.k.a. PRIVATE MILITARY COMPANY REDOUBT), Belarus; Ukraine; Ul. Dubininskaya D. 61, Pom. IV, Komnata 35, Moscow 115054, Russia; Organization Established Date 13 Dec 2019; Organization Type: Private security activities; Tax ID No. 9725026517 (Russia); Registration Number 1197746727530 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

61. CONFIDERI PTE LTD (a.k.a. CONFIDERI ADVISORY GROUP; a.k.a. CONFIDERI FAMILY OFFICE; f.k.a. INDERSEN GLOBAL PTE LTD; f.k.a. POLINA CAPITAL PTE LTD), Bolshaya Serpukhovskaya Str., 25 Bld. 1, Moscow, Russia; Six Battery Road, Level 30, Singapore, Singapore; Tong Eng Building, 101 Cecil Street #16-04, Singapore 69533, Singapore; Cayman Islands; Organization Established Date 2010; Legal Entity Number 984500E975B997FA5E48; Registration Number 201207051Z (Singapore)

[RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

62. VEND ORE GMBH, Novaragasse 55/4B, Vienna 1020, Austria; Organization Established Date 26 Sep 2019 [RUSSIA-EO14024] (Linked To: RAYKES, Olga Borisovna; Linked To: SAVELOV, Marat Maratovich).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Olga Borisovna Raykes and Marat Maratovich Savelov, persons whose property and interests in property are blocked pursuant to E.O. 14024.

63. HADLERCO LIMITED, Marilena Building, Flat No 101, No 1, Prigkipissas Zinas Kanther 12, Nicosia 1065, Cyprus; Organization Established Date 11 Aug 2000; Tax ID No. 10113889S (Cyprus); Legal Entity Number 213800MRUA23SZCWPO15; Registration Number C113889 (Cyprus) [RUSSIA-EO14024] (Linked To: BUGAYENKO, Dmitry Vitalyevich).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Dmitry Vitalyevich Bugayenko, a person whose property and interests in property are blocked pursuant to E.O. 14024.

64. IC VELES CAPITAL LLC (a.k.a. IK VELES KAPITAL OOO), Nab. Krasnopresnenskaya d. 12, podyezd 7, floor 18, Tsentr Mezhdunarodnoi Torgovli-2, Moscow 123610, Russia; Organization Established Date 27 Apr 2000; Tax ID No. 7709303960 (Russia); Identification Number YT68RV.99999.SL.643 (Russia); Legal Entity Number 253400GHQM8WGX9UET22; Registration Number 1027700098150 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

65. LIMITED LIABILITY COMPANY VELES TRUST (a.k.a. VELES TRAST OOO; a.k.a. VELES TRUST LLC), Per. Khokhlovskii d. 16, str. 1, Moscow 109028, Russia; Organization Established Date 14 Aug 2006; Tax ID No. 7703603950 (Russia); Registration Number 5067746107391 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

66. VELES AKTIV OOO, Sh. Khoroshevskoe d. 32A, et 5 pom XVI kom 24-26, Moscow 123007, Russia; Organization Established Date 04 Jun 2004; Tax ID No. 5015005970 (Russia); Legal Entity Number 253400VTMXV2UE7XNN67; Registration Number 1045002900898 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

67. VELES INTERNATIONAL LIMITED, Globe House, Floor No. 5, 23 Kennedy, Nicosia 1075, Cyprus; Organization Established Date 21 Sep 2005; Tax ID No. 10165706H (Cyprus); Identification Number M9DR4T.99999.SL.196 (Cyprus); Legal Entity Number 213800HFBG8GID98ID84; Registration Number C165706 (Cyprus) [RUSSIA-EO14024] (Linked To: BUGAYENKO, Dmitry Vitalyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Dmitry Vitalyevich Bugayenko, a person whose property and interests in property are blocked pursuant to E.O. 14024.

68. VELES MANAGEMENT LTD (a.k.a. UK VELES MANAGEMENT; a.k.a. UK VELES MENEDZHMENT OOO), Nab. Krasnopresnenskaya d. 12, pod. 7, et. 14, Moscow 123610, Russia; Organization Established Date 16 Jul 2004; Tax ID No. 7703523568 (Russia); Identification Number 961WVX.99999.SL.643 (Russia); Legal Entity Number 253400JX3PEQDBPL8052; Registration Number 1047796515470 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

69. PUBLIC JOINT STOCK COMPANY STOCK COMMERCIAL BANK METALLURGICAL INVESTMENT BANK (a.k.a. AKB METALLINVESTBANK; f.k.a. OPEN JOINT STOCK COMPANY STOCK COMMERCIAL BANK METALLURGICAL INVESTMENT BANK; a.k.a. PJSC SCB METALLINVESTBANK), Ul. Bolshaya Polyanka D. 47, Str. 1, Moscow 119180, Russia; SWIFT/BIC SCBMRUMM; Website www.metallinvestbank.ru; Organization Established Date 02 Aug 1993; Target Type Financial Institution; Tax ID No. 7709138570 (Russia); Legal Entity Number 25340027612MR0DNQ406; Registration Number 1027700218666 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

70. ARGON OOO (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU ARGON; a.k.a. "ARGON"), Ul. Saratovskoe Shosse D. 2, Balakovo 413841, Russia; Organization Established Date 09 Jun 2005; Tax ID No. 6454074501 (Russia); Government Gazette Number 75969440 (Russia); Registration Number 1056405421192 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, UMATEX Joint-Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

71. JOINT STOCK COMPANY PREPREG ADVANCED COMPOSITE MATERIALS (a.k.a. AKTSIONERNOE OBSHCHESTVO PREPREG-

SOVREMENNYE KOMPOZITSIONNYE MATERIALY; a.k.a. PREPREG SKM AO; f.k.a. PREPREG-SOVREMENNYE KOMPOZITSIONNYE MATERIALY AO), Volgogradskii Prospekt D. 43, Korp. 3, Moscow 109316, Russia; 42, Bld. 5, Vologradskiy Avenue, Moscow 109316, Russia; Organization Established Date 05 May 2009; Tax ID No. 7729632610 (Russia); Government Gazette Number 61664530 (Russia); Registration Number 1097746268234 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

72. LIMITED LIABILITY COMPANY ALABUGA-FIBRE (a.k.a. ALABUGA-VOLOKNO OOO; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU ALABUGA-VOLOKNO), Territoriya Oez Alabuga, Ul. Sh-2 Korp. 4/1, Yelabuga 423600, Russia; Ul. Sh-2 Oez Alabuga Terr. Str 11/9, Volga 423601, Russia; Ul. Krzhizhanovskogo D. 14, Korp. 3, Moscow 117218, Russia; Organization Established Date 16 Aug 2011; Tax ID No. 1646031132 (Russia); Government Gazette Number 30371716 (Russia); Registration Number 1111674004045 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

73. LIMITED LIABILITY COMPANY PREPREG-DUBNA (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU PREPREG-DUBNA; a.k.a. PREPREG-DUBNA, OOO), Ul. Elektrodnyaya D. 8, Dubna 141981, Russia; D. 8, Ul. Tekhnologicheskaya, Dubna, Moskovskaya Obl. 141981, Russia; Organization Established Date 15 Apr 2011; Tax ID No. 5010043203 (Russia); Government Gazette Number 90160486 (Russia); Registration Number 1115010001138 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

74. UMATEX GROUP EUROPE S.R.O., Namesti I. P. Pavlova 1789/5, Prague 12000, Czech Republic; Organization Established Date 10 Nov 2016; V.A.T. Number CZ05556121 (Czech Republic); Registration Number 05556121 (Czech Republic) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, UMATEX Joint-Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

75. UMATEX JOINT-STOCK COMPANY (f.k.a. NPK KHIMPROMINZHINIRING AO; a.k.a. UMATEX GROUP; a.k.a. UMATEX JSC; a.k.a. YUMATEKS AO), PR-KT Volgogradskii D. 43, Korp. 3, BTS Avilon, Moscow 109316, Russia; D. 46 Etazh 6 Pom. 54, Shosse Varshavskoe, Moscow 115230, Russia; Organization Established Date 28 Apr 2008; Tax ID No. 7706688991 (Russia); Government Gazette Number 86396208 (Russia); Registration Number 1087746570383 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

76. UVICOM LTD (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU NAUCHNO-PROIZVODSTVENNY TSENTR UGLERODNYE VOLOKNA I KOMPOZITY; a.k.a. UVIKOM OOO), Ul. Kolontsova D. 5, Mytischi, 141009, Russia; D. 38 k. Administrativno-Bytovoi A pom. 601, prospekt Olimpiski Mytishchi, Moskovskaya Obl. 141006, Russia; Tax ID No. 5029017567 (Russia); Government Gazette Number 18070047 (Russia); Registration Number 1025003524655 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

77. ZAVOD ULGERODNYKH I KOMPOZITSIONNYKH MATERIALOV (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU ZAVOD UGLERODNYKH I KOMPOZITSIONNYKH MATERIALOV; a.k.a. ZUKM OOO), Territoriya Chelyabinskogo Elektrodnogo Zavoda, Chelyabinsk 454038, Russia; Tax ID No. 7450045935 (Russia); Government Gazette Number 94812603 (Russia); Registration Number 1067450027248 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, UMATEX Joint-Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

78. JOINT STOCK COMPANY MILITARY-INDUSTRIAL CORPORATION NPO MASHINOSTROYENIA (a.k.a. JOINT STOCK COMPANY MILITARY INDUSTRIAL CONSORTIUM NPO MASHINOSTROYENIA; a.k.a. JSC MIC NPO MASHINOSTROYENIA; a.k.a. MIC NPO MASHINOSTROYENIA JSC; a.k.a. MIC NPO MASHINOSTROYENIYA JSC; a.k.a. MILITARY INDUSTRIAL CORPORATION NPO MASHINOSTROENIA OAO; a.k.a. OPEN JOINT STOCK COMPANY MILITARY INDUSTRIAL CORPORATION SCIENTIFIC AND PRODUCTION MACHINE BUILDING ASSOCIATION; a.k.a. VOENNO-PROMYSHLENNAYA KORPORATSIYA NAUCHNO-PROIZVODSTVENNOE OBEDINENIE MASHINOSTROENIYA OAO; a.k.a. VPK NPO MASHINOSTROENIYA), 33, Gagarina St., Reutov-town, Moscow Region 143966, Russia; 33 Gagarin Street, Reutov, Moscow Region 143966, Russia; 33 Gagarina ul., Reutov, Moskovskaya obl 143966, Russia; Website www.npomash.ru; Email Address export@npomash.ru; alt. Email Address vpk@npomash.ru; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID 1075012001492 (Russia); Tax ID No. 5012039795 (Russia); Government Gazette Number 07501739 (Russia) [UKRAINE-EO13661] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

79. JOINT STOCK COMPANY RESEARCH INSTITUTE OF GRAPHITE-BASED MATERIALS NIIGRAFIT (a.k.a. AKTSIONERNOE OBSHCHESTVO NAUCHNO ISSLEDOVATELSKI INSTITUT KONSTRUKSIONNYKH MATERIALOV NA OSNOVE GRAFITA NIIGRAFIT; a.k.a. JSC NIIGRAFIT; f.k.a. NAUCHNO ISSLEDOVATELSKI INSTITUT KONSTRUKSIONNYKH MATERIALOV NA OSNOVE GRAFITA NIIGRAFIT AO; a.k.a. NIIGRAFIT AO (Cyrillic: НИИГРАФИТ)), Ul. Elektrodnyaya D. 2, Moscow 111141, Russia; Tax ID No. 7720723422 (Russia); Government Gazette Number 00200851 (Russia); Registration Number 1117746574593 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

80. JOINT STOCK COMPANY THE URALS SCIENTIFIC RESEARCH INSTITUTE OF COMPOSITE MATERIALS (a.k.a. AKTSIONERNOE OBSHCHESTVO URALSKI NAUCHNO-ISSLEDOVATELSKI INSTITUT KOMPOZITSIONNYKH MATERIALOV; a.k.a. UNIIKM AO; f.k.a. URALSKI NII KOMPOZITSIONNYKH MATERIALOV PAO), Ul. Novozvyaginskaya D. 57, Perm 614014, Russia; Tax ID No. 5906092190 (Russia); Government Gazette Number 07523132 (Russia); Registration Number 1095906003490 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

81. MTSENSKPROKAT (a.k.a. MTSENSKPROKAT OOO; a.k.a. MZENSKPROKAT; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU MTSENSKPROKAT), Ul. Avtomagistral Zd. 1A/2, Kom. 301, Mtsensk 303032, Russia; Organization Established Date 12 Apr 2018; Tax ID No. 5703008027 (Russia); Government Gazette Number 28256296 (Russia); Registration Number 1185749002119 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the metals and mining sector of the Russian Federation economy.

82. PERM SCIENTIFIC RESEARCH TECHNOLOGICAL INSTITUTE (a.k.a. AKTSIONERNOE OBSHCHESTVO PERMSKI NAUCHNO-ISSLEDOVATELSKI TEKHNOLOGICHESKI INSTITUT (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ПЕРМСКИЙ НАУЧНО-ИССЛЬСКИЙ ТЕХНОЛОГИЧЕСКИЙ ИНСТИТУТ); a.k.a. JSC PNITI; f.k.a. PNITI PAO; a.k.a. PNITI, AO (Cyrillic: АО ПНИТИ)), Ul. Geroev Khasana D. 41, Perm 614990, Russia; D. 41 Korp. 1, Pm. A261, Ul. Geroev Khasana, Perm 614064, Russia; Tax ID No. 5904000518 (Russia); Government Gazette Number 07501343 (Russia); Registration Number 1025900913390 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

83. STELLA LEONE LIMITED, Bybloserve Business Center, Floor No. 5, Spyrou Kyprianoy 57, Larnaca 6051, Cyprus; Organization Established Date 08 May 2018; Organization Type: Non-specialized wholesale trade; Registration Number C383603 (Cyprus) [BELARUS-EO14038] (Linked To: KURBANOV, Nurmurad).

Designated pursuant to section 1(a)(vii) of E.O. 14038 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Nurmurad Kurbanov, a person whose property and interests in property are blocked pursuant to E.O. 14038.

B. On February 24, 2023, OFAC updated the entry on the SDN List for the following person, whose property and interests in property subject to U.S. jurisdiction continues to be blocked under the relevant sanctions authority listed below.

1. MMK METALURJI SANAYI TICARET VE LIMAN ISLETMECILIGI ANONIM SIRKETI (Latin: MMK METALÜRJİ SANAYİ TİCARET VE LİMAN İŞLETMECİLİĞİ ANONİM ŞİRKETİ) (f.k.a. MMK ATAKAS METALURJI SANAYI TICARET VE LIMAN ISLETMECILIGI ANONIM SIRKETI; a.k.a. MMK ATAKAS PORT; a.k.a. MMK METALURJI PORT; a.k.a. MMK TURKEY), Alparslan Turkes Bulvari, No: 342-91, Ozerli Mahallesi, Dortyol 31600, Turkey; Kocaeli, Dilovasi, Turkey; Istanbul, Turkey; Website https://mmkturkey.com.tr/; Organization Established Date 12 Mar 1998; alt. Organization Established Date 2010; Tax ID No. 0950055541 (Turkey); Legal Entity Number 789000EY8H7UFLRVA902 (Turkey); Registration Number 4292 (Turkey) [RUSSIA-EO14024] (Linked To: PUBLICHNOE AKTSIONERNOE OBSCHESTVO MAGNITOGORSKIY METALLURGICHESKIY KOMBINAT).

-to-

MMK METALURJI SANAYI TICARET VE LIMAN ISLETMECILIGI ANONIM SIRKETI (Latin: MMK METALÜRJİ SANAYİ TİCARET VE LİMAN İŞLETMECİLİĞİ ANONİM ŞİRKETİ) (a.k.a. MMK METALURJI PORT; a.k.a. "MMK TURKEY"), Alparslan Turkes Bulvari, No: 342-91, Ozerli Mahallesi, Dortyol 31600, Turkey; Kocaeli, Dilovasi, Turkey; Istanbul, Turkey; Website https://mmkturkey.com.tr/; Organization Established Date 12 Mar 1998; alt. Organization Established Date 2010; Tax ID No. 0950055541 (Turkey); Legal Entity Number 789000EY8H7UFLRVA902 (Turkey); Registration Number 4292 (Turkey) [RUSSIA-EO14024] (Linked To: PUBLICHNOE AKTSIONERNOE OBSCHESTVO MAGNITOGORSKIY METALLURGICHESKIY KOMBINAT).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Publichnoe Aktsionernoe Obschestvo Magnitogorskiy Metallurgicheskiy Kombinat, a person whose property and interests are blocked

pursuant to E.O. 14024.

C. On March 2, 2023, OFAC updated the entries on the SDN List for the following persons, whose property and interests in property subject to U.S. jurisdiction continues to be blocked under the relevant sanctions authority listed below.

1. ARGON OOO (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU ARGON; a.k.a. "ARGON"), Ul. Saratovskoe Shosse D. 2, Balakovo 413841, Russia; Organization Established Date 09 Jun 2005; Tax ID No. 6454074501 (Russia); Government Gazette Number 75969440 (Russia); Registration Number 1056405421192 (Russia) [RUSSIA-EO14024].

-to-

ARGON OOO (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU ARGON; a.k.a. "ARGON"), Ul. Saratovskoe Shosse D. 2, Balakovo 413841, Russia; Organization Established Date 09 Jun 2005; Tax ID No. 6454074501 (Russia); Government Gazette Number 75969440 (Russia); Registration Number 1056405421192 (Russia) [RUSSIA-EO14024] (Linked to: UMATEX JOINT-STOCK COMPANY).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, UMATEX Joint-Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

2. UMATEX GROUP EUROPE S.R.O., Namesti I. P. Pavlova 1789/5, Prague 12000, Czech Republic; Organization Established Date 10 Nov 2016; V.A.T. Number CZ05556121 (Czech Republic); Registration Number 05556121 (Czech Republic) [RUSSIA-EO14024].

-to-

UMATEX GROUP EUROPE S.R.O., Namesti I. P. Pavlova 1789/5, Prague 12000, Czech Republic; Organization Established Date 10 Nov 2016; V.A.T. Number CZ05556121 (Czech Republic); Registration Number 05556121 (Czech Republic) [RUSSIA-EO14024] (Linked to: UMATEX JOINT-STOCK COMPANY).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, UMATEX Joint-Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

3. ZAVOD ULGERODNYKH I KOMPOZITSIONNYKH MATERIALOV (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU ZAVOD UGLERODNYKH I KOMPOZITSIONNYKH MATERIALOV; a.k.a. ZUKM OOO), Territoriya Chelyabinskogo Elektrodnogo Zavoda, Chelyabinsk 454038,

Russia; Tax ID No. 7450045935 (Russia); Government Gazette Number 94812603 (Russia); Registration Number 1067450027248 (Russia) [RUSSIA-EO14024].

-to-

ZAVOD ULGERODNYKH I KOMPOZITSIONNYKH MATERIALOV (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU ZAVOD UGLERODNYKH I KOMPOZITSIONNYKH MATERIALOV; a.k.a. ZUKM OOO), Territoriya Chelyabinskogo Elektrodnogo Zavoda, Chelyabinsk 454038, Russia; Tax ID No. 7450045935 (Russia); Government Gazette Number 94812603 (Russia); Registration Number 1067450027248 (Russia) [RUSSIA-EO14024] (Linked to: UMATEX JOINT-STOCK COMPANY).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, UMATEX Joint-Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

4. BY TRADE OU, Tornimae tn 7-25, Tallinn 10141, Estonia; Organization Established Date 08 May 2013; Organization Type: Wholesale of other machinery and equipment; Target Type Private Company; V.A.T. Number EE101961831 (Estonia); Registration Number 12470521 (Estonia) [RUSSIA-EO14024].

-to-

BY TRADE OU, Tornimae tn 7-25, Tallinn 10141, Estonia; Organization Established Date 08 May 2013; Organization Type: Wholesale of other machinery and equipment; Target Type Private Company; V.A.T. Number EE101961831 (Estonia); Registration Number 12470521 (Estonia) [RUSSIA-EO14024] (Linked to: MALBERG LIMITED).

Designated pursuant to section 1(a)(vi)(B) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Malberg Limited, a person whose property and interests in property are blocked pursuant to E.O. 14024.

Dated: March 3, 2023.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2023–04727 Filed 3–7–23; 8:45 am]

BILLING CODE 4810–AL–C

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on March 23, 2023 on ''China's Global Influence and Interference Activities.''

DATES: The hearing is scheduled for Thursday, March 23, 2023 at 9 a.m.

ADDRESSES: Members of the public will be able to attend in person at TBD or view a live webcast via the Commission's website at *www.uscc.gov.* Visit the Commission's website for any further instructions or changes to the status of public access to Capitol grounds. Reservations are not required to view the hearing online or in person.

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Jameson Cunningham, 444 North Capitol Street NW, Suite 602, Washington, DC 20001; telephone: 202–624–1496, or via email at *jcunningham@uscc.gov.* Reservations are not required to attend the hearing.

ADA Accessibility: For questions about the accessibility of the event or to request an accommodation, please contact Jameson Cunningham via email at *jcunningham@uscc.gov.* Requests for an accommodation should be made as soon as possible, and at least five business days prior to the event.

SUPPLEMENTARY INFORMATION:

Background: This is the third public hearing the Commission will hold during its 2023 report cycle. The hearing will start with selected case studies of China's influence and interference activities in Taiwan, fellow Five Eyes countries, and the developing world. Next, the hearing will evaluate how China influences and interferes with foreign countries' political, educational, economic, and media systems to achieve its strategic objectives. Finally, the hearing will examine China's unique approach to foreign influence in the form of ''united front work'' as well as the party-state organizations tasked with carrying it out.

The hearing will be co-chaired by Commissioner Bob Borochoff and Commissioner Michael Wessel. Any interested party may file a written statement by March 23, 2023 by transmitting to the contact above. A portion of the hearing will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: March 3, 2023.

Daniel W. Peck,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2023–04721 Filed 3–7–23; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Tribal and Indian Affairs; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. 10., that the Advisory Committee on Tribal and Indian Affairs (ACTIA) will meet on April 4, 5, and 6, 2023 at the Seven Feathers Hotel Resort, 146 Chief Miwaleta Lane, Canyonville, OR 97417. The meeting sessions will begin, and end as follows:

Dates	Times
April 4, 2023 ..	11 a.m.–7:30 p.m.—Eastern Standard Time (EST).
April 5, 2023 ..	11 a.m.–7:30 p.m. EST.
April 6, 2023 ..	11 a.m.–3 p.m. EST.

ACTIA meetings will be open to the public (virtually) during the meeting times listed.

The purpose of the Committee is to advise the Secretary on all matters relating to Indian tribes, tribal organizations, Native Hawaiian organizations, and Native American Veterans. This includes advising the Secretary on the administration of healthcare services and benefits to American Indians/Alaska Natives (AI/AN) and Native Hawaiian Veterans; thereby assessing those needs and whether VA is meeting them.

On April 4, 2023, the agenda will include opening remarks from the Committee Chair, Executive Sponsor and other VA officials. There will be updates on the PACT Act, Tribal HUD–VASH, co-pay exemptions for Native American Veterans, Veterans Health Administration/Indian Health Service (HIS) Memorandum of Understanding, IHS/Tribal health program reimbursement agreements and purchased referred care.

On April 5, 2023, the agenda will include updates and a panel discussion with senior officials from VA and IHS. Subsequent updates and briefings will be provided on the White House Council on Native American Affairs Health Committee; Tribal Veterans Representation Expansion Project; Veterans Benefits Administration Claims events in Indian Country; Native American Direct Loan; and the Native American Veteran Program.

On April 6, 2023, from 11:15 a.m. to 12:30 p.m. there will be Public Comment from those public members who have provided a written summary. The Committee will then receive a briefing on AI/AN Data for Veteran suicide/behavioral health. This will be followed by a discussion on the transition plan for the Committee with new and outgoing members. The Committee will then hold open discussion on topics relevant to the Committee and address follow-up and action items including dates for next meeting.

The meetings are open to the public (virtually) and will be recorded. Members of the public can attend the meeting by joining the Zoom meeting at the link below.

Meeting Link

https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=m84b407c76887afa5d1db9bb499c27d64

Individuals who wish to speak are invited to submit a 1–2-page summary of their comments no later than March 31, 2023, for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Peter Vicaire, at *Peter.Vicaire@va.gov.* Any member of the public seeking additional information should contact Peter Vicaire at the email address above or by calling 612–558–7744.

Dated: March 3, 2023.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2023–04731 Filed 3–7–23; 8:45 am]

BILLING CODE P

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FEDERAL REGISTER PAGES AND DATE, MARCH

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List January 10, 2023

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